

**A New Border Paradigm**  
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**BOUNDARIES** of nations have since time immemorial demarcated one sovereign entity from another. In the long march of history, borders keep changing, evolving into newer nations and dominions. Sovereignty expresses itself aggressively at the borders in the form of fortifications, barbed-wire fencing, and heavy military presence; all intended to restrict movement of people and trade, for a variety of reasons. Nations sought to enrich themselves by marking specific entry and exit points, wherein Customs fees and duties were levied on goods entering or leaving a country. This generated considerable revenue for governments and was administered by an exclusive department, known throughout the world as the Customs department.



Borders have come to denote specific zones, where people and goods conglomerate, from different parts of the globe. This traffic in people and goods can be legal and illegal. The fabled silk route countries, Tea Horse Roads, Caravan paths across Arabia, all signify the trade routes through which goods and people intermingled. The advent of colonial empires, trading companies, considerably increased the volume of trade and movement of people. Slave trade by the British and other colonial powers resulted in mass transportation of humans across continents. The cumulative effect of these movements is what is now known as Globalization. The flow of goods, people, currency transactions, communications are enormous both in volume and value. Maritime and aviation borders represent new concepts in border demarcation and is viciously protected by naval and air-forces of each country.

However, these very same borders are exploited by transnational criminal gangs to trade arms, narcotics, and even human beings in the form of human trafficking, apart from significant clandestine deals in banned and restricted items. Governments have set up specialized border regulatory regimes to detect movement of agricultural produce, tobacco, liquor, narcotics and psychotropic substances, apart from trying to repel religious zealots known as terrorists. The traditional concept of borders as being a natural perimeter to identify and apprehend undesirable goods and people is proving to be unsatisfactory. Regulatory checks at borders have become time-consuming, and expensive, affecting travel and supply chains. The security imperatives of the modern world involving visa procedures, biometric identification, quarantine, fumigation procedures and customs formalities are proving to be a formidable challenge to global trade and commerce. The flow of goods and people across land, sea and air getting restrained and examined on artificial and imaginary borders by different agencies has become unacceptable to trade and industry. The massive cross border movements of people and goods is forcing a dramatic shift in the thinking of government. A new border paradigm is being conceptualized. Instead of borders being treated as entry points, the

point of embarkation for goods and people can act as another kind of border. This would facilitate the identification and apprehending of people and packages before they reach their intended destination. The concept is to identify, intercept and neutralize dangerous people and dangerous products at the initial threshold itself. The new frontier thus represents a strategic and tactical approach to organization, function and jurisdiction. Such a change in perspective enabled the U.S. government to create a Department of Homeland Security, by effectively merging twenty two different organizations. This did away with the need of a divided border management, rife with bureaucratic rivalry and an unending competition for resources. For the first time immigration, customs and agricultural inspections were exercised by the same officer working under a single agency defined by an overarching security concern. This integration of border protection and homeland security resulted in the new science and art of modern border protection. Legal re-engineering is necessary to create revised definitions of functions, and law enforcement.

The geopolitical advantage of tracking and identifying dangerous people and dangerous goods far away from our immediate borders represents a paradigm shift in tackling transnational crime and terror.

Our borders especially with the SAARC Countries could be reinvented to enhance economic prosperity. The American government has initiated the "continental perimeter security" whereby the U.S.A., Canada and Mexico are jointly engaged in identifying and intercepting dangerous people and things. It is estimated that approximately 97 % of traffic in people and goods are lawful, hence the need to identify only high-risk targets are necessary. This resulted in President Obama and Canadian Prime Minister Stephen Harper unveiling a declaration called "Beyond the Border Declaration" in February, 2011. It provides for information sharing, pre-inspection of cargo, and the reciprocal carrying of weapons by law enforcement personnel stationed in each other's country. This concept is slowly gaining acceptability among Customs administrations across the world. The U.S. Customs recently opened an Abu Dhabi base on January 24 th 2014, thereby ensuring that customs pre-clearance is completed at the point of embarkation itself. This arrangement is similar to those existing at Caribbean, Bahamas, Bermuda, Dublin and Shannon in Ireland.

The new Indian Government should try this innovation with neighbouring countries like Sri Lanka, Bhutan, and Nepal to start with, thereby opening a new chapter in trade facilitation and customs law enforcement.

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