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**The Canadian Soldier And The State:  
The Chief Of Defense Staff And The National Security Policy  
The Need For A More Formal Relationship**

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## ABSTRACT

According to the booklet titled 'Organization and Accountability', the CDS seems to have no policy formulation role, or at best a marginal one. This prerogative is being assigned to the Deputy Minister (DM) and to the Assistant Deputy Minister Policy (ADM (Pol)). The document confines the CDS to an advisory role limited to the formulation of military options in times of crisis, or to an execution role of the government decision. This trend became more apparent last fall, in the aftermath of September 11<sup>th</sup>, when the DM alone became a member of the sub-committee supporting the Cabinet Ad Hoc Ministerial Committee on Security, and the CDS was ignored, while the Royal Canadian Mounted Police (RCMP) Commissioner was included. This episode illustrates the urgency to clarify further the roles, authority of the DM and the CDS and the interface between the two.

The purpose of this paper is twofold. Firstly, it will argue that the CDS ought to be involved in the formulation of the defence policy. It will propose a model of the civil-military relations, developed by Albert Legault, which will facilitate the comprehension of the shared responsibility between the DM and the CDS. In the end, the control of the military is as good as the accountability regime in place, which ultimately depends on the senior military leadership involvement at the politician's table.

Secondly, the role of the CDS, as the military advisor to the government, needs to be formalized. At present, too much depends on personalities. Consequently, the CDS may simply be ignored. The complexity of today's national security agenda is such that ad hoc committees and decisions do not serve the long term Canadian interests. To rectify this situation, this paper will propose the creation of a permanent Cabinet Committee on National Security to which the CDS would be an advisor, and the addition of a specialized National Security Staff to PCO, similar to what exists in Australia.

## Introduction

In the Organization and Accountability booklet published by the Assistant Minister Policy (ADM Pol)<sup>1</sup>, the Deputy Minister (DM) is attributed the “central role in formulating advice for the Minister on policy matters...” On the other hand, the Chief of Defence Staff (CDS) is “charged with the command, control and administration of the CF, options and the possible consequences of undertaking or failing to undertake various military activities.”<sup>2</sup> Furthermore, the CDS is “accountable to the Minister for the conduct of CF activities, as well as for the readiness of the Forces and their ability to fulfill the military commitments and obligations of the Government.” Similarly, ADM (Pol) is described as the “principal source of defence policy advice and is responsible for the analytical basis and policy options, as well as advice on, and support in, the formulation and execution of defence policy.” So strictly speaking, roles are clearly defined, and the CDS seems to have no policy formulation role, this prerogative being assigned to the DM and ADM (Pol) leaving to the CDS the responsibility for both the formulation of possible military options in a given situation and for the execution of the government decision.

The fact that the CDS “plays a key role in the policy process”<sup>3</sup> is simply stated early in the document, but is neither emphasized, nor developed further, which leaves the reader with the impression that the CDS role in policy formulation is marginal. This trend is apparent in the way the responsibilities of the DM and the CDS are broadly defined:<sup>4</sup>

- “The Deputy Minister has primary responsibility for resources, policy and international defence relations; and
- the Chief of Defence Staff has primary responsibility for command, control and administration of the Canadian Forces and military strategy, plans and requirements.”

The purpose of this paper is twofold, firstly to argue that the CDS, in particular, and the senior military leadership to a lesser degree must be involved in the formulation

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<sup>1</sup> Canada, Department of National Defence, Organization and Accountability, (Ottawa: Second Edition, September 1999), 9.

<sup>2</sup> Ibid., 9-10.

<sup>3</sup> Ibid., 7.

<sup>4</sup> Ibid, 9.

of defence policy, and secondly that the role of the CDS as the military advisor to the government needs to be formalized as there exist no constitutional arrangements in Canada that allow the CDS to be involved in the making of defence policy. As military commanders and senior executives, senior military leaders cannot be bystanders limited to the execution of the policy. They must not only be strategic leaders, who provide vision and focus to the CF, but also, to use the terminology of Major General R.A. Chilcoat,<sup>5</sup> they must be strategic theorists capable of developing strategic concepts and integrating them in the development of Canada's security and defence policy.

Even if the National Defence Headquarters (NDHQ) reflects a shared responsibility structure where personalities, customs and traditions play a major role, it is important that the authority and limits of both the DM and the CDS be clearly defined to the extent possible to guide all those involved and avoid confusion. I disagree with those who want to confine the CDS to an advisory role limited to present military options for a given contingency and to an execution role of the government decision, leaving the policy field to the DM and ADM(Pol). But as well, I disagree with those, mostly academics and retired officers who advocate a return to the pre-integration of the Canadian Forces Military Headquarters (CFHQ) with the Department of National

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member of the sub-committee supporting the ministerial committee, grouping the deputy ministers of the departments concerned, including Defence, the CDS unfortunately and questionably was not included. To ignore the CDS in his capacity as policy advisor to the Government created a dangerous precedent and illustrates how urgent it is to put in place a formal structure to ensure that the CDS is given a voice on a continual basis. Secondly, the complexity of today's national security agenda is such that ad hoc committees and decisions do not serve the long term interests of Canada. I will propose the creation of a Cabinet Committee on National Security composed of DFAIT, DND, CIDA, Justice and the Solicitor General, and the addition of a specialized National Security Staff to Privy Council Office (PCO).

### **The Theory of civil-military relations**

Fundamental to our discussion is the concept of civil-military relations in a modern democracy, which at times can be difficult and may lead to crisis for different reasons. It is therefore essential to briefly review the overall theory of civil-military relations. We will argue that the classical Huntington view is incomplete in today's more complex strategic context, whereby tactical decisions can have profound strategic consequences. During the Cold War, Canada's participation in peacekeeping was meant to prevent the possibility of a regional conflict degenerating into a global confrontation between the two superpowers. Today, soldiers risk their lives not just to defend vital national interests, but also to promote human rights and human security, or to rebuild societies destroyed by internal conflicts. Consequently, the old distinction between what is political and what is military has become blurred somewhat, requiring a continual dialogue and a close cooperation between politicians and their military advisors.<sup>6</sup>

According to Bland, "the root cause...lies in the weaknesses in Western theories of civil-military relations and in narrow definitions of the civil-military relations problem that the civil authority is meant to control."<sup>7</sup> Works of authors like Huntington and Janowitz have become classics, but it could be argued that they place too much reliance

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<sup>6</sup> Albert Legault, "Démocratie et transfert de normes : les relations civilo-militaires," *Études internationales* XXXII, no. 2 (juin 2001), 174.

<sup>7</sup> Douglas Bland, "Who Decides What? Civil-Military Relations in Canada and the United States," *Canadian-American Public Policy*, no. 41 (February 2000), 3.

on the professionalism of the military as a means to ensure civil control.<sup>8</sup> The question is how is the military actually controlled by civil authorities, what mechanism, procedures, structures will ensure that positive control of the military exists?

Is it sufficient, as Morris Janowitz argues that officers are “subject to civilian control, not only because of the ‘rule of law’ and tradition, but also because of self-imposed professional standards”?<sup>9</sup> The theory underlines two assumptions. The first one being that “civil-control” means civilians elected to legislatures, which implies that the military has no legitimate authority or responsibility to act on its own.<sup>10</sup> The second one stipulates that civil control is a “dynamic process susceptible to changing values, conditions, issues, and personalities.”<sup>11</sup> Therefore they are permanent difficulties of governance, which result in a system of shared responsibility for national defence between the civil authority and the military leaders. Shared responsibility and consensus building are two dominant traits of civil-military relations in Western democracies, including Canada.

The four fundamental problems associated with civil-military relations can be summarized as follows:<sup>12</sup>

- a. Prevention of a military coup, which is no longer an issue in modern mature democracies;
- b. The maintenance of good order and discipline, so that the armed forces do not behave in a harmful way either against the government or against the people;
- c. The third issue has to do with the protection of the armed forces from political partisanship. In other words, the employment of the military by politicians for partisan purposes and power is as dangerous as a military coup;
- d. Finally, “the relationship of the expert to the minister”. What real civil control exists when the Minister is dependent on the expertise of those he or she should control, when he or she lacks the necessary knowledge?

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<sup>8</sup> Ibid., 5.

<sup>9</sup> Morris Janowitz, The Professional Soldier: A Social and Political Portrait, (New York: The Free Press, 1960), 420.

<sup>10</sup> Bland, 7

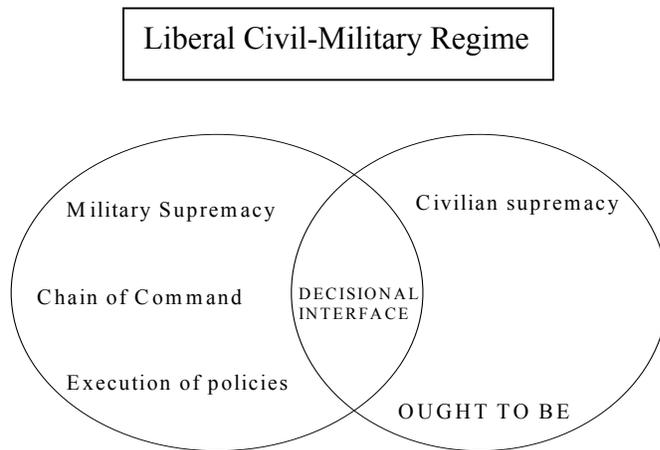
<sup>11</sup> Ibid., 8.

<sup>12</sup> Ibid., 10-12.

That last point is particularly important in any democracy and tends to become even more so as the military expertise becomes more and more complex and sophisticated with the so-called Revolution in Military Affairs. For Huntington, “ the relation of the profession (military) to the state is based upon this natural division of labor. The essence of this relationship concerns the relative scope of competence of the military expert and political expert or statesman. Before... the same person could be simultaneously qualified in both fields. Now this is impossible.”<sup>13</sup> Huntington sees three responsibilities of the military to the state:<sup>14</sup>

- a. A representative function, to represent the claims of the military;
- b. An advisory function; and
- c. An executive function.

The traditional view exposed by Huntington comprises “a clear distinction between the responsibilities of civilian and military powers, a well-trained, professional army and total subordination of military power to that of civilians.”<sup>15</sup> It can be visualized as follows:



<sup>13</sup> Huntington, Samuel, The Soldier and the State: The Theory and Politics of Civil-Military Relations, (New York: Vintage Books, 1957), 8 and 11-12.

<sup>14</sup> Huntington, 72.

<sup>15</sup> Legault, 178.

Rebecca Schiff rejects the ‘Huntingtonian dichotomy of the separation of powers’. She believes that “the general state of civil-military relations depends upon a partnership established between the political elite, the military and the citizens based upon mutually satisfactory compromises.”<sup>16</sup> Cori Dauber goes further when he argues that “the civil supremacy of the “ought” is challenged today by the fact that the military’s power is infinitely more persuasive and well-structured (argued) today than it was in the past.”<sup>17</sup>

Albert Legault’s alternative three-tier model, which reflects better the complexity of the civil-military relations in a liberal democracy, comprises a normative level, which corresponds to the traditional Huntington model, but is complemented with both an accountability and a societal level (Figure 1).<sup>18</sup> According to Legault, a Liberal Civil-Military Regime (LCMR) can be defined as “a regime where civil-military power is shared between two separate actors, each with its own competencies and necessarily subject to, because of its democratic procedures, a more or less extensive area of close consultation, the content of security policies being defined by civilian authorities and implemented by military power or professional armed forces.”<sup>19</sup> The regime must follow the same processes common to all liberal democracies. It should comprise the three levels of analysis outlined below:<sup>20</sup>

|                         |   |
|-------------------------|---|
| <b>Normative level</b>  | The existence of clear policies freely determined by the executive power or by the government in office;                            |
| <b>Imputative level</b> | The existence of clear and precise government controls in relation to policies defined by the State.                                |
| <b>Societal level</b>   | The existence of methods of direct action that allow those elected to make their voices heard and, possibly elect a new government. |

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<sup>16</sup> See Rebecca L. Schiff, “Civil-Military Relations Reconsidered: A Theory of Concordance,” *Armed Forces and Society*, Vol. 22, no. 1, Fall 1995, 7-24.

<sup>17</sup> Cori Dauber, “The Practice of Argument: Reading the Condition of Civil-Military Relations,” *Armed Forces and Society*, Vol. 24, no. 3, Spring 1998, 435-446.

<sup>18</sup> Legault, 169-202.

<sup>19</sup> *Ibid.*, 189.

The normative level corresponds to the traditional model which differentiates between the military and the civilian world with the emphasis on the supremacy of the elected officials. In Canada, the Executive, in fact the Prime Minister exercises the supremacy of civilian authority over the military through the Minister of National Defence. The 'ought' is the prerogative of the politicians. In return, the government can rely on a professional army capable of executing its decisions. On the other hand, only the military can give orders to the military and politicians must not interfere with the chain of command, with the exception of military insubordination or when the Prime Minister wishes to appoint a new CDS, or promote generals.

In theory, it is the role of the politicians to define policy, but in practice most defence strategic decisions are made after due consideration is given to military advice.<sup>21</sup> The paradox being, as pointed by Kohn, that if the military and civilian spheres are autonomous, the more autonomy the military enjoys, the less control do politicians have.<sup>22</sup> Fortunately, in both Canada and the U.S. civil-military relations "are dominated not by contests between the civil authority and soldiers about sovereignty over civil-military relations. The game is rather a subtle contest between various political actors attempting to realign boundaries."<sup>23</sup>

The Imputative level stipulates that civil control of the military is not a fact but a process<sup>24</sup> based on the concept of accountability, which involves more than having the CDS accountable to the Minister, who himself is accountable to Parliament and to the Prime Minister. It implies that Canadian laws with all their administrative, financial and budgetary controls apply to the military, unless specifically exempted.<sup>25</sup> In other words, there must be specific mechanisms and processes to translate principles into day to day civil control. They comprise executive and legislative limitations, budgetary and financial

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<sup>20</sup> Ibid, 178.

<sup>21</sup> Ibid., 181-182.

<sup>22</sup> Ibid., 179.

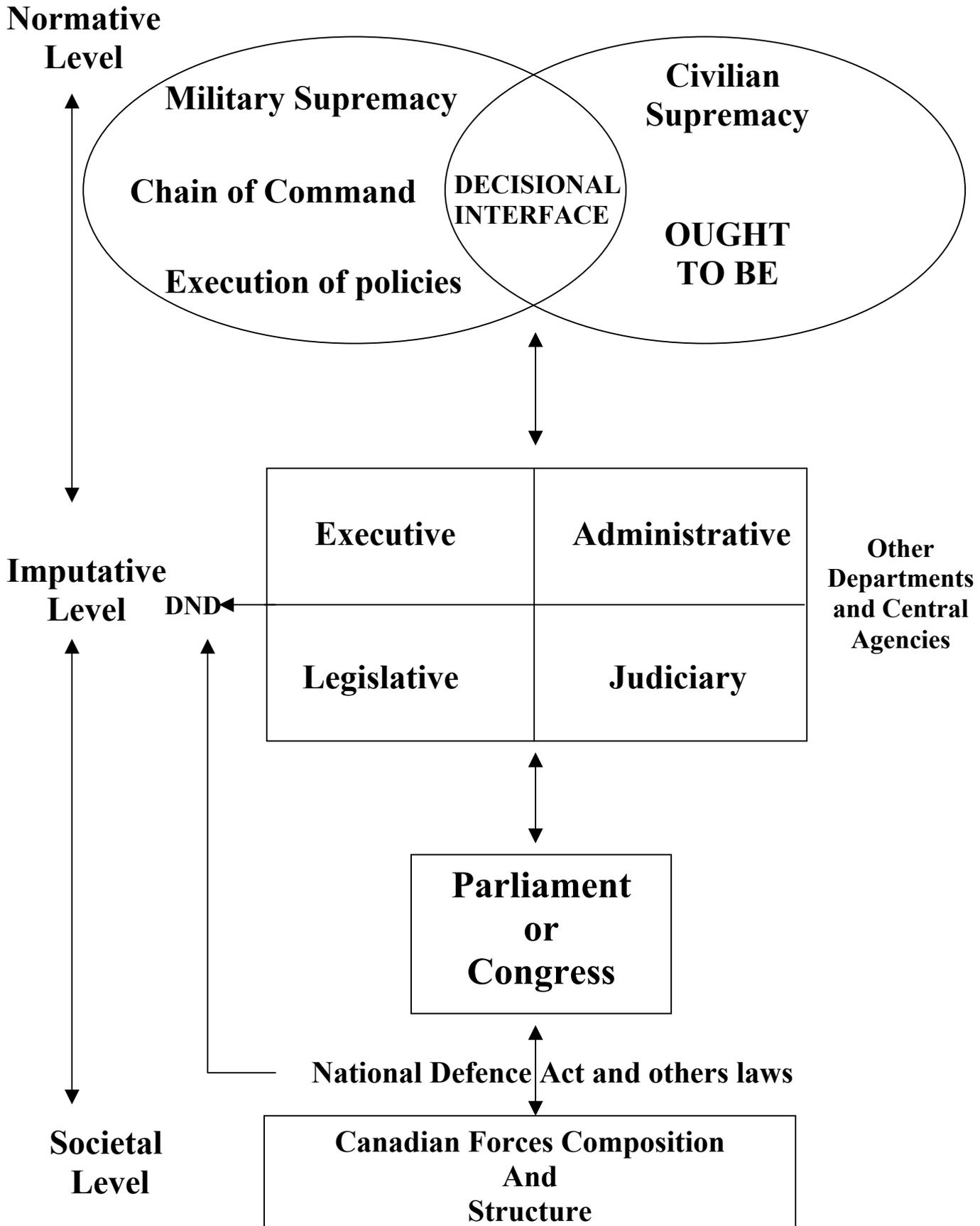
<sup>23</sup> Bland, 13.

<sup>24</sup> Richard H. Kohn, "An Essay of Civilian Control of the Military," in Démocratie et transfert de normes : les relations civilo-militaires, Albert Legault, 179.

<sup>25</sup> See Organization and Accountability, Annex B.

# Characteristics of a Liberal Democratic Civil-Military Regime

Figure 1



controls, and finally constraints resulting from successive legal reforms.<sup>26</sup>

The societal level deals with the composition and structure of the military, which to be credible, must reflect to the extent possible the composition, diversity and values of the Canadian population. The critical aspect here is for the military to avoid a profound disconnect between the armed forces and the people.<sup>27</sup> In Canada, this may be the most sensitive aspect of the civil-military relations, resulting in a ‘clash of cultures’ between military values, which promote ‘duty above self’, and the individual rights culture prevailing in the Canadian society. The overall impact of all the so-called ‘politically correct’ initiatives is perceived as an attack on true military values, that slowly but surely erodes authority, discipline, and combat readiness.

This phenomenon is not peculiar to Canada. In fact, all western democracies have difficulties recruiting and retaining people, except the elite units, such as the U.S. Marines and Special Troops, or the British SAS, or the ‘Infanterie de marine’ and the ‘Legion’ in France. The lesson seems to be that the more the military becomes like the prevailing society, the less attractive it becomes to potential recruits. The reason may be that having lost its distinctiveness, the military becomes just another option. Recruits compare a career in the military to the other options available to them using criteria such as pay, benefits, quality of life, which at the end play against the military.

In summary, to exist, a viable civil-military relations regime must “maintain a degree of legitimacy at the three levels.”<sup>28</sup> Legault’s model not only better depicts the complexity of the civil-military relations in a modern liberal democracy, but interestingly is also totally congruent with Clausewitz eternal ‘ménage à trois’, which in our political system could be described as a partnership based on compromises between the government, the military and the people.

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<sup>26</sup> Ibid., 185.

<sup>27</sup> Ibid., 187.

<sup>28</sup> Ibid., 187.

## **The National Defence Act(NDA) and the role of Minister of National Defence (MND), the DM and the CDS**

The CF and DND are legally two separate entities. Section 3 of the National Defence Act (NDA) establishes the “Department of National Defence over which the minister of national defence appointed by commission under the Great Seal shall preside.” Its role is “to provides advice to the Minister and support the CF.”<sup>29</sup> Section 14 refers to the Canadian Forces. Interestingly, the law was never amended to reflect the integration of DND with the Canadian Forces Headquarters, that existed before 1972, into the new National Defence Headquarters. Since the integration of the two entities was decided by the government, it certainly legitimizes the existence of NDHQ, but as the NDA was never amended, the CF and DND remain two legal entities. Therefore, the authority of the DM and the CDS must be in accordance with the law.<sup>30</sup>

### **The role of the Minister**<sup>31</sup>

Section 4 of the NDA stipulates that “the Minister holds office during pleasure, has the *management and direction* of the Canadian Forces and of all matters relating to national defence.” He is also responsible for the National Search and Rescue Secretariat and for the Office of Critical Infrastructure Protection and Emergency Preparedness (OC�PEP). Section 12 stipulates that “subject to section 13 and any regulations made by the Governor in Council, the Minister may make regulations for the organization, training, discipline, efficiency, administration and good government of the Canadian Forces and generally for carrying the purposes and provisions of this Act into effect.” Section 13 specifies that the Minister does not have power to make regulations pertaining to matters for which regulations made or prescribed by the Governor in Council or the Treasury Board already exist. In other words, DND and the CF must abide by the law of the land and follow government policies and regulations as any other federal entity.

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<sup>29</sup> Organization and Accountability, 2.

<sup>30</sup> Douglas L. Bland, The Administration of Defence Policy in Canada 1947-1985, (Kingston: Ronald P. Frye & Company, Publishers, 1987), 84.

<sup>31</sup> See Organization and Accountability for more details.

Finally, the minister has no command authority over the CF. This is so to protect the armed forces from political partisanship.

### **The role of the CDS**

The powers of the CDS are enunciated in the NDA and the Queen's Regulations & Orders (QR&O). Section 18 (1) of the NDA states: "The Governor in Council may appoint an officer to be the Chief of Defence Staff, who shall hold such rank as the Governor in Council may prescribe and who shall, *subject to the regulation under the direction of the Minister*, be charged with the *control and administration of the Canadian Forces*." Furthermore, section 18 (2) stipulates that: "Unless the Governor in Council otherwise directs, *all orders and instructions* to the Canadian Forces that are required to give effect to the decisions and to carry out the directions of the Government of Canada or the Minister *shall be issued by or through the Chief of the Defence Staff*." However, the CDS is not the Commander-in-Chief, the Governor General is, as the Monarch's representative in Canada. This constitutional arrangement gives to the CDS an "apolitical hierarchy that can be used to protect the military from partisan politics."<sup>32</sup>

So we see that the Minister is responsible for the management and direction of the CF, while the CDS is responsible for the control and administration of the CF. Bland contends that the purpose of using the word 'direction' to refer to the Minister "may have disappeared with the unification of the three separate services into 'one service called the Canadian Armed Forces.'<sup>33</sup> The unification of the CF made the CDS the senior military advisor to the Government. This is an important aspect as he not only advises the Minister, but also the Prime Minister and Cabinet. I believe that the overall distinction between 'management and direction' vs 'control and administration' refers to the first principle of civil-military relations, which stresses the 'primacy of civilian power', that is of duly elected civilian officials, over the armed forces. Therefore, the Minister may make regulations for the organization, training, discipline, efficiency, administration and

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<sup>32</sup> Douglas L. Bland, Chiefs of Defence. Government and the Unified Command of the Canadian Armed Forces, (Toronto: Brown Book Company Limited, 1995),130-131. Although it is difficult to imagine a situation where the Governor General would side with the CDS against the Prime Minister, it makes no doubt that at the end the latter would prevail, but the political costs may be high.

good government of the Canadian Forces, but he does not command (control) the CF. The CDS is the only person who can give direct orders to the members of the CF.<sup>34</sup>

The NDA is so designed to ensure that two of the fundamental principles of the civil-military relation are respected. Namely, the maintenance of good order and discipline and the protection of the armed forces from political partisanship. Although the CDS is accountable to, and subject to, the direction of the Minister, he does not derive his authority from the Minister. The intent of the NDA seems to separate the authority of the Minister over defence policy and the CDS's authority to command the CF, thus protecting both, since the CDS is appointed by and serves at the discretion of the Prime Minister.<sup>35</sup> Finally, it is worth noting that the recent Bill C-42 Public Safety Act significantly modified the authority of the CDS concerning the Aid to the Civil Power. Part XI, section 278 has been modified so that the CDS is now "subject to such direction as the Minister considers appropriate in the circumstances and in consultation with the attorney general of any other province that may be affected"<sup>36</sup> before calling out troops, when in the past he did not have to, at least in theory.

In summary, "the CDS has primary responsibility for command, control and administration of the CF and military strategy, plans and requirements."<sup>37</sup> "The CDS is accountable to the Minister for the conduct of CF activities, as well as for the readiness of the Forces and their ability to fulfill the military commitments and obligations of the Government."<sup>38</sup> Therefore, it would be logical and legitimate that he be involved in the making of defence policy.

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<sup>33</sup> Douglas L. Bland, National Defence Headquarters Centre for Decision. A study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia, (Ottawa: Minister of Public Works and Government Services Canada, 1997), 23.

<sup>34</sup> Albert Legault, Bringing the Canadian Armed Forces into the twenty-first century, A Paper Prepared for the Minister of National Defence as part of Minister Young report to the Prime Minister, (Ottawa: Minister of Public Works and Government Services Canada, March 1997), 13.

<sup>35</sup> Bland, Chiefs of Defence, 147.

<sup>36</sup> LCol David L. Stinson, Amendments to the National Defence Act, (Toronto: CFC, 1455-1 (DD NSS) 18 January 2002), Bill C-42, 63.

<sup>37</sup> Organization and Accountability, 9.

<sup>38</sup> Ibid., 10.

## The role of the DM

Section 7 of the NDA specifies “there shall be a Deputy Minister of National Defence who shall be appointed by the Governor in Council to hold office during pleasure.” The Act, however, is silent as to the responsibilities of the DM and on his authority regarding the formulation of defence policy.<sup>39</sup> The DM derives his authority from the Financial Administration Act and the Interpretation Act. Specifically, subsection 24(2) of the Interpretation Act which empowers the DM to carry out the Minister’s responsibilities. On certain issues the DM has the same authority as the Minister.

Legally and in practice, the Minister has the responsibility for the *management and direction* of the Canadian Forces and of *all matters* relating to national defence. Clearly, his authority extends to both DND and the CF. Therefore the DM exercises on behalf of the minister some authority over the CF as far as government policies and regulations are concerned, unless the CF have been specifically exempted.<sup>40</sup>

However, the Glassco Report made the point that “ the general oversight and direction vested in the Deputy Minister by the Civil Service Act is exercised subject to the limitations set out in the National Defence Act.”<sup>41</sup> Actually, the NDA does not confer to the DM direct authority over the CF, whose members are not civil servants. Notwithstanding this, the fact remains that the CF do not exist in a vacuum but are subject to the law of the land and to the regulations made or prescribed by the Governor in Council or the Treasury Board. This corresponds to the Imputative Level described previously. Consequently, the DM, insofar that he carries out the legal prerogatives and responsibilities conferred to him must exercise some sort of authority over the CF.

Subsection 24(3) adds, however, that the DM does not have the authority conferred on a minister to make regulations, which in the case of defence have to do with

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<sup>39</sup> Bland, *Who Decides What?*, 24.

<sup>40</sup> *Organization and Accountability*, 9. “The Deputy is authorized in law to carry out, on the Minister’s behalf, the management and direction of the Department. In so doing, the Deputy is naturally subject to the Minister’s direction. At the same time, the Deputy is required by law to observe financial, administrative and human resources management standards and practices established government-wide by the Treasury Board or other central agencies. The Deputy also exercises certain powers of human resources and financial management assigned by law or delegated directly by the Public Service Commission or the Treasury Board.”

the organization, training, discipline, efficiency, administration and good government of the Canadian Forces. In other words, the authority of the DM in his capacity of “alter-ego” of the Minister does not extend over the CF on matters which are of a military nature and for which the CDS is responsible. Like the Minister, he has no command authority over the CF.

Consequently, the DM may “delegate to both civilian and CF personnel the exercise of certain administrative or other authorities, give direction on how those authorities are to be exercised, and hold military and civilian personnel responsible and accountable [through their Environment Chief of Staff or Group Principal] for the exercise of these delegated authorities.”<sup>42</sup> Technically, the DM does not issue orders to the CF, since ‘only military personnel can be in the chain of command’, but directives that must be understood as functional direction which amplifies ‘orders’ that come from the Governor-in-Council (the Cabinet) and its agencies (TB and others) through the Minister and the CDS. The bottom line is that military personnel are accountable to their superiors (civilian or military) for the exercise of Departmental authorities delegated to them.<sup>43</sup>

In summary, the DM has “primary responsibility for resources, policy and international relations.”<sup>44</sup> These responsibilities translate into three roles: policy advice, internal departmental management, and interdepartmental coordination. The first role means that “the Deputy plays the central role in formulating advice for the Minister on policy matters and on alternative means of achieving Governments objectives, and on implementing effectively the Government’s policies and programs.”<sup>45</sup> It is important to note here that the DM’s policy role is not limited to defence policy.

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<sup>41</sup> Douglas L. Bland, ed., Canada’s National Defence. Volume 2 Defence Organization, (Kingston: School of Policy Studies, Queen’s University, 1998), 75.

<sup>42</sup> Organization and Accountability, 5. The same document makes it clear, however, that “the responsibility and accountability of military staff to the Deputy Minister for the exercise of financial, administrative or civilian human resources authorities does not mean that the Deputy may issue orders to military personnel; nor does the issuing of directives by the Deputy somehow ‘civilianize’ members of the CF.”<sup>42</sup> A footnote further explains the legal difference between an order which is a form of direction issued by a military superior and a directive, which is issued “within the structural hierarchy of NDHQ and the Department.” It seems that the word ‘directive’ refers to some sort of functional direction on how to exercise the delegated authorities.

<sup>43</sup> Ibid., 5

<sup>44</sup> Ibid., 9

<sup>45</sup> Idem.

Finally, the “Deputy is an important link for the Minister to the wider government machinery for policy development and decision-making.”<sup>46</sup> In fact, this role is critical, as nobody in uniform can come close to acquiring the experience, intimate knowledge of the government machinery and the contacts deputy ministers develop throughout a life-time career in Ottawa. Many people in uniform are not aware of the unique skill sets a deputy minister brings to the table and how invaluable that person can be to the CF in terms of developing strategic partnerships with other departments and federal agencies, or for piloting difficult projects (such as Quality of Life, or the regional allowance) through the Byzantine bureaucracy of the federal government. The DM can be a powerful advocate for the CF. That is the strength of an integrated defence headquarters such as NDHQ. The combined strengths of both the CDS and DM on any given issue represent a very powerful combination when advising the Minister or the Prime Minister.

### **The concept of shared responsibility**

As explained in the previous section the respective authority and responsibilities of the DM and the CDS are complementary and intimately intertwined. The Glassco Report concluded that the statutory responsibilities of what is now the CDS affect necessarily “the way in which the deputy minister discharges his responsibility. . . . As a result, the administration of the department requires a continuous and close working relationship between, on the one hand, the deputy minister and his officers, and on the other, the Service Chiefs and their officers.”<sup>47</sup> The concept ensures that “the civil control of the military is managed and maintained through the sharing of responsibility for control between civilian leaders and military officers.”<sup>48</sup> The key is accountability. Control of the military is as good as the accountability regime in place.

In Minister Young’s comparative study of Authority and Accountability in Six Democracies, including Canada, all six countries have adhered to the concept of shared responsibility. Nowhere is the department of defence simply in a support role of the military. Generally, the department is responsible for advising the Minister on defence

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<sup>46</sup> Organization and Accountability, 10.

<sup>47</sup> Douglas L. Bland, ed., Canada’s National Defence. Volume 2 Defence Organization, 76.

<sup>48</sup> Douglas L. Bland, “A Unified Theory of Civil-Military Relations”, Armed Forces & Society 26, no.1(Fall 1999), 21.

policy, which in most cases is shared with the head of the Armed Forces.<sup>49</sup> It could hardly be otherwise, since ultimately “civil authorities depend on military advice not only to provide technical advice and to direct operations, but also to assist in the civil control of the armed forces.”<sup>50</sup>

The issue is less about agreeing on the final aim of defence policy, but on how to achieve the aim and who is to advise the government on what.<sup>51</sup> At the end issues need to be coordinated and resolved between the CF and DND. For instance, in general terms, the DM is responsible for resource management and the CDS for the execution of the policy, but who is accountable if the CDS cannot implement the policy because of a lack of resources? Is it the DM who controls the resources, or the CDS who is directly responsible for the execution of the policy? Obviously the answer is both, therefore neither the DM nor the CDS can operate alone. The choice is between having the Minister and his cabinet do the coordination, or to do it at the DM/CDS level. To ‘pass the buck’ to the Minister is certainly neither professional, nor advisable. Interestingly, Colonel Pope wrote in his famous memo of 1937 that “it would be impossible for the Minister of National Defence effectively to secure the necessary co-ordination of the Services unless the organization within his Department provides him with the means of so doing.”<sup>52</sup> This example illustrates the shared responsibility that exists between the DM and the CDS, and the reason why both have to be involved in the making of the defence policy.

### **Argument in favour of the CDS role in shaping defence policy**

In Canada, the Westminster parliamentary system stresses unity, party discipline and Cabinet solidarity as expressed in the concept of ‘collegial responsibility’<sup>53</sup>.

Disagreements must be voiced behind closed doors during Cabinet meeting.

Consequently, constitutional arrangements “tend to restrict entry of the military” into the

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<sup>49</sup> The Honourable M. Douglas Young, Report to the Prime Minister. A Comparative Study of Authority and Accountability in Six Democracies, (Ottawa, March 1997), 1 and 7

<sup>50</sup> Douglas L. Bland, A Unified Theory of Civil-Military Relations, 10-11.

<sup>51</sup> Bland, Chiefs of Defence, 165.

<sup>52</sup> Colonel Maurice A. Pope, Memorandum on a Canadian Organization for the Higher Direction of National Defence: 8 March 1937, (Ottawa, 1937), 19.

<sup>53</sup> Bland, Who Decides What?, 27

defence policy debate.<sup>54</sup> Minister of Defence Brooke Claxton (1946-54) used to prefer ‘silent soldiers as well as sailors’. I believe, however, that the CDS ought to be involved mainly for two reasons: firstly because of his constitutional role as military advisor to the government, in other words his unique expertise, and secondly for ethical reasons.

Huntington argued in 1957 that “objective civilian control [involves] the recognition and acceptance by [civilian leaders] of an area of professional competence and the autonomy of the military... ,”<sup>55</sup> which in Canada means that the CDS, as the military advisor to the government, ought to participate. General Baril spoke of his role as CDS as “to provide military advice on any Memorandum to Cabinet that deals with issues of national defence. The professional insight and operational details on potential deployments or on the military impact of significant policy changes are often essential for a full understanding of the issues at stake.”<sup>56</sup> Now that the revolution in global affairs has shattered traditional boundaries between the strategic, operational and tactical levels, merging them into a single integrated system, “political and military leaders must work closely, interacting on desired end states, objectives, courses of action, capabilities, and risks.”<sup>57</sup>

Implementation of public policies often fails because of a lack of consultation, which result in policies that are not achievable. The CDS needs to be involved because he knows what, from a military point of view, is feasible or not. Increasingly complex missions have expanded significantly the military professional jurisdiction. As argued by Van Creveld, the traditional Clausewitz’s Trinitarian War has given place to the Non Trinitarian War.<sup>58</sup> However, Clausewitz’s view that war is a social activity and as such “is modeled by social relationships - by the type of society by which it is conducted, and

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<sup>54</sup> Ibid., 13.

<sup>55</sup> Huntington, The Soldier and the State, 2.

<sup>56</sup> General J.M.G. Baril, The Role of the CDS in Relations with Parliament, speaking notes to the CDA Annual Seminar, (Ottawa, January 2000), 2.

<sup>57</sup> Major General R. A. Chilcoat, “Strategic Art: The New Discipline for 21<sup>st</sup> Century Leaders,” Strategic Studies Institute, (October 10, 1995), 21. “Political and military leaders must work closely, interacting on desired end states, objectives, courses of action, capabilities, and risks. Both must be masters of strategic art, and the subordination of the military to civilian leadership does not lessen the importance of military counsel and advice to political authorities or the responsibilities of both to communicate and coordinate at every level of strategy and during all phases of conflict. This is the essence of strategic art.” iii.

<sup>58</sup> Martin Van Creveld, The Transformation of War, (New York: The Free Press, 1991), 35-62.

the kind of government which that society admits<sup>59</sup> remains as valid today. The increased political, legal, and cultural complexities of modern peace support operations, humanitarian interventions and homeland defence tasks, which involve state and non-state actors, have blurred the traditional distinction between what constitutes the political and military spheres of competence. Today, tactical decisions made by junior officers and non-commissioned members in an obscure part of the world can have dramatic and long-lasting strategic and political impacts.<sup>60</sup> All this militates in favour of a continuous dialogue and consensus building process between the political authorities and their military advisors.

No government can afford not to consider the advice of the military.<sup>61</sup> The four problems in civil-military relations identified at the beginning of this paper “cannot be finally and absolutely resolved. Each is related [ ] to the others and, ultimately, if they are to be managed to everyone’s advantage, the military must be involved in the effort.”<sup>62</sup> In the end, civil control of the military depends on the senior military leadership involvement, and speaks in favour of inviting ‘soldiers to sit at the politician’s table’.<sup>63</sup> The Prime Minister can choose to ignore the CDS advice, but because orders *shall be issued by or through the Chief of the Defence Staff*, the Prime Minister cannot commit the CF without coming first to some sort of understanding with the CDS on a preferred course of action. In practice, proper civilian control of the military requires the participation and full involvement of the latter in defence decisions. Without this dynamic and continuous process, defence policy will be left either in the hands of the defence establishment, which will make its own decisions, or “to the dynamics of the annual federal budget.”<sup>64</sup>

The other reason why the CDS ought be involved in policy formulation is of an ethical nature. It is unethical for the military to be held to account for consequences of

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<sup>59</sup> Van Creveld, 35.

<sup>60</sup> Jeffrey D. McCausland and Gregg F. Martin, “*Transforming Strategic Leader Education for the 21<sup>st</sup>-Century Army*”, *Parameters*, 31(3), (Autumn 2001), 18-19.

<sup>61</sup> Even if the nature of the Peace Support Operations has changed and now involves many non-states players, the Canadian Forces have expanded their area of expertise to working with and coordinating operations with the Non Government Organizations (NGOs).

<sup>62</sup> Bland, *A Unified Theory of Civil-Military Relations*, 13.

<sup>63</sup> Bland, *Who Decides What?*, 21

<sup>64</sup> Bland, *Chiefs of Defence*, 158.

decisions it had no role in shaping. For instance, although it is totally acceptable for civil servants to “find compromises when their ministers face intractable political opposition,” it is not for the military. For the DM, “the only acceptable policy is that which political circumstances will allow. In accordance with the Westminster tradition, public servants cannot have a public opinion at variance with their minister’s, but neither can they be held accountable for their minister’s opinion or his politics... The deputy minister’s duty to support his minister always- whatever the reality in practice- is the guiding spirit of the public service ethos,”<sup>65</sup> unless the Minister’s decision is illegal. Traditionally, the deputy “is portrayed as a role model for the permanent and professional public servant: non partisan, anonymous, and loyal.”<sup>66</sup> The DM’s opinions are based on financial and political considerations, but not on military requirements or factors.<sup>67</sup> Not surprisingly no defence deputy minister ever resigned over a defence policy issue.

For the CDS, things are different. The military concept of “unlimited liability”<sup>68</sup> demands loyalty not only upward but also downwards to subordinates. It vindicates why the military must avoid “politics”, that is compromising “professional advice to ameliorate a political difficulty”,<sup>69</sup> but must at all times and at all costs give frank and objective advice to the Government. This is even more so in Canada, because it is the CDS, not the Minister, who is responsible for the CF. There is no substitute for ethical leadership, as ultimately the lives of the CF members are at stake. Canadian Forces senior military leadership must avoid ‘politics’, but cannot avoid being involved politically in the sense of expressing their professional views, using the formal and informal means at their disposal. Both the operational tempo and the cultural changes demanded by Canadians require that the senior military leadership, and the CDS in particular, be involved and present in what has become a continuous and indispensable dialogue between the government, the Canadian Forces and Canadians.

In the end, as the senior military advisor to the government, the CDS has access to the Prime Minister and can bypass the Minister if the situation so dictates. From an

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<sup>65</sup> Ibid., 156.

<sup>66</sup> Frank Swift, Strategic Management in the Public Service: The Changing Role of the Deputy Minister, (Ottawa: Canadian Centre for Management Development, 1993). 4.

<sup>67</sup> Bland, Chiefs of Defence, 157

<sup>68</sup> The concept of ‘unlimited liability’ refers to that unwritten clause of the military contract, which ultimately demands that CF members risk their lives if the situation so dictates.

ethical point of view, not only it is his right legally, but also his duty to do so if necessary. Finally, from a constitutional point of view, the CDS has the option of referring the matter to the Governor General, in her or his capacity as the Monarch's representative in Canada, and as the Commander-in-Chief of the Canadian Forces. It is worth remembering that military personnel swear allegiance to the Crown, not to the Prime Minister, or to the government in power. However, if the Prime Minister disagrees with his advice on a fundamental issue, the CDS may have no other choice but to resign.

In summary, there is no substitute for strong ethical leadership, in other words 'to be frank unto the Kaiser'. Both legally and morally, the CDS has the right and the duty to fully play his roles as representative of the Canadian Forces, and as military advisor in shaping defence policy.<sup>70</sup> By traditions and by law, the CDS has the legitimacy and the authority to make his voice heard. It is up to him to take his rightful place. It is true, however, that too much depends on personalities and on the relationship between the PM, the MND, the DM and the CDS. The role of the CDS needs to be entrenched in a more formal mechanism, both in the greater interest of Canada, as it is the best way to ensure effective civil-control of the military, and in the long-term interest of the CF.

### **The need for a formal national security process and structure**

The formulation of a National Security Policy is foreign to our political culture. The largely held belief that there is no threat against Canada and that the US would intervene anyway does not make defence a priority for politicians, who much prefer to spend money on other apparently more pressing issues. There is actually no overall document that links foreign and defence policies into an overall national security strategy, which outlines and prioritizes Canada's national interests and objectives, and which would provide an anchor for foreign and defence decisions.<sup>71</sup> National Security is a primary responsibility of any government, one which by definition requires a long-term

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<sup>69</sup> Douglas L. Bland, *Chiefs of Defence*, 155.

<sup>70</sup> Douglas L. Bland, *Military Leadership and Change in the 1990's*, (Ottawa:speech delivered at the XII Annual CDA Institute Seminar,1994), 8-9.

<sup>71</sup> Jane Boulden, *A National Security Council for Canada?*, (Kingston: School of Policy Studies, Queen's University in cooperation with Université Laval, 2000), 34.

view incompatible with ad-hoc decisions. National Security cannot be attended to only in moments of crisis, but demands diligence.<sup>72</sup>

Notwithstanding the NDA, the CDS “cannot demand to be consulted on any national or defence policy.”<sup>73</sup> His influence depends very much on the “real or perceived relationship he has with the prime minister.”<sup>74</sup> This relationship will dictate the relative influence of the CDS in policy development in peacetime and “is dependent on the personalities of the incumbents, the political instincts of the CDS and the specific contexts and circumstances of their times.”<sup>75</sup> Even if the previous CDS, General Baril welcomed “increasing parliamentary consultation and scrutiny of the Canadian Forces as an opportunity to assist in deepening and expanding the knowledge of Parliamentarians,”<sup>76</sup> existing Parliamentary Committees, including the Standing Committee on Defence, have no authority of approval or disapproval, although they can be very instrumental in influencing the government.

Moreover, there is a major limitation that applies to all DND witnesses. The CDS does not appear before the Committee as the government military advisor, who consequently can express his personal view, but as a government official who must limit himself to stating his minister’s position.<sup>77</sup> The CF have “no constitutional avenue or mechanism that would allow officers, including the CDS, to openly question government policy,”<sup>78</sup> other than referring to the Governor General. This is why the role of the CDS

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<sup>72</sup> Joel J. Sokolsky, “The Politics of Defence Decisions at Century’s End,” in Generalship and the Art of the Admiral. Perspectives on Canadian Senior Military Leadership, Bernd Horn and Stephen J. Harris, eds. (St.Catharines, Ontario: Vanwell Publishing Limited, 2001), 358. “The current government will not spend significantly more on defence because it does not believe it has to, in order to secure vital Canadian interests, the security of the country and its prosperity. Nor given the experiences of the past decade can Ottawa expect that increases in defence spending in order to deploy more forces abroad in coalition operations will secure Canada enhanced influence in Washington or Brussels.” “All that needs to be done is to maintain the existing capabilities with some modest improvements here and there and participate in coalitions with what you have.”<sup>359</sup>.

<sup>73</sup> Bland, Chiefs of Defence, 134.

<sup>74</sup> *Ibid.*, 136.

<sup>75</sup> *Ibid.*, 144.

<sup>76</sup> General J.M.G. Baril, The Role of the CDS in Relations with Parliament, 5.

<sup>77</sup> Gerry Theriault, “Democratic Civil-Military Relations: A Canadian View”, The Canadian Strategic Forecast 1996: The Military in Modern Democratic Society. Hanson & McNish, eds. (Toronto: The Canadian Institute of Strategic Studies, 1996), 4–12. Also consult the PCO brochure “Notes on the responsibilities of public servants in relation to Parliamentary Committees”,(Ottawa: Privy Council Office, December 1990), 4.

<sup>78</sup> Bland, Who Decides What?, 43.

as policy advisor needs be entrenched in a formal continual process and not be limited to being consulted only during crisis.

In theory, the formulation of a national security policy, which can be defined as an approach used by a government to pursue its national interests, can be described as an orderly process that first identifies and articulates Canadian national values, and defines national interests and national aims (what kind of Canada?). Then a strategic analysis of the world (what kind of world?) is conducted. Following a strategic assessment of the impact of the world situation on Canadian interests, national objectives and priorities are articulated. Finally, supporting national strategies (foreign, defence, economic) are developed to match the ends (objectives) with the means (decisions and resources).<sup>79</sup>

The best example of an organization that deals with the development of a national security policy and related issues is the U.S. National Security Council(NSC). Created after World War II, by an act of Congress, the National Security Act of 1947, the purpose of the NSC is “to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.”<sup>80</sup>

The NSC is a special committee of the Executive Branch, which is chaired by the President. Other members of the committee include the Vice-President, the Secretaries of State and Defense, as well as the Treasury, along with the Chairman of the Joint Chiefs of Staff, the Director of the CIA and the National Security Advisor (NSA). The latter also oversees a limited staff composed of political appointees, civil servants and military personnel forming the Secretariat that support the NSC to “help the President frame his vision of the future, articulate the nature of U.S. interests, and orchestrate an assessment of the threat to those interests.”<sup>81</sup> The NSA, on behalf of the President, publishes annually the National Security Strategy document, which serves as a basis to the Secretary of Defence for developing the National Military Strategy (NMS) and the related Defence Planning Guidance (DPG). The Secretary of Defence must also conduct a periodic

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<sup>79</sup> Process as presented by BGen (Ret) Don Macnamara in a lecture given at the CFC to the NSSC4, Feb 02.

<sup>80</sup> National Security Act of 1947, Public Law 253, 26 July 1947, sec. 101 (a).

<sup>81</sup> Christopher C. Shoemaker, The NSC Staff, (Colorado: Westview, 1991), 47.

analysis and review of the military strategy, known as the Quadrennial Defence Review (QDR).

The NSC performs the following roles and functions: administration (secretariat function), policy coordination and integration, policy supervision (to oversee the execution of the national security policy), policy adjudication of disputes, crisis management (seen as the most important role), policy formulation, and finally policy advocacy.<sup>82</sup> It can be argued that in Canada, the Privy Council Office (PCO) executes most of the functions executed by the NSC as described above with the exception of policy formulation and policy advocacy. These roles remain the responsibility of the Prime Minister and of individual ministers.<sup>83</sup> But the idea of a National Security Staff could be adapted by creating such a specialized staff at PCO. This staff would have a military component under the leadership of the existing military liaison officer at PCO.

The intent is not to discuss the pros and cons of the NSC model for Canada. Suffice to say that after fifty years of existence, changes are deemed necessary.<sup>84</sup> The establishment of such a committee is the subject of current debate that cannot be treated adequately in this paper. Succinctly, the NSC model is not appropriate as is for Canada. The first reason being that the concept is not fully compatible with the Canadian Parliamentary System. For instance, contrary to the Clerk of the Privy Council, the NSA and his staff formulate policy on behalf of the NSC, which in Canada is the responsibility of Cabinet and of Ministers. The second reason is that “Canadian national security requirements simply do not call for the size and scope of the NSC.”<sup>85</sup> One can even argue that the centralization of powers in the hands of the Prime Minister gives Canada an advantage over the Americans.

However, the concept of a NSC remains valid. It would, among other things, provide an appropriate forum for strengthening the CDS’s role as military advisor to the Government. As former CDS, General Theriault wrote: “Clearly, effective political control of the military requires a great deal more than the kind of weak, inconsistent,

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<sup>82</sup> Shoemaker, 22-30.

<sup>83</sup> Colonel R.M. Williams, A Measure of Realism: Why Canada does not need a National Security Council, (Toronto: CFC, NSSC 3, 2001), 27.

<sup>84</sup> See William A. Navas, Jr., “*The National Security Act of 2002*”, in Organizing for National Security, Douglas T. Stuart, ed. ( U.S. Army War College: Strategic Studies Institute, November 2000), 231-244.

reactive and insufficiently informed leadership that inevitably results from the structural shortcomings of the political control machinery we have in Canada.”<sup>86</sup> Through the nineties, a series of DND reviews, reports by the Auditor General of Canada, the Somalia Inquiry, and expert studies have pointed towards the same theme.<sup>87</sup> Albert Legault, for one, proposed twenty years ago that Canada’s Foreign and Defence Policies be revised once a year to examine the evolution of the international strategic context and its impact on Canada’s national interests.<sup>88</sup>

In Canada, to put in place a mechanism similar to the NSC would necessitate the re-activation of the Cabinet Committee on Foreign Affairs and Defence Policy, which was disbanded in 1993 by Prime Minister Chrétien.<sup>89</sup> But, in the context of today, such a committee would not be sufficient. It needs to be expanded to become a Cabinet Committee on National Security, chaired by the Prime Minister or the Deputy Prime Minister, and would be composed as a minimum of the ministers of DFAIT, DND, CIDA, the Justice Department, the Solicitor General and the Finance Department. In other words, to make permanent the existing Ad Hoc Ministerial Committee on Security put in place after the 11<sup>th</sup> of September. Such a Cabinet Committee would be assisted by a sub-committee at the DM level that would also include the CDS, the RCMP Commissioner, the head of the Office of Critical Infrastructure Protection and Emergency Preparedness (OC�PEP), the Chief of the Communications Security Establishment, and the Director of the Canadian Security Intelligence Service.

It could be argued that no such thing as a National Security Council exists in the UK and Australia for instance. Although true, a country like Australia has a structure in place that mirrors the concept of a NSC, but adapted to the Westminster Parliamentary

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<sup>85</sup> Jane Boulden, A National Security Council for Canada?, The Claxton Papers 2, (Kingston: School of Policy Studies, Queen’s University, 2000), 31.

<sup>86</sup> Gerry Theriault, Democratic Civil-Military Relations, 10.

<sup>87</sup> Boulden, 30. Among them Albert Legault, David Bercuson, Peter Haydon, Hugh Segal, Douglas Bland. Also the Somali Inquiry recommended that the “Government of Canada establish a new and permanent advisory body or secretariat to co-ordinate peace support operations policy and decision making. Canada, Dishonoured Legacy. The lessons of the Somalia Affair, Report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia, (Ottawa: Public Works and Government Services Canada, vol 3, 1997), 774.

<sup>88</sup> Lieutenant-colonel R. Giguère, Doit-on créer un ministère de la sécurité au Canada?, (Québec : Université Laval, Institut Québécois des Hautes Études Internationales, No 57, février 2002), 2.

<sup>89</sup> Kim Richard Nossal, The Politics of Canadian Foreign Policy, Third Edition, (Scarborough: Prentice Hall Canada Inc., 1997), 231.

System. The structure is composed of a National Security Committee of Cabinet at the ministerial level, supported by the Secretaries Committee on National Security, composed of Deputy Ministers and of the Australian CDS. The last committee is assisted by the Strategic Policy Coordination Group, composed of Assistant Deputy Ministers (ADMs) and of the Vice Chief of the Defence Staff (VCDS).<sup>90</sup> The second committee at the DM/CDS level is particularly important as coordination and issues analysis must continue between meetings of the Cabinet Committee.<sup>91</sup>

## **Conclusion**

I agree with Eccles that civil-military relations are not puzzles which can be solved once and for all,<sup>92</sup> but a process that must be managed. The framework proposed by Doctor Legault helps to understand that process and the roles of all the actors. It also illustrates better the complexity of the civil-military relations in a modern democracy. Increasingly complex missions have expanded significantly the military professional jurisdiction and have blurred the traditional distinction between the political and the military spheres of competence to the point where tactical decisions can now have strategic and political impacts. Consequently, no government can afford to ignore the advice of the military. In practice, proper civil control of the military requires the participation and full involvement of the CDS in defence decisions. Consequently, the Organization and Accountability document needs to be modified to articulate more clearly the CDS' role in policy formulation.

There is no doubt that shared responsibilities and consensus building between the CDS and the DM remain essential since, because of their respective authority and responsibilities, issues need to be coordinated between the CF and DND. To the extent feasible, the two should speak with one voice. But military ethics demands that the CDS 'be frank unto the Kaiser'. There is no substitute for military ethical leadership. Although he must avoid 'politics', he cannot avoid being involved politically and using the formal and informal means at his disposal. If both the CDS and the DM cannot agree, it is up to

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<sup>90</sup> Lecture given to the NSSC 4 by Ms Jackson Rowley, Counsellor Defence Policy in the Australian Embassy in Washington since 1999.

<sup>91</sup> In a lecture given to the NSSC 4, the Honourable Barbara J. McDougall, who was the last Chairperson of the defunct Cabinet Committee on Foreign Affairs and Defence, expressed the view that she found there was not always enough to do to sustain the work of the committee.

the Minister to referee conflicts.<sup>93</sup> In the end, the CDS can bypass the Minister if the situation so dictates. He can refer to the Prime Minister and ultimately to the Governor General, in his/her capacity as Commander-in-Chief and as the Monarch's representative, to whom military personnel have sworn allegiance.

The CDS influence, however, is too dependant on his relationship with the Prime Minister, assuming that one exists. The role of the CDS as military advisor needs to be formalized through the re-activation of the defunct Cabinet Committee on Foreign Affairs and Defence, which needs to be expanded to become the Cabinet Committee on National Security in a way similar to Australia. In any event, to paraphrase Colonel Pope, we should remember that no matter which structure is put in place, "the demands and inclinations of politics will always prevail" and will limit our search for a suitable defence policy. It cannot be otherwise in a democratic regime, which we the military have sworn to uphold and protect.

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<sup>92</sup> Henry, E. Eccles, Military Concepts and Philosophy, (New Brunswick: Rutgers University Press, 1965), 124.

<sup>93</sup> Albert Legault, Bringing the Canadian Armed Forces into the twenty-first century, 20.

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