In this way, the government has avoided having to ‘toe the line’ on the more ‘hot button’ security integration issues: the war in Iraq, and U.S. Missile Defense. And, apart from the fairly high-profile promulgation of the Canadian Anti-Terrorism Act, which is modelled on the USA Patriot Act, the government has taken a low-key, incremental approach to implementing security initiatives. Most have been put in place through administrative agreements, international joint working groups, regulations, and the use of international forums such as the International Civil Aviation Organization and the G-8.

In this way, the government has avoided having to "Americanizing the Restriction of Canadians’ Rights: how should we respond?" The workshop was based on an article by Maureen Webb in the April 2006 issue of The CCPA Monitor (journal of the Canadian Centre for Policy Alternatives). Presentation of the paper was followed by a discussion on how we could respond to ‘deep integration’. Results of that discussion are summarized at the end of this Discussion Paper. The CUSJ appreciates the permission of Maureen Webb to use her article for the workshop, and for permission to print here its version abridged by Bob Stevenson.

Americanizing Canadian Security Laws Threatens Our Liberties and Sovereignty
By Maureen Webb

Since September 11, 2001, the U.S. has been calling for—even demanding—unprecedented integration between Canada’s customs, immigration, transportation, security intelligence, policing, and military functions and those of the U.S., and threatening economic sanctions in the form of border delays and closures if its demands are not met.

Canada is one of the nations that is the furthest advanced down this road of integration, but a lot of what has been done has taken place beneath the public radar. The federal government has avoided being seen to ‘toe the line’ on the more ‘hot button’ security integration issues: the war in Iraq, and U.S. Missile Defense. And, apart from the fairly high-profile promulgation of the Canadian Anti-Terrorism Act, which is modelled on the USA Patriot Act, the government has taken a low-key, incremental approach to implementing security initiatives. Most have been put in place through administrative agreements, international joint working groups, regulations, and the use of international forums such as the International Civil Aviation Organization and the G-8.

In this way, the government has avoided having to...
table initiatives before Parliament, and the public debate and democratic accountability that go along with that process. The Canada-U.S. Smart Border Agreement and Action Plan, an administrative agreement negotiated in December 2001 by John Manley when he was Deputy Prime Minister, is the blueprint for security integration between the two countries.

Security policy unveiled

The Smart Border Action Plan calls for common biometric standards for identity cards that can be used across different modes of travel, coordinated visa and refugee policies, coordinated risk assessment of travellers, integrated border and marine enforcement teams, integrated national security intelligence teams, coordinated terrorist lists, new counter-terrorism legislation, increased intelligence sharing, and joint efforts to promote the Canada-U.S. model internationally.

The best way to make sense of the remaining Smart Border Action Plan initiatives is to see that what the U.S. is aiming to set up, with the help of Canada and other G-8 countries, is what amounts to a global infrastructure for the registration and surveillance of populations. The premise of the infrastructure is that states can register populations using biometric identifiers, link information to individuals’ identifiers from as many sources as possible, and use the resulting dossiers of personal information to assess the risk individuals pose to the state.

Improper use of the ‘Precautionary Principle’

A major paradigm shift is occurring. The U.S. and its allies are no longer focused on ordinary police and intelligence work, where state agents concern themselves with specific risks, starting with specific leads on specific suspects, from where they work outwards.

Rather, they are pursuing a project of mass surveillance, in which everyone is viewed as a suspect, and the aim is to eliminate risk. States are not just trying to identify known terrorists, or those suspected of terrorism on reasonable grounds, from out of the crowd as they cross borders or conduct transactions, they are trying to predict who might be a terrorist. In effect, states that, over the past two decades, have thrown away the ‘precautionary principle’, or allowed it to be severely undermined in policy areas like public health and the environment through new-generation trade agreements like NAFTA and the loosening of environmental protection laws, are now embracing it unquestioningly in the area of security.

The ‘precautionary principle’ is an extremely beneficial principle when applied to many areas of public policy, but when it is applied to security matters the effects are adverse. The rights and interests of individuals carry very little weight in a security regime premised on the ‘precautionary principle’. Ordinary legal protections that are fundamental to democratic societies, such as the presumption of innocence, rights against unreasonable search and seizure, and rights against arbitrary detention and punishment, are viewed as intolerable risks in a precautionary regime. Guilt and innocence and the real identity of individuals are beside the point in such a regime. What matters to the risk-screeners is the management and avoidance of risk from the point of view of the state.

Biometric passports

There are historical antecedents of this kind of system: the witch hunts of the McCarthy period, the secret files of the Stasi. But the system that is currently being constructed is unlike systems that we have seen before in that its technological capacity far outstrips earlier systems, and its global reach ensures that one must worry not just about what one’s own state might do with one’s personal information, but about what any other state might do with it.

The U.S. solution for registering and tracking citizens in all countries was the imposition of a global requirement for biometric passports. The U.S. ensured the realization of this goal with its Enhanced Border Security and Visa Entry Reform Act of 2002. The Act required all countries wishing
to retain their visa waiver status with the U.S. to adopt a passport with biometric identifiers by October 2004, and designated the International Civil Aviation Organization (ICAO) as the standard-setter.

This legislation, along with a May 2003 agreement among the G-8 member countries to adopt a biometric passport system, provided the momentum that resulted in a global standard being set. In its spring 2004 meeting in Cairo, ICAO set a face-recognition standard with optional fingerprint and iris-scan standards. In fall 2004, Canada announced the introduction of a mandatory biometric passport using face recognition, starting in 2005. The E.U. announced the introduction of mandatory biometric passports with facial scans required from 2006 and fingerprints from 2007; the U.S. introduced a mandatory biometric passport with facial recognition starting in 2005.

Under the Smart Border Action Plan, there have been arrangements for increased sharing and interoperability of databases between Canadian and U.S. customs and law enforcement, and for increased sharing between diplomatic missions.

**Garbage in, garbage out**

Data-mining programs like the ones described above are alarming because the technology they use and the assumptions upon which they are based are dangerously flawed. First, the facts they rely on are often inaccurate, incomplete, and lacking context, and the programs contain inadequate mechanisms to allow individuals to correct and assess the relevance of information, or even know what information is being used against them. Second, the criteria used are necessarily overbroad and mechanically employed so that ethnic and religious profiling is endemic.

Under the U.S. ‘no fly’ list, peace activists and civil libertarians have been detained and denied boarding. Many other people have been stopped merely for having a name similar to one on the list. Senator Edward Kennedy was stopped from flying on several occasions and had to call the head of the Department of Homeland Security three times before his name was removed from the list.

The Smart Border Action Plan calls for the coordination of Canadian and U.S. terrorist lists. Canadian airlines are already enforcing the U.S. ‘no fly’ list even in respect of flights within Canada. Canadian authorities are enforcing the UN list for freezing assets, which is made up largely of names from the American list for freezing assets. As mentioned earlier, Canada is also developing its own ‘no fly’ list, which will likely be largely congruent with the U.S. list.

The report of the tri-national Independent Task Force on the Future of North America, chaired by John Manley, calls for a high-tech biometric security system to manage the U.S.-Canada and U.S.-Mexico borders, tied to integrated multinational databases, integrated visa regulations, integrated refugee laws, increased sharing of information on travellers, the creation of joint border authorities, and integrated watch lists.

Much of this, and more, has already been accomplished. Deep integration in the security realm is upon us, and its touted benefits are likely to be as illusory as the benefits of the ‘free trade’ regime it is meant to support and uphold.

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**Summary of the Workshop Discussion**

Our first task after the presentation of the above article at the CUSJ workshop was to identify groups like ourselves with whom we could build a coalition to express our opinion and make our voice heard. The list included: the Council of Canadians, Kairos, the Green Party, the New Democratic Party, the Canadian Civil Liberties Association, the Canadian Labour Congress, CCPA, Amnesty International, Quakers, Mennonites and other multi-faith groups.

Our second task was to develop strategies to help educate Unitarians and the Canadian public.

Suggestions included:

- Review lessons from the past involving attacks on our civil liberties, e.g. the Cold War of the late 1940s and 1950s (reference Len Scher’s book, *The UnCanadians*)
- Use arts, such as protest songs and drama, as a powerful force for change
- Write letters to the editor and op-ed pieces (Murray Dobbin’s *Word Warriors* already do this through the CCPA)
- Write letters to politicians.

The purpose of these discussion papers is to stimulate discussion in our congregations and fellowships.

You are encouraged to hold a discussion group and send a summary of your findings or actions to our CUSJ list serve and/or the editor of our JUSTnews.
Being More Inclusive

The CUSJ Board considered but rejected the idea of changing the name of Canadian Unitarians for Social Justice to include “Universalists”. The Board wished nonetheless that JUSTnews be inclusive in purpose and content of those whose primary faith is Universalist, and also of those whose mother tongue is French. Authors’ by-lines will note their Universalist affiliation if this is desired. News and articles in French will be accepted for publication. Other suggestions to improve inclusion should be sent to CUSJ president, Bob Stevenson, president@cusj.org.