STRATEGY

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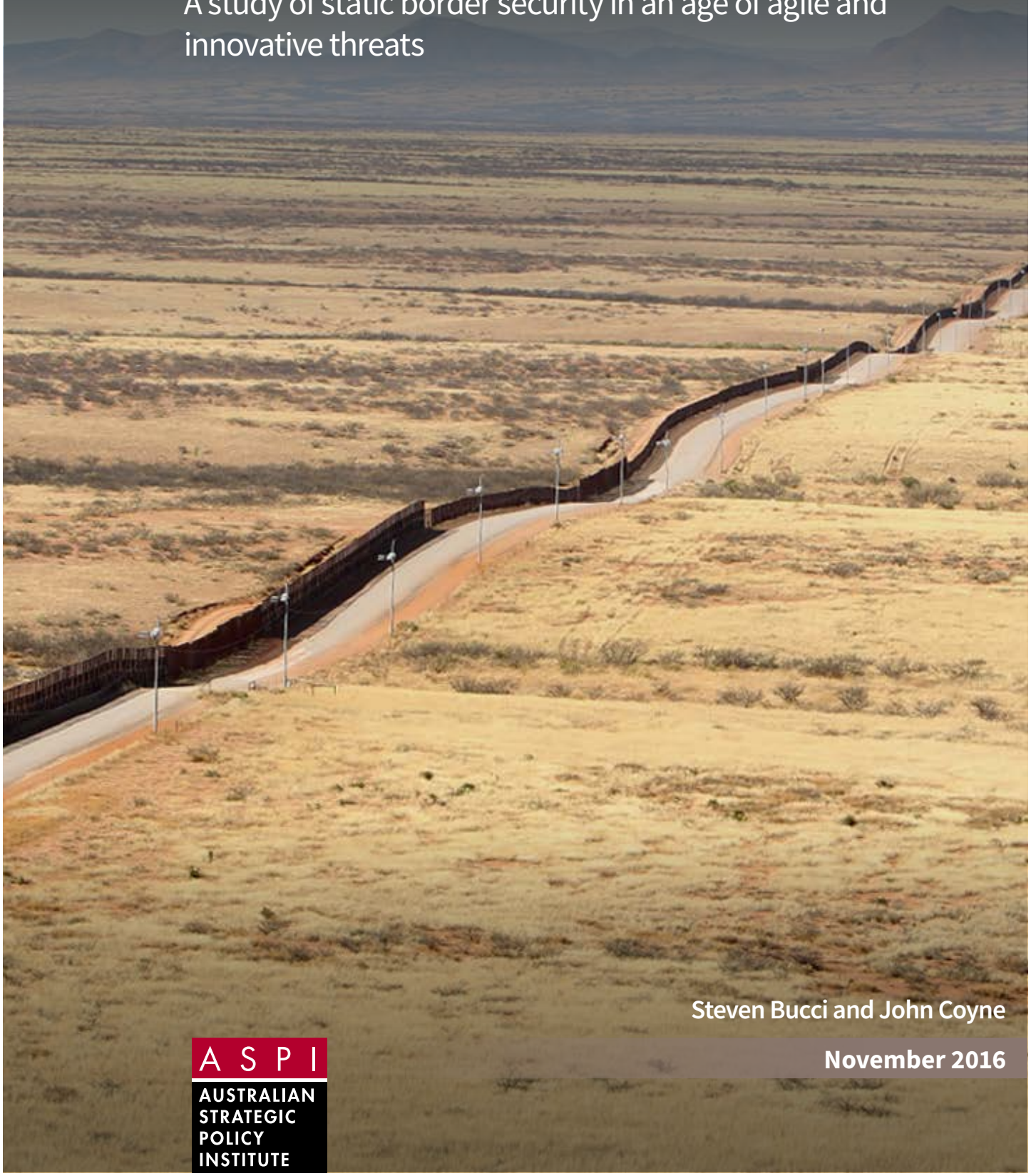
America's 'Maginot Line'

A study of static border security in an age of agile and innovative threats



Steven Bucci and John Coyne

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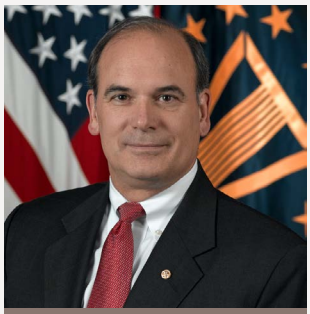

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John has written and published on a range of border security and intelligence issues. He has been a Winston Churchill Fellow and a Vincent Fairfax Fellow.

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Cover image: Arizona – U.S. Customs & Border Protection Southwest border fence line, 25 January 2011. Photo courtesy US Customs & Border Protection flickr photos / photographer Donna Burton

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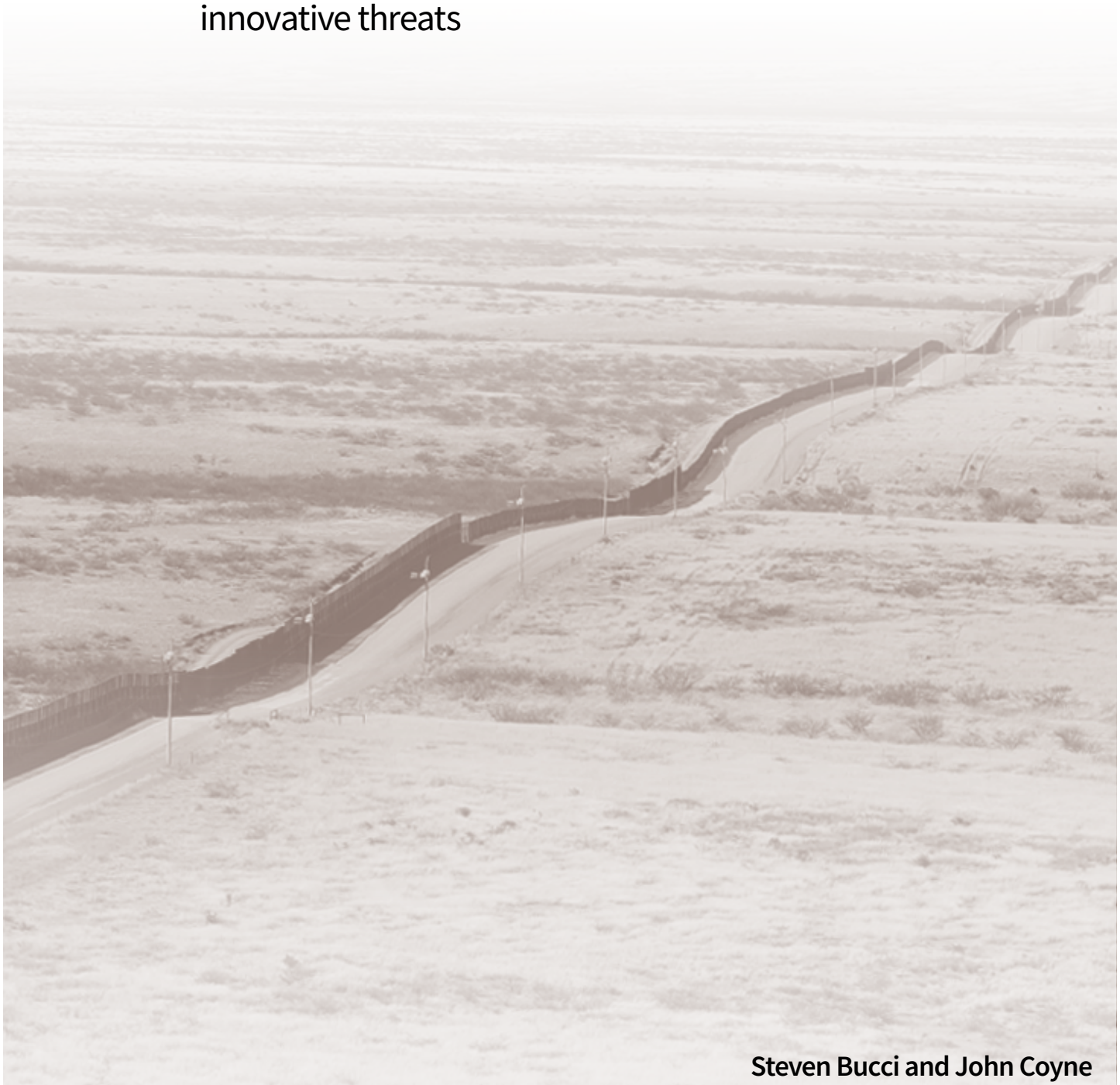

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First published November 2016

Published in Australia by the Australian Strategic Policy Institute

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Australian passport and banknotes with map background. © Neale Cousland / Shutterstock

FOREWORD

Borders and border security are once again becoming increasingly important to the nation state, but also to its citizens and, by default, domestic policy. This view appears to be shared from Europe to the Americas, from Africa to the Middle East, and from Australia to the Asia–Pacific. Indeed, migration and sovereignty were key drivers in the referendum that decided that the UK would leave the European Union—the so-called Brexit.

In the Australian context, 'getting tough' on border security has become a bipartisan national security policy—a perspective that is shared by the UK and the US. It has also become increasingly the case in the rest of Europe through 2015 and into early 2016, for the most part due to the prevailing immigration crisis.

Australia's lack of a shared land border with any other sovereign state makes it hard for many Australians to conceptualise 'the border' and 'border security'. Subsequently, many take a default position that our coastline is our border and that border security involves merely police, security guards and immigration or customs officials patrolling airports and seaports. Both those conceptions are limited to the concept of a physical border and don't take into account the complexity of Australia's borders. But Australia's geography no longer provides the physical barrier from the outside world that it once did.

From the Australian public sector perspective, 'the border' is a complex operating environment with a range of interlocking jurisdictional challenges. Stakeholders such as the Australian Federal Police, the Australian Crime Commission, the Australian Security Intelligence Organisation and the Defence organisation have intersecting and often competing interests with the Department of Immigration and Border Protection and its operational arm, the Australian Border Force.

The border security policy space in Australia, and more broadly, has been focused on securitisation as a means of deterrence.

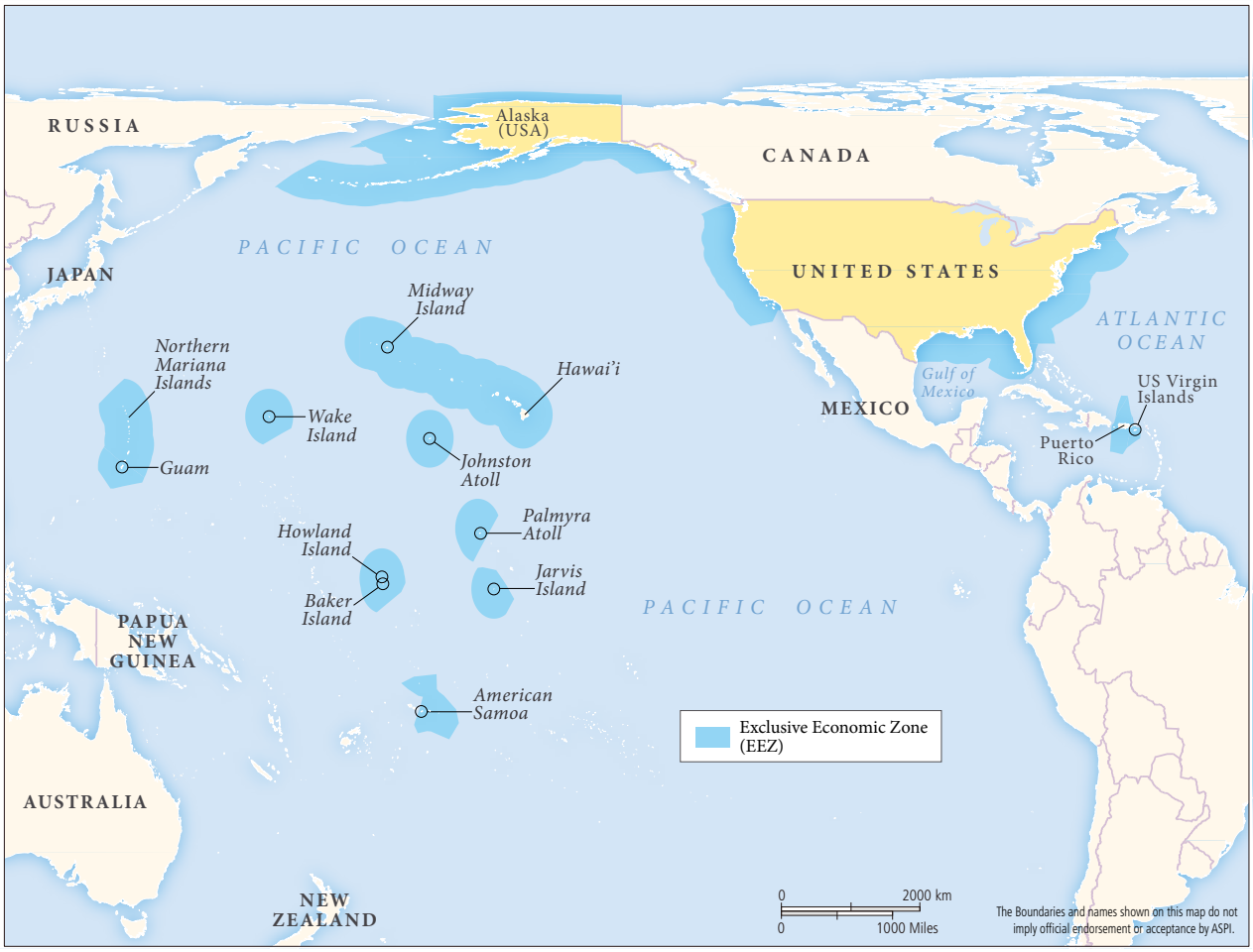
Australia's border security strategists have sought to develop policies based on the concept of a border continuum. The continuum concept pragmatically recognises the reduced capacity of Australia's border agencies to exercise the state's *de jure* authority in directly controlling and regulating borders, especially with the privatisation of border functions in air and maritime facilities.

The border continuum construct provides increased scope for the creation of a spectrum of control measures forward of the border, as opposed to a widening of authority. In this context, the scope of control measures available to border agencies is extended to include the coordination of 'softer' policy levers, such as international cooperation, whole-of-government coordination and capacity development. The implementation of this philosophy remains challenging, as its operation requires much more strategically focused decision-making, as opposed to the more traditional operationally or 'transactionally' focused border management risk strategy.

While there has been a significant body of research focused on the management of borders, the consideration of borders through a national security lens has been less comprehensive, especially from a policy and strategy perspective. To date, despite constant investments in border security capability, there's been little evidence that border security has been improved in Australia or elsewhere.

This strategy provides a case study analysis of post-9/11 changes to US border security policies. It examines each of America's different borders (Figure 1): the friendly northern borders, maritime borders, and the militarised southern border.

Figure 1: US exclusive economic zones



Source: National Oceanic and Atmospheric Administration, Alaska Fisheries Science Center, *US exclusive economic zones*, 25 May 2011.

EXECUTIVE SUMMARY

The border security policy dialogue in the US, like that in Australia, is deeply polarised. Worse still, finding compromises or solutions to those polarised perspectives is challenged by irreconcilable ideological perspectives on border security. Those espousing ideological perspectives, on both the secure and humanist ends of the paradigm, often selectively interpret outlier incidents as ground truths. In doing so, they further complicate the challenge of US border and homeland security.

While this report provides a detailed analysis of the US border construct and its postmodern political challenges, in substance it tells a story of simplistic responses to complexity. Rather than just being a tale of a particularly complex homeland or national security context, that story is an exemplar for countries from Europe to Asia of the evolution of border security.

For the most part, US border security remains an operational activity, focused on creating a physical control barrier: a geographical barrier between a nation and those who might do it ill. The physical barrier is selectively permeable, based on at best flawed risk assumptions, at worst on xenophobic judgements.

The key assumption underpinning the operational management of border security in the US is that all harms can somehow be stopped or controlled through the control of individual border crossings or transactions. Unfortunately, the globalised nature of contemporary Western economies means that this operational approach no longer delivers consistent, effective and efficient border security. A change in border security strategy is desperately needed but seems unlikely to materialise for the time being.

The border of the future is a strategically managed continuum in which disruption capabilities are focused by concise intelligence-based risk assessments. This doesn't mean that all of the existing operational activities and border control measures are redundant, but that simplistic border processes are no longer sufficient in the face of amorphous threats. Neither a regulatory nor a literal wall will provide border security if it isn't integrated with a number of other mechanisms and measures.

The US and Canada have enjoyed great success in creating a joint border continuum to the north, and that has brought economic benefits on both sides of the border. Unfortunately, the US concept of a border continuum that creates new policy options and defence in depth hasn't materialised elsewhere.

Put simply, US border security is a story of complexity, but the answer to complexity is not strategic or operational isolationism. Rather, it is strategically managing borders through a focus on disrupting threats while facilitating trade. One theme that was missing throughout the field phase of this assessment was discussion of balancing the facilitation and security roles in US border security. In the few times that this issue's addressed, it's in the context of 'selective permeability'.

The selective permeability of borders need not be a controversial challenge if the logic that underpins it engages with the changing nature of threat and risk. By way of example, assumptions about risk involving travellers with European passports need to be revisited in the light of recent attacks in France, Belgium and Germany.

What's clear is that, despite the organisational integration of border security under the umbrella of the Department of Homeland Security, US border security isn't being managed strategically. Even with the pressure of post-9/11 fears, the integration of border security was never going to be an easy task, given America's federal model of government and governance. For starters, solving the strategic challenge involves entities far from the national capital.

While the federal government and its agencies must play a major role in protecting the border from major incursions, the day-to-day management of the border is also an issue for the states that lie on those borders. This requires a great deal of political will and effort.

In both the US and Australian border security environments, there's no shortage of new ideas and technology. Unfortunately, for the US there's a dearth of cohesive overarching border security strategy and architecture. Such a strategy—risk based and intelligence led—is desperately needed to avoid unnecessary, inefficient and ineffective spending of public funds. One area that requires significant and timely intervention is land, air and sea domain awareness that's integrated into a strategic border security lens.

CHAPTER 1

Introduction

On 11 September 2001, America's previously unshakable confidence in homeland security was shattered. US leaders, war-fighters, bureaucrats and, most significantly, the people became painfully aware that their homeland wasn't safe from international terrorism. Worse still was that global non-state threat actors now had physical proof that US homeland security wasn't omniscient. Little surprise, then, that in the years since then border security policies have been a hot topic in US national security policy circles and politics.

In contrast, as an island state with the natural geographic protection of the high seas, Australia has a border security operating context that's substantially different from that of the continental US. But the contemporary experiences of the US in strategically managing its maritime and land borders do offer some valuable and hard-earned lessons for Australia.

The US border security story is one of complexity, competition, contradiction and politicisation. While some might argue that Australia's story shares those traits, this report illustrates that the unique nature of the US bureaucracy and political system makes border security much more challenging.

Geopolitically, the US has not one but four different physical borders:

- To the north, America has a neighbour with similar political and cultural norms. This border is managed on a bilateral basis, and its porous nature is almost universally accepted by both sides.
- To the east and west, the US has vast maritime borders where the challenge is domain awareness.
- To the south is a quasi-militarised border under pressure from a range on non-traditional national and human security threats.
- Finally, the US has its international airports.

This study:

- addresses the structure of organisations involved in US border security, including the Department of Homeland Security (DHS) and its sub-elements—Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), the US Coast Guard (USCG) and the Transportation Security Administration (TSA)
- surveys recent developments in US border security
- gives overviews of the three main geographical border components (Mexican, Canadian and coastal areas) and their diverse challenges
- gives a historical overview of the crisis that developed during the George W Bush administration that led to Operation Jump Start, along with the ongoing border security strategies that remain captive to the wider immigration policy battle, including the 2014 flood of unaccompanied minors over the southern border
- draws on this analysis to develop recommendations on border security policies for the Australian Government.

CHAPTER 2

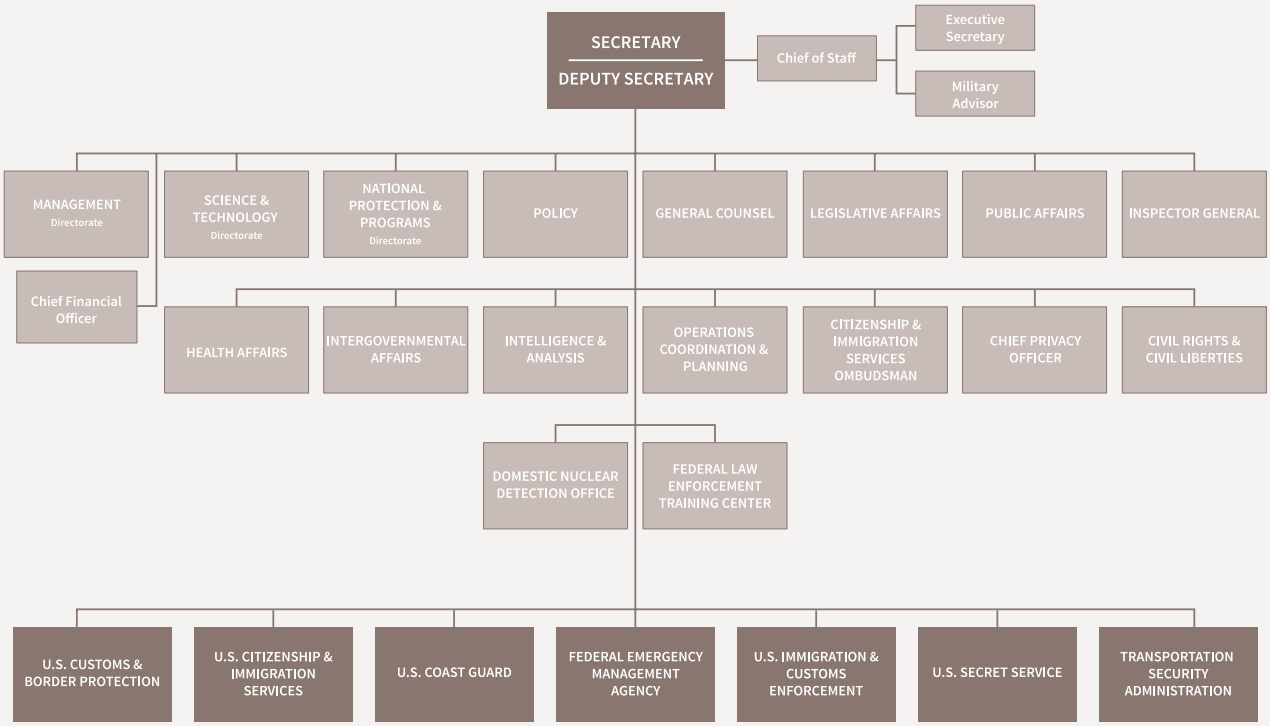
Who protects America's borders?

Before 11 September 2001, border security in the US fell piecemeal under the mandates of many diverse federal departments, including the:

- Department of Justice (the Immigration and Naturalization Service)
- Department of the Treasury (the Customs Service)
- Department of Agriculture (the Animal and Plant Health Inspection Service)
- Department of Transportation (the USCG).

In the wake of the 9/11 terrorist attacks, the US Congress decided that enhancing the security of borders was a vitally important component of preventing future terrorist attacks (OLPA, n.d.). The *Homeland Security Act of 2002* (PL 107–296) consolidated most federal agencies operating along the borders within the newly formed DHS (see Figure 2).

Figure 2: Responsibilities of the Department of Homeland Security



Source: US Department of Homeland Security, *Organizational Chart*, online.

DHS's Directorate of Border and Transportation Security (BTS) was charged with securing the borders, territorial waters, terminals, waterways and air, land and sea transportation systems of the US, and managing the nation's ports of entry.

Most of DHS's line, or operational, agencies were moved under the control of BTS. The lone exception to this was the USCG, which remained a stand-alone division within DHS.

BTS was composed of three main agencies:

- CBP, which is charged with overseeing commercial operations, inspections and land border patrol functions
- ICE, which oversees investigations, alien detentions and removals, air/marine drug interdiction operations, and federal protective services
- the TSA, which is charged with protecting the nation's air, land and rail transportation systems against all forms of attack to ensure freedom of movement for people and commerce.

On his appointment as Secretary of DHS, Michael Chertoff undertook a lengthy second-stage review of DHS and its operations. On 13 July 2005, Chertoff announced the results of the review (Hsu & Goo 2005). One of his main recommendations, agreed to by the DHS Appropriations Conferees (US Congress), was the elimination of the BTS Directorate.

As a part of the July 2005 reorganisation, the DHS Secretary announced the creation of a new Office of Policy, which, among other things, assumed the policy coordination responsibilities of BTS (Hsu & Goo 2005). The operational agencies that comprised BTS (CBP, ICE and the TSA) now reported directly to the Secretary and Deputy Secretary of DHS. The goal of this reorganisation was to streamline the policy creation process and ensure that DHS policies and regulations are consistent across the department.

The Federal Air Marshals program was moved out of ICE and back into the TSA to increase operational coordination between all aviation security entities in the department.

The US resources commitment to border security is far from trivial. The combined fiscal year (FY) 2016 appropriations for the border security agencies of DHS alone equalled US$37.16 billion.

The US resources commitment to border security is far from trivial. The combined fiscal year (FY) 2016 appropriations for the border security agencies of DHS alone equalled US$37.16 billion, and the combined manpower totalled approximately 180,000 full-time equivalent (FTE) employees (DHS 2016). Under the current arrangements:

- CBP provides the frontline responders for immigration and customs violations and serves as the law enforcement arm of DHS
- ICE serves as the investigative branch
- the TSA is charged with securing the nation's transportation systems
- the USCG also performs an important border security function by patrolling the nation's territorial and adjacent international waters against foreign threats.

Customs and Border Protection

When CBP was formed, all federal law enforcement capabilities with a border enforcement responsibility were merged into the one central agency. This involved absorbing employees from the Immigration and Naturalization Service, the Border Patrol, the Customs Service and the Department of Agriculture.

CBP's mission is to prevent terrorists and terrorist weapons from entering the country, provide security at US borders and ports of entry, apprehend illegal immigrants, stem the flow of illegal drugs, and protect American agricultural and economic interests from harmful pests and diseases. As it performs its official missions, CBP maintains two overarching and sometimes conflicting goals: increasing security while facilitating legitimate trade and travel. These goals aren't too dissimilar to those of the Australian Border Force and the Australian Department of Immigration and Border Protection.

In FY 2016, CBP's appropriated net budget authority totalled US$13.57 billion, and staff totalled approximately 62,450 FTE (DHS 2016).

Between official ports of entry, the US Border Patrol—a component of CBP—enforces US immigration law and other federal laws along the border. As currently constituted, the Border Patrol is the uniformed law enforcement arm of the DHS. Its primary mission is to detect and prevent the entry of terrorists, weapons of mass destruction and unauthorised aliens into the country and to interdict drug smugglers and other criminals. The Border Patrol patrols over 12,874 kilometres of the international borders with Mexico and Canada and the coastal waters around Florida and Puerto Rico.

At official ports of entry, CBP officers are responsible for conducting immigration, customs and agricultural inspections on entering aliens. As a result of the 'One Face at the Border' initiative (Meyers 2015), CBP inspectors are being cross-trained to perform all three types of inspection in order to streamline the border-crossing process (see box). This initiative unifies the previous inspection processes, providing entering aliens with one primary inspector who is trained to determine whether a more detailed secondary inspection is required.

One Face at the Border

On 2 September 2003, nearly one year after the DHS was established through the Homeland Security Act, then DHS Secretary Tom Ridge announced the One Face at the Border initiative. The initiative was designed to eliminate the previous separation of immigration, customs and agriculture functions at US land, sea and air ports of entry and to institute a unified border inspection process. This unification was an outgrowth of the merger into DHS's BTS agency of border-related agencies previously housed in several different cabinet-level departments. DHS views One Face at the Border as a way to follow through on its commitment:

> … to unify this system to process travelers more rapidly and conveniently while simultaneously identifying and addressing potential risks.

In Australia, senior staff from the Department of Agriculture and Water Resources continue to argue vehemently against biosecurity roles being absorbed into either the Department of Immigration and Border Security or the Australian Border Force. They argue that such a separation of enforcement and detection biosecurity roles from technical expertise will reduce inspection and investigative effectiveness.

CBP inspectors enforce immigration law by examining and verifying the travel documents of incoming international travellers to ensure that they have a legal right to enter the country.

On the customs side, CBP inspectors ensure that all imports and exports comply with US laws and regulations; collect and protect US revenues; and guard against the smuggling of contraband. Additionally, CBP is responsible for conducting agricultural inspections at ports of entry in order to enforce a wide array of animal and plant protection laws. To carry out these varied functions, CBP inspectors have a broad range of powers to inspect all persons, vehicles, conveyances, merchandise and baggage entering the US from a foreign country.

Immigrations and Customs Enforcement

The creation of ICE involved the merging of border investigative functions of:

- the former Immigration and Naturalization Service and the Customs Service
- the Immigration and Naturalization Service detention and removal functions
- most Immigration and Naturalization Service intelligence operations
- the Federal Protective Service.

With this merger, ICE became the principal investigative arm for DHS. ICE's mission is to detect and prevent terrorist and criminal acts by targeting the people, money and materials that support terrorist and criminal networks. As such, it's an important component of the US border security network, even though its main focus is on interior enforcement.

In FY 2016, ICE appropriations totalled US$6.28 billion, and the agency had approximately 19,790 FTE employees (Meyers 2015).

Unlike CBP, whose jurisdiction is confined to law enforcement activities along the border, ICE special agents criminally investigate over 400 US laws focused on immigration and customs violations both along the border and in the interior of the US. ICE's mandate includes investigating human trafficking, child exploitation money laundering; uncovering national security threats such as weapons of mass destruction or potential terrorists; identifying criminal aliens for removal; probing immigration-related document and benefit fraud; investigating worksite immigration violations; exposing alien and contraband smuggling operations; interdicting narcotics shipments; and detaining illegal immigrants and ensuring their departure (or removal) from the US.

ICE is also responsible for the collection, analysis and dissemination of strategic and tactical intelligence pertaining to homeland security, infrastructure protection and the illegal movement of people, money and cargo within the US.

The US Coast Guard

The USCG's mission is to protect the public, the environment and US economic interests in the maritime domain—at the nation's ports and waterways, along the coast and in international waters. The USCG is America's principal maritime law enforcement authority and the lead federal agency for the maritime component of homeland security, including port security. Among other things, it's responsible for evaluating, boarding and inspecting commercial ships as they approach US waters, countering terrorist threats in US ports and helping to protect US Navy ships in US ports.

A high-ranking USCG officer in each port area serves as the captain of the port and is the lead federal official responsible for the security and safety of the area's waterways.

The USCG's appropriated budget authority totals US$10.14 billion, and it has approximately 49,950 FTE military and civilian employees.

The USCG's homeland security role includes:

- protecting ports
- facilitating the flow of commerce through the maritime domain
- protecting marine transportation systems from terrorism
- maintaining maritime border security against the threats from illegal drugs, illegal aliens, firearms and weapons of mass destruction
- ensuring that the US can rapidly deploy and resupply military assets by maintaining the coast guard at a high state of readiness, as well as by keeping marine transportation open for the other military services
- protecting against illegal fishing and the indiscriminate destruction of living marine resources

- preventing and responding to oil and hazardous material spills
- coordinating efforts and intelligence with federal, state and local agencies.

The Transportation Security Administration

The TSA was created as a direct result of the events of 9/11 and is charged with protecting the US's air, land and rail transportation systems to ensure freedom of movement for people and commerce. The *Aviation and Transportation Security Act of 2001* (PL 107–71) created the TSA and included provisions that established a federal baggage screener workforce, required checked baggage to be screened by explosive detection systems, and significantly expanded the Federal Air Marshal Service. In 2002, the TSA was transferred to the newly formed DHS from the Department of Transportation.

TSA appropriations for FY 2016 totalled US$7.35 billion, and the agency had approximately 50,810 FTE employees (Meyers 2015).

To achieve its mission of securing the nation's aviation, the TSA assumed responsibility for screening air passengers and baggage—a function that had previously been performed by the air carriers. The TSA is also charged with ensuring the security of air cargo and overseeing security measures at airports to limit access to restricted areas and to secure airport perimeters. Among other things, it also conducts background checks for airport personnel with access to secure areas.

In 2004, an opt-out provision was adopted in the Aviation and Transportation Security Act permitting an airport with federal screeners to request a switch to private screeners (see box) (Bachman 2016).

TSA screener opt-outs

Almost all European countries and Canada use private airport screeners. In the US, airports have the right to opt out of TSA-administered screening through the Screening Partnership Program, which swaps out TSA screeners in favour of private contractors with TSA oversight. The program has been found to result in screening that's more efficient, more customer friendly, less costly and more secure. With all these benefits and the precedent set by Europe and Canada, the Screening Partnership Program is a no-brainer. Sadly, the program is subject to burdensome regulations and bureaucratic processes that limit its use.

The Federal Air Marshal Service is responsible for detecting, deterring and defeating hostile acts targeting US air carriers, airports, passengers and crews by placing armed undercover agents in airports and on flights.

And the others

Many other federal agencies are also involved in securing the US borders. Although border security may not be in their central mission, they nevertheless provide important border security functions.

Those agencies include:

- the US Citizenship and Immigrations Services within DHS, which process permanent residency and citizenship applications, as well as asylum and refugee processing
- the Department of State, which is responsible for visa issuances overseas
- the Department of Agriculture, which establishes the agricultural policies that CBP inspectors execute

- the Department of Justice, whose law enforcement branches (the Federal Bureau of Investigation and the Drug Enforcement Agency) coordinate with CBP and ICE agents when their investigations involve border or customs violations
- the Department of Health and Human Services, through the Food and Drug Administration and the Centers for Disease Control and Prevention
- the Department of Transportation, whose Federal Aviation Administration monitors all aircraft entering American airspace from abroad
- the Treasury Department, whose Bureau of Alcohol, Tobacco, and Firearms investigates the smuggling of guns into the country
- the Central Intelligence Agency, which is an important player in the efforts to keep terrorists and other foreign agents from entering the country.

Additionally, due to their location, state and local responders from jurisdictions along the Canadian and Mexican borders also play a significant role in border security.

A complex and convoluted structure

The structure protecting the US's borders is extremely complex and convoluted. In the American federal system, the state governments don't act as subordinates to the federal government under normal circumstances. The governors don't 'work' for the President, and the mayors don't 'work' for their governors. All are independent executives, and they know it. The law enforcement entities also 'know' that they work for their own executives, not the larger and often more powerful higher agencies.

This causes friction at times, but the locals aren't completely adrift. They have superior knowledge of their jurisdictions and on-the-ground experience with their own citizens. This makes them valuable assets in the US border security framework: indeed, they are often regarded by federal agencies as the key to success.

It's inaccurate to say that 9/11, or its aftermath, somehow acted as a panacea against America's intelligence silos or national and domestic security fiefdoms. It was the catalyst for a much-needed movement towards a whole-of-government, integrated, homeland security strategy, including a complete reorientation of intelligence prioritisation, but the change process, especially for border security, has been a long and difficult journey.

The cultural resistance to post-9/11 change in federal and state government institutions was real and persistent. Until 9/11, the North American Aerospace Defense Command (NORAD) was responsible for detecting aerospace threats to North America. The intelligence infrastructure was entirely geared towards threats originating beyond the border (Russian and Chinese ICBMs and submarine-launched nuclear weapons). The need to refocus on threats that might be on the border or already in country came as a huge strategic shock.

The imperfections of whole-of-government, interdepartmental, interagency governance and funding in the wake of 9/11 all acted as barriers to change. The sheer size of the US machinery of government, the byzantine appropriations processes, the politicisation of border security and the resultant turf wars inside the Beltway feed continued inefficiencies.

CHAPTER 3

Recent history on the border

The US has always been of two minds about its borders and immigration: one side's culturally bedded in a tradition of immigration and the other's focused on strong borders as part of a political culture of isolationism.

Most Americans have a connection to some form of immigration in their family's past. This cultural connection has created a cultural disposition to welcome new comers to the community. But in more recent times the welcoming of immigrants is predicated on the individual's successful transition through the citizenship process. Without citizenship, the migrant remains legally and culturally 'alien' in US culture.[1] Arguably, US culture and law now hold citizenship, not immigration, in high esteem.

When it comes to physical border security, the US has been blessed with two fairly benign neighbours:

- ***Canada***, to the north, is a member of America's closest associations, including NATO, the 'Five Eyes' and NORAD.
- ***Mexico*** is to the south, where the border is shorter (3,200 kilometres versus over 8,900 kilometres with Canada) and has more open space that can be monitored. For US national security, law enforcement and border security policymakers, the Mexican border is more problematic than the Canadian. Despite Mexico's domestic economic challenges and systemic governance weaknesses, the national security threat associated with the US southern land borders has been relatively low.

It's impossible (and politically dangerous) to try to characterise either Canada or Mexico as 'more important' than the other, or to call one of America's two neighbours 'the key ally', but the relationship between the US and Canada runs long and deep. Notwithstanding Mexico's increasing economic weight, US and Canadian blood and treasure have been spent together in two world wars and in the conflicts in Korea, Afghanistan, Iraq and Syria. From NORAD to NATO to shared membership in the Five Eyes, Canada is America's trusted G7 ally.

The US relationship with Canada is deeper, more complex and more mature. The narrative waxes and wanes in the public domain, often as a function of the degree of political alignment between Ottawa and Washington. That said, there's always been complete agreement in both capitals on the vital national interest that each provides for the other, including border security. Even when American and Canadian leaders disagree, the relationship stays civil and productive. Mexico can be quite different.

For many years, the militaries of the US and Mexico had little to do with one another, and a relationship with Mexico similar to the bi-national command of NORAD was unthinkable. That said, the American people and policymakers appear to worry far more about threats to the southern border than they do about threats from the north. The fact that Mexico isn't as capable of providing internal security as Canada ensures that the US Government is more attuned to threats from the south.

The American eastern and western coastlines are long, but the USCG, occasionally supported by the US Navy, has generally proven up to the task of securing the nearly 152,800 kilometres of US coastline.

Before the 9/11 attacks, the main border issues (Basch 2005) could be ranked as:

- **Priority 1:** the smuggling of illicit drugs, including synthetics (methamphetamine) and organics (marijuana, cocaine and heroin)
- **Priority 2:** illegal immigration, including people smuggling and indentured labour
- **Priority 3:** organised crime's other illicit activities, including intellectual property offences and money laundering.

The priorities changed radically after 9/11, when countering terror became the main focus. Counterterrorism strategies acted as a catalyst that eventually brought about major changes to federal border strategies and policies. The most substantive changes included a complete restructure of federal-level border management, but there was also a critical change in the American psyche concerning what's 'important' about border security. And, unsurprisingly, the issue rapidly became politicised.

From a national security perspective, counterterrorism continues to be the main focus and driver for US border security. More recently, illegal immigration has become increasingly important to the American people and their politicians. This awakening can be attributed to a range of factors with varying degrees of scientific basis, including:

- fears among the general public that terrorists are 'sneaking' into the US
- domestic economic challenges, such as increasing unemployment
- the economic opportunity costs associated with the provision of services for the country's large illegal immigrant population
- crime rates, which have been linked by some politicians and commentators to illegal immigration, particularly in the states along the southern border.

The next two chapters, covering Mexico and Canada, respectively, may appear out of balance: the Canadian chapter is quite a bit longer. It's simply evidence that there are more US–Canadian programs and that those programs are more developed than any between the US and Mexico.

The US–Canadian relationship isn't perfect, but it's a model of bilateral cooperation and one to which the US–Mexican relationship should aspire.

CHAPTER 4

Mexico: the hardest nut to crack

Mexico is projected to overtake Canada as the US's top trading partner in the next 10 years (Offshore Group 2012), so the US has a vested interested in seeing improvements in the rule of law and economic freedom in Mexico. For the US, a prosperous Mexico makes for a better economic and security ally.

As the only southern neighbour with a land border with the US, Mexico is a conduit for trade, but also for the illegal flow of illicit goods, other controlled commodities, value and people. Mexico is America's gateway to South America, with its benefits, risks, opportunities and threats.

In July 2005, then Arizona Governor Janet Napolitano declared a 'state of emergency' on the southern US border in what many people saw as a purely political act aimed at undermining President George W Bush (Blumenthal 2005).

In June 2010, Napolitano, as Secretary of Homeland Security, announced that the border was 'as secure as it has ever been' (DHS 2011a). That better-than-ever security occurred despite the failure of the Secure Border Initiative (SBI) program—a $1 billion technology program aimed at securing the border using high-tech capabilities—which she unceremoniously ended in January 2011 (DHS 2011a). In the years since the cancellation of the SBI, neither Napolitano nor her two successors as Homeland Security Secretary have used technology to substantially improve border control.

The Secure Border Initiative

The SBI was created by Secretary of Homeland Security Michael Chertoff to organise the four operating components of border security: CBP, ICE, US Citizenship and Immigration Services and the USCG. The SBI had three main operating goals: to improve border security, to increase interior enforcement of immigration and customs laws, and to implement the Temporary Worker Program. The prime contractor for SBI was Boeing.

Conservative US commentators argue that the southern border remains insecure (McNeill 2009) and that the security of the southern border is used as a political football in debates in Washington DC over immigration reforms. As Dr James Carafano, a leading conservative analyst for the Heritage Foundation, wrote:

> [T]he real problem is that any strategy for reducing illegal immigration that includes amnesty is bound to fail. Granting a general amnesty will just encourage another wave of illegal border crossing. That is exactly what happened when the 1986 amnesty bill was passed. And that is exactly what will happen if Washington does it again. (Carafano 2012)

Securing the US southern border is predicated on addressing a number of other problems:

- Mexico's infamous cartels need to be dismantled.
- US agencies need to comprehensively enforce existing immigration and workplace laws.
- Effective temporary-worker programs are needed to address US labour needs.
- Illegal immigration amnesties need to be ended.

The US is in ongoing talks with Mexico to strengthen security along Mexico's southern border. The effort reportedly includes a three-level security system for Mexico's border with Belize and Guatemala to stop human trafficking, drug running and other gang-related activity. Stopping such activities is critical not just to Mexican security, but also to US security.

For the US, partnering with Mexico to enhance the two countries' security efforts could have several beneficial results:

- First, it could limit violence and unlawful activity reaching the US border.
- Second, working with Mexico to fight crime and prevent criminal organisations from operating with impunity could make Mexico a safer country. Improving security could make Mexico a more prosperous trading partner and create much-needed economic opportunities that will draw Mexican citizens away from participation in illicit activities.

While many of the specific details of the Obama administration's plan for engaging with Mexico are unknown, available information indicates that existing programs such as the Merida Initiative will be the basis for additional cooperation (see box).

The Merida Initiative

The Merida Initiative is a cooperative program between the US and Mexico that assists law enforcement efforts, improves the vetting of Mexican law enforcement officers, enhances judicial and prosecutorial effectiveness, and fosters better court and prison management in Mexico. Costing less than US$2 billion since 2007, the Merida Initiative, together with other collaborative and reform efforts, can pay big dividends in US border security and trade.

While the US needs to do more to secure its own southern border, cooperation with Mexico on security and immigration issues is essential to those efforts. Through programs such as the Merida Initiative, the US can help Mexico combat crime and illegal immigration before they reach the US, thus enhancing US security and prosperity.

The US–Mexico border is by far the more troublesome of the two land boundary challenges facing American officials. A much more mature and robust relationship is in play along the US–Canada border.

CHAPTER 5

Canada: an expanding partnership in security

The US–Canadian relationship is one of the most effective and unique in the world. America's shaky and shifting relationship with Mexico is in a stark contrast to its bonds across its northern borders. One only has to look to the number and types of cooperative programs between the US and Canada to see the overwhelming closeness of the bilateral relationship.

The US and Canada have a long history of cooperation on trade, homeland security and defence. With a shared border of more than 8,800 kilometres, more than 115,000 international flights per year and nearly US$2 billion in daily bilateral trade between the two nations, the importance of the US–Canada relationship to both nations can't be overstated (DHS 2011b).

As the US's largest trading partner, Canada imported US$281 billion in US goods in 2011, accounting for 19% of all US merchandise exports, and imported $56 billion in private commercial services. Canada also exported US$315 billion worth of goods to the US, accounting for 14.3% of all US merchandise imports, and US$28 billion in private commercial services exports (USTR, n.d.).

Aided by the world's longest land border, such extensive trading is the result of joint efforts by both nations to promote free and open trade. Since the signing of the North American Free Trade Agreement in 1994, US exports to and imports from Canada have each increased by around 180% (USTR, n.d.).

However, crime and terrorism don't stop at the US–Canadian border. From narco-trafficking to human smuggling and money laundering, criminal activity in one country can often easily flow into the other. According to the 2011 US National Northern Border Counter-Narcotics Strategy:

> Marijuana and [e]cstasy remain the most significant Canadian drug threats to the United States, while the United States remains the primary transit country for cocaine into Canada from South America. (ONDCP 2012)

In FY 2011, the US Border Patrol alone seized 4,296 kilograms of marijuana, 353 kilograms of ecstasy and 96 kilograms of cocaine along the northern border, as well as other drugs (CBSA 2013).

At the same time, the US–Canadian national security relationship is also among the strongest in the world. For over 50 years, the two nations have worked together to protect North American airspace through NORAD. To bolster homeland defence efforts, the Canada–US Civil Assistance Plan, signed in 2008 and renewed in 2012, allows members of one nation's military to augment the other nation's forces in the event of a civil emergency, such as an earthquake or terrorist attack.

Canada's securitisation focus for border security is in stark contrast to the US militarisation model. Successive Canadian governments, liberal and conservative, have focused border security on activities involving facilitation, revenue collection, regulation and control—all related to achieving the seamless movement of people and goods across borders. That approach also involves identifying and concentrating enforcement activity on border

movement that presents a risk to sovereignty, the rule of law and national security. This is substantially different from the US's desire to construct physical and psychological walls between itself and the world.

Since 2001, both nations have paid increasing attention to border security (see box). This resulted in a range of bilateral agreements. These efforts began with the bilateral Smart Border Accord in 2001 and the trilateral Security and Prosperity Partnership in 2005.

Case study 1: Post-9/11 growth

The 9/11 hijackers didn't enter the US from Canada; nor did their plot use logistical or other resources connected to Canada. However, both nations gave greater priority to enhancing security at the shared US–Canada border after the attacks.

On the US side of the border, in October 2001 there were 334 Border Patrol agents and 498 inspectors. By 2011, the numbers of Border Patrol agents and US CBP inspectors stationed at the northern border were 2,237 and 3,706, respectively.

Case study 2: Canada as a target

In 2006, British law enforcement foiled a terrorist plot said to have threatened 'devastation on a scale that would have rivalled 9/11'(ABC News 2007). The plot involved plans to use liquid explosives disguised as soft drinks to take down as many as 10 airliners traveling from the UK to destinations in the US and Canada. Beyond being the impetus for changes in liquid carry-on regulations at US airports, the plot also illustrated the shared nature of security threats for the US and Canada.

Even in the immediate aftermath of 9/11, although the physical devastation was confined to the US, the effects of the attacks were acutely felt in Canada. As one Canadian national security expert explained:

> The threat caused political, psychological, and economic shock. The Canadian government had to reassess its capacity to provide security at and within its borders. This incident generated increased concern and fear in Canada about a second-wave of Al Qaeda strikes. The government had to reassure its citizens that it was capable of providing them with public safety. (Zukerman et al. 2013)

Those agreements have been augmented by programs such as the 'Shiprider'[2] and Integrated Border Enforcement Teams programs.[3] These collaborative programs have furthered joint law enforcement and the patrolling of the shared waterways and the land border between the two nations. Trusted trader programs such as Free and Secure Trade[4] have enhanced border security efforts and facilitated trade. Together with other treaties, agreements and actions abroad, the US and Canada have formed a unique and strong bilateral relationship.

In 2004, then Canadian Prime Minister Paul Martin published *Securing an Open Society: Canada's national security policy*. It marked an important change in Canadian national security towards domestic security, including a border focus. The policy mandated the creation of interdepartmental marine security operations centres on each coast and in the Great Lakes. Note that the Canadian Coast Guard is an unarmed marine regulatory agency, so the USCG's northern maritime security partner is the Royal Canadian Navy.

Under Canadian Armed Forces Joint Operations Command there are several regional joint task forces (JTFs). Of importance in maritime domain awareness are JTFs Atlantic and Pacific, which maintain a range of intelligence and operational capabilities. They liaise closely through formal agreements with the USCG area commanders and their subordinate districts. Under these arrangements, there has been a concerted effort since 2008 to plan and execute increasingly complex joint, combined and interagency annual exercises addressing the full spectrum of threats originating in the maritime domain—weapons of mass destruction, mines, pandemics, hostage taking and narcotics.

On 4 February 2011, President Obama and then Prime Minister Harper released the Beyond the Border Declaration, which was the result of multiple bilateral meetings and summits between the two leaders. The declaration presented a shared vision for perimeter security and economic competitiveness between the US and Canada. The Beyond the Border Working Group, consisting of representatives from the relevant offices of each nation's federal government, was tasked with developing a plan to implement those goals.

In December 2011, Obama and Harper announced the Beyond the Border Action Plan. The plan presented a detailed framework for how the US and Canada would address threats early, facilitate trade and economic growth, integrate cross-border law enforcement, and create secure infrastructure and effective emergency responses. An important step forward in US–Canada relations, the strategy has a strong Canadian security flavour with its dual aims to boost security and facilitate the flow of goods and services between the two countries.

Both Canadian and US authorities argue that once a terrorist has physically reached either border, citizens may already be in danger, so the Beyond the Border Action Plan is underpinned by the theory that the best way to safeguard both nations from transnational terrorists is to keep them out of North America in the first place (Zuckerman et al. 2013). With this in mind, the action plan detailed a framework to address threats as early as possible. The framework created a perimeter security approach to stopping terrorists and other threats long before they reach Canada or the US.

Progress so far has centred on three themes:

1. creating a common understanding of the threat
2. harmonising the screening of travellers
3. adopting a perimeter approach to cargo security.

To address threats early, the Beyond the Border Action Plan recognises that 'a threat to either country represents a threat to both' (DHS 2011c). The plan calls for:

- the preparation of three joint threat assessments
- strengthening information and intelligence sharing
- enhancing domain awareness
- fostering cooperative efforts to counter violent extremism.

Stopping threats before they reach US and Canadian shores requires not just an enhanced understanding of the threat environment, but also concrete efforts to stop potentially dangerous individuals and hazardous materials from reaching either nation.

Other key steps to address this requirement have included the following:

- ***Enhanced trusted traveller programs***. Established in 2002, the NEXUS program allows expedited processing of pre-screened US and Canadian travellers at dedicated air, land and maritime ports of entry between the US and Canada (CBP 2012). Under Beyond the Border, US CBP and the Canadian Border Services Agency also announced plans to increase NEXUS benefits, expand its membership and streamline the membership process.
- ***Exit–entry pilot program.*** Beginning on 15 October 2012, CBP and the Canadian Border Services Agency began sharing visitor entry information, so that entry into one country serves as a record of exit from the other (Zuckerman et al. 2013). The program began with the exchange of routine biographical information on third-country nationals and permanent residents of Canada and the US at four ports of entry.
- ***Mutual recognition of air cargo.*** Explicit in the Beyond the Border Action Plan was a call to 'develop a harmonized approach to screening inbound cargo' (DHS 2011c) arriving from other nations. In the US in 2010, around 1.62 million tonnes of inbound air cargo was transported on passenger planes. This was roughly a third of all of the cargo transported into the US by air. In Canada, nearly half of all air cargo is shipped on passenger planes. In May 2012, both governments announced the mutual recognition of their air cargo security regimes

> under the principle of 'cleared once, accepted twice' (Zuckerman et al. 2013). Cargo screened on passenger aircraft is now screened only once at the point of origin, rather than being rescreened at the border or when loaded onto an aircraft in the other country.

Integrated Cargo Security Strategy pilot. In October 2012, the US and Canada launched the initial pilot project of the Cargo Security Strategy in Prince Rupert, British Columbia (Zuckerman et al. 2013).

Related efforts have included enhanced real-time notification of the arrival of individuals listed on US watch lists and the implementation of the Phase I pilot of the exit–entry program.

Information sharing was to be the cornerstone of nearly all the measures contained in the Beyond the Border Action Plan. While the US and Canada share many of the same privacy principles and best practices, the two nations have different systems and laws for the protection of personal data. In June 2012, the US and Canada issued the Joint Statement of Privacy Principles to set common rules for the protection of privacy. The principles govern all Beyond the Border arrangements and include standards for protection, oversight, data retention and decision review.

Through the Beyond the Border Executive Steering Committee, the US and Canada have worked together on the implementation of the Beyond the Border Action Plan as well as the Joint Statement of Privacy Principles. The steering committee released the first annual *Beyond the Border Implementation Report* in December 2012, detailing the achievements made over the previous year.

Now, more than four years after the action plan was announced, important progress has been made by both nations in implementing its measures, but much remains to be done, including coordinated visa and entry policies, expanded cross-border law enforcement programs and the development of bi-national disaster plans.

More than 15 years after 9/11, the Canadian and US governments remain focused on their shared border, but some US leaders continue to voice alarm that 'the northern border provides easy passage for extremists, terrorists and criminals who clearly mean to harm America' (Clohery & Thomas 2011).

The US and Canada have been working on enhancing cross-border law enforcement cooperation and collaboration.

Under the auspices of Beyond the Border, the US and Canada have been working on enhancing cross-border law enforcement cooperation and collaboration. Those efforts are focused on enhancing both governments' abilities to interdict, investigate and prosecute criminals. The new lines of cooperation were developed based on previous successful models, such as the integrated border enforcement teams, the border enforcement security taskforces, and the Shiprider initial pilots.

Beyond the Border also seeks to prepare for inevitable disasters by mitigating border disruptions and emergencies with efforts to manage traffic at relevant border crossings and create joint plans and capabilities for emergency management, with a focus on chemical, biological, radiological, nuclear and explosive events.

The US and Canada share a substantial amount of critical infrastructure, including communications systems, ports, waterways, transportation networks, energy and electrical supplies. Those systems are vital lifelines of trade and resources (see box) and are defined by DHS as:

> the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety, or any combination thereof. (DHS 2015)

Integrated critical infrastructure

Over 80% of US–Canadian trade takes place over just five bridges and through one tunnel (Zuckerman et al. 2013). The destruction of any one of the six structures would harm trade enormously.

Canadian dams on the Columbia River directly affect the downstream water flow, dams and reservoirs in the US states of Washington and Oregon. In addition to US flood-control concerns, these dams also provide an ample supply of electricity.

Along with hydroelectricity agreements and cooperation, the US–Canadian electricity grid is highly integrated. In the event of a major disruption, the grid would face a serious strain.

The largest electrical incident the US and Canada have ever experienced was the northeast blackout of August 2003. A small malfunction in a local utility company's software system resulted in a cascading failure that led to a loss of power to more than 50 million people from Ontario and Michigan to Massachusetts and New York. The economic costs totalled somewhere between $7 billion and $10 billion (Zuckerman et al. 2013).

In emergency response efforts, Beyond the Border focuses on improving plans and capabilities to mitigate border disruptions. To that end, both nations have published several important sets of guidance, including a *Compendium of US–Canada emergency management assistance mechanisms* in June 2012 and *Considerations for US–Canada border traffic disruption management* in May 2012. Additionally, two new working groups were established to bolster broader US–Canadian emergency capabilities—one focused on preparations for chemical, biological, radiological, nuclear and explosive events, the other focused on harmonising cross-border emergency communications.

While Beyond the Border calls and plans for various actions, many of the plans are yet to be implemented.

While the Beyond the Border agreement is an important step towards improving the US–Canada security and trade relationship, critical concerns remain. For one, while Beyond the Border calls and plans for various actions, many of the plans are yet to be implemented. For example, the Next Generation of Integrated Cross-Border Law Enforcement project was scheduled to begin its pilots in Summer 2012 (Zuckerman et al. 2013), but hasn't begun due to legal and privacy concerns. Such delays have led some, especially interested parties in Canada, to question the US's commitment to Beyond the Border specifically and to Canada in general.

As a result, many Canadian stakeholders view the US as uninterested in implementing Beyond the Border. Illustrating this, Paul Frazer, a former Canadian diplomat, stated 'This whole thing [Beyond the Border] could sink below the water in the United States and no one would take note' (Zuckerman et al. 2013). Furthermore, there are also concerns that sequestration (a series of automatic spending cuts to the US federal government totalling $1.2 trillion over 10 years) could hamstring the already slow implementation of the initiative.

Failure to follow through on Beyond the Border could have impacts on the US–Canada relationship. Canada has indicated that when it 'feels it is treated as blatantly expendable, it begins to look with new fervour for diversification away from the American economy'.[5] Pushing forward on Beyond the Border could provide the US with many security benefits, while not acting could have economic and security implications.

More recent discussions between US and Canadian border security agencies have started to explore closing the land border 'dead zone'. The land borders, like frontiers of old, have a US border post on one side, a dead zone and then a Canadian border post. Interlocutors in Ottawa and Washington DC are now asking themselves why they can't have

a single strategically and economically advantageous border-crossing post. The biggest challenge to this in political circles on both sides of the border is the maintenance of sovereignty and independence.

Speaking to the Canadian Parliament in 1947, President Harry Truman said that the close US–Canadian relationship:

> . . . did not come about merely through the happy circumstance of geography. It is compounded of one part proximity and nine parts good will and common sense.

The US–Canadian relationship required more than just closeness of borders when Truman said that, and the same is true today. The US and Canada could strengthen their relationship by further implementing Beyond the Border, removing barriers to trade, enhancing security, and improving infrastructure protection and joint disaster response.

CHAPTER 6

The coastlines

Two large oceans have always protected the US. Many Americans assume that the Atlantic, the Pacific and America's long coastlines form natural border-security barriers. But that was no longer the case by the late 20th century. The natural defence that the oceans offer must now be supplemented by the USCG. The US Navy certainly contributes to the effort, but during times of peace its focus is further afield.

Of the five services of the US military, the USCG is one of the oldest, but it's under-resourced in terms of budget and capabilities. The 'Coasties', as they are affectionately known, have for many years been constrained by insufficient budget appropriations. The net effect of this tight fiscal environment has been a decline in serviceability and limited investment in capability development.

The greater political and public interest in border security hasn't been matched by greater interest in maritime security. At this time, no-one in the US bureaucracy appears to believe that the Coast Guard needs extra missions or any sort of capability upgrade. Interestingly, US leaders have given coastal security the least policy attention.

Before looking at the modernisation efforts of the USCG, a more in-depth look at its biggest 21st century mission, maritime domain awareness (MDA), is warranted. MDA is used to support costal security strategic and operational decision-making.

Maritime domain awareness: port and coastal security

The previous Commandant of the USCG, Admiral Bob Papp, has said that people usually think of the US Navy and US Marine Corps when they think about national security and national defence in the maritime domain. Interviewed for *The Washington Times* on 20 September 2013, he said that the US Navy and Marine Corps provide for control of the sea by naval supremacy, deterring aggression, projecting power, and fighting and winning America's wars. 'The Coast Guard is part of that' he said, 'but we are more than a military service, and national security is more than national defense' (Wilson 2010).

Papp explained the vital roles that the USCG performs as protectors and stewards of US maritime border security. He argued that, while the USCG as a stand-alone capability is important, that importance is enriched by its strong partnerships:

> The Coast Guard can't do it alone. We will continue to rely upon strong partnerships with the departments of State, Defense, and Justice along with a variety of bilateral international agreements to disrupt Transnational Criminal Organizations in the Western Hemisphere. (Wilson 2010)

The USCG has developed area maritime security plans for the entire US maritime border security environment to identify and coordinate procedures for prevention, protection and security responses at US ports. In addition, to enhance port security, the USCG runs annual inspections of port facilities.

CBP and the USCG receive information on commercial vessels and their crews before the ships arrive at US ports; they screen the information and then prepare risk assessments based on it. DHS and its agencies have increased MDA by improving risk management and implementing a vessel tracking system, but have also taken steps to improve information sharing. According to Edward Lundquist:

> … in July 2011, CBP developed the Small Vessel Reporting System to better track small boats arriving from foreign locations and deployed this system to eight field locations.
>
> DHS and its component agencies have also taken actions to improve international supply chain security, including developing new technologies to detect contraband, implementing programs to inspect US-bound cargo at foreign ports, and establishing partnerships with the trade industry community and foreign governments (Lundquist 2014).

The USCG's closest partner is the US Navy. Rear Admiral Jonathan W White, the navy's designated Oceanographer and Navigator and the person on the Chief of Naval Operations staff responsible for MDA, said on the subject:

> The DoD [Department of Defense] definition [of MDA] is 'the global understanding of the maritime environment as it applies to safety and security to the economy and environment'—those four things, and more broadly any of our national interests in the maritime domain. In DoD, we especially focus on national defense and security, and sharing knowledge of the maritime domain with interagency and international partners. Our three main interagency partners at the US level are the Department of Homeland Security, which includes the Coast Guard; the national intelligence community, which includes the Office of Naval Intelligence and the National Maritime Intelligence Center in Suitland, Md.; and the Department of Transportation. We work together to create a national understanding, a shared common picture of maritime domain awareness. And we work closely to do that. The sharing that takes place between us, and that common picture, is one of the big successes we've had over the last few years.
>
> The intent is a shared understanding of the maritime domain, to make sure that we've all got the best information available that we can get from each other. The challenge is that you run into some sources of information that are not releasable to the other agencies. There is law enforcement information that cannot be accessed directly by the military, and there are military intelligence sources that cannot be shared with civilian agencies.
>
> We'll never be where we want to be, but we've made a lot of progress in what we are sharing. (Lundquist 2014)

Data standards are very important to the USCG's MDA. US agencies are still aspiring to establish a standard way to share data between agencies with maritime border security responsibilities as well as with partner agencies in Canada and Mexico.

USCG doctrine posits that MDA involves much more than the collection and analysis of data. The focus of MDA efforts doctrinally within the USCG is on assessing 'action ability' and developing operational courses of action.

Environmental awareness, such as awareness based on hydrographic, meteorological and oceanographic data, is also part of MDA. The sea services, including the National Oceanic and Atmospheric Administration, are very involved in gathering and analysing that information. But MDA in the US is limited by a substantive challenge in integrating systems and organisational cultures. And the sheer volume of data involved in MDA means that no individual can understand the entire strategic picture at any single point.

In testimony to Congress on 31 July 2011, the then Coast Guard Assistant Commandant for Capability Rear Admiral Mark E Butt said that the USCG continues to improve its operational effectiveness through modernisation and management of its command, control, communications, computers, intelligence, surveillance and reconnaissance (C4ISR):

> The dynamic and demanding operating environment in the maritime domain demands our C4ISR capabilities be interoperable and flexible in order to deliver the right capability, at the right time, to our operational

commanders and deployable assets. In addition, these systems must be standardized across our assets to maximize effectiveness and affordability to ensure long-term sustainability. (Butt 2013)

The USCG uses C4ISR systems to produce actionable information, improve situational awareness and enhance collaboration among Coast Guard operators and partner agencies. At the tactical level, this information helps command staffs effectively allocate resources, prioritise missions and coordinate operations. At the strategic and national levels, these tools play a role in maritime safety and security missions (Butt 2013).

The central component of effective C4ISR is searchable and discoverable data managed, moved and formatted within a common operational picture.

The central component of effective C4ISR is searchable and discoverable data managed, moved and formatted within a common operational picture (COP) that provides operators with the information needed to carry out their missions (Butt 2013).

The sources for the USCG C4ISR COP include:

- the Nationwide Automatic Identification System, which uses a series of shore-based transceivers in ports and along the US coast to facilitate vessel tracking
- the international Long-Range Identification and Tracking (LRIT) system, which provides vessel position information and offshore tracking of all 300-ton and larger US-flagged vessels, or vessels bound for a US port or travelling within 1,000 nautical miles of the US coast
- the USCG-maintained National Data Center, which stores the positions of all foreign and domestic LRIT ships (the service is a member of the Department of Defense Global COP Architecture)
- operators on USCG cutters at sea, who are connected with the COP, allowing the integration of the ship and aircraft sensor data with area and district operations centres and the enterprise COP
- CBP's Office of Air and Marine (which runs the national law enforcement illegal trafficking interdiction centre, the Air and Marine Operations Center at March Air Reserve Base in Riverside, California) and the US Northern Command's Situational Awareness Geospatial Enterprise. (Butt 2013)

All collaborate to exchange data with the USCG COP to maintain the MDA picture.

The USCG C4ISR management strategy is set to replace a range of obsolete, and in some cases redundant, technology. The organisational vision for this strategy is centred on the development of new enterprise architecture. USCG strategists have underpinned this vision with a conceptual framework that argues that enterprise architecture and mature management capability will permit the Coast Guard to respond quickly to changes in the operational environment.

New enterprise architecture will permit system standardisation, enhance asset availability, make repairs more efficient and effective, and minimise operational risk during maintenance and upgrades. Coupled with the new enterprise architecture will be a logistical framework that will reduce fleet support costs through the establishment of a cooperative and streamlined support structure.

The coastal surveillance system and MDA

Anh N Duong, director of the Borders and Maritime Security Division within DHS's Science and Technology Directorate, argues that threats to the US maritime border include terrorists and smugglers, and that they employ

an adaptive strategy: 'Our goal is to bring knowledge and technology to address gaps in maritime border and cargo security' (Lundquist 2014).

Knowing everything there is to know about a large ship—where it's coming from, where it's going, who the crew members are, and the cargo manifest—is important. But also important are the small vessels, such as those of fishermen and pleasure boaters, that operate in the maritime domain in large numbers.

While the overwhelming majority of small vessels operating in and around the US coasts, ports and inland waterways are engaged in legitimate activities, a small number are platforms for illegal or illicit activities (Lundquist 2014). The DHS Science and Technology Directorate developed the Coastal Surveillance System to create a concise, dynamic, large-scale view of a defined maritime environment so that users can locate, track and prosecute small vessels of interest in real time using up-to-date geospatial intelligence.

The system has been developed to share information among DHS component agencies and other US federal and state agencies, including at the local law enforcement level. Because of the breadth and volume of information, DHS is creating a fusion centre to collate and analyse the all-source data. The Coastal Surveillance System has supported this by creating a standard interface control for radars and cameras. If a port or facility has a radar, an internet connection is all that's needed to create a systems interface (Lundquist 2014).

Modernisation of the US Coast Guard

The US Congress helped the USCG reach its modernisation requirements through an increase in the overall acquisition, construction and improvements (AC&I) account, which allowed the purchase of a ninth National Security Cutter (NSC). But despite those allocations the USCG has a long way to go in recapitalising its forces. Five further areas require additional focus and the allocation of funding:

- ***Offshore Patrol Cutter*** (OPC). USCG Commandant Admiral Paul Zukunft has stated that the OPC is his 'number one acquisition priority' (Zukunft 2015). Yet the program has consistently received insufficient funding. In particular, the FY 2016 budget request ignored the previous year's funding recommendation of $90 million, asking only for $18.5 million without a clear explanation for the reduction. Congress added this funding back in its FY 2016 appropriation for the USCG, which should allow a faster path to procurement (Slattery 2016).
- ***Polar icebreakers.*** To manage US interests in the Arctic and Antarctic, the USCG requires three heavy and three medium polar icebreakers (O'Rourke 2016). It currently sails one of each. The heavy polar icebreaker USCGC *Polar Star*, built in the 1970s, required an expensive refit to extend its service life into the early 2020s. So far, only 'pre-acquisition' funding totalling $21.6 million since FY 2013 has been dedicated to a new heavy icebreaker. The USCG had planned to spend $778 million over the same period. It's estimated to cost around $1 billion for one such vessel (O'Rourke 2016). In September 2015, the President announced that he was 'accelerating' the procurement of a heavy icebreaker from FY 2022 to FY 2020 (OPS 2015).
- ***Unmanned aerial systems (UASs).*** The USCG has long acknowledged the role that UASs will play in amplifying its ability to provide aerial intelligence, surveillance and reconnaissance (ISR). It has also planned on enhancing the capabilities of the NSCs and OPCs with unmanned systems and has staked some of the capabilities of new platforms, including the NSC and the OPC, on them (see box). Due to consistently insufficient AC&I funding, UAS programs have taken a back seat to higher priorities, such as the new cutters.
- ***Multi-year procurement.*** Congress can authorise funding for multi-year procurement, which enables program managers and contractors to plan further into the future and exploit economies of scale for major programs. Congress has authorised multi-year procurement for US Navy shipbuilding programs, but not for the USCG. As the USCG intends to buy six Fast Response Cutters and two OPCs each year for many years, multi-year procurement could lower the costs of these programs and better use taxpayer dollars.
- ***Overall AC&I funding.*** The Obama administration has consistently underfunded the USCG. While USCG officials have argued that an AC&I budget of $1.5 billion is necessary to continue to modernise its assets, the

administration has requested around $1 billion per year for the past three years (TIC 2015). The administration should request a level of AC&I funding commensurate with what the USCG has argued is a minimum. If it fails to do so, the Congress should investigate this underfunding and more robustly invest in Coast Guard capabilities.

Case study 3: USCG unmanned aerial systems

The USCG decision to replace 12 legacy cutters with only eight NSCs was partly based on the inclusion of onboard UASs. The UASs would reportedly give the NSC an aerial ISR area of 150,220 square kilometres instead of only 47,400 without them. Aerial ISR is a critical component of missions ranging from search and rescue to drug interdictions in which monitoring large areas for long periods is necessary.

Vertical take-off and landing virtual unmanned aerial vehicles, which were originally part of the NSC and OPC systems, were cancelled due to budget and program issues.

CHAPTER 7

Operation Jump Start and beyond

Arguably, contemporary developments in US border security began at the end of President George W Bush's first term. Going into a contentious re-election battle, and feeling a great deal of pressure from regional governors of both parties to stem the flow of illegals across the southern border (Ordonez 2008), Bush chose to take action. That action was known as Operation Jump Start (OJS).

OJS was to be one of the largest-ever long-term deployments of the US Army and Air Force National Guard. The deployments were focused on providing CBP with much-needed assistance with its primary role. The overall focus of the operation was on improving the protection and integrity of border security at the nation's southern land border.

The partnership between the National Guard and CBP pre-dated OJS. The National Guard had provided support to CBP through engineering and counter-drug missions for more than 20 years during normal state-authorised training deployments.

Militarisation

Until OJS, the security of the US–Mexico land border had long been maintained without the use of military force. US policymakers were acutely aware of the potential domestic and bilateral impacts of a militarised land border. Subsequently, policymakers, CBP executives and military commanders were directed to ensure that the military deployment took place without unduly militarising the border.[6] But the very presence of large numbers of uniformed soldiers and airmen gave rise to the 'militarised border' label.

US policymakers in Washington DC decided to deploy volunteer National Guard units from all the American states and territories to the border security initiative. They also maintained the status level of the deployment at what is referred to as a US Code 'Title 32'. This decision allowed the federal government to fund the operation while leaving the units under the command of the state governors.

Title 32 provisions had previously been used for small counter-drug operations. OJS expanded the span of control of Title 32 deployments to allow state governors to 'lend' their National Guard units to the border states for the duration of OJS. Initially, some of the state governors were dubious about these command relationships. Those concerns were alleviated when each state was allowed to structure its taskforce as it saw fit, with federal (Department of Defense) oversight but fairly light control.

In May 2006, the President pledged that he would deploy National Guard members to support CBP operations securing the southern land border (OPS 2006). The proposal was designed to allow CBP to deploy more agents on operational law enforcement duties. This was to be achieved by using National Guardsmen in all non-enforcement

CBP roles, such as surveillance, construction and logistics. In addition, National Guard troops operated detection equipment on the border and in command centres.

OJS was a two-year program. The National Guard's initial commitment called for up to 6,000 troops during the first year.

Within weeks of the announcement, National Guard members were on duty supporting CBP in Texas, California, Arizona and New Mexico. The arrival of National Guard reinforcements in four southern border states put more human resources on the border and allowed the Border Patrol to move more than 300 agents into frontline positions (Church 2009). During that period, the federal government began the construction of a number of border fence projects.

These additional resources produced a range of tangible operational results:

- In the first few months, CBP agents apprehended more than 2,500 illegal immigrants and seized more than 7,712 kilograms of illegal drugs.
- CBP agents in the Rio Grande Valley sector (mid-Texas) confiscated more than 1,905 kilograms of marijuana hidden in a trailer (OPS 2006).

During the second year, troop strength decreased incrementally from approximately 6,000 to 3,000 troops as new CBP agents were trained, new infrastructure was built and advanced technologies in border security were implemented.

Through OJS, the federal government attempted to deter illegal immigration by addressing the unintended policy consequences of 'catch and release' border policies at the southern land border. For 10 years, the federal government didn't have enough detention space to hold all the illegal immigrants caught at the border (OPS 2006). As a result, many were released into the community after initial detention, with notices to appear before a court of law at a later date. Unfortunately, they often failed to attend the court and became part of the increasing illegal immigrant population.

The Bush administration found the impacts of the catch-and-release strategy unacceptable. To address the problem, the administration sought to increase the number of beds in detention centres. The President signed an emergency spending bill providing funding for 4,000 new beds immediately, and his FY 2007 budget proposed funding to further increase this number to an estimated total of 6,700 new beds (OPS 2006).

OJS's goal was to increase security and vigilance along the nation's southern border by applying the right mix of personnel, technology and infrastructure to border security efforts.

The operation ended on schedule on 15 July 2008. More than 29,000 troops from all 54 states and territories supported the operation, which cost US$1.2 billion (National Guard 2008). The 'badges back to the border' goal (see box) was achieved in January 2008 ,when 581 CBP agents returned to law enforcement duties (Church 2009).

Badges back to the border

The ultimate goal of OJS was to allow the CBP to build up its operational strength over the long term without causing a short-term loss of effectiveness—to put more 'badges back to the border'. The National Guard troops would pick up all administrative and support duties done by CBP agents, freeing more law enforcement personnel for duty immediately.

Over the two-year duration of the operation (July 2006 – June 2008), CBP would train additional agents to handle the future border workload.

The National Guard forces contributed directly to:

- more than 176,000 assisted illegal immigrant apprehensions
- 1,116 assisted vehicle seizures
- the seizure of more than 145,000 kilograms of marijuana and cocaine worth nearly US$900 million
- 101 illegal immigrant emergency rescues (National Guard 2008).

OJS troops also:

- logged more than 28,000 hours of flight time in support of CBP operations
- built 50 kilometres of fencing
- constructed 21 kilometres of road
- erected 140 kilometres of vehicle border barriers
- repaired 1,860 kilometres of road (National Guard 2008).

In short, OJS achieved a range of tactical and operational outcomes. Unfortunately, it didn't permanently resolve the border security challenge, but it never could have. The global economic downturn added enormous pressure to gain additional control of the border.

With the inauguration of President Obama in January 2009, a very different attitude towards border security began.

The next big wave

During the Obama administration's time in office, immigration and border security have become further politicised. In a time when the US was facing increased threats from terrorism and organised crime, the administration gave priority to humanist ideals, including basic human rights.

Obama's political opponents argued that his policies were undermining efforts to secure the border against terror, drugs and illegals.

There were many documented cases in which the Obama administration gave directives to federal agencies to continue to implement catch-and-release methodologies (Vaughan 2014). Some commentators believe that those directions were deliberate efforts to undermine the US Congress's decisions to further securitise the southern border.

The administration seemed set on granting amnesty for the nearly 11 million illegal aliens in the US. At the same time, it was seen to reduce border security operations on the southern border in a losing battle against an increasing flow of illegal immigrants.

The conflict between the executive and Congress resulted in a number of casualties. Federal, state and local agencies that had been effectively integrating for years were now receiving conflicting policy directions (see box).

Case study 4: Rio Grande estuarine operations

At one stage in 2012, on orders from Washington, CBP ceased stopping boats sneaking across the Rio Grande into Texas. The boats are used to move illegal immigrants and large amounts of drugs. Due to this development, the state of Texas had to invest in its own armed patrol boats to interdict the smugglers. While the new boats are proving very effective, CBP was already funded for and supplied with the required boats.

In late 2013, the crisis grew much more contentious (Inserra 2014a). The issue of immigration became dominated by an influx of unaccompanied alien children and families crossing the southern border. These unlawful immigrants were mainly from Guatemala, El Salvador and Honduras.

Many argued that this crisis had its origin in immigration policies that were selectively enforced, but there should be no doubt that endemic crime and violence in a number of South American nations were equally to blame.

In Washington, there was a strong attraction to the immediate reform of US border security policies. Debates in the US demanded cooler hands and a detailed review of what was happening from the policy level to the tactical level. Congress wanted to understand how unaccompanied alien children were being handled under existing law.

In the end, Congress sent a rather complicated and conflicting message to the border agencies and the public (Inserra 2014a):

- that anti-enforcement policies had played a critical role in encouraging illegal immigration
- that US immigration laws were being enforced
- that it was important to protect children.

Regardless of their age, many illegal immigrants disappear into the US and never appear before an immigration judge (Inserra 2014b). For those who enter the overwhelmed justice system, it can take years to finish the process. Even if the process leads to a deportation order, many illegal immigrants are simply never removed. In 2013, 858,779 immigrants were under final orders to be removed but weren't in custody. Needless to say, few unlawful immigrants turn themselves in to be removed (Inserra 2014b).

Section 235 of the *Immigration and Nationality Act* explicitly allows for the expedited removal of 'any or all aliens' who have not been legally 'admitted or paroled in the US' and have not been in the US for more than two years. The application of these powers is up to the 'sole and unreviewable discretion of the Attorney General [now granted to the Secretary of Homeland Security] and may be modified at any time'.

Rather than using this discretion to remove illegal migrants, the Obama administration has used discretion to reduce the enforcement of US immigration laws to avoid deporting large groups of them. Some in Washington and beyond have argued that this policy choice has had an unintended consequence of encouraging further illegal migration. Most notable has been the administration's use of 'enforcement priorities' and 'prosecutorial discretion' to exempt large groups of illegal immigrants from deportation (Inserra 2014b).

Enforcement priorities and prosecutorial discretion

'Enforcement priorities' and 'prosecutorial discretion' are simply the executive branch of the federal government, operating through the Attorney General and the Department of Justice, deciding to not enforce certain laws.

This statutory discretion is intended to allow for the short-term prioritisation of effort. However, in the case of immigration policy, it has allowed the President to ignore laws that he couldn't convince Congress to change through the normal legislative process.

In 2007, the Obama administration commenced its Deferred Action for Childhood Arrivals program, which provides work authorisations and protection from immigration enforcement to individuals who were brought to the US unlawfully as children before June 2007 (Inserra 2014b).

Children can request asylum, though most will not qualify (Schaefer et al. 2014). Many can also request 'special immigrant juvenile' status, which is available to those children whose reunification with one or both parents is impossible due to abuse, abandonment or neglect and for whom it is determined that 'it would not be in the alien's best interests to be returned to the alien's or parent's previous country of nationality'.

Policies such as these created strong pull factors for further illegal migration. They created hope among illegal immigrant families that they might receive some sort of amnesty, or at least not be deported, if they made it into the US.

CHAPTER 8

US borders today

Arguably, the US has most of its borders as secure as a civilised democracy with friendly neighbours could hope for. Cooperation with the Canadians is excellent, if not perfect. For a commercial maritime nation, the US's long coastlines are relatively well policed, despite the complexities of maritime domain awareness. The one sore spot is America's southern border, which not only remains porous but serves as a strategic supply route for a range of illicit commodities.

In 2007, the Heritage Foundation argued that:

> there already exist on the books numerous laws that, if enforced in a targeted manner, would discourage illegal immigration and the employment of undocumented labour, as well as send the signal that such activities will no longer be overlooked. (Spalding & Carafano 2007)

But that hasn't been a view shared by the Obama administration. In contrast with the traditional militarised border approach so often associated with the US, the administration has called for a range of more humanitarian and securitised approaches that have much in common with Canada's.

The *Secure Fence Act of 2006* gave the federal government the authority to establish 700 miles of fencing on the US–Mexico border. That mandate was never fully, adequately or faithfully implemented. But that doesn't mean that a 'Trump Wall' will be an effective or efficient response to the challenge. The key to using the right combination of border obstacles, such as fencing, is careful assessment of operational needs and cost–benefit analysis. Effective border obstacles are expensive to construct and must be constantly monitored and patrolled.

Fencing is especially critical in areas with a low 'melting point'—the time it takes for an individual to cross the border and 'melt', unnoticed, into a landscape. In urban border communities, spending money on physical barriers makes sense because individuals can easily cross the border and sneak quickly into the urban landscape. Areas along high-traffic smuggling routes also fall into the scope of this term. Fencing in such areas slows the flow of border crossings to give CBP an opportunity to identify and interdict illegal activities. The design and provision of additional infrastructure to support this approach should be driven by operational requirements. This isn't currently possible, because the US lacks a clear border security strategy.

Many local law enforcement authorities on the border, particularly in rural communities, are on the front line of border security (see box). Those agencies should receive robust federal grants to help address these challenges.

Much of the criminal activity that crosses the border involves the use of networks that smuggle people, weapons, drugs and money—making it a national security concern. Disrupting and dismantling those networks is the key to reducing illicit cross-border trafficking. This requires the integrated cooperation of federal, state, local and tribal authorities. One of the best tools to facilitate that cooperation is the Border Enforcement Security Taskforce, which is a program that couples US federal, state and local law enforcement with Mexican law enforcement in order to share information and collaborate on matters such as border crime.

Case study 5: Spillover from the drug wars

In 2007, responding to reports of a disturbance in Arizona's Pima County, which shares a border with Mexico, officers encountered a grisly scene. They found two people shot dead in a Dodge pickup truck—a woman in the front seat, a man sprawled in the back seat. A short while later, officers found a third body, shot in the head and dragged into the desert. The killings, carried out by drug traffickers, were a wake-up call for the Pima County Sheriff's office: its turf had become the path of least resistance for those trafficking in drugs and people.

Many private citizens living in US border communities call strongly for border security action (Garza 2014a). In many cases, they argue that crime related to illegal immigration is having a direct impact on their neighbourhoods and daily lives. Under US law, these citizens can protect their property from crime (Gale Group 2015). Arguably, they can also play a valuable reporting role in US border security.

At the state level, there have been some policy efforts to mobilise private citizen volunteers to perform border security roles (Garza 2014b). Progress on this approach has been cautious, given legitimate concerns over liability, safety and civil liberties. More conservative commentators have argued that those concerns can be addressed by encouraging a certain level of organisation and accountability (Inserra 2014b). This could be achieved through accreditation, official standards and practical employment concepts consistent with volunteer service.

The best way to standardise the use of volunteers could be state-organised forces, which in the US are known as 'state defense forces' or state militias.

The best way to standardise the use of volunteers could be state-organised forces, which in the US are known as 'state defense forces' or state militias. These volunteer organisations, funded and governed by individual states, could assist the government in a number of activities, including border control. The states of California, New Mexico, and Texas already have state defense forces, and legislation has been proposed to create one in Arizona.

Under existing law, the federal administration can deploy Army and Air Force National Guard forces whenever they are needed to supplement manpower or other capabilities at the border. National Guard forces can aid border security by providing support during annual training periods, just as they did in Operation Jump Start. The deployments benefit guard units by providing additional training opportunities at the same time as providing support to Border Patrol agents. Activities can be programmed in advance so that they facilitate rather than disrupt other training and deployments. During these operations, National Guard forces can remain under Title 32 status (see box), which places them under the command of the state governor (LII, n.d.).

Title 32

Title 32 refers to the defined status of troops of the National Guard within the US Code. There are three main categories of duty for those troops:

- The first is **State Active Duty**. In this status, the troops are under the direct command of the state governors and are paid for by their respective states.
- The next is Title 10, or **Federal Active Duty**. This occurs only when the President directs a general federalisation of all the National Guard (a provision for major war call-ups), or does a selective federalisation of specific units (usually to gain control of units with very specific skill sets). These troops are commanded by the President and fully funded by the Department of Defense. The governors lose all control of the forces. Federalised National Guard units become the equivalent of other active duty forces.
- **Title 32** status is a hybrid of the other two. The troops stay under the command and control of the governors but are funded by the Department of Defense.

DHS has had a troubled and controversial history of adapting technology to border security. The Secure Border Initiative Network (SBInet) highlights many of these problems (see box). However, experience in the field over the past 10 years should be an adequate baseline for DHS to determine which additional technologies would be the most effective. At the top of the list will be surveillance technologies.

Case study 6: SBInet

On 14 January 2011, after a year-long reassessment of the controversial Secure Border Initiative Network (SBInet) program, Boeing Company's multibillion-dollar 'SBInet' contract for an electronic border surveillance system along the US–Mexico border was cancelled.

Announcing the cancellation, Homeland Security Secretary Janet Napolitano said that DHS would be adopting a mix of new technologies that would be tailored to the terrain and needs of each border region. The development and construction of a 28-mile prototype and a 53-mile permanent segment of SBInet in Arizona has cost about $1 billion.

An effective border strategy for the US can't focus exclusively on land borders. Maritime efforts must also be enhanced. While the USCG acts as US's law enforcer for the high seas, it lacks the resources and capacities to do its job as effectively as it could.

Addressing threats to US safety, security and sovereignty from both sides of the southern border is the most effective and efficient way to improve border security. The Merida Initiative is an appropriate framework for facilitating cross-border cooperation on public safety and transnational crime. President Obama's administration hasn't been proactive in building on this initiative (Zuckerman et al. 2013), and that pattern has recently been repeated at the US–Canadian border, where cooperation has slowed.

In general, federal policymakers need to develop a broad strategic plan for US–Mexican relations that coordinates law enforcement, judicial and military assets to target transnational criminal organisations and terrorists. With such a plan, there are a range of initiatives available to policymakers that could form the basis of a 'Merida II'. Such initiatives could be pivotal in bringing the US and Mexico closer together.

In this US presidential election year, one idea that has come up repeatedly is that walls can be built along the US–Mexico border to keep contraband and illegal entrants from crossing. The construction of walls and fences

to provide national security is an age-old concept, and fences have been in place along some parts of the border for decades. For example, the US Government constructed enhanced border fences in urban areas in 1990 (Stewart 2016).

One thing that has changed is border fencing techniques. Modern construction techniques began to appear in 1995, when the Sandia National Laboratories designed an innovative three-tier border security fencing design:

- **Tier 1.** In this design, the layer closest to the foreign country is a substantial metal wall.
- **Tier 2.** A well-lit 46-metre open area separates Tier 1 from Tier 2, which consists of a 5-metre metal mesh fence designed to keep out pedestrians. The open area, with an access road for Border Patrol agents, is blanketed with an array of technologies—heavy video coverage, thermal imaging and embedded sensors that detect metals, heat and movement.
- **Tier 3.** In regions prone to heavy cross-traffic, there is a third, low fence (Stewart 2016).

As long as criminals are able to make large profits from smuggling illicit commodities, including illegal immigrants, they'll be impossible to stop completely. Barriers may redirect the flow, but the powerful law of supply and demand will ensure that creative organised criminals will find ways to circumvent them no matter what barriers are put into place (see box).

Drug profits

A kilo of **cocaine** that sells for $2,200 in the jungles of Colombia can be sold for upwards of $60,000 on the streets of New York. Mexican drug traffickers have to buy cocaine from South American producers and sometimes from Central American middlemen, lowering their profit margin, but other classes of drugs offer even higher profit margins.

A kilo of **methamphetamine** that might cost $300 to $500 to synthesise in Mexico can sell for $20,000 in the US, and a kilo of Mexican **heroin** that costs $5,000 to produce can sell wholesale for $80,000 and retail for as much as $300,000 north of the border. Because of the possibility of parlaying a $5,000 investment into $300,000, it's little wonder that there's been such an increase in the amount of Mexican heroin smuggled into the US.

Gun profits

Guns legally purchased in the US can be sold for three to five times their purchase price in Mexico. This has given rise to an industry of gun smuggling from the US into Mexico. There's been a lot of focus on semi-automatic assault rifles that are shipped to Mexico, where they are modified for fully automatic fire.

The US border with Mexico is the most heavily trafficked land border in the world, and some $1.45 billion in legal trade crosses it every day. This translates into some 6 million cars, 440,000 trucks and 3.3 million pedestrians crossing the border from Mexico into the US every month. The flow of goods and people crossing by train, bus, air and sea adds even more volume, all of which must be checked for contraband. The vast majority of high-value narcotics are smuggled across the US–Mexico border at legal points of entry, camouflaged among the legitimate goods and people that cross every day (Stewart 2016).

All of this is not to say that efforts to stem the flow of narcotics and other contraband into the US should be abandoned. Indeed, efforts should be made to reduce the flow of contraband and undocumented immigrants as far as possible. However, these efforts should be made with the understanding that, because of powerful economic factors, illegal flows are unlikely to be stopped completely. The only thing that could truly end the supply of drugs, guns and illegal immigrants is a lack of demand, so inexorable economic forces will continue to fuel

illegal cross-border activity as long as Americans are willing to pay for illegal drugs and provide jobs to workers without documentation.

A large federal entity such as the US shouldn't expect to solve all its border issues from the national capital. While the federal government and its agencies must play a major role in protecting the borders from major incursions, the day-to-day management of the borders is also an issue for the states along those borders. This requires a great deal of political will and effort, but produces the most local buy-in and ultimately the most success.

In areas where the federal and state or local levels of government and law enforcement are at odds, at best inefficiencies ensue, and at worst dysfunction and failure to protect the interests of the country. Neither should be allowed to occur. America has one of the most advantageous border situations in the world, but without true multi-level cooperation border security's still a very tough job.

CHAPTER 9

The future of US border security

America's current economic, security and social contexts ensure that immigration and border security policy challenges will continue to be both vexing and politicised. An increasing number of long-term economically disenfranchised working class Americans will ensure that Democrats and Republicans alike will be pressured to reduce immigration and strengthen border control. Whether there's any truth in the claim that illegal immigrants are causing America's economic heartaches is irrelevant for policymakers when an increasing percentage of the US electorate appears to believe that claim.

There should be little doubt that the US will continue to experience increasingly complex border security threats. But it's not necessarily the threat or risk level that will most significantly affect border security and migration.

For US border security, domestic politics rather than threat or risk remains the major strategic driver for public policy. Fear of crime and terrorism among US voters is likely to ensure that the current public support for a secure American border—which deports illegal immigrants and builds walls—will prevail. The policy challenge for those in Washington will continue to be that the fear that's driving the border security dialogue might not be proportionate to the threat.

Arguably, the likelihood that any single American citizen will be affected negatively by border security or migration is much lower than their fear of being a victim. This underpinning fear will ensure that for the foreseeable future the public debate on US border security and immigration will have negative undertones, dislocated from the reality of risk and threat. Under these conditions, political necessity will probably ensure that the 'getting tough' pro-border-security dialogue will continue.

These conditions are likely to prevent US authorities from making any substantive practical improvements in border security for the foreseeable future. The same fear is likely to ensure that policy measures are focused on public displays that reassure the public but don't necessarily offer substantive improvements. It's highly possible that at least some future US border-security policy decisions, such as the building of a wall along the southern border, may have an overall negative impact.

It seems unlikely that any key border-security threat or risk drivers will change over the next five years. Instead, there's likely to be a continuation of existing threats and risks, accentuated by short- to medium-term crises driven by international and domestic interpretations of changes to US border or migration policy.

One particular exception to this could involve increased pressure on the maritime surveillance and response capabilities of the USCG. Over the next five years, the demands placed on the Coast Guard are likely to increase significantly. Protecting the sovereignty of US waters and their natural resources will possibly prove to be increasingly challenging. Such issues as global food protein shortages and dwindling fish stocks will result in the expansion of some maritime threats. Similarly, the use of maritime militias by countries such as Russia and China may give the US few options other than to project the USCG further afield.

While operational coordination and intelligence sharing between Canada and the US will continue to improve, more dramatic US–Canadian border security developments are unlikely. Any efforts to implement US border security measures at all Canadian borders are likely to be hampered by issues of sovereignty. That said, the mature nature of cross-border trade and travel between the two states raises hopes for further risk-based facilitation improvements over the next five years.

On the US–Mexican border, continued militarisation now seems inevitable. The southern border is a key route for a range of illicit commodities and is viewed culturally by Americans as something to be feared. The costs of continued militarisation, whether to pay for walls or for more technical surveillance, are likely to be significant. Increasingly, the US land border will be replaced by a highly surveilled and expensive frontier 'no man's land'.

Immigration reform could move forward by focusing on commonsense initiatives that begin to address the practical challenges of immigration and border security. The key is to begin by working on bipartisan solutions, rather than insisting on a comprehensive approach that divides Americans. Also, Washington must implement the mandates already on the books, follow through on existing initiatives and employ the authorities that Congress has already granted before taking on new obligations. What's needed is a piece-by-piece legislative agenda—implemented step by step—that allows transparency, careful deliberation and thoughtful implementation within responsible federal budgets.

A secure US–Mexico border could be an engine for economic growth, facilitating the legitimate exchange of people, goods and services. Moreover, it could be an obstacle to transnational crime and human trafficking. It could be a place in which both nations can accurately and rapidly target national security threats. This could be achieved within the existing legislative framework if policy mandates are appropriately funded and implemented.

The larger challenge of integrating and synchronising the multiple layers of bureaucracy and technology in DHS is likely to be a major stumbling block for US policymakers. Of course, there's no shortage of new ideas and cutting-edge border security technology—from biometrics to ground surveillance radars, new ideas abound in DHS. The department is likely to find the challenge of creating a cohesive system of systems to provide greater overall security than its component parts difficult for some time to come.

The US border-security policy response remains fixed and flatfooted, while the threat continuously innovates.

Neither walls nor technology is likely to be able to permanently disrupt illicit trafficking or irregular migration. The US border-security policy response remains fixed and flatfooted, while the threat continuously innovates. Similarly, isolationist trends in US political and policy circles are likely to continue to focus border security agencies on walls and barriers rather than on facilitation.

While biometrics and other identification technologies will be of increasing importance for the border agencies, they are likely to have little impact on the permeability of borders for travellers. Even the application of biometric technologies is likely to be prioritised to international airports, given their symbolic value. The success of such measures will be predicated on DHS's ability to develop sufficient computing capacity for real or near real-time data collation.

One area of particular policy interest and growth in US border security policy work will be the development of meaningful organisational performance measures. For policymakers, defining what success looks like in a practical sense will be difficult. While numbers of deportations or border detections and seizures have political value, they aren't proxies for successful threat disruption or risk mitigation.

Overall, it appears that US authorities, and their policymakers, are unlikely to achieve any substantive improvements in border security for the foreseeable future. There are likely to be continued piecemeal advances in such areas as intelligence collation, intelligence sharing and remote surveillance, but they are unlikely to result in serious risk mitigation or threat disruption without a clear strategy that engages the necessary system-of-systems thinking. If US border security strategy doesn't move policy thinking towards a facilitation-focused, risk-based model, effectiveness could decline substantially.

Regardless of who wins the 2016 US presidential election, migration and border security will continue to be central policy issues. For those on both sides of US politics, working out what policy success looks like will be central to any meaningful change in meeting both border security and migration challenges.

CHAPTER 10

Lessons and recommendations for Australia's border security

The operating context for US border security policymakers is distinctly different in scope and scale from the Australian context. There are many valid arguments against drawing highly specific conclusions or recommendations from the US experience for Australian policymakers. However, as outlined in this report, the US experience in border security over the past 15 years provides some hard-earned policy lessons that are worthy of further detailed consideration.

The 9/11 terror attacks undoubtedly catalysed the rapid expansion of US border security agencies and their capabilities. The immediate and kinetic nature of the post-9/11 threat meant that the securitisation and militarisation of US homeland security may have been all but inevitable. Unfortunately, the pervasive and amorphous nature of border threats makes their defeat in a decisive military sense an aspiration rather than a viable measure of success. Militarised thinking coupled with policy haste also led to many post-9/11 border security decisions failing to achieve tangible security improvements. In practice, border security has more in common with law enforcement policymaking than with military strategy.

Underpinning the DHS border security strategy is a conceptual framework focused on assessing every border transaction to identify risk. Experience to date has shown that some hardened border control measures, especially those applied at international airports, do indeed disrupt high-risk travellers. This success, especially at US international airports, has come at great financial and opportunity costs. In many cases, post-9/11 security measures were applied broadly, without consideration of risk. The deviancy rate in both travellers and trade transactions at US borders is likely to be statistically low. Even considering their preventive benefits, the universal application of border security measures might not represent value for money.

The increasingly isolationist nature of US border security, despite Washington's ongoing implementation of selective permeability, views all non-citizens as 'others'. The assumption is that, as in the walled cities of the Middle Ages, the border guards look at each traveller to assess the threat that they might pose before granting or denying entry. That was a valid theoretical approach to border security in feudal times, when travellers and international trade were limited. In a globalised world, however, it naturally lends itself to the adoption of costly enforcement strategies that fail to facilitate trade and travel.

Focusing on assessing each border transaction, whether it involves travellers or cargo, while later trying to balance the security imperative with a facilitation role, doesn't work. The US case reveals an opportunity for an alternative border security policy framework for risk mitigation. Instead of assessing all transactions to identify deviancy, a reverse policy focus could be applied. For a moment, imagine the economic, sociological and psychological benefits of a border system that auto-clears upwards of 85% of transactions.

The starting point for such a strategy would be facilitating the maximum number of border transactions, using a valid risk model, with little or no interaction with border agencies. In this model, even later additional verification

stages aren't focused on enforcement but on managing high-risk transactions. In this model, there's an opportunity for enforcement activities to be focused on a small deviant subset of border transactions. The model would require substantial organisational change among border agencies but could easily be augmented with parallel methodologies such as random sampling.

Recommendation 1

Australia has an opportunity to introduce public goals for no- and low-touch interactions in border transactions. For example, in the air traffic stream, the Australian Border Force and Department of Immigration and Border Protection could set themselves such strategic goals as:

- **auto-clearing 85% of inbound travellers with no interaction, based on risk**
- **auto-clearing 90% of visa applications.**

Following the 9/11 attacks, US border security agencies' budgets expanded rapidly, which led to staffing increases and new capabilities. With such rapid expansion, policymakers attempted to create an organisational structure that would prevent many of the actual and perceived weaknesses that contributed to the 9/11 attacks being successful. The policy response to rapid expansion and cultural change was the employment of a traditional hierarchical command-and-control leadership model. That was hardly surprising when the US felt it was under attack. Under those circumstances, the creation of a monolithic centralised agency, the Department of Homeland Security, provided a sound command-and-control model.

For border agencies in the US, operational activity is focused on continuous processing. The day-to-day management of border security is a thankless job. While the media is often quick to highlight low morale in border agencies, it doesn't consider that border security officials have few 'wins' but are consistently subject to opportunities for failure, embarrassment and ridicule. Success is just business as usual, with no system errors or failures. Against this backdrop, the substantive changes to US border security roles and coordination inevitably created cultural resistance among many border agencies' staff, which has proven difficult to address.

One consistent problem that has detracted from US policymakers' successes is the strategy implications of the apparent confusion over whether they are seeking to integrate or synchronise border security functions. In the US border security context, many business and operational functions have been integrated or, more accurately, merged by organisational change. Even with organisational mergers, US border security isn't a single system; nor can it be, given the diverse nature of its roles.

The US border security framework, like Australia's, is a system of systems. To create border security using a system of systems, strategy should focus on more than organisational or process integration. To address current and emerging border security threats, border security agencies need to synchronise their, and their partners', networks of processes in time, space and intent.

For Australian policymakers, there'll always be a temptation to respond to border security complexity with the formation of a single agency along the lines of DHS. The US experience has shown that this kind of strategy will provide no guarantee of success.

Recommendation 2

Australia's national security policymakers should note that the creation of monolithic or hierarchical homeland security agencies will not assure the coordination, integration or synchronisation of operational border and domestic security systems and processes.

Organisational changes such as the US One Face at the Border initiative sought to eliminate the separation of immigration, customs and agriculture functions at land, sea and air ports of entry by instituting a unified border inspection process. The intent of the initiative was to unify systems to 'process travelers more rapidly and

conveniently while simultaneously identifying and addressing potential risks'. This intention has more often than not been interpreted as a need to integrate the US border security workforce into fewer employment groupings. Arguably, that workforce integration and homogenisation has come at the cost of lost specialist expertise.

Recommendation 3

Both the Australian Border Force and the Department of Immigration and Border Protection should recognise the inherent risks involved in merging employment groupings as a strategy to address the border security synchronisation and integration challenge.

For both the US and Australia, the border is a vector for a range of risks and threats: organised crime, drugs, terrorism, irregular migration, national security and maritime security, to name but a few. Whether the border is conceptualised as a fixed geographical point or a continuum, it acts as a transmission point through which many transnational issues become domestic issues and vice versa. Despite this, US border security strategy is rarely holistically synchronised with other relevant national strategies. In both the US and Australia, border agencies are often not actively engaged in the strategy- and policy-setting processes used to develop specific national threat-focused strategies. Or, if they are, their observer or stakeholder status impedes their capacity to contribute. In short, border security strategy is developed separately from national thematic threat or risk strategies. Unsurprisingly, many opportunities for innovation and the synchronisation of strategies are lost.

Recommendation 4

Australia national security policymakers should look for opportunities to include greater consideration of border security dimensions in national strategies.

There are a number of inconsistencies in the way US border security measures are applied. Despite the presence of maritime threats, maritime domain awareness and USCG capabilities remain a much lower organisational priority for policymakers than southern land border security. When it comes to international passenger arrivals, America's airports have extensive security; comparatively, train stations and ports are a lower priority.

The US's border security inconsistencies are partly fed by a polarised and dramatised presidential election. They can also be attributed to a growing divide between the objective threats posed to US citizens and citizens' perceived risk of victimisation by an agent introduced through a border security vector. In a practical sense, the likelihood that an American citizen will be victimised by an irregular migrant is likely relatively low, but the public policy dialogue is such that the average citizen's fear of being victimised is disproportionately high.

The only way to address the imbalance between fear and risk is by communicating factual information about the level of current threat as a function of capability and intent. This understanding of threat needs to be underpinned with a grounded sense of the risk (a function of likelihood and consequences) for the major border security issues. Such a threat–risk warning system provides further granularity in the public dialogue. Similarly, border agencies need to communicate more about their operational activity to the general public to provide further assurances about the proportions of the problem.

Recommendation 5

The Australian Government should consider the feasibility of developing a border security public threat warning system for the most pervasive threats.

The threats that manifest at international borders are amorphous, adaptive, innovative and agile. In contrast, the border security responses of countries such as the US have so far been focused on delivering policy measures that are static and fixed. Even with the militarisation of the US–Mexico border, policy measures have been tailored towards the construction of fixed barriers or the development of surveillance systems. This siege or isolationist

strategy creates a fundamental flaw in border security thinking. Border agencies lack the necessary organisational agility to keep pace with emerging threats and risks, let alone mitigate them.

US border security strategy is underpinned by a subconscious assumption that border risks and threats can somehow be defeated, even routed. But, as with law enforcement more broadly, practical experience has shown that this is hardly likely. Non-state actors such as organised criminals and terrorist groups rapidly adapt and innovate to mitigate the impacts of enforcement activity.

In most cases, the best outcome that border agencies can expect from strategy and policy is a temporary disruption of threats. This disruption effect provides a space for the development of supplementary whole-of-government policy responses that address the causal factors of deviant behaviour. For border agencies, organisational and technological agility will continue to be a core capability for success.

Recommendation 6

In the development of new border security technology, capabilities and assets, border security agencies need to consider how those innovations can be developed in such a manner as to maintain the highest degree of agility.

In times of economic, international and domestic security uncertainty, immigration and border security are likely to continue to be headline issues for many national governments. Governments need to provide security and create a sense of confidence and trust in border security among their citizens. Unfortunately, the measures that provide populations with assurances often don't have a substantive impact on security, but on perceptions. This difficult policy balancing act is likely to be a continuing challenge for some time to come.

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NOTES

1 Under US law, an Illegal alien is a foreigner who enters the US without an entry or immigrant visa, especially a person who crosses the border by avoiding inspection or who overstays the period allowed to them as a visitor, tourist or businessperson.

2 Under the Shiprider program, known officially as Integrated Cross-border Maritime Law Enforcement Operations, officers from the USCG and the Royal Canadian Mounted Police are assigned to each other's watercraft, allowing the two to jointly patrol both nations' waters.

3 Integrated border enforcement teams enhance border integrity and security between designated ports of entry along the US–Canada border by identifying, investigating and interdicting people, organisations and goods that threaten the national security of one or both countries or that are involved in organised crime. The five core Integrated Border Enforcement Team agencies are the Royal Canadian Mounted Police, the Canada Border Services Agency, CBP, ICE and the USCG.

4 The Free and Secure Trade (FAST) program is a commercial clearance program for known low-risk shipments entering the US from Canada and Mexico. Initiated after 9/11, this innovative trusted traveller / trusted shipper program allows expedited processing for commercial carriers that have completed background checks and fulfil certain eligibility requirements. FAST enrolment is open to truckdrivers from the US, Canada and Mexico. FAST vehicle lanes process cargo at land border ports of entry that serve commercial cargo. Most of the dedicated FAST lanes are in northern border ports in Michigan, New York and Washington and at southern border ports from California to Texas.

5 An unnamed Canadian Government official, quoted in Moens & Clements (2013).

6 At the time, one of the authors was the Deputy Assistant Secretary of Defense for Homeland Defense, and was tasked with the civilian oversight of OJS. This was the specific instruction given by the Deputy Secretary of Defense, Gordon England, to Bucci.

ACRONYMS AND ABBREVIATIONS

AC&I	acquisition, construction, and improvements
BTS	Directorate of Border and Transportation Security
C4ISR	command, control, communications, computers, intelligence, surveillance and reconnaissance
CBP	Customs and Border Protection
COP	common operational picture
DHS	Department of Homeland Security
FTA	full-time equivalent
FY	fiscal year
ICE	Immigration and Customs Enforcement
ISR	intelligence, surveillance and reconnaissance
JTF	joint task force
LRIT system	Long-Range Identification and Tracking system
NATO	North Atlantic Treaty Organization
NORAD	North American Aerospace Defense Command
NSC	National Security Cutter
OJS	Operation Jump Start
OPC	Offshore Patrol Cutter
TSA	Transportation Security Administration
UAS	unmanned aerial system
USCG	US Coast Guard

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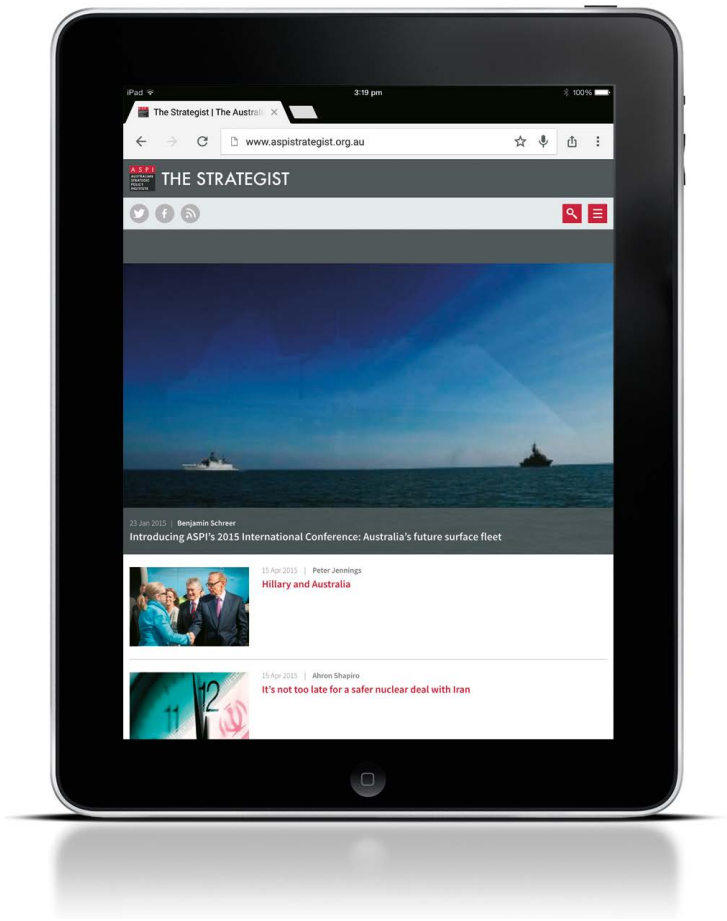

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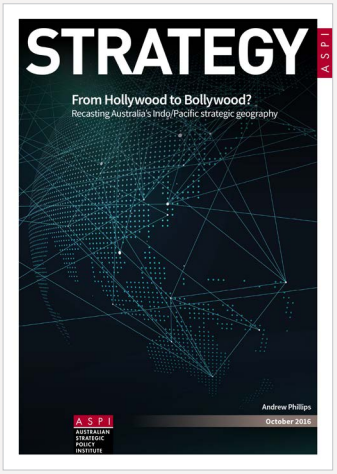

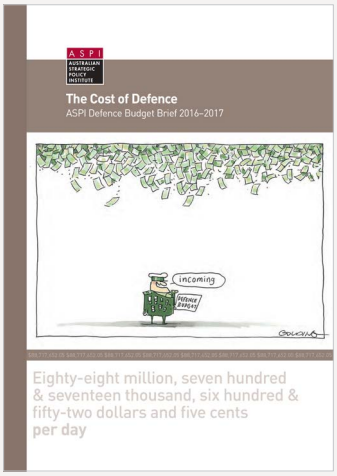

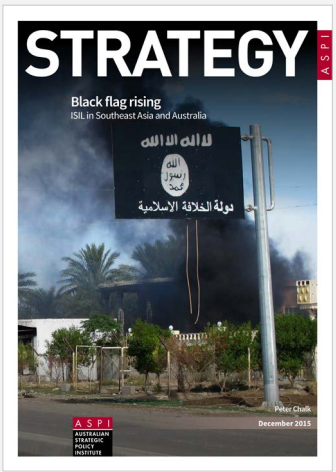

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Australia's lack of a shared land border with any other sovereign state makes it hard for many Australians to conceptualise 'the border' and 'border security'. Subsequently, many take a default position that our coastline is our border and that border security involves merely police, security guards and immigration or customs officials patrolling airports and seaports. Both those conceptions are limited to the concept of a physical border and don't take into account the complexity of Australia's borders. But Australia's geography no longer provides the physical barrier from the outside world that it once did.

From the Australian public sector perspective, 'the border' is a complex operating environment with a range of interlocking jurisdictional challenges. The border security policy space in Australia, and more broadly, has been focused on securitisation as a means of deterrence.

While there has been a significant body of research focused on the management of borders, the consideration of borders through a national security lens has been less comprehensive, especially from a policy and strategy perspective. To date, despite constant investments in border security capability, there's been little evidence that border security has been improved in Australia or elsewhere.

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ISBN 978-1-925229-26-4