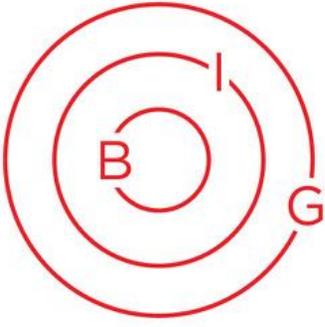




**BORDERS IN
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A Comparative Analysis of Border Security Strategies Across Canadian Regions: Atlantic Canada

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Abstract

This paper provides an overview of border security in Atlantic Canada, also known as “The Maritimes”. It examines the historical structure of the region, and the regional approaches to security and governance. The area has long relied on trade and shipping, as well as the associated security employment as economic drivers. Through a review of existing literature, and existing interviews with practitioners in the field, we contrast the increasing integration of marine security forces, both nationally and internationally, with their relationships with seaports where the majority of international trade occurs in the region.

List of Abbreviations

CPA – Canada Port Authority

LRIT – Long Range Identification and Tracking

MSOC – Maritime Security Operations Centre(s)

NATO – North Atlantic Treaty Organization

NEG/ECP – North East Governors / Eastern Canadian Premiers (Conference)

RCMP – Royal Canadian Mounted Police

SUA - Convention for the Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation

UNCLOS - United Nations Convention on the Law of the Sea

Introduction

Before colonization, the region now known as Atlantic Canada, or “The Maritimes”, was the traditional home of several largely independent Indigenous populations. Waves of European migration followed, starting with the Vikings, and then the French and British. This migration was based at first around the fisheries, which grew into settlements to serve trade and commerce. As European colonies, the area had significant integration with similar colonies that later became the United States of America, but also had substantial Acadian/Francophone and Aboriginal populations that were marginalized.

With trade came security. Settlements grew to include battlements and garrisons to protect the trade routes and traders, largely on behalf of colonial masters. As original Canadian Provinces, Nova Scotia, Prince Edward Island and New Brunswick were drawn into the east-west political and economic frame, pulled away from their past colonizers, and counterparts in the United States in favour of the Canadian federation. This Federation became a new master of sorts, leveraging the sea trade, military and security assets of the Atlantic Region.

This theme of economic and security entanglement will be extended through this paper as we explore the regional approach and attitude towards border security in a world that is increasingly globalized. Globalization in all its forms travels on salt water, and Atlantic Canada has been connected to the world via the ocean for its entire history. The sea coast is the primary international border in the region, therefore the border and security issues are to be found on the water, at the coastline, and in the ports. The desired

globalized trade and resource development that occurs in coastal waters and at the ports is paired with undesirable globalized threats and issues such as smuggling, people-trafficking, and the suggested presence of terrorists and modern piracy.

In this context we will outline the increasing integration of maritime security actors in the region, specifically since 9/11. This is contrasted with the generally deregulated governance structures of the seaports, through which the majority of international transit and trade in the region occurs. The analysis concludes that future efforts to enhance border security in Atlantic Canada must consider the tensions inherent in the integrated control models of the security apparatus and the disintegrated, deregulated governance models of the seaport operators. Both integrated and disintegrated models have strengths and weaknesses, intended to address the inherently different goals of security protection and innovative commerce in a globalized world. Without a clear understanding and delineation of how the public and private sectors overlap and interact, neither will perform to its fullest potential.

Atlantic Canada: Introduction and Operational Concepts in Security.

The Atlantic Region of Canada is largely defined and united by the long and variegated shoreline with the Atlantic Ocean. For our purposes, the region includes the four provinces of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland and Labrador, encompassing 550,000 km² or about 5% of Canada's total land area, containing 2.4 million people, or about 7% of Canada's total population in 2011. The region is separated from the rest of Canada, physically by the northern bulge of the state of Maine, and by the population, the culture, and the physical presence of the Province of Quebec. According to Statistics Canada, the Atlantic Provinces were the only area of Canada in 2014 that was experiencing negative population growth, with more deaths than births, interprovincial out-migration, and few international migrants choosing to settle in the region.

Prior to European colonization, Atlantic Canada was the traditional home of several Indigenous populations, including different territories of the Mik'Maq and Maliseet to the south and the Innu, Balithuk and Inuit to the north. For several hundred years before Canadian Confederation in 1867, the region hosted several waves of European migration, beginning with the Vikings and transient fishermen, then the French and British. The earliest European settlements grew around the fishing trade. Boats would traverse the Atlantic, fish for a summer and then return laden with fish. In order to preserve their catch, the fish were dried or smoked on the coast of what is now Newfoundland and Nova Scotia. These drying stations were active for several months each year, and eventually permanent settlements grew up around them (Gough, 2007). These settlements served the trade economy in natural resources; fish, fur and timber;

with resources came the need for protection and those same settlements gave rise to ports and fortifications that also served the military and security interests of the European masters of those trades.

As British colonies, the area had significant integration and commonalities, but with each other and with the similar colonies that became the first states of the United States of America. In contrast to this integration, there were substantial Francophone and Aboriginal populations that were marginalized as a result of numerous conflicts, both internal and by proxy, over the centuries. The region was also the landing place for many people of African-American descent fleeing slavery and persecution in the United States during and following the slavery era. These various historical overlays mean that the modern population is not homogeneous; regional and cultural identities are deeply rooted. Mi'kma'ki, Acadie, Africadia, Cape Breton, and Labrador are only the most obvious examples of identities and regions that exist within, across, and beyond provincial boundaries (Forbes 1987) (Conrad 2014).

Atlantic Canada has struggled with economic problems for the better part of a century, and remains one of the poorest regions of Canada (Vasseur, Catto, et al 2007). There are legitimate debates regarding the source of these financial challenges, ranging from the structural to the global (Conrad, 2014). There are also legitimate considerations of fractured governance given the small population of the region as compared to the number of various identities and rationalities. Regardless of the cause, traditional resource industries, such as fishing, farming, and forestry have long been in decline in the Atlantic Provinces. The ports remain at the centre of many communities, particularly Halifax and St John, but the competitive nature of global shipping has put pressure on

them also. These traditional economic drivers have begun to be replaced by offshore oil production and knowledge industries such as ocean technology and biotechnology, but unemployment remains high, particularly in the rural regions, and economic challenge is a driving force in the social and political decision making of the region, both at local levels and in relationship to the broader Canadian Federation.

Atlantic Canada is home to a significant military and security presence. Maritime Forces Atlantic is the largest formation of the Royal Canadian Navy, including the Maritime Forces Atlantic Headquarters, Canadian Forces Base Halifax, the Canadian Forces Station St. John's, and the Fleet Maintenance Facility Cape Scott. There are also significant Royal Canadian Army and Air Force units based in the region. The Gagetown Military Camp in New Brunswick opened in 1954, and until 1971 was the largest military training facility in the Commonwealth. According to Statistics Canada, the Canadian Forces in 2011 employed 19,000 service personnel in Atlantic Canada, or a remarkable 20% of the overall force considering the region has 7% of the overall population. In comparison, that same year British Columbia with 15% of the population hosted only 7% of Canadian Forces personnel. Atlantic Canada has also historically been a strong recruiting ground for the Canadian Forces, in part as a result of the lack of economic opportunities in the region (Cowen, 2008).

The Atlantic region has a history of natural and man-made disasters, often linked with the sea. In 1912 the explosion of a munitions vessel that destroyed a significant part of the city. At that time the first aid on the scene was from Boston, and rescuers came from all parts of Atlantic Canada to assist. Following the 9/11/2001 terrorist attacks on New York City, more than 120 aircraft landed in Atlantic Canada due to the closure of

U.S. airspace. Charitable organizations and volunteer citizens scrambled to find schools and community halls, beds, and food for thousands of stranded passengers. Other examples include Hurricane Juan in 2003, and the Swiss Air crash off the coast of Nova Scotia in 1998.

Regardless of this history of disaster, to date there have been no significant incidents of externally-driven terrorism or overt piracy noted. There continue to be relatively isolated tensions and incidents between Indigenous communities and the majority, exemplified by the Burnt Church conflict between Mi'kmaq and non-Aboriginal fisheries in New Brunswick and Nova Scotia between 1999 and 2002. There is certainly some known smuggling and immigration crime. The Canadian Senate noted in 2007 that seaports, including those in the Atlantic region, were afflicted with criminality in terms of organized crime and smuggling, and recommended a major review of overall security of the ports. There is little evidence that such a review has occurred with any vigour.

We are thus left with a regional security stance in Atlantic Canada that is primarily informed by economics and social forces, rather than imminent threats. The employment and social impact of the Canadian Forces on the region cannot be overstated, and the shipping and trade activities that have linked the populations of this region with the global economy for centuries continue to be current concerns. The security infrastructure that served the colonial states of Europe and the trade flow of North American resources outwards are mirrored in the modern situation, except that the security infrastructure now serves trade flows on behalf of the Canadian Federal government, and trade flows are more often inward towards the American marketplace. Market access, and the ability to exploit the maritime domain for its direct and indirect

economic benefits are key concepts in understanding Atlantic Canada's security approach.

Atlantic Canada: Borders and Relationships with the United States

Unlike other regions of Canada, the Atlantic regions shares only 400km of land border and 16 highway crossing points with the United States. Much like the rest of Canada however, there are significant portions of that border that are largely unguarded; it has been compared to a series of gates with no fence between them. The two major ports of entry on that land border to the US are at St. Stephen/Calais and Woodstock/Houlton; they serve as key commercial processing centres for the region's land-based trade, together registering more than 90% of the crossings in the region. In 2008 St Stephen Bridge saw 95,000 commercial vehicles and \$2.8B in trade crossing. These are very small comparative figures. The entire annual trade at St Stephen Bridge is less than 2% of the volume registered at the major crossing between Ontario and Michigan at Detroit/Windsor.

The border with the United States also cuts across the Gulf of Maine, an area bounded from Boston and Cape Cod in the south, to Yarmouth, Nova Scotia in the north. The border in this region has been in some degree of ongoing dispute since the 1783 Treaty of Paris that ended the American Revolutionary War with Great Britain. The International Court of Justice delineated a boundary through the Gulf in 1984 after no negotiated settlement could be achieved (Ree, 1981) (Legault, 1985). Canada and the U.S. continue to disagree on the sovereignty of two small and largely insignificant

islands, approximately equidistant from New Brunswick and Maine, and therefore the waters surrounding them in the northeastern part of the gulf.

Regional Relationships with the United States

The North-East United States and the Atlantic Provinces of Canada share many similarities, including their status as past colonies of Great Britain, the general geography, their historical connections to the sea, and trading history. Upon Confederation, the Canadian Provinces were drawn into the East-West political and trading sphere, and to some degree disconnected from their southern neighbours (Conrad 2014) (Crowley 2003). This has not prevented ongoing attempts at increasing integration and maintaining relationships.

Since 1973, the New England Governors and Eastern Canadian Premiers (NEG-ECP) have met annually to advance the joint interests of the member states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont); and provinces (New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, and Quebec). The NEG-ECP have, over the years, adopted agreements and action plans on trade relations, climate change, acid rain, and greenhouse gas emissions from the transportation sector. They have sponsored international forums on energy, and environmental issues, and established agreements for international assistance in case of emergencies. Aside from the summit-diplomacy, the administrative nature of the NEG-ECP Conference has allowed civil servants on both sides of the border to build ties and press agendas of joint interest. Former Canadian diplomat Colin Robertson has referred to this shared para-diplomacy as “the hidden wiring” of Canada-US relations, with wide ranging but hidden influence. The NEG-ECP relationship has advanced some

environmental causes (Selin & VanDeveer, 2005), but the impact on trade and security between the two regions is less apparent. Security and border issues have appeared in the publicly-released agendas, but not seen in reported outcomes. Formal evidence is slim that the NEG-ECP relationship has had any impact on security infrastructure or action, over and above what may have occurred as a result of Federal interactions between the two nations.

Beginning around 2001, the Atlantic Institute for Market Studies, in conjunction with the Atlantic Canada Opportunities Agency and several Provincial and State level business organizations promoted the idea of *Atlantica*, also sometimes referred to as the *International Northeast Trade Corridor*. The proposed area of economic integration would have incorporated parts of Atlantic Canada and the United States roughly similar to the NEG-ECP Conference. The proponents believed that the region's commonalities of geography, demographics, economics, and environment would lend themselves to formal trade cooperation, countering the underlying trend that the region has seen declining political influence in both countries, and would do well to pool its resources (Crowley 2003). The idea was discussed seriously at conferences on both sides of the border between 2006 and 2008. Proposals included increased cross-border infrastructure and further reductions in trade barriers within the region, as well as the potential to develop special economic zones or initiatives such as Freeport trade areas. The primary benefit was to have been the increased use of the Port of Halifax, providing opportunities for both sides of the border to integrate markets.

The influence of that discussion can be seen in the 2007 *Atlantic Gateway Memorandum of Understanding* that initiated the *Atlantic Gateway Strategy*. The

Strategy brought together the four provinces in the region and the Federal government to generate a framework to encourage and facilitate new trade connections. The express goal was to fuel economic growth, enhancing Canada's competitive position in the global economy and benefiting the regional economy of Atlantic Canada at the same time.

These efforts to integrate the region, both within Canada and between the two nations have not demonstrated any meaningful successes. The Atlantica initiative did not gain traction and has quietly vanished from public discourse. The Atlantic Gateway brand was attached to moderate upgrades of transportation infrastructure that might have been achieved in any case, and there is no tangible evidence of increased shipping to the region as a result of the promotional efforts. The New England Governors and Eastern Canadian Premiers continue to meet, which helps to drive the hidden machinery of intergovernmental relationships on both sides of the border, but does not specifically bring advancements in the realm of border security or trade that have not have otherwise occurred at the federal levels writ large between the two nations.

The Coast as International border

The main international border in the Atlantic region, the primary intersection between the sovereignty of Canada and the rest of the world, is the ocean. There are international interactions at the ports, offshore at shipping lanes and fisheries that intersect Canada's region of sovereignty, as well as international monitoring of ship traffic throughout the North Atlantic. The coastal border is not a hard line that is easily defined; there are layers of responsibility and privilege that extend into the sea as a result

of international agreements such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

Under UNCLOS, the rights of a coastal state diminish with distance from its coast. Territorial Seas and Contiguous Zones extend for 12 and 24 miles out from the coast. Ships of any flag have the right of innocent passage through these areas, but Canada may exercise sovereign controls to prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations. UNCLOS further defines a 200 nautical mile Exclusive Economic Zone where Canada has sovereign and jurisdictional rights over exploration and management of resources such as fisheries and oil and gas. Figure one (Government of Canada) shows a general idea of the 200 mile limit. The reader can note the interruption south of Newfoundland to accommodate the French islands of Miquelon and St Pierre, as well as the internationally mandated border within the Gulf of Maine, which was in dispute as late as 1984.



Figure one – 200 nautical mile zone (Government of Canada)

The Canadian Coast Guard was a player in the development of Long Range Identification and Tracking (LRIT) protocols and agreements which allow for satellite tracking of ships at sea. Under international LRIT regulations, all passenger ships, cargo ships and mobile offshore drilling units must report to their flag administration at least 4 times a day, and that information becomes available to Canadian authorities when the ship is within 1000 nautical miles of Canada's east coast; an area that extends from the state of Georgia to the Azores to Iceland – a significant portion of the North Atlantic (fig 2).



Figure 2 Map showing LRIT zone for Canadian authorities (Government of Canada)

These various levels of sovereignty linked to distance from shore, as well as the multitude of governmental agencies that are involved in the exercise of that sovereignty make the sea coast border an exceedingly complex policy environment. The scale is vast, Quigley and Williams – Borders in Globalization – Draft March 2016

both in physical area and traffic volume. Canadian authorities actively monitor the Eastern approaches to Atlantic Canada, which includes awareness of approximately 12,000 vessels every day over an ocean area significantly larger than the entire Mediterranean Sea (Gardham, 2011).

Environmental Scan - Government Security Actors

As with other parts of Canada, traditional nation-state security is the jurisdiction of the federal government. The Canada Border Services Agency is the key federal security actor responsible for securing flows of people and goods at the international borders, but there is a wide assortment of federal departments and agencies that deal with some part of border security in Atlantic Canada, including, as obvious examples, the RCMP, the Department of National Defense, Public Safety, Health Canada, Immigration Canada, and Transport Canada.

In the Atlantic Region, many of these agencies are linked together through the Maritime Security Operations Centre East (MSOC). The MSOC formally brings together five departments and agencies that share a role in Canada's marine security. The Partners include Canada Border Services Agency, Fisheries and Oceans Canada, Department of National Defence/Canadian Armed Forces, Royal Canadian Mounted Police and Transport Canada. According to a 2011 briefing presented to a NORAD Conference MSOC (East) based in Halifax also has daily interaction with NORAD and international military and intelligence allies (Gardham 2011), We will examine this ongoing integration of the MSOC model later, but must at this point mention the 2011 the United States-Canada joint declaration: *Beyond the Border: A Shared Vision for Perimeter*

Security and Economic Competitiveness. The Beyond the Boarder initiative articulates a shared approach to security in which both countries work together to address the shared perimeter of North America. This is an ongoing theme of US/Canada border security that began following the 9/11 attacks, and evolved through various versions of “smart border” initiatives (Jones, 2012) (Fry, 2012) (von Hlatky & Trisko 2012) (Robinson, 2011). For our purposes, this is part of the overall continuing integration of allied security forces.

Environmental Scan – Sea Ports

Seaports are critical hubs in the global supply chain; 70% of the world's imports are moved by sea (Burns 2013). Halifax NS and St John NB are the two main international sea ports in the region, and Halifax is the closest, full-service, North American harbour to Europe, Brazil, and the Suez Canal. These two ports together handled approximately 30 Million metric tonnes of cargo in 2014, and also welcomed more than 320,000 passengers on 180 cruise ships in 2014 (www.sjport.com) (www.portofhalifax.ca). It follows that the primary border issues related to the global supply chain and shipping, including potential terrorist activity, trans-national crime, environmental or health concerns occur either directly at the ports, or on the water enroute to them.

The ports rely on local natural resources to generate export traffic, such as bulk cargos of potash and mineral ores, as well as forest products and fish. Petroleum products also trans-ship through the region, notably at the St John NB Irving terminal, which is also envisioned to be an export port for Canadian oilsands bitumen via the “Energy East” pipeline project in the future. The greatest inland shipping reach is from container traffic through Halifax to inland markets in Canada and the United States. This

container-shipping market is a significant economic driver for the existence of the port, and is highly competitive with other Canadian ports such as Montreal, those in the Great Lakes accessed via the St Lawrence Seaway, and ports along the US Eastern Seaboard serve the same inland North American markets. These competitive forces, combined with relatively limited rail service from Halifax to the interior have limited these ports to less-than-capacity operation (Brooks et al 2010).

The Canadian Seaport governance system was ostensibly de-regulated in the 1990s with the intent of increasing efficiency and creating a more service-friendly culture (Pollitt & Bouckaert 1999). This culminated in the Canada Marine Act of 1998, but unlike some of the more radical reforms in Australia, New Zealand and the United Kingdom, the Canadian government was unwilling to divest publicly held resources fully to the private sector; politicians and senior officials preferred to keep more control than their Westminster counterparts (Aucoin 2002). Nineteen ports were designated as Canada Port Authorities (CPAs) on the basis that they are vital to domestic and international trade; financially self-sufficient; serve large and diversified markets; and have links with major rail lines or highways.

CPAs such as Halifax and St Johns are considered to be essential infrastructure to the national ports system (Brooks 2008), and despite the reforms of the 1990's, they are subject to a wide array of regulations monitored and enforced by an equally wide array of government agencies. The Canada Marine Act, the Public Safety Act, the Navigable Waters Protection Act, and the Marine Transportation and Security Act are the most visible and significant. Commentators such as Cirtwell, Crowley & Frost (2001) have been critical of the restrictions placed on the CPAs, suggesting that they are crippled

from exercising the advantages that a truly deregulated, free market driven system would provide. The Port Authorities are prevented from holding a mortgage on any Federal property on which the port is situated, and there are caps on permitted commercial borrowing levels. Government appropriations may be used only for capital or security expenses, but not port operations. This is difficult to draw clear lines around since security should ideally be integral to the commercial operations of the port.

In 2007 the Canadian Senate released a scathing report on the state of security at Canadian seaports. They suggested that Canada's ports are "riddled" with organized crime and workers with criminal histories, that security perimeters of Canadian ports are porous, and that port security forces are under-staffed and under-trained. They also determined that there is inadequate container inspection at the ports, dismissing "risk assessment" regimes as nothing more than guesswork. Most significantly for our purposes, they concluded that from the point of view of security, the local governance of seaport security had failed, and recommended a unified approach to port policing, specifically suggesting the RCMP for that role. "Canada's ports . . . need a shift in culture, away from various fiefdoms acting in their own interests" these problems, the report noted, are typically shrugged off as the cost of doing business (Canadian Security Guide Book 2007).

Horizon Scan: The Phantom Piracy Threat

Seaborne piracy is clearly an issue in many parts of the world (Foster 2014) (Van Hesperen 2014). The Gulf of Arabia, parts of the Indian Ocean, and the seaways in and around the Malaysian archipelago are particularly affected due to poor populations with

seafaring skills and failed governments in those regions. The impact of this on international shipping can be profound, and shipping companies are being forced to respond by keeping hostage negotiators on standby and considering using armed militia onboard their civilian cargo ships.

Canada has obligations under various treaties and agreements to police and monitor maritime piracy. The 1982 United Nations *Convention on the Law of the Sea* (UNCLOS) and the *Convention for the Suppression of Unlawful Acts of Violence Against the Safety of Maritime Navigation* (SUA) together assert that Nations are obligated to work together to suppress piracy, and are obliged to prosecute alleged offenders or extradite them for prosecution. These documents are not without their flaws. Most notably the United States is not a signatory to UNCLOS, and several significant South-East Asian countries are not party to the SUA Convention. Even so, there is clearly a legal obligation on the part of Canada to act in the best interest of ensuring smooth and legal trade on the high seas, including coastal, territorial and international waters.

This is a potential future security threat given Canada's large seacoast and responsibilities for sea monitoring. There is, however, little evidence that this type of violent, maritime piracy is happening anywhere near Canada's Atlantic Coast. It is reasonable to suggest that this is due, in part, to the strong enforcement and security regimes in place, including NATO forces and the integrated Marine Security Operations Centre, but Marchione & Johnson (2013) point out that incidents of maritime piracy are clustered geographically in and around the Indian Ocean. Maritime piracy is a significant problem, but the impacts are for the moment only on those directly affected, and

indirectly on the global trade economy, and not seen or felt in the waters in and around Canada.

Case Study

Integrated Maritime Domain Awareness – Disintegration at the Ports

“Maritime policing procedures are different and Jurisdiction is complex - port, waterside, out the twelve miles, contiguous zone out the 200 miles, all of that has legalistic play with some party having a stake saying 'You can't do that. That is mine.' I think the issue of 'ownership' is counterproductive.”

Retired Canadian Rear-Admiral Roger Girouard (quoted by Lynch, 2007)

The control and surveillance of Canada's coastal waters became a significant issue following the 2001 terrorist attacks on the United States. The use of civilian transportation infrastructure as a military weapon meant that civilian infrastructure security became a much higher priority. Seaways and ports were now seen as vulnerable to deliberate attack. At the same time, it was equally clear that no single government agency had a complete understanding of maritime activities, vulnerabilities and threats. The United States and other countries were coming to similar realizations, recognizing the need to create a collaborative information environment through which partners could monitor risks in the maritime domain while promoting free navigation and commerce. In 2002 a Maritime Security plan was adopted by the Canadian Federal Government via a memorandum to Cabinet, following on similar actions by the United States (Avis, 2003) (Boraz, 2009).

This set the stage for the development of the Canadian Maritime Security Operation Centres (MSOC) Project. The Federal security policy “Securing an Open Society” was published in 2004, introducing the need for partner agencies to work

together towards the collective management and oversight of seaward approaches to Canada. The MSOC Project is the operational outcome of that need for cooperation and information sharing amongst the agencies with various responsibilities for, and knowledge of, marine security. The *Securing an Open Society* policy stated that staff from the Canadian Border Services Agency, Transport Canada, the RCMP, and the Canadian Coast Guard would work together, and the Marine Security Operations Centres would have the authority and capacity to bring to bear all civilian and military resources necessary to detect, assess, and respond to a marine security threat. A decade later, this has come to be. MSOC represents a whole-of-government approach that allows for interaction and integration, while the various agencies maintain their own chain of command and custody of information. In some cases this chain of custody is critical to ensuring a viable legal action, but those legal actions might not be possible if the various pieces of information that each agency had were protected on a “need to know” basis (Gardham, 2011).

The MSOC project is part of a larger move internationally towards broader information sharing amongst maritime military and security forces. The North Atlantic Treaty Organization (NATO), has been exploring the concept of Maritime Situational Awareness and information sharing since 2008, including several Maritime Security Conferences dedicated to the subject between 2011 and 2015 (www.coecsw.org). Conference proceedings describe the examination of technical, governance and political challenges to how multiple maritime security agencies could collaborate together to form a “Global Network for Maritime Security Cooperation and Awareness” (Bus, Rautava & Randall, 2011). This maritime situational awareness is predicated on timely and

sufficient information such as vessel locations, movements, and technical data, and intelligence about cargo and port activities that can be processed, assessed and shared with stakeholders. One of the major limitations is that this type of information is often specifically related to commercial contracts. Contractual obligations and/or licensing between nations and commercial entities such as shipping companies, port authorities and maritime information services, prevent those nations from sharing potentially useful information in the security realm (Young, 2011).

Nations such as India, who are closer to troubled areas of the world, and have been exposed to more marine piracy and terrorism threats have taken the concept of maritime domain awareness to a higher level than MSOC. According to Vasan (2011), the Indian response to maritime security is inclusive of more than just including military and government forces, but a pooling of all available resources, whether public or private. The goal is a fully comprehensive awareness to manage a maritime incident, man-made or natural. This has included recommendations to involve private fishing vessels as “eyes and ears” at sea, and public participation through dedicated phone tip lines. These steps are echoed in the 2012 Maritime Security Conference reports more broadly, recommending a comprehensive approach that includes engaging non-governmental partners and port authorities (p 27).

A question of Control Mechanisms – Military and Commercial

In 2001, Hood, Rothstein and Baldwin described control of a system from a cybernetic perspective. In their view a control system must contain at least three specific components. Information must be gathered about the current state of the system, and

standards must be set to establish the preferred state of the system. Finally, there must be structure and capacity for behavior modification; the system's ability to change in response to the information and standards.

Against this description of control, the integrated marine domain awareness and enforcement model has clear strengths. It is predicated on the gathering and processing of information, then sharing it with others in order to act. The standards and expectations are very high; even a single 9/11-type incident would be a disaster for the system and those who manage it. The ability of the system to respond and change in response to new information seems to be a strength also, as long as there is political will to continue to fund military and security expenditures on physical and human assets. This integrated maritime awareness model pursued by MSOC and other allies does not however take into account the private sector partners in Atlantic Canada: the shippers who run the trade portion of the system that the security apparatus is in place to protect. In particular and by example are the Canadian Port Authorities.

Based on interviews conducted between 2011 and 2013 with regulators, owners, operators and managers with responsibility and expertise in critical infrastructure protection, Quigley and Mills (2015) determined that Canadian seaports exist in an area of confusing multi-level governance. The port operators are expected to be competitive in the private sphere and yet serve any number of public sector interests, including security, as critical infrastructure. Port managers reported that government operations at the port are uncoordinated, and the multiple and overlapping regulations create great uncertainty as to the various roles regarding security responses. Subjects in that study noted that the entire security system for seaports was compartmentalized and dis-

integrated, including local police, hired security, military and paramilitary organizations such as the RCMP and coast guard, which made it very difficult to determine who was responsible for what aspect of security in and around the port. Port managers and public sector security force managers both acknowledged that potentially valuable or useful information was not shared, often as a result of trust and/or classification issues, but also related to commercially sensitive issues that could disrupt port operations.

Returning to Hood's cybernetic control mechanism, seaport security displays very clear weaknesses. The information gathering leg of the control model is weak; the security forces are reluctant to share detailed or classified information with their private sector counterparts, and the port managers are equally reluctant to share anything that could delay or disrupt port operations. This lack of information sharing is not uniquely Canadian; a key challenge identified in the ongoing integration of marine domain awareness is the power of commercial agreements to supersede information sharing amongst security partners.

Standards are high because they are driven by external forces; deregulation was not complete, and in the case of an intentional human-security event such as a terrorist attack or high profile piracy event, the public will not give much notice to the bureaucratic differences between public sector security actors and port managers. Standards are only theoretical without resources and capability for behavior modification however, and those are significantly lacking. Seaports are hamstrung by the governance model that is neither public nor fully private, and the commensurate inability to leverage their resources. This leaves them competing for business, often against other Canadian ports which are serving the same inland markets without the private financial tools to

upgrade infrastructure, including security. Government appropriations could be used to address security concerns at seaports, but the lack of action on the Canadian Senate report from 2007 puts lie to any argument that there is political will to act. The fundamental dis-integration of the ports from the broader Canadian security apparatus leaves us wondering if reasonable and coherent arguments could be made to the controllers of the exchequer to make such investments.

Conclusion

Globalized trade moves on saltwater, and Atlantic Canada has been connected to the world through the sea for centuries. The sea coast is the primary international border in the region, and therefore the border and security issues are to be found at sea and at the seaports. The desired globalized trade and resource development that occurs in coastal waters and at the ports is paired with undesirable globalized threats and issues such as smuggling, people-trafficking, and the suggested presence of terrorism and piracy. Market access and the ability to exploit the maritime domain for its direct and indirect economic benefits continue to drive security concerns in Atlantic Canada.

The integration of maritime security such as we have examined in the implementation of the Marine Security Operations Centres in Atlantic Canada is an effective model that shows no sign of slowing following more than a decade of implementation. The whole-of-Government approach of MSOC is an example of the best things integration can accomplish. The intent of layering security and maritime domain awareness is laudable; to identify and act on potential threats or unlawful activities while they are still at sea and removed from the hard line of the coast. The partnering of MSOC with allied resources and assets parallels Canada's obligations to uphold global

treaties, and the political commitments made between the Canadian and United States Governments to integrate border enforcement.

When the needs of the private sector shippers and the managers of Canadian Port Authorities are considered, problems persist. The hierarchical and integrated control model that is working effectively for the public sector is not translating to the governance and control models in the ports. Information is not shared adequately between all the relevant partners, and the capacity for the ports to change their behavior is limited. The ports exist in a confused and multi-layered reality, independent and entrepreneurial on one hand, and highly regulated critical public infrastructure on the other. This dis-integration of the ports from the security apparatus is highly problematic, having been identified as long ago as 2007 by the Canadian Senate with no obvious or apparent action taken to date.

And yet, despite these serious issues with security integration, the system continues to function and respond in exactly the way one might predict given the economic imperatives and operational attitudes towards security in the Atlantic region of Canada. With no publicly visible human threat on any scale, and the integrated response of the Marine Security Operations Centre on the ocean providing a seaward buffer, there is no feeling of urgency to improve on port security. As it has been for centuries the security apparatus supports the big picture of trade and commerce.

Any future efforts to enhance border security in Atlantic Canada must consider the tensions inherent in the integrated control models of the security apparatus and the disintegrated, deregulated governance models of the seaport operators. Both models have strengths and weaknesses, intended to address the inherently different goals of security

protection and innovative commerce in a globalized world. Without a clear understanding and delineation of how the public and private sectors overlap and interact, neither will perform to its fullest potential in service of security and global trade.

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