

Lines and Flows: The Beginning and End of Borders

A Theory of Action for Border Management
and Security in a Global Age



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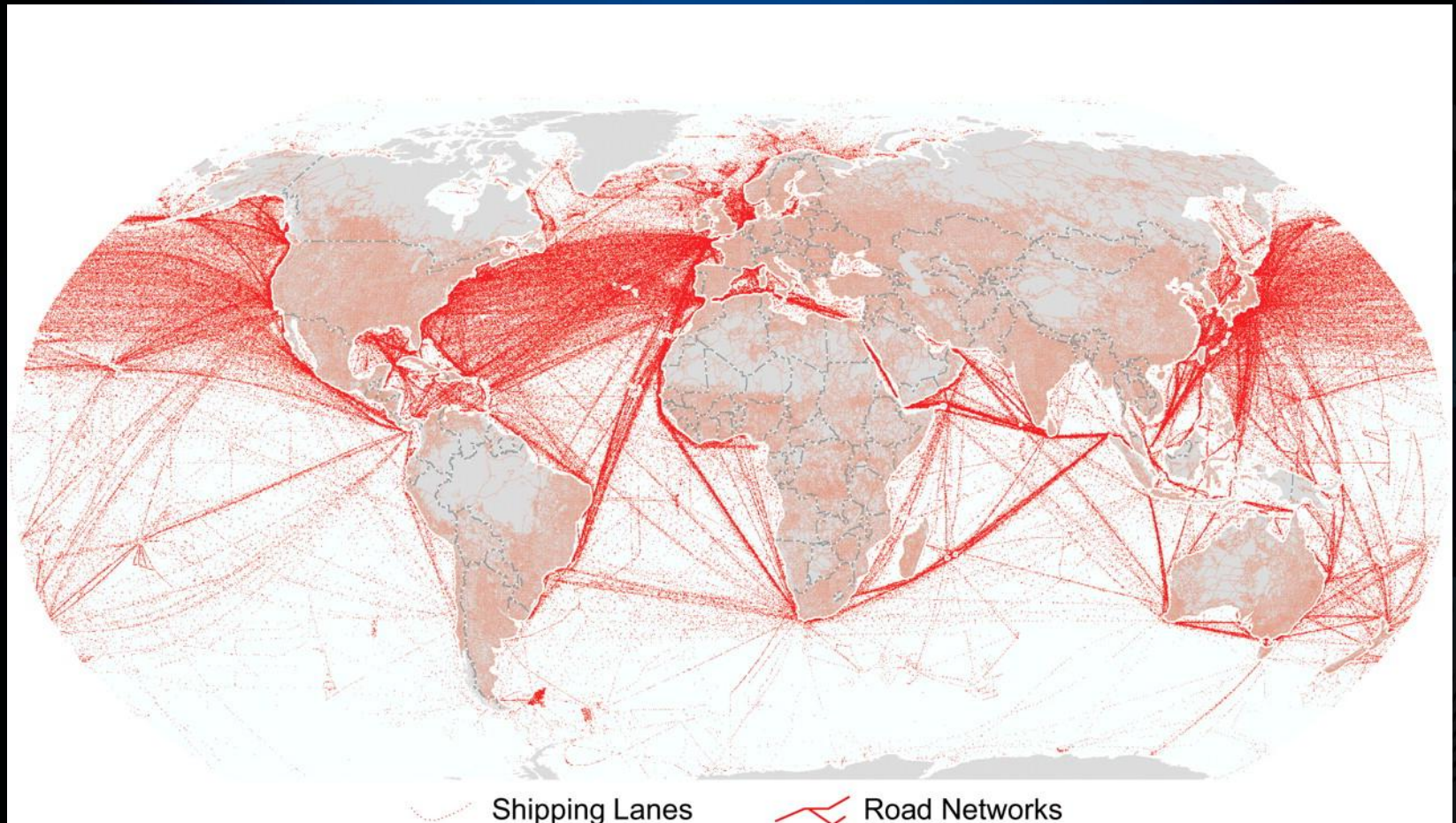
Overview

- Globalization and the Westphalian System
 - Border Lines and Border Flows
 - Security and Economic Competitiveness/Prosperity
- The Bali Accords on Trade Facilitation
 - Principles (Articles I-VI)
 - Release and Clearance of Goods (Article VII)
 - Collaborative Border Management (Article VIII)
 - Facilitated Flow of Goods Across Borders (Articles IX-XII)
 - Institutionalization (Article XIII)
- The Centrality of Risk Management and Traffic Segmentation
 - Trade Facilitation and Supply Chain Security
 - Authorized Economic Operator Programs
 - Big Data and Targeting
 - Information Sharing
- The Merits of Joint Border Management
 - Public-Private Partnerships
 - Transnational Border Management
- Global Principles of Secure and Efficient Border Management





Global Shipping Lanes and Road Networks



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The Bali Accords on Trade Facilitation

- Articles I-VI (Principles):
 - Enhanced transparency
 - Reduced bureaucracy and corruption
 - Due process to appeal customs decisions to an independent authority
 - Harmonization of standards



The Bali Accords on Trade Facilitation

- Article VII (Release and Clearance of Goods):
 - Procedures to expedite the release of goods upon arrival
 - Risk management system focused on targeting high risk consignments and expediting low risk consignments
 - Promotion of “authorized operator” programs and mutual recognition



The Bali Accords on Trade Facilitation

- Article VIII (Collaborative Border Management):
 - Cooperation among border agencies within country
 - Cooperation between countries with shared borders



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The Bali Accords on Trade Facilitation

- Articles IX-XII (Facilitated Flow of Goods Across Borders):
 - Development of a single window system for diverse border crossing requirements
 - Reduction of documentation requirements, formalities, and customs controls for traffic in transit
 - Outreach to private sector to apprise traders of compliance obligations
 - Cooperation on customs capacity building



The Bali Accords on Trade Facilitation

- Article XIII (Institutionalization):
 - Establishment of a committee on trade facilitation within the World Trade Organization
 - Establishment of trade facilitation committees at the national level



Articles VII and VIII embody the central tenets.



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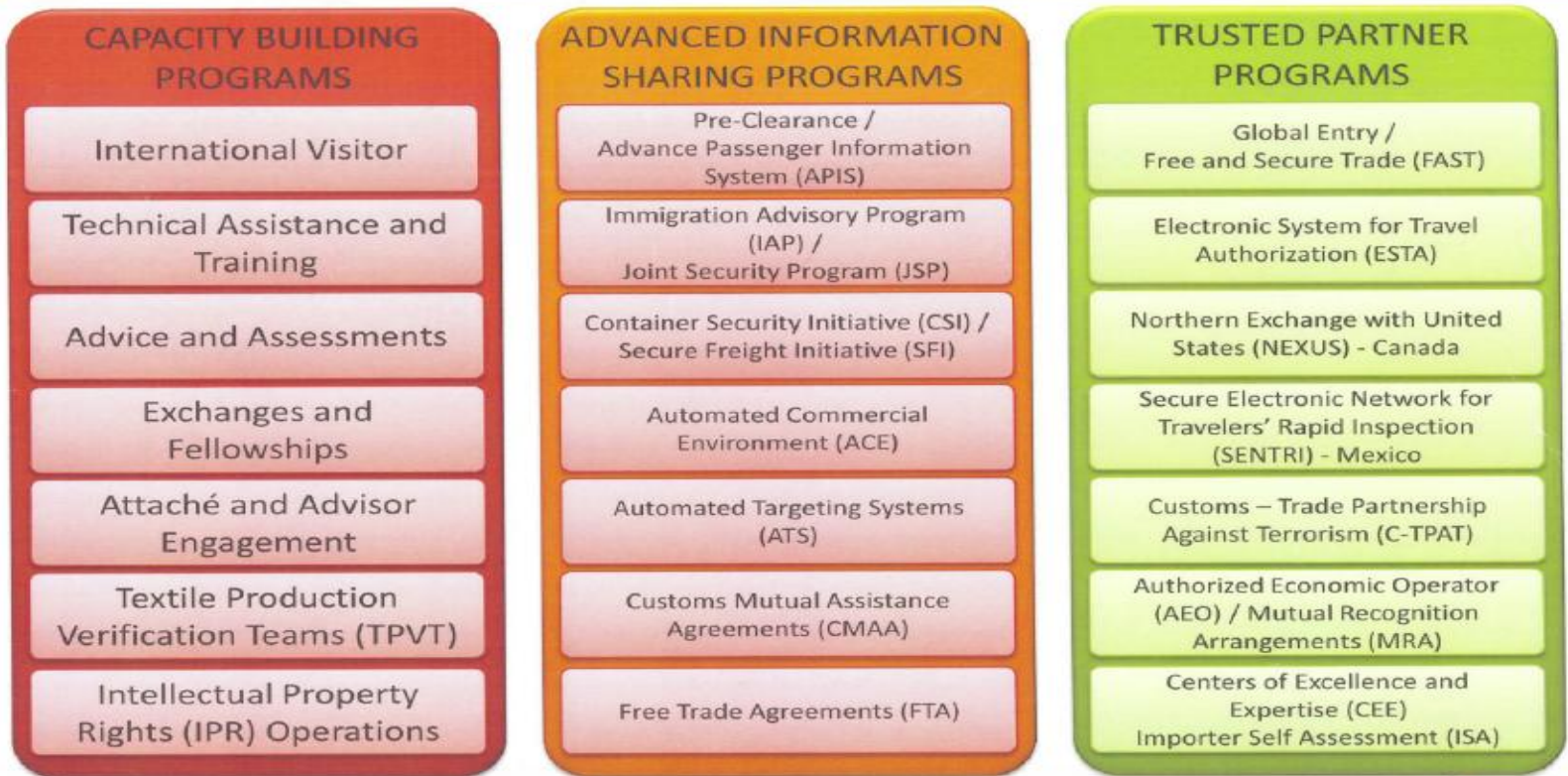
The Centrality of Risk Management and Traffic Segmentation

- Trade facilitation and supply chain security are not mutually exclusive variables but involve the same process.
 - Expediting legitimate trade and travel is a security regime.
- Authorized economic operator programs are the key to finding “a needle in the haystack.”
 - Making the haystack smaller and targeting



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Expediting Secure Flows of Trade and Travel



U.S. Customs and Border Protection

Reducing Risk

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The Centrality of Risk Management and Traffic Segmentation

- Meta Data (“Big Data”) and targeting are necessary to risk management and traffic segmentation.
 - Making data into useable information
 - The ideal of a “Global Data Mart”
- Information sharing is deficient and must expand.
 - Information *is* power.
 - Privacy and data protection are not necessarily inconsistent with information sharing.



The Merits of Joint Border Management

- Fragmented border management is an artifact of history that globalization requires revisiting.
- The relevant network partnerships are within the government, with the private (stakeholder) sector, and with foreign nations.
- Advance data exchange with the private sector offers a breakthrough opportunity.
- Movement from bilateral border relations to binational relationships trans-nationally.



Global Principles of Secure and Efficient Border Management

- Generic Principles:
 - The purpose of effective border management is to identify people, goods and conveniences that are likely to cause harm to society or global order (including the integrity of international economic relations) or otherwise violate domestic laws. Its goal is to mitigate opportunities to bring about such infractions. Accomplishing this task requires individualized assessment about the risk a unique individual, shipment or convenience presents and appropriate capabilities for responding to the identified risk.
 - Border management agencies should strive to segment traffic to facilitate the entry of low or no-risk travel and trade through screening that also allows for the interdiction of those who are more likely to pose a risk. Neither facilitation nor security should be viewed as exclusive functions.
 - States may adopt laws and regulations governing the admission to, departure from and transit through its territory by individuals, vessels or goods, including for the provision of information at or prior to the border and minimum physical security requirements.
 - Upon a determination of admissibility, governments should maintain the free movement of travelers across and within their borders.
 - Governments should provide protection and assistance to victims of crimes and other atrocities who seek to cross their borders.



Global Principles of Secure and Efficient Border Management

- How Governments should organize themselves:
 - Governments should establish uniformity of purpose among customs, immigration and other border agencies and police, counter-terrorism officials and other relevant organizations to ensure the safety and integrity of society and international travel.
 - Advance data about travelers intending to cross borders, including when appropriate biographic and biometric data, or cargo moving towards borders is integral to border management; each receiving country may establish advance data requirements for incoming travelers and cargo that it deems necessary.
 - Decisions about risk should be based on factual information about known offenses or offenders and their methods and tactics.
 - Governments should institute procedures to prevent travelers from masking their true identity during international travel. Similarly, the true goods in transportation, their purchaser and originator and all relevant intermediaries should be transparent to border authorities in a manner that does not compromise trade relationships.
 - While protecting everyone's right to leave any country as codified in the Universal Declaration of Human Rights, Governments should be cognizant of the impact of their exit policies on the entry requirements of other nations.



Global Principles of Secure and Efficient Border Management

- What Governments should do together:
 - Governments should collaborate among themselves and with the private sector to intervene and mitigate risk at the earliest point in the travel continuum after the risk has been identified, regardless of the party identifying the risk. This may require operational exchanges to alert other nations to high risk transportation
 - If a State of departure, transit or arrival lacks the ability or resources to interdict and mitigate an identified risk, it should be able to request and receive assistance from other States party to the transportation.
 - Governments may undertake joint efforts to mitigate risk, including, when appropriate, through mutual recognition of domestic programs
 - Each government should cooperate to receive individuals returned to that country for violating the entry and stay requirements of other governments.
 - Each government shall refrain from interfering in the border management strategies, policies, and tactics employed by another that are consistent with democratic values, fundamental human rights and these principles.
 - Governments should share knowledge about trends and techniques used by individuals to circumvent border management techniques.
 - Innovations in border management should at an appropriate time continue to be codified in standards by competent and internationally recognized standards bodies.
 - Governments should consider another country's adherence to these principles when considering its travel and trade policies toward such country, including visa policies. States unable to adhere to these principles should expect persons and goods departing from their territory to receive greater scrutiny by nations adopting these principles.



Global Principles of Secure and Efficient Border Management

- What Individuals can expect from government:
 - The privacy of travelers and the protection of data about them should be ensured but anonymity should not be expected by travelers or traders, nor should generic privacy or data protection requirements preclude cooperation in border management.
 - Redress and other mechanisms should be available to allow individuals to appeal government decisions and ensure data accuracy.
 - Requirements for entry should be established, transparent and not arbitrary



Global Principles of Secure and Efficient Border Management

- What the private sector can expect from government:
 - Governments and the private sector should cooperate to ensure that networks that enable cross border flows are resilient to natural and man-made threats, including through prioritize recovery plans.
 - Governments should seek to minimize bottle-necks in transportation caused by overly cumbersome security controls. Layered solutions may be adopted to mitigate the system impact of individual security measures.
 - Company's engaging in international transportation and commerce and non-compliant with domestic requirements should expect delays, refusal of entry or transit, fines or other penalties

