



## The SPP and insecurity

### “No fly” lists, “trusted travelers” and the new hierarchy of citizenship

*We will establish a common approach to security to protect North America from external threats, prevent and respond to threats within North America, and further streamline the secure and efficient movement of legitimate, low-risk traffic across our shared borders.*

~ Joint Statement by President Bush, former Mexican president Vicente Fox, and former prime minister Paul Martin, March 23, 2005

The Security and Prosperity Partnership was supposed to be about making it easier for goods and people to cross the border. Ironically the opposite is true: border delays and security measures are actually increasing as U.S. government paranoia intensifies each year. Canadians used to be able to cross the border hassle-free. Now we need a passport or other “secure” document like the new NEXUS pass for frequent business travellers. So-called no-fly lists, which the SPP requires to be merged into a single North American database, are restricting the movement of law abiding Americans, Mexicans and Canadians. And plans are underway through the SPP to “develop and implement equivalent biometric standards” for border and immigration systems, which would further tie our foreign, immigration and refugee policies to the United States. All of these SPP plans put the lives of Canadians at much greater risk than is necessary to provide real security for the continent.

### **Maher Arar and the normalization of torture**

On September 26, 2002, Maher Arar was detained at J.F.K. Airport in New York then flown to Syria where he was tortured and imprisoned for a year. In late 2006, the official commission looking into the incident found that the Canadian citizen was deported after the RCMP shared faulty, unfiltered information with U.S. security officials who then used it according to their laws of “rendition” – the process of deporting non-citizens suspected of links to terrorism to countries or secret bases where they can be tortured. Canada has also been accused of a rendition-like process by Abdullah Almalki, Muayyed Nureddin and Ahmad El Maati, who claim they were detained and questioned in Syria and Egypt at the request of Canadian security officials. Their cases are currently being studied by a secret government inquiry.

### **No-fly lists and the SPP**

Passenger Protect is Canada’s so-called no-fly list of persons who pose an immediate threat to aviation security and are therefore banned from boarding commercial aircraft. Not only does this significantly violate Canadian mobility and privacy rights, a similar no-fly list in the United States has resulted in more than 30,000 travellers being falsely associated with terrorism. A 15-year-old Ottawa-area boy, Alistair Butt, found out in June that his name is on a no-fly list but government officials refuse to confirm which one, Canadian or American. Airline officials actually recommended that the boy change his name if he wanted to make sure he wasn’t grounded permanently.

Passenger Protect contains about 2,000 Canadian names but SPP documents clearly state that “compatible (North American) advance passenger information systems,” “compatible criteria for the posting of lookouts of suspected terrorists and criminals” and “comparable standards and procedures... for passenger screening” are priorities of the Canada-U.S. security integration agenda to be completed by 2007. Michael Chertoff, director of the U.S. Department of Homeland Security, has said the intention is for the Canadian and American lists to merge, which will put all kinds of information on Canadians into the hands of U.S. security officials



who can then use it as they see fit. Canada's provincial and federal privacy watchdogs unanimously denounce Passenger Protect as a violation of privacy rights and are demanding a moratorium on the no-fly list.

### **No law will get in the way**

The SPP proposes that Canada, the U.S. and Mexico will "identify recommendations ... to address significant legal restrictions to the sharing of investigative information." One of those "legal restrictions" was a Canadian law forbidding the collection of fingerprints unless a person has been charged with a crime. As part of an SPP initiative to set up pre-clearance facilities on either side of the Peace Bridge near Buffalo, NY, the U.S. Department of Homeland Security wanted the authority to fingerprint anyone approaching the U.S. border from Canada – even if they refused to be fingerprinted. When Canada refused, U.S. officials pulled out of the discussions completely, proving that a serious commitment to the SPP entails a significant scaling back of human rights and civil liberties in Canada.

### **Omar Khadr and the Military Commissions Act**

The Military Commissions Act, under which the U.S. government is attempting to try Canadian citizen Omar Khadr, strips all non-U.S. citizens of their constitutional right to a fair trial. It grants the U.S. president the authority to detain non-citizens indefinitely, without charge, and "to interpret the meaning and application of the Geneva Conventions" as they relate to torture. Worse, the act "allows detainees to be sentenced to death based on testimony literally beaten out of witnesses (and) grants officials in the Bush administration a retroactive get-out-of-jail-free card for war crimes," according to the American Civil Liberties Union. Perhaps because it would upset Canada-U.S. relations and disturb the SPP process, Prime Minister Harper has refused to stand up for the human rights of Khadr, who was apprehended in Afghanistan by U.S. forces when he was 15 and has spent the past five years at the notorious Guantanamo Bay prison.

### **NEXUS: Two classes of citizens**

At the other end of the security spectrum we have the Canada-U.S. NEXUS program, which allows "trusted travelers" to cross the border hassle-free, whether by air, land or sea. NEXUS pass applicants must fill out a brief questionnaire then pass Canadian and U.S. security checks in order to be granted "trusted traveller" status for five years. In a sense, NEXUS is the opposite of the no-fly list, where citizens are "risk-graded" based on where they were born and with whom they associate. NEXUS passes, on the other hand, are only handed out to "low-risk" citizens whose travel is economically important. This same segregated class system will be translated into immigration policies, "including requirements for admission and length of stay; visa decision-making standards; lookout systems; and examining the feasibility of entry and exit procedures and systems," according to SPP documents.

### **The SPP legitimizes human rights abuses**

We have already seen how security integration operates in practice: the U.S. government sets the parameters and Canada is forced to comply. That's hardly a "partnership," and it forces Canadians to recognize as legitimate security measures that fly in the face of human rights. We cannot stand by while draconian security policies are institutionalized behind closed doors and without public consent.

*Are you concerned about the SPP? Visit [www.canadians.org](http://www.canadians.org), or phone us at 1-800-387-7177, for more information on what you can do to fight deep integration.*

