The role of Advanced Border Controls at Canadian airports

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ABSTRACT

Within the context of debates about globalization, a 'borderless' world and 'aeromobile' travelers, this paper examines how Advanced Border Control (ABC) programs influenced relations between Canada's airlines and airports, together with government between 1985 and 2010 and how this contributed to a balance between trade and national security imperatives. We also argue that the September 11, 2001 (9/11) attacks on the U.S. enhanced ABC program importance rather than impeded system development, and we challenge the post-9/11 view, encapsulated by the then U.S. Ambassador to Canada, (the late) Paul Cellucci, that 'security trumps trade'. Based on interviews with airlines, airports, government agencies, and other influential actors, the analysis contributes to understanding the multi-decade symbiotic relationships between the public and private sectors that overcame political, business and technical challenges to support a 'Trade with Security' strategy.

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1. Introduction

"Border security has been high on public-policy agendas in Europe and North America since the September 11, 2001 attacks...Governments are now confronted with managing secure borders, a policy objective that, in this era of increased free trade and globalization, must compete with intense cross-border flows of people and goods"
[(Brunet-Jailly, 2007:1).]

Since the 1980s, globalization has driven civil aviation growth in North America, particularly in response to significant trade expansion arising from the 1988 Canada–U.S. Free Trade Agreement (CUFTA), the 1994 North American Free Trade Agreement, and the 1995 'Open Skies' treaty that partially liberated air services. However, these trade-supporting arrangements have also created enforcement challenges for border control agencies, and they have complicated air passenger service due to increased congestion at territorial frontiers. In response, airlines, airports and border control agencies in both Canada and the U.S. jointly pursued Advanced Border Control (ABC) programs (see Table 1). These include the U.S. Preclearance Service (USPC) operating in Canadian airports to inspect passengers departing by commercial airlines to U.S. destinations, as well as the pre-journey transmission of passenger data from airlines to border control agencies to support admissibility decisions. Technology advances also enabled biometric-enabled

techniques that permit self-service inspections in airports supervised by traditional enforcement practices with some form of pre-enrolment (IATA, 2006; CBP, 2002; Biometric Consortium, 2010). Following the September 11, 2001 (hereafter 9/11) attacks in the U.S., national security policy also had implications for globalization and air travel, with the then U.S. Ambassador to Canada, Paul Cellucci (1948–2013), in 2003 unapologetically stating that "security trumps trade" (Cellucci, 2005:131; Savage, 2011). We argue that despite this post-9/11 rhetoric, a multi-decade symbiotic relationship between airlines, airports and border control agencies to develop ABC programs overcame such politics to support a 'Trade with Security' strategy. The objective of these border control programs has been to decrease the time and resources spent scrutinizing people (and cargo) that could be vetted ahead of time by Canadian and U.S. governments through a 'known traveler/shipper' approach. Indeed, the ABC programs became increasingly useful, and despite the challenges highlighted by Brunet-Jailly (2007), mutually reinforcing shifts in public and private institutions (customs and security agencies, airlines and airports) have been crucial in furthering these programs and maintaining a balance between national security and globalization forces.

Thus, within the context of debates about globalization, a 'borderless' world and 'aeromobile' travelers (Adey, 2009, 2010) we adopt an institutional perspective to studying the evolution of ABC programs over multiple decades and the relationship between security and commercial institutions responsible for their development and implementation. We argue that the programs in Table 1 represent innovative approaches to both facilitating trade

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Table 1
ABC program description.

United States Pre-Clearance Service (USPC)	• U.S. border control inspections undertaken in foreign airports for passengers departing by commercial airlines to U.S. destinations
Advanced Passenger Information Systems (APIS)	• Pre-journey transmission of passenger data from commercial airlines to border control agencies in order to support admissibility decisions
Automated Border Kiosks (ABK)	• Biometric-enabled techniques that permit self-service inspections supervised by traditional enforcement practices with some form of pre-enrolment

Source: Biometric Consortium, 2010; IATA, 2006; U.S. CBP, 2002, 2011.

and travel across borders as well as expediting national security related procedures, and that the key relationships between public and private agencies in their development have been largely ignored in the transportation geography literature by comparison to post-9/11 economic and political studies of borders, trade expansion, security issues, airline/airport studies and transnational migration (see Adey, 2004a,b, 2006, 2007; Agnew, 2005; Amoore, 2006; Amoore and Hall, 2009; Andreas 2003; Gilbert, 2005, 2007, 2012; Newman, 2006; Nicol and Gault, 2005). Our institutional focus responds to the argument by Aoyama and Ratick (2007) that the inter-relationship between border control agencies, and the private sector airline and airports in North America, including logistics firms, working together in response to globalization and national security pressures is an underresearched reality despite the decade or so since the tragic 9/11 attacks (see Table 2).

Our selection of Canada as the location of ABC program development is purposeful as its locally-based civil aviation industry (comprising both airlines and airports) chose for strategic reasons to become a front-runner in the early development of ABC methods. Canada is highly trade dependent and it has had to strategically adapt both trade and national security policy to the dominant U.S. influence in such matters (Government of Canada, 2005b). An equally important factor in the Canadian case has been the shift from public to private orientation of airlines, airports and other gateway transportation services in the past 25 years (Brooks and Prentice, 2001), one that has not been evident in the U.S. and a circumstance that became an important catalyst for the evolution of Advanced Border Control practices.

The research methodology involved collecting and assessing the history of ABC programs in Canada and their contemporary assessment, both from a review of public policy and corporate strategy documents as well as research interviews with 28 senior private and public sector professionals, conducted between Fall 2009 and Spring 2010 in the U.S. and Canada.[1,2] The interviews involved semi-structured face-to-face and telephone discussions, with research questions revolving around the historical development of ABC programs in Canada, institutional arrangements and relationships between various public and private sector actors, as well as program successes and contemporary challenges from various state

Table 2
ABC program evolution (pre 1985–2010).

Program	Canada	Date
United States Pre-Clearance	Pilot program commences in Toronto	1952
	Competing program at Montreal Airport	1954
	Expansion to Canada and Caribbean airports	1960s
	Canada–U.S. Treaty	1974
	Expansion to Canada and Caribbean airports	1980s
	In-Transit Preclearance Request	1994
	Expansion to Ottawa airport	1996
	Treaty Revisions/Canada Preclearance Act	1999
	Post-9/11 Operational Review	2002
	Expansion to Halifax airport	2006
Advanced Passenger Information System	Japan pilot program at Vancouver airport	1988
	Voluntary program operations	1990s
	Mandatory post-9/11 implementation	2002
Automated Border Kiosks	Private–public concept development	1980s
	Private sector business case (i.e. EPPS)	1997
	Temporary program interruption	2001
	Canada–U.S. joint NEXUS program	2003

Source: McGrath, 1992; U.S. CBP, 2002; CBSA, 2010; ICAO, 2006; field work.

agency perspectives. The overall research objectives are to indicate the important contribution of the three major ABC programs in terms of their history and function, the respective parts played by public sector agencies and private sector firms in their development, and the particular role of 9/11 in ABC program evolution.

The next section positions ABC programs in the major literature relating to civil aviation, trade and national security. Section 3 explains the relationship between state agencies, and private sector institutions in the evolution of ABC programs during 1985–2010, together with the impact of 9/11. Section 4 assesses the overall successes and challenges of ABC programs, followed by a conclusion.

2. Globalization, national security and civil aviation operations

A number of research approaches have emphasized the importance of both globalization and national security interests to the airline industry and vice versa. For instance, Weber and Williams (2001) have identified that real GDP growth in the world economy has been the principal air passenger driver in the past 50 years or so. For passengers, this means ever-increasing connectivity and mobility leading to a strengthening of the globalization effect, socially and economically, creating a virtuous cycle for transportation demand. For example, in 2000 the civil aviation industry carried 181 times more travelers than the 9 million passengers handled in 1945 (Groenewege, 2003). This increase occurred despite major shocks to the industry since the formation of the UN International Civil Organization (ICAO) in 1944, including the

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[1] Interviews were conducted with public and private organizations, including the Canada Border Services Agency, the Canadian Department of Foreign Affairs and International Trade, representative airlines such as Air Canada and United Airlines, Canadian airports, industry advisors and related associations in both the U.S. and Canada. In order to obtain a global view, other involved parties were contacted, including the IATA (International Air Transport Association), the United Nations International Civil Aviation Organization (ICAO) and the Airports Council International. Excluded from the research was an assessment of the entry visa process that typically occurs at overseas embassies or similar pre-boarding processes by civil aviation firms at overseas airports prior to flight departure. No specific individuals are named because of confidentiality concerns.

[2] Public reports reviewed for this research included, but were not limited to: the Canada Immigration and Refugee Protection Act, S.C. 2001, c.27; the U.S. Patriot Act of 2001, Public Law 107-56, Stat. 115 Stat 272; Audit Report 95-8, U.S. Immigration and Naturalization Service, Office of the Inspector General, Audit Division; and the 1995 Air Transport Agreement Between the Government of Canada and the Government of the United States of America.