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## Closing Remarks

Chi Carmody

Michael Parks Rear Adm.

James Peterson Hon.

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## CLOSING REMARKS

*Introduction: Chi Carmody*

*Keynote Speaker: Rear Admiral Michael Parks\**

*Closing Remarks: Hon. James Peterson*

### INTRODUCTION

CHI CARMODY:

Ladies and gentlemen, for those of you whom I have not previously met, my name is Chi Carmody and I am the Canadian National Director of the Canada – United States Law Institute.<sup>1</sup> I would like to welcome you to this, our closing keynote, by Rear Admiral Michael Parks of the United States Coast Guard. Admiral Parks is a native of Long Island in New York. He is currently, and since April 2010, the District Commander, the Operational Commander of the 9th District Coast Guard which spans the five Great Lakes, the St. Lawrence Seaway, and parts of the surrounding states including 1,500 miles of international border. He leads a total compliment of over 6,000 coast guard active duty, reserve, civilian, and auxiliary men and women that serve in 77 subordinate units and on the district staff. He has asked me in my remarks to let you know that he most recently served, prior to this posting, as the Deputy Director of Operations for the headquarters of the United States Northern Command where he was the principle advisor to the United States NORTHCOM Commander on all operational matters. He provided strategic guidance to plan and execute missions within the United States NORTHCOM area of responsibility—very broad responsibilities there—and is somebody who has been tasked in the past with putting together a bi-lateral approach to security and defense issues. Rear Admiral Parks is a 1982 graduate of the United

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\* Rear Admiral Michael Parks is the operational commander of the Ninth Coast Guard District, which spans the five Great Lakes, Saint Lawrence Seaway and parts of the surrounding states, including 1,500 miles of international border. He leads 6,000 Coast Guard active duty, reserve, civilian and auxiliary men and women serving at 77 subordinate units and on the District staff. He most recently served as the Deputy Director of Operations for Headquarters United States Northern Command, where he was the principal advisor to the U.S. NORTHCOM Commander on all operational matters and provided strategic guidance to plan and execute missions within the U.S. NORTHCOM area of responsibility; including land, maritime, and Homeland Defense air operations as well as Defense Support of Civil Authorities.

1. *Chi Carmody*, WESTERN LAW, <https://www.law.uwo.ca/lawsys/pages/contents.asp?contentName=Instructors&contentFileName=ccarmody> (last visited Sept. 27, 2012).

States Coast Guard Academy in New London, Connecticut, where he received a Bachelor of Science degree in government. In 1994, Rear Admiral Parks attended the George Washington University for further study where he received a Masters of Public Administration and in 2004 he was selected to attend the National War College in Washington, D.C. where he received a Master of Science in national security strategy and policy. He served in a wide range of afloat and staff/onshore assignments in Portsmouth, Virginia, Miami, Florida, St. Petersburg, Florida, and a number of other distant and approximate locations. He is the recipient of numerous awards for all of his work<sup>2</sup> and he speaks to us this afternoon on the subject of shared awareness, seamless operations, and synchronized priorities. I give you Rear Admiral Parks.

#### KEYNOTE SPEAKER

##### REAR ADMIRAL MICHAEL PARKS:

Thank you, Chi, for that kind introduction. It is great to be here. It is truly an honor to be here at an institution that is so passionately dedicated to our Canadian-United States relationship. One thing I think we say in the Coast Guard, and we do not take it lightly, is that everything we do operationally in the Coast Guard is watermarked by Canada.

I want to offer a few thoughts today and I just want to share, for example, that it was here in the Great Lakes region, on the shores of the St. Lawrence Seaway at Ogdensburg, NY, where President Roosevelt and Prime Minister King met in 1940 and laid the foundation for what would become an unprecedented period of cooperation. The Ogdensburg Declaration, as it was known, recognizes that neither country could do it alone.<sup>3</sup> The successful defense of North America required a United States-Canadian alliance that continues today. As a matter of fact, I had the opportunity to work at NORTHCOM. Our relationship continued to mature over the next few decades and was highlighted in 1961 when President Kennedy stated in his address to the Canadian Parliament, and I quote:

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2. See *Rear Admiral Michael N. Parks – Biography*, U.S. COAST GUARD, [www.uscg.mil/flag/docs/d9.pdf](http://www.uscg.mil/flag/docs/d9.pdf) (last visited Sept. 27, 2012).
  3. See generally Danford Middlemiss & Denis Stairs, *The Canadian Forces and the Doctrine of Interoperability: The Issues*, in *GEOPOLITICAL INTEGRITY* 151, 159 (Hugh Segal ed., 2005) (explaining that the Ogdensburg Declaration was authorized by both President Roosevelt and Prime Minister King, and “a matter of mutual concern”).

“Geography has made us neighbors. History has made us friends. Economics has made us partners. And necessity has made us allies. Those whom nature hath so joined together, let no man put asunder. What unites us is far greater than what divides us.”<sup>4</sup>

I do not think any Canada-United States Law Institute event could be complete without that quote from President Kennedy. This partnership is absolutely essential in the 9th Coast Guard District found on the Great Lakes. All the endeavors that are truly important to us are grounded in six strategic objectives, and one of them is entitled simply, “Canada.” That objective entails a promise that we will enhance bi-national cooperation and governance. It recognizes that the United States, much less the United States Coast Guard, does not own the entirety of the system on the Lakes, but we do face the challenges of the international border every day.

Our efforts to define and refine border policy and capability guide our thinking. Our shared border with Canada is unique. I do indeed use the term “shared border,” and I applaud those who have used that term before me today, because I rail on the concept when the United States and my American colleagues say “the northern border.” It bothers me greatly, because everything we do is so intricately linked with Canada, that when we say “northern border” and are working with our partners to the North, that statement in no way recognizes that it is not the Canadian northern border. So my preferred term is the “shared border,” or at least to recognize it as the Canadian-United States border. I appreciate people who recognize that distinction. But border security on the Lakes is actually *maritime* border security. Aside from bridges and tunnels, our 1,500-mile border is indeed a maritime border. It is about the same length as the border from San Diego, California to Brownsville, Texas, which seems to get much more notoriety. Once a commercial vessel enters the Great Lakes system, it has equal opportunity access to both countries, because it is such an accessible border.<sup>5</sup> Also, we cannot forget that the eight states that surround the Great Lakes are home to four-and-a-half million registered vessels.<sup>6</sup> That is more than a third of the registered vessels in all of the United States.<sup>7</sup> In addition

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4. President John F. Kennedy, Address Before the Canadian Parliament in Ottawa (May 17, 1961), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=8136>.

5. See DEP'T OF HOMELAND SEC., AILA INFONET DOC. NO. 12060545, NORTHERN BORDER STRATEGY 5 (2012), *available at* [www.aila.org/content/default.aspx?docid=39987](http://www.aila.org/content/default.aspx?docid=39987).

6. GREAT LAKES COMMISSION, POLICY POSITIONS 46 (2009).

7. *Id.*

to the U.S. contribution, the two bordering Canadian provinces provide over a million recreational vessels, totaling more than five-and-a-half million vessels that ply the waters of the Great Lakes. Always mindful, I am sure, of the border. Moreover, seasonal changes and the diverse character of the Great Lakes present additional challenges to our security capabilities along this border.

Obviously, I am excited to speak to you about the Beyond the Border Initiative. This year's theme is particularly relevant to Coast Guard operations.<sup>8</sup> We are charged with both maritime security and facilitating maritime trade. The tension between these two priorities is something felt amidst Coast Guard commands throughout the Great Lakes. And we have seventy-five different United States Coast Guard commands, ranging from Massena, New York all the way to Lake of the Woods, Minnesota.<sup>9</sup>

The Beyond the Border Initiative<sup>10</sup> is indeed a massive undertaking that already has a great deal of momentum. At its heart is North America's need to remain competitive with the rest of the world. A transformation has begun. We see it in the growth of Canadian and American reciprocal agreements. We see it in how our treatment of people crossing the border is changing, even today. The bi-national cooperation we have today is unparalleled. It is already the envy of the world and on the horizon is a kind of border transparency like we have never seen before.

Now, as we all know, President Obama and Prime Minister Harper issued a "Beyond the Border" declaration that clearly articulates a shared vision for perimeter security and economic competitiveness.<sup>11</sup> It recognizes the interdependence of our security and economic relationships along our shared border. And as a Coast Guard commander keeping watch along that border, I can say confidently that I feel it is exactly the right approach.

It is an approach that upholds the sovereignty of each country. It values and respects the separate legal frameworks that protects

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8. See generally U.S. COAST GUARD, DEP'T OF HOMELAND SEC., BEYOND THE BORDER INITIATIVE: STATEMENT OF WORK (2012) (discussing the U.S. Coast Guards involvement in administration and direction of the initiative), available at [https://www.fbo.gov/?s=opportunity&mode=form&tab=core&id=4ded5abc6ee4ef6c60a25fe2e7f6c99ea&\\_cview=0](https://www.fbo.gov/?s=opportunity&mode=form&tab=core&id=4ded5abc6ee4ef6c60a25fe2e7f6c99ea&_cview=0).

9. See *District Nine Units*, U.S. COAST GUARD, DEP'T OF HOMELAND SEC., <http://www.uscg.mil/d9/D9Units.asp> (last modified Aug. 8, 2012).

10. See DEP'T OF HOMELAND SEC., BEYOND THE BORDER: A SHARED VISION FOR PERIMETER SECURITY AND ECONOMIC COMPETITIVENESS (2011), available at <http://www.dhs.gov/beyond-border-shared-vision-perimeter-security-and-economic-competitiveness> (providing information regarding the Beyond the Border initiative).

11. See *id.*

privacy, civil liberties, and human rights. It encourages job creation and economic growth, and it forges us together in partnership to develop, implement, manage, and monitor security initiatives.

It is these initiatives that invoke our central question here today, “Will perimeter security trump trade?” Now, Ambassador Jacobson<sup>12</sup> unfortunately is not here, and he answered that question first-off this morning. But I did not have the value or the benefit of Ambassador Jacobson’s insight and wisdom in answering the question. So, I came up with an answer, and that answer I thought could only please a room full of legal scholars. My answer to that question is, it depends.

It really does depend, because it depends on whether or not we do security right. If we do, we will not only preserve trade, we will enhance it. If we do it wrong, we risk seeing trade struggle against security, contrary to the best intentions of this great initiative.

As I see it, there are three principle keys to our success. These three principles are: shared awareness, seamless operations, and synchronized priorities. I will start with synchronized priorities, because shared awareness and seamless operations depend on it.

First and foremost, I think the Beyond the Border Initiative gives us all the top cover we need to have a sense of synchronized priorities; these sentiments are at its core. As Beyond the Border stakeholders, we must synchronize our security and trade priorities. We can do that by making sure security measures are coordinated and collaborative. They also need to be transparent so that everyone involved understands it. To a certain extent, they really must be predictable by the applicable industries without sacrificing security. Ask any member of industry what is important to them and they will tell you predictability.

It is hard to imagine success without synchronized priorities. The U.S. and Canadian economies are inextricably linked, and it is necessary that they are. Roughly 300,000 people and \$1.5 billion in trade cross the border every single day.<sup>13</sup> The Canada-United States trade relationship is the largest in the world and includes critical shared projects covering infrastructure, waterways, bridges, pipelines,

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12. *David Jacobson – Biography*, U.S. DEPT. OF STATE, EMBASSY OF THE U.S., OTTAWA, CAN., <http://canada.usembassy.gov/ambassador.html> (last visited Oct. 3, 2012).

13. *Beyond Borders: Are the Dep’t of Homeland Security’s International Agreements Ensuring Actionable Intelligence to Combat Threats to the U.S. Homeland? Before the Subcomm. on Counterterrorism and Intelligence, & the H. Comm. On Homeland Sec.* 112th Cong. (2012) (written testimony of Policy Office of International Affairs Director of Canadian Affairs, Deborah Meyers).

tunnels, power grids, and communication networks,<sup>14</sup> each requiring a cooperative strategy for protection.

The United States and Canada already have a history of success through synchronized priorities. One recent example: we have improved our shared environmental stewardship of the Great Lakes.<sup>15</sup> I think we have talked about this a little bit already today, about recognizing the mutual threat of invasive species introduced from ships' ballast water discharges.<sup>16</sup> We started the joint water ballast inspections to validate the ships' compliance with these regulations, including full acceptance of each other's tests.<sup>17</sup> According to recent studies, no new invasive species have been introduced in to the Great Lakes from ballast water since we started that program in 2006.<sup>18</sup> Unequivocally, this is one of our finest bi-national success stories. In all honesty, our recently published ballast water rule should only serve to help preserve these precious Great Lakes.

The next thing we stakeholders need is shared awareness of any threat to Beyond the Border success. As an example of an effort to achieve shared awareness, the Coast Guard is currently collaborating with Canada in Canada's Marine Security Operations Centres,<sup>19</sup> which focus on exchanging information about things like ships' crew and cargo, to improve both nations' awareness of vessels in the Great Lakes system.<sup>20</sup> You truly need to keep in mind, it is a system. This

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14. *Canada-U.S. Relations: Our Shared Environment*, GOV'T OF CAN., [http://www.canadainternational.gc.ca/los\\_angeles/bilateral\\_relations\\_bilaterales/shared\\_envenv\\_part.aspx?lang=eng&view=d](http://www.canadainternational.gc.ca/los_angeles/bilateral_relations_bilaterales/shared_envenv_part.aspx?lang=eng&view=d) (last modified Aug. 29, 2012).
  15. *See id.*
  16. *See* U.S. COMMISSION ON OCEAN POLICY, *AN OCEAN BLUEPRINT FOR THE 21ST CENTURY* 252-263 (2004), available at [http://www.oceancommission.gov/documents/full\\_color\\_rpt/welcome.html](http://www.oceancommission.gov/documents/full_color_rpt/welcome.html).
  17. *See* Keith Donohue, *Enforcement and Compliance of the Coast Guard's Mandatory Ballast Water Management (BMW) Program*, DIGEST OF AQUATIC INVADERS, (Apr. – Dec. 2007), at 1.
  18. *Ballast Water Management in the Great Lakes Reduces the Introduction of Aquatic Invasive Species: Fisheries and Oceans Canada Study*, FISHERIES & OCEANS CAN., <http://www.dfompo.gc.ca/science/publications/article/2011/06-13-11-eng.html> (last modified Mar. 3, 2011).
  19. *Frequently Asked Questions*, MARINE SEC. OPERATIONS CENTRES PROJECT, <http://msoccosm.gc.ca/com/faq/index-eng.asp#pur-but> (last modified Nov. 14, 2011) ("The coastal Marine Security Operations Centres liaise with the United States Coast Guard Operations Centres on a routine basis.").
  20. *See* GREAT LAKES ASSOC. OF SCIENCE SHIPS, *COORDINATION AND MANAGEMENT OF SCIENCE VESSELS ON THE GREAT LAKES 5-8* (2007), available at [www.canamglass.org/online/events/SVActionPlan.pdf](http://www.canamglass.org/online/events/SVActionPlan.pdf).

arrangement also proves our mutual ability to share information while still respecting each other's sovereignty and divergent legal frameworks. Those of us responsible for perimeter security must find ways to share awareness in ways that enhance security while simultaneously facilitating trade. Industry is indeed a vital stakeholder in this endeavor. We must foster opportunities for engagement, provide forums for exchanging concerns, and incorporate comprehensive stakeholder input.

Seamless operations are the remaining ingredient for our success. As an example, I offer the bi-national maritime operation we call "Shiprider,"<sup>21</sup> which I know has been discussed. I know on Shiprider, the Coast Guard and the Royal Canadian Mounted Police patrol together as Central Authorities for the agreement to prevent, detect, and investigate criminal activities on both sides of the border.<sup>22</sup> We used it successfully in 2010 for G20 in Toronto,<sup>23</sup> as well as the Olympics in Vancouver.<sup>24</sup>

I would like to give a special nod to Deputy Prime Minister McClellan<sup>25</sup> for her great work over seven years ago in Detroit when she could have taken one tack, but instead she was courageous and stood up and said we will do this.<sup>26</sup> We are on the precipice of doing exactly that on a permanent basis. Thank you for your leadership and support.

Shiprider's viability demonstrates the potential for similar ideas such as joint customs boardings, for example, and maybe bi-national ID cards for transportation workers; ideas that promote both security and trade across the shared border.

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21. See *Canada-U.S. Shiprider*, ROYAL CANADIAN MOUNTED POLICE, <http://www.rcmp-grc.gc.ca/ibet-eipf/shiprider-eng.htm> (last modified July 4, 2012).

22. OFFICE OF NATIONAL DRUG CONTROL POLICY, NATIONAL NORTHERN BORDER COUNTERNARCOTICS STRATEGY 11 (2012), available at [www.whitehouse.gov/sites/default/files/page/files/national\\_northern\\_border\\_countersnarcotics\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/page/files/national_northern_border_countersnarcotics_strategy.pdf).

23. See *Ministries of Justice, Public Safety and Health Meet with U.S. Director of National Drug Control Policy*, DEP'T OF JUSTICE, [http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc\\_32577.html](http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32577.html) (last modified Aug. 3, 2012).

24. *Id.*

25. *Anne McLellan - Biography*, CANADA 2020, <http://canada2020.ca/member/the-hon-anne-mclellan/> (last visited Oct. 19, 2012).

26. See Joe Pappalardo, *U.S.-Canadian Border Crossings to Tighten Security*, NAT'L DEF. INDUS. ASSOC., Mar. 2005, at 1, available at [http://www.nationaldefensemagazine.org/archive/2005/March/Pages/S-B-US\\_Canadian3266.aspx](http://www.nationaldefensemagazine.org/archive/2005/March/Pages/S-B-US_Canadian3266.aspx).



Achieving shared awareness, seamless operations, and synchronized priorities will require careful leadership. Leadership has many definitions, but the one I am personally akin to is, "Leadership means achieving the appropriate balance between the dynamic tension that exists between competing principles."<sup>27</sup> Security and trade are truly competing principles. The dynamic tension between the two is visible every time a commercial carrier crosses the border.

When I talk to commercial vessel owners and operators, their concern is 'wait times' because their business has to wait while ships undergo security inspections. I recently sent two of our officers to a Beyond the Border town hall meeting for land-based carriers. They reported that the trucking industry's number-one concern was wait times.<sup>28</sup>

With that said, industry also knows that security is vital, and aside from their patriotic desire to prevent harm to their homeland, they also understand the cost of a destructive security breach might be too much for their business to bear. The need for security itself is not the issue. It is how long trade is held up by an inspection and how many times that is required on the very same trip. Our maritime industry leaders, like our governments, are on a quest to achieve that balance that we are striving for.

With regard to security and trade, I do not see a time when these two imperative principles will stop competing with each other. Achieving a balance between security and trade means finding ways to transform much of that competition into cooperation; to synchronize those priorities. To that end, let's remember that a strong economy truly is security. Security helps build a strong economy. Should we again find ourselves recovering from a terrorist attack, our resilience will depend greatly on our economic strength at that moment. The United States and Canada's combined resilience in the face of disaster is at the core of this initiative.

There is a related benefit to building that kind of cooperation, and this is a good reminder for all of us, that if you see something, say something. Who is more likely to see something than the merchant mariner who travels back and forth on these Great Lakes everyday? Those mariners are more likely to come forward to say something - to share awareness - if we have a culture of cooperative security and trade. Not only will national security benefit, but the trade industry

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27. COMPETING VALUES, <http://competingvalues.com/> (last visited Oct. 20, 2012) (discussing how the Competing Values framework fosters the "four basic competing values within every enterprise: Collaborate, Create, Compete and Control").

28. Press Release, Con-way, Con-way Truckload Increases Mileage Pay Rate, Changes Wait-Time Compensation for Drivers (Oct. 4, 2012) (on file with author), available at [http://www.conway.com/en/about\\_con\\_way/newsroom/press\\_releases/Oct\\_2012/2012\\_oct\\_04/](http://www.conway.com/en/about_con_way/newsroom/press_releases/Oct_2012/2012_oct_04/).

benefits here too: the more industry contributes to security, the less our government needs to impose security requirements.

A collaborative approach to maritime trade is certainly not a new concept for the Coast Guard. Our founder, Alexander Hamilton, mentioned it in his letter to the Captains of the first cutters in 1791.<sup>29</sup> He told them, “Always keep in mind that their countrymen are freemen, and, as such, are impatient with everything that bears the least mark of a domineering spirit.”<sup>30</sup> Those enduring words are repeated in the 9<sup>th</sup> Coast Guard District’s current vessel boarding procedures. Indeed, Hamilton’s words could easily still apply after 221 years.

In my experience, industry has been a willing participant in post-September 11 security measures. What it asks for in return, and what it needs in order to thrive, is predictability. A security requirement, like an inspection, impacts trade less when the business knows in advance how long it will take and which employees are required to be there. This shared awareness would enable commercial carriers to take whatever steps are necessary to minimize their impact on business.

Our Great Lakes maritime industry is having a hard time doing that right now, quite frankly, because of competing regulatory schemes.<sup>31</sup> A vessel voyaging from the St. Lawrence Seaway to Lake Superior can cross the international border as many as seventeen times.<sup>32</sup> Throughout the Great Lakes system, the United States applies its Maritime Transportation Security Act<sup>33</sup> and Canada applies its Maritime Transportation Security Regulations.<sup>34</sup> The

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29. Letter from Alexander Hamilton, Sec. of the Treasury, to Commanding Officers of the Revenue Cutters (June 4, 1791) (on file with author), *available at* [www.uscg.mil/history/faqs/hamiltonletter.pdf](http://www.uscg.mil/history/faqs/hamiltonletter.pdf).

30. *Id.*

31. FRANK JENNINGS, JR., HAMILTON’S SPIRIT LIVES ON IN COAST GUARD BOARDING PROGRAM 1 (2008), *available at* [www.uscgnews.com/go/doc/4007/1444219/](http://www.uscgnews.com/go/doc/4007/1444219/).

32. See RICHARD STEWART, REGULATIONS AND POLICIES THAT LIMIT THE GROWTH OF THE U.S. GREAT LAKES CRUISING MARKET 19 (2011) (University of Wisconsin-Superior, Paper No. 02-21:1) (discussing how conflicting regulations leads to uncertainty about vessel operation in the Great Lakes), *available at* [www.wistrans.org/cfire/documents/FinalPaper\\_CFIRE0221.pdf](http://www.wistrans.org/cfire/documents/FinalPaper_CFIRE0221.pdf).

33. *State of Northern Border Preparedness: A Review of Federal, State, and Local Coordination: Hearing Before the U.S. House Committee on Homeland Security’s Subcommittee on Emergency Preparedness, Response, and Communications*, 112th Cong. 7 (2011) (statement of Andrew Velasquez III, Region V Adm’r, Fed. Emergency Mgmt. Agency).

34. See Maritime Transportation Security Act of 2002, Pub. L. No. 107-295, 116 Stat. 2064.

results from the merchant mariners' prospective are redundancy, gaps, and conflicting security requirements; the precise problem discussed today.

The good news is, we have lawyers. And for the past few months, our 9th Coast Guard District lawyers have been diligently digging through both nations' regulatory schemes to find the areas where we can reduce the overlap and turn conflicts into coordination. Both Canadian and U.S. regulators are observing this analysis and, when it is completed, it will drive the amendments necessary for regulatory harmonization. That harmonization will bring predictability to the industries we regulate. It will synchronize priorities, and it will demonstrate how security can actually enhance trade.

The Coast Guard has already joined with its Canadian counterparts to reduce the number of redundant merchant vessel security inspections. Together we formed the Joint Initial Verification Team in Montreal.<sup>35</sup> Now, instead of slowing trade with a series of U.S. and Canadian security checks, we can do one bi-national verification as vessels enter the Great Lakes system in Montreal.<sup>36</sup> It is a seamless operation that reduces the time industry spends on security measures. The time saved is key—truly every minute counts—and industry is understandably more likely to invest in security when it sees that trade, and consequently their bottom line, will benefit. Our security measures need to show more benefits like that. If they do, I am confident more industry cooperation is sure to follow.

Successes like that also highlight how critically important the Coast Guard's relations are with Transport Canada Safety and Transport Canada Security. I suppose it helps that we are working under the same mandate.<sup>37</sup> Both our chief executives said, "Get your heads together and fix this." Since then, the Coast Guard and Canadian partners have collaborated as members of specific working groups under the United States-Canada Regulatory Cooperation Counsel,<sup>38</sup> which was mandated by those same chief executives,<sup>39</sup> and I

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35. See Maritime Transportation Security Act, S.C. 1994, c. 40 (Can.).

36. U.S. COAST GUARD, GREAT LAKES MARITIME STRATEGY, 2011 ANNUAL REPORT 5, available at [www.uscgnews.com/go/doc/4007/1444411/](http://www.uscgnews.com/go/doc/4007/1444411/).

37. *Commercial Shipping: Compliance with Commercial Shipping: International Ship and Port Facilities Security Code*, GREAT LAKES ST. LAWRENCE SEAWAY SYSTEM, available at [http://www.greatlakes-seaway.com/en/commercial/seawaysecurity/ISPS\\_compliance/index.html](http://www.greatlakes-seaway.com/en/commercial/seawaysecurity/ISPS_compliance/index.html) (last visited Oct. 20, 2012) ("SLSMC is working closely with Transport Canada, the U.S. Coast Guard and SLSDC to develop a coordinated approach to initial security verification and examination of ships that will have a minimal impact on the vessel transit.").

38. See *U.S.-Canada Regulatory Cooperation Council*, INT'L TRADE ADMIN., available at <http://www.trade.gov/rcc/> (last visited Oct. 20, 2012).

quote, “to work together to promote economic growth, job creation, and benefits to our consumers and businesses through increased regulatory transparency and coordination.”<sup>40</sup>

I should tell you that the 9th Coast Guard District’s legal team is particularly engaged in the Great Lakes St. Lawrence Seaway Working Group,<sup>41</sup> which is developing a plan to reduce the industry’s burden of United States and Canadian vessel exams,<sup>42</sup> by completing those exams at the same time we verify the security plan in Montreal. Because as trade and security are linked, so are safety and security. This idea raises the possibility of a bi-national field office in Montreal; a one-stop shop for more efficient regulatory inspections. This is another example of seamless operations resulting in more efficient trade. Our vision paper on that topic has already been endorsed by Transport Canada.<sup>43</sup> Our Coast Guard legal team here in Cleveland is also researching questions of information sharing between the United States and Canada.<sup>44</sup> I know often that is the 800 lb. gorilla in the room, but that relationship is critical.

Not only are these great examples of progress, but I am hoping they sound attractive to burgeoning attorneys, because I promised our legal staff that I would do my best to help recruit here. We have some wonderful interns and we enjoy working with you immensely. In fact, the Coast Guard hired an intern just recently as a full time Coast Guard lawyer. This truly is a great partnership. Our Coast Guard law firm here in Cleveland has clients who include the Great Lakes Senior Coast Guard officers who are practicing strategic leadership within the security-versus-trade dynamic every day.

We are developing ways to expand mutual recognition of regulatory oversight for shared awareness of the United States and Canadian merchant fleets that operate exclusively on the Great

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39. See Press Release, The White House (Feb. 4, 2011), *available at* <http://www.whitehouse.gov/the-press-office/2011/02/04/joint-statement-president-obama-and-prime-minister-harper-canada-regul-0>.

40. *Id.*

41. See generally Robert Laurer, *Joint Operations Training*, 39 THE EASTWIND 22, 22 (2010) (discussing attorneys involvement in decision to go forward with Joint Operations Training).

42. See News Release, TRANSP. CAN., Transportation Canada Joins U.S. Coast Guard to Inspect Vessels in the Great Lakes St. Lawrence Seaway (Sep. 7, 2012), *available at* <http://www.tc.gc.ca/eng/mediaroom/releases-2012-h092e-6850.htm>.

43. *Id.*

44. See JUDGE ADVOCATE GEN. OF THE U.S. COAST GUARD, AMERICAN BAR ASSOCIATION REPORT 36 (2011), *available at* [www.uscg.mil/legal/Home\\_doc/ABA\\_Report.pdf](http://www.uscg.mil/legal/Home_doc/ABA_Report.pdf) (discussing the Ninth District Legal Office’s partnership with the Canada-U.S. Law Institute).

Lakes, what are known as “Lakers.”<sup>45</sup> We are drafting detailed communications plans for the U.S. and Canadian assets that tackle maritime security. To underscore the importance of seamless operations, we are even working on the idea to have a Canadian representative positioned inside our 9th Coast Guard District command center here in Cleveland.

The Beyond the Border initiative also aims to push the perimeter out as far as possible, another topic that was discussed earlier. The Coast Guard is already doing this by requiring ninety-six hours advance notice of ship arrivals.<sup>46</sup> The notice includes the information we need to identify potential threats before they get here,<sup>47</sup> which is good for security. It also allows us to approve arrivals early so they are not held up waiting for us to clear passage,<sup>48</sup> which is also good for trade.

To help manage that threat information, we are pursuing a bi-national risk-evaluation process for commercial vessels in the Great Lakes system.<sup>49</sup> Risk management is a key concept in the Beyond the Border Action Plan. With this shared awareness of risk, each country can focus its attention on the ships with the highest threat potential. This is another security measure that enhances trade, because it reduces delays caused by security checks on low-risk ships.

Trade delays are caused by a considerable amount of paperwork that ship operators have to complete before their arrival and departure. It is not just the federal level that governs the Great Lakes’ ports; there are also eight U.S. states, two Canadian provinces, and numerous local governments. There is a lot of demand for information from ships with little awareness that it might already be recorded somewhere else and little knowledge about how to get that information from another source. A lot of information is not necessarily security related, so here we have an even wider lane to support trade. We are looking at the forms now for ways to help

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45. See TRANSP. CAN. ET AL, GREAT LAKES ST. LAWRENCE SEAWAY STUDY 1, 33-34 (2007), available at <http://www.trb.org/Main/Blurbs/159435.aspx>.

46. *Tenth Anniversary of the Maritime Transportation Security Act: Are We Safer? Before the Subcomm. on Coast Guard and Maritime Transp., & the H. Comm. on Transp. and Infrastructure* 112th Cong. (2012) (written testimony of U.S. Coast Guard Assistant Commandant for Prevention Policy Rear Admiral Joseph Servidio), available at <http://www.dhs.gov/news/2012/09/11/written-testimony-us-coast-guard-house-transportation-and-infrastructure>.

47. *Id.*

48. *Id.*

49. See GREAT LAKES ST. LAWRENCE SEAWAY SYSTEM, *supra* note 37.

reduce the redundancy, which will reduce the amount of time and resources diverted by paperwork in the merchant fleet.

President Obama and Prime Minister Harper are telling us that these kinds of improvements are absolutely critical. Their Beyond the Border Initiative is a call to action. It is an invocation to govern the border differently, and it is a blueprint for how to manage that border in a way that simultaneously promotes security and facilitates trade.

Our Great Lakes maritime border presents unique challenges that require a unique set of solutions. Thankfully, staunch allies, vital economic partners, indispensable neighbors, and steadfast friends share this border. If we do it right, if we concentrate on shared awareness, seamless operations, and synchronized priorities, our perimeter security and trade will be harmonious. Our successes show this is possible. Now we must continue to build on those successes. Done right, security will enhance trade, and trade will enhance the economic resilience of both nations.

In closing, I want to express how important the Canada-United States Law Institute is for our bi-national relations, and how important this conference is for our Beyond the Border venture. The Canada-United States Law Institute has given us an ideal forum for the past thirty-five years for the discussion and resolution of our most pressing cross-border issues. Thank you to the University of Western Ontario Faculty of Law and especially to Case Western Reserve University School of Law for hosting and providing this great venue. Your efforts are shining examples of precisely the kind of cooperation that will help us achieve our highest aspirations.

My final thought would be, as I talked with Ambassador Doer, Ambassador Jacobson, and Counsel General Norton yesterday in my office, I associate myself very closely to the remarks made by both ambassadors about the need to have an overarching, collaborative body to help deal with all the desperate issues that are about this region—similar to PNWER in the Pacific Northwest<sup>50</sup>—and we, the Coast Guard, have taken the initiative and have been appointed as the federal co-chair for the National Ocean Policy for this Great Lakes' region.<sup>51</sup> The reason we took that on is not because we have the resources to do it, but because we share the view that we need to bring these groups together; to synchronize the efforts of all these

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50. See PACIFIC NORTHWEST ECONOMIC REGION, 2011 ANNUAL REPORT 27 (2011), *available at* <http://www.pnwer.org/PNWERResources/AnnualReport.aspx> (discussing Ambassador Jacobson and Ambassador Doer's involvement with PNWER, and PNWER's feedback regarding the Beyond the Border's Action Plan).

51. See NAT'L OCEAN COUNCIL, NATIONAL OCEAN POLICY DRAFT IMPLEMENTATION PLAN 23 (2012), *available at* <http://www.whitehouse.gov/administration/eop/oceans/implementationplan> (listing the Coast Guard as a lead agency).

different groups, whether it is the Great Lakes Counsel of Governors,<sup>52</sup> or the Great Lakes Cities Initiative,<sup>53</sup> or the Great Lakes United,<sup>54</sup> or any of these other groups that exist. I think it is important to bring them together, and I think that the most important thing we have here on the lakes to market is the Great Lakes themselves. I think that is something that many regions do not have. When you have twenty percent of the world's fresh water supply right here at your doorstep,<sup>55</sup> we need to be very, very mindful of how vitally important that is to the safety and security of our country. So with that I thank you, I wish you Godspeed, and Semper Paratus.

#### CLOSING REMARKS

CHI CARMODY:

Admiral Parks, you have given us a very stirring ending to our conference this year, here in Cleveland. Those were tremendously capacious and far-seen remarks. Remarks that seem to help to bring our conference to a close. As a token of our great esteem, for those nights that you are out on the water and it is cold and chilly, we thought we would give you this Canada-United States Law Institute coverlet. Thank you very much. Jim Peterson is going to come down and give us a few words.

HON. JAMES PETERSON:<sup>56</sup>

Let me just say, first of all, what a wonderful conference I think this has been. I start with the wonderful speakers that we have had. Ambassador Doer last night, David Jacobsen this morning – he reminded us that perhaps the future role for CUSLI could be “to be the voice for bringing together this part of North America.”<sup>57</sup> That is

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52. COUNCIL OF GREAT LAKES GOVERNORS, <http://www.cglg.org/> (last visited Nov. 1, 2012).

53. *Great Lakes Initiative*, U.S. ENVTL. PROT. AGENCY, <http://water.epa.gov/lawsregs/lawsguidance/cwa/criteria/gli/index.cfm> (last updated Mar. 6, 2012).

54. GREAT LAKES UNITED, <http://www.glu.org/> (last visited Nov. 2, 2012).

55. Sea Grant Michigan, *About the Great Lakes*, UNIV. OF MICH., <http://www.miseagrant.umich.edu/explore/about-the-great-lakes/> (last visited Nov. 2, 2012).

56. *See Hon. James Peterson – Biography*, FASKEN MARTINEAU, <http://www.fasken.com/lawyers/detail.aspx?professional=8eab55ff-0dc4-4a3f-aff9-bcbe6ec1e89e> (last visited Nov. 1, 2012).

57. David Jacobson, Ambassador to Can., Opening Address at the Canada-United States Relations Annual Conference: The New Perimeter

a challenge and an offer that I think we have to take very seriously. These two ambassadors are very fine representatives of their countries acting on each other's capital. But I think more than that, we have a great tradition of that, but these people are really good. More than that, they have become very close friends, which is going to make it a lot easier to get together and achieve things in the future. Rear Admiral Parks, I want to thank you for the role of leadership that you have taken in providing security, and on a cooperative basis. I want to thank the panelists, joint law enforcement, harmonizing regulations, trade and jobs, cyber security, and critical infrastructure. I challenge anyone in this room to give us four better panels at any conference you will see. They were all excellent, they were all germane, they were all informed, they were all intelligent, and they all care deeply.

Professor Katz's awarding to Sydney Picker of the Henry King Memorial Award is a great tradition of CUSLI.<sup>58</sup> All of us are a great crowd to be a part of this great tradition and to ride on Henry's coattails. I would like to thank Dean Mitchell and Dean Scott for your support with our efforts here and for making this possible. I want to thank Chi Carmody and Michael Scharf for the leadership each has taken in their universities and with working with us. I want to thank the Executive Committee. I know how much they have contributed though their intelligence and experience with CUSLI to building an even stronger future. I particularly want to thank our new Executive Director, David Kocan. David is new to it this year, and he came, and it is not easy to deal with the Executive Committee. He threw himself into this with great intelligence, enthusiasm, great collaboration, and I thank you, David, for putting together the team here that made today possible.

I want to thank the Advisory Board that met this morning for an hour and gave us some incredibly interesting thoughts on what our program should be next year. David, this is your leadership again. We have got to start early, and we hope to have the topic firmed up within no more than a few weeks. Again, this is the kind of leadership that David has given us, and the Advisory Board, we would like to see you play a much bigger role in the future. I want to thank John Negroponte, because in his words, and I am going to paraphrase them, the Canada relationship is a historic and enduring one. We are

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Initiative: Will Security Trump Trade? (March 23, 2012) (transcript available in the Case Western Reserve Law School Library) (discussing CUSLI and the importance of the United States and Canada working together to solve problems).

58. See *About the Institute: History*, CAN.-U.S. LAW INST., [http://www.cuslinexus.com/2012\\_03\\_01\\_archive.html](http://www.cuslinexus.com/2012_03_01_archive.html) (last visited Nov. 2, 2012).



neighbors, friends, and allies, and in this era, we need to work together bilaterally, regionally, and globally to grasp the opportunities of the new globalization. What better statement of message could there be for CUSLI in the future? I come out of this with renewed enthusiasm for the job that we can do in this rapidly changing and economic security environment. I think it is a job that no one else is better equipped than we are today. CUSLI could never be more relevant to our future. This is why it is so wonderful to see so many people around here who have done so much to make this possible. I neglected to thank two other people. First of all, my co-chair, Jim Blanchard,<sup>59</sup> who has given a great deal of effort and intelligent assistance. I would also like to thank a delegate here, John Tennant,<sup>60</sup> who last night hosted a wonderful cocktail party just across the road. You were very generous, John, and thank you very much. Lastly, I want to thank every one of you who have come to this conference. The delegates, students, whomever – you have made it the best that I have been at so far. I admonish every one of you, please come back next year, and please bring with you at least one more delegate. Thank you so very much.

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59. See *James Blanchard – Biography*, COUNCIL OF AM. AMBASSADORS, <http://www.americanambassadors.org/index.cfm?fuseaction=Members.view&memberid=57> (last visited Nov. 1, 2012).

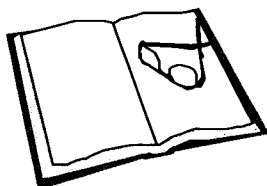
60. See *John Tennant – Biography*, W<sup>2</sup>N<sup>2</sup>, <http://www.w2n2.ca/> (last visited Nov. 1, 2012).

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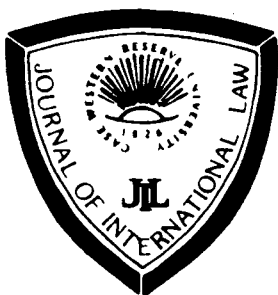
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