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A Better Fit:

The Canadian Coast Guard under National Defence—Safety , Security and Sovereignty Enhanced

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A Better Fit: The Canadian Coast Guard under National Defence—Safety, Security and Sovereignty Enhanced

Abstract

Canada's maritime boundaries are under attack. Illegal fishing, marine pollution, smuggling of drugs and illegal immigrants, and indeed our national sovereignty and territorial integrity have all come to bear on our maritime security and defence capabilities in recent years. The most significant and dangerous challenge to our safety and security, however, is the newest: the very real threat of international terrorism. At the same time, both the Canadian Coast Guard and the Canadian Navy are both suffering capacity shortfalls and are independently unable to meet their respective mandates in these areas. While it has been proposed to establish an independent Coast Guard to address these issues, there is a more logical solution: current maritime security concerns, the provision and coordination of search and rescue and the exercise of sovereignty throughout Canada's territorial waters would be better addressed by a Canadian Coast Guard fully integrated with the Canadian Navy *under DND*.

Our committee discovered that the Canadian navy is not defending our coasts—other than assisting with surveillance—and that the navy has no jurisdiction over interior waters, such as the Great Lakes. The navy prefers to do its defending on waters far away. We learned that, despite its name, the Canadian Coast Guard does not guard Canada’s coasts. Nor does it guard our interior waters.—Senator Colin Kenny¹

Writing in an editorial published in the Toronto Star, Senator Colin Kenny, Chairman of the Standing Senate Committee on National Security and Defence, stated in most fundamental terms, the nature of the problem: neither the Canadian Navy nor the Canadian Coast Guard are adequately securing Canada’s maritime areas of interest. It is important to note that this observation is not new; concerns about Canada’s maritime defence and security have been expressed for many years. What makes Senator Kenny’s observations so pertinent today are the many and profound changes that have occurred in the world over the past fifteen years, beginning with the dissolution of the Soviet Union and persisting with a threat of terrorist attacks against North America in the wake of the World Trade Centre attack of September 11, 2001. While it is not within the scope of this paper to discuss in detail these changes, several broad areas of concern will be identified.

Firstly, with the end of the Cold War a direct conventional military threat to Canada and North America has become unlikely. In its place, and driven by a widening gap between the have and have not nations, has arisen an asymmetric threat to Western democracies posed by “...military forces designed to counter, rather than imitate, Western capabilities...”² The form and nature of the asymmetric threat can include:

¹ Senator Colin Kenny, “A Porous Coastal Defence,” *The Toronto Star*. (29 October 2003): 1, available from [wysiwyg://22/http://torontostar.co...iendly&c=Article&cid=1067382609009](http://www.torontostar.com/2003/10/29/22/http://torontostar.co...iendly&c=Article&cid=1067382609009); internet; accessed 29 October 2003.

² Department of National Defence, *Leadmark: The Navy’s Strategy for 2020* (Ottawa: Public Works and Government Services Canada, 2001), 78.

...information operations...the use of weapons of mass destruction...and non-conventional operations (the use of novel tactics, terrain and technology, economic disruption...civil disobedience, and the use of terror such as hijacking and kidnapping)”³

But future threats to Canadian security may not be limited to those originating from outside the developed world.

Declining natural resources and competition for same may conceivably lead to conflict between western powers themselves. Highlighting the 1990s “turbot war” with Spain as an example, *Leadmark: the Navy’s Strategy for 2020* pointed out the potential for problems in this vein:

Extension of Canadian economic sovereignty beyond the 200 mile exclusive Economic zone (which itself is the largest in the world), would keep the prospect for similar challenges an ongoing concern two decades from now. With the possibility of a navigable Northwest Passage in as little as 10 to 15 years due to Global warming, this will likely hold just as true in Canada’s resource rich north as off the east and west coasts.⁴

Indeed, ongoing American refusal to formally recognize Canadian sovereignty over some waters in the Arctic makes our neighbour and closest ally a potential source of future disputes. Not all future challenges to Canadian security will be the result of intentional acts, however.

Global warming is predicted to lead to increases in natural disasters, some potentially affecting Canada, such as: “...greater fire risk as a result of the drying mid-latitude climate; water shortages due to alterations in precipitation patterns; and water damage to low-lying areas through rising sea levels”.⁵ As well, a navigable Northwest Passage in the future and increasing trans-Polar airline traffic, will increase the risk of

³ *Ibid*, 78.

⁴ *Ibid*, 79.

⁵ *Ibid*, 82.

civil disasters such as a marine incident in the arctic ocean or a major air disaster in the north.⁶ The sources of potential threats to Canadian maritime security will not be limited to state conflict, resource competition or natural and civil disasters, however. Emerging “trans-state” actors such as international criminals and terrorist groups have been increasingly making their marks in the world of late.

In this regard, Canada has already experienced the sting of international crime, through the arrival on the west coast several years ago, of a number of vessels filled with illegal immigrants from the orient “...paying thousands of dollars per head to crime syndicates...” and continues efforts to intercept “...heroin and cocaine, much of it trafficked via the sea...”⁷ As to the threat of terrorist acts against Canada or her allies, the suicide attacks on the World Trade Centre and the Pentagon in 2001 should serve to put to rest any thoughts of North American impunity from terrorism. Interestingly enough, *Leadmark’s* summer 2001 admonition that “...two decades from now, the possibility of terrorist attacks on Canadian or Allied territory and interests cannot be ignored”, proved accurate, albeit much earlier than forecast.⁸

Focusing on the maritime environment, a recent news article suggests some chilling future possibilities:

For the last year and a half, U.S. and British spies have been trying to track the 15 freighters believed to be under the control of al-Qaeda...the fear is that the vessels, thought to be currently used to transport weapons and equipment for the terrorist organization, could be turned into floating suicide bombs...Another scenario...involves terrorists hijacking a fuel ship and detonating it in a port city...equally alarming has been a flurry of temporary ship hijackings in the Pacific. Some analysts have suggested the incidents could be training exercises

⁶ *Ibid*, 82-83.

⁷ *Ibid*, 84.

⁸ *Ibid*, 85.

for terrorists. In one case intruders took over a chemical tanker and practised operating the vessel before leaving the ship an hour later.⁹

Those familiar with the apparent modus operandi of al-Qaeda in hijacking the three airliners used in the attacks on the World Trade Centre and Pentagon, will recall that the terrorists who flew the planes into the buildings had undertaken simulator training on those aircraft types at flying schools within the United States. Simulators are also used to train commercial vessel operators in ship handling; however, the temporary hijacking referred to in the Citizen story could suggest that al-Qaeda is mindful of closer scrutiny now being placed on such facilities following the 9/11 attacks and is seeking alternative preparatory means.

All of this to say that, although the nature and direction of threats to Canada, both within and external to the maritime environment have changed, the requirement for effective maritime security persists and indeed has become more challenging to meet. At the same time, as one witness is quoted as saying in Senator Kenny's Committee Report:

At the national level, virtually all of the organizations involved directly or indirectly in maritime security appear to have significant capacity problems. The escalator phenomenon prevailed during the 1990s fewer and fewer dollars chasing greater and greater responsibilities.¹⁰

The two federal entities possessing the most significant capacity to respond to threats to Canadian maritime security are the Canadian Navy and the Canadian Coast Guard; however, as noted in the Senate Committee Report, neither service has undertaken to provide much beyond surveillance and monitoring, owing to over-tasking and under-

⁹ David Pugliese, "Al-Qaeda's Naval Fleet," *Ottawa Citizen*, (17 March 2004): A1-A2.

¹⁰ House of Commons, Standing Senate Committee on National Security and Defence, *Seventeenth Report, Canada's Coastlines: The Longest Under-Defended Borders in the World*, vol.1, chap.1 (October 2003); available from <http://www.parl.gc.ca/37/2/parlbus/commbus/senate/com-e/defe-e/rep-e/rep17vollpart1-e.htm>; Internet; accessed 21 March 2004.

funding.¹¹ In response to this situation, both the Senate Committee as well as the Standing Committee on Fisheries and Oceans released reports recommending an expanded role for the Canadian Coast Guard. The Senate Committee stated its belief that the Canadian Coast Guard should take on additional responsibilities and be restructured as “...an independent agency responsible to Parliament and carrying out its [present] duties...plus new responsibilities for national security”, and seemed to accept the notion that “...the Navy would resist taking on a new coastal role simply because it has so many other priorities to fill after years of under-funding...”.¹² The Committee also stated however, that to its (the Committee’s) knowledge, “...no Canadian government has ever instructed the Navy to do away with its patrol of the country’s home coasts...” but that “...such patrols were largely abandoned over the years...”.¹³ Thus it would seem clear that the defence of Canada’s coastal and arctic regions has never ceased to be a Canadian Navy responsibility; it has merely ceased to be a priority to the point of not being done at all.

On its part the Standing Committee on Fisheries and Oceans echoed the call for the Coast Guard to become an independent civilian agency with “...a formal mandate in national security with respect to Canada’s coasts, including the Great Lakes and the St. Lawrence Seaway”.¹⁴ This Committee also considered transferring the Coast Guard to National Defence, but it too dismissed the idea, stating “...this would be difficult given the long history of the Coast Guard as a civilian agency,” and went on to comment that

¹¹ *Ibid*, chap. 1.

¹² *Ibid*, chap. 4.

¹³ *Ibid*, chap. 1.

¹⁴ House of Commons, Standing Committee on Fisheries and Oceans, “Safe, Secure, Sovereign: Reinventing the Canadian Coast Guard,” (March 2004): 29, available from: <http://www.parl.gc.ca/InfocomDoc/Documents/37/3/parlbus/commbus/house/reports/foporp0>; Internet; accessed 13 April 2004.

“...given the distressed state of the Canadian military, it is not at all certain that the Coast Guard would fare better as a branch of the military than it currently does within DFO”.¹⁵

Pointing out that there have been valid practical and financial reasons for the Navy’s apparent abrogation of its domestic maritime security responsibility, the Senate Committee acknowledged that as well, “this is partially a matter of attitude as the mindset in the Canadian Forces has generally been that naval vessels are best put to sea defending Canadian interests in other parts of the world...”.¹⁶ But should attitude or mindset limit the options considered in dealing with the inadequacy of maritime security and defence for Canada? The Senate Committee offered insight as to this quandary:

The Committee stated earlier in this report that we believe it is essential that Canada, a country of limited military capacity, find ways of squeezing the maximum out of the resources it *does* possess in the interest of countering all types of illicit behaviour on our coasts, particularly terrorism-oriented.¹⁷

This would seem to argue for an optimization in the use of existing resources rather than a major shift in responsibility for maritime security from the Navy to an independent Coast Guard. Thus, while the Canadian Coast Guard certainly has the potential for a major role in maritime security, the Canadian Navy should not be overlooked in devising an overall solution to the current problem.

Indeed, maritime security, the exercise of sovereignty throughout Canada’s territorial waters and the provision and coordination of maritime search and rescue, would be better addressed by a Canadian Coast Guard fully integrated with the Canadian Navy under the Department of National Defence (DND), rather than as a stand-alone

¹⁵ *Ibid*, 27.

¹⁶ House of Commons, Standing Senate Committee on National Security and Defence, *Seventeenth Report...*, chap. 1.

¹⁷ *Ibid*, chap. 4.

agency. In arguing this position, the findings of a number of previous studies covering: maritime security; federal search and rescue coordination and response; and the operation of federal government marine fleets, will be reviewed to disclose that current challenges in these areas are not new, and that solutions similar to what is proposed herein have previously been considered but not implemented. Discussion will then focus on: the constabulary role, the search and rescue program, and briefly, a unified federal fleet, describing the historical background and current challenges, and explaining how the integration of the Coast Guard with the Navy would address these challenges. Whereas recommendations will be offered, they will be of a broad, general nature, a detailed proposal being beyond the scope of this paper. As well, issues such as civilian versus military terms of service, the discharge of any residual Coast Guard roles and responsibilities, and infrastructure and command and control matters will only be addressed in limited detail.

Previous Studies

Over the past forty years, a number of studies, Royal Commissions and Parliamentary Committees have: examined Canada's maritime defence and security; reviewed the coordination and provision of federal search and rescue services; or considered the amalgamation of Canada's federal marine fleets in order to improve management and utilization. As early as 1962, the very year that the Canadian Coast Guard came into being, a Royal Commission on Government Organization, known as the Glassco Commission after its Chairman, J. Grant Glassco, included in its deliberations, a review of the operation of watercraft by the federal government.

Noting that at the time, no fewer than thirteen departments and agencies operated vessels, the Commission recommended that some integration of functions be considered to improve utilization and reduce costs, but stopped short of suggesting total integration of the fleets. Glassco et al argued that “[t]his cannot be seriously proposed; hydrography, ice-breaking, fisheries protection and dredging clearly have little in common with each other”.¹⁸ Referring to law enforcement patrol vessel operation by both the Royal Canadian Mounted Police (RCMP) and the Department of Fisheries, and recognizing that the Department of Transport was in the process of establishing a coast guard, the Committee stated that “[t]he overlap and duplication which will result cannot be justified on any grounds...”, and could “...see no reasonable alternative to assigning the patrol and enforcement task to a single agency [the coast guard service]”.¹⁹ The Glassco Committee also made recommendations respecting more efficient “husbanding” (support and maintenance) of federal government vessels through “...a progressive consolidation of all large vessels and husbanding facilities under the Department of Transport”.²⁰ Neither the assignment of all patrol and enforcement tasks to the newly formed Canadian Coast Guard nor the eventual consolidation of large vessels and husbanding under the Department of Transport resulted from the Glassco Committee Report, but another study of federal government fleets followed in 1969.

The Audette Report of that year, the product of an interdepartmental task force on government vessel operation, recommended the establishment of a single civilian agency under DND to be responsible for all federal civilian vessels. In deliberations over the

¹⁸ Royal Commission on Government Organization, *Volume 2-Supporting Services for Government* (Ottawa: Queen’s Printer, 1962), 186-187.

¹⁹ *Ibid*, 187.

²⁰ *Ibid*, 195.

Report, agreement to do so could not be reached among the various departments, and in 1970 a sub-committee of the Standing Committee on External Affairs and National Defence recommended against consolidation within DND, but did suggest that the civilian government fleet be integrated under an enlarged Coast Guard.²¹ Once again, no real change in fleet structure or operation resulted; however another task force would look at the situation again only five years hence.

At that time, in 1975, an interdepartmental task force was charged with a somewhat broader consideration, including not only a rationale for fleet consolidation under DND, but also whether departmental marine mandates were appropriate and what were the responsibilities of agencies and departments having capabilities for offshore fisheries surveillance and enforcement. Finding no significant benefits to be gained by fleet integration under DND and no financial incentive for departmental mandate changes, and stating its belief that control of the vessels should remain with the department or agency having the program mandate, the task force recommended against substantial change. It did offer that the two largest civilian fleets, those of the Department of Transport and the Department of Fisheries and Environment would be more efficiently and effectively managed if further consolidated; however, this was not acted upon at the time.²² Although federal fleet consolidation and departmental mandates received attention in early studies, a 1976 Inter Departmental Review of Marine Search and Rescue delved into an area of federal government endeavour that most significantly involved both the Coast Guard and Canadian Forces.

²¹ Treasury Board, *All the Ships That Sail—A Study of Canada's Fleets* (Ottawa: Supply and Services Canada, 1990), 2.

²² *Ibid.*, 2.

In examining the management of federal marine search and rescue (SAR) services, the Review team recommended the establishment of an interdepartmental committee to "...provide advice on policy, planning, resources, effectiveness and to develop a SAR Plan for annual review by Treasury Board and...an Ad Hoc Committee...on Oceans Management".²³ The Interdepartmental Committee on Search and Rescue (ICSAR) was thus established, as was an ICSAR Secretariat to support the Committee's mandate.²⁴ Also acted upon by the Government was the Review's recommendation that a single Minister be appointed as the Government's overall spokesperson on SAR matters, and that ICSAR report to the named Minister through the Ad Hoc Committee. Thus was the Minister of National Defence named as the federal Government's Lead Minister for Search and Rescue.²⁵ Only six years later, another, more formal "Report on an Evaluation of Search and Rescue" would be tabled by the Government.

Known commonly as the Cross Report, after its author and Chairman, D.H.E. Cross of the Department of External Affairs, this study was in effect, a "program evaluation", with main objectives to "...describe the SAR program, assess its success in achieving its goals, review its management, and finally to make recommendations for its improvement".²⁶ Significant findings reflected that what had been referred to as the

²³ National Search and Rescue Secretariat, *Review of SAR Response Services* (Ottawa: Supply and Services Canada, 1999), 18.

²⁴ Note: in fact, an "ICSAR" had previously existed during the post-World War II years and had been the forum through which the Government departments involved in SAR coordinated their activities.

²⁵ *Ibid*, 19.

“National” SAR Program, was in fact neither “national” nor a coherently defined “program”. Instead, the Committee found that “...the objectives and scope of the SAR program are not adequately defined...lack of interdepartmental consensus...has frustrated repeated attempts at definition...” and observed that there were “...differing departmental perceptions on what the objectives and ambit of the SAR program are”.²⁷ To resolve these difficulties, the Committee identified a need for what it called “management focus”, and recommended that “...a single minister should be responsible for recommending the content and resource level of the SAR program and resolving related program management issues.”²⁸

Recognizing that the Interdepartmental Committee on Search and Rescue (ICSAR), re-established in 1976 to “...provide a focus for...the development of a National SAR Plan...reflecting government rather than departmental priorities”, had been inadequate to the task, the Committee recommended the strengthening of ICSAR and its Secretariat.²⁹ As well, the Committee recommended that the Prime Minister consider naming “...a minister other than the Minister of National Defence...as the minister responsible for coordinating the National SAR Program, and for the federal element of the Program...”.³⁰ In discussing the matter of assigning ministerial responsibility for SAR, the Committee also offered alternatives such as the Minister of Transport (at the

²⁶ Cabinet Committee on Foreign and Defence Policy, *Report on an Evaluation of Search and Rescue* (Ottawa: Supply and Services Canada, 1982), vol.1, Executive Summary and Recommendations, 1.2.

²⁷ *Ibid*, 25.

²⁸ *Ibid*, 27.

²⁹ *Ibid*, 27-28. Note: the ICSAR Secretariat was subsequently re-named the National SAR Secretariat, whose Executive Director was appointed the Chairman of ICSAR..

³⁰ *Ibid*, 37. Note: This recommendation seems to have been motivated by findings tabled at para 6.27 of the Report indicating that “...resource constraints of the DSP [Defence Services Program] [were] limiting response to SAR needs [and]...are a reflection of severe competition within DND for funds and manpower”

time, the Department within which the Coast Guard functioned) or “...whether it would be desirable for the minister to effect his responsibility through an organization with complete management responsibility for the SAR Program including control of the associated resources”.³¹ This was apparently a suggestion that perhaps a completely separate “Canadian SAR Service” be established, equipped and staffed to carry out aeronautical and marine SAR throughout the country. Indeed, in this regard, one of the other prominent Committee recommendations was that the federal SAR program should be financed from a single expenditure envelope of the Government. At the time, it was financed from two: the Foreign and Defence Policy Envelope (DND) and the Economic Development Envelope (DOT). Ultimately, whereas action was taken to strengthen ICSAR and its Secretariat, the Government of the time stopped short of establishing a separate organization for SAR and re-affirmed the Minister of National Defence as the Lead Minister for SAR. Funding for the SAR Program would continue to come from two separate spending Envelopes. Next in line for Government study would be the matter of Canada’s maritime defence in 1983.

In May of that year, the Sub-Committee on National Defence of the Standing Committee on Foreign Affairs tabled its report entitled “Canada’s Maritime Defence” within which were included findings and recommendations pertaining to maritime sovereignty, the Arctic as a “special case”, an appropriate fleet “mix” for the Canadian Navy and the coordination of government fleets. Stating that “...[s]overeignty surveillance and control is of prime importance...” the Committee noted that:

Any increase in the number of combat capable units available to MARCOM for wartime duty will simultaneously increase its capability to handle peacetime sovereignty tasks...even if the wartime role of these units might not call for such

³¹ *Ibid*, 28.

weapons, the peacetime role does mean, for example, that surface vessels should have a small-calibre gun...in case a demonstration of force is needed.³²

With respect to the Arctic, the Committee expressed satisfaction that "...ice-breakers and patrol aircraft serve the bulk of Canada's peacetime needs in the Arctic..." and, saw "...no purpose in altering the present arrangement whereby Canada's ice-breaking fleet is operated by the Coast Guard...", but suggested that arming Coast Guard ice-breakers could be undertaken by naval crews should changes in circumstances dictate.³³

In its consideration of an appropriate fleet "mix" for the Canadian Navy, the Committee noted:

"[s]heer numbers alone also have a certain importance; ships, aircraft and submarines are simply means of taking weapons where they are needed...the number of such platforms must bear some reasonable relationship to the area to be covered. Otherwise, no matter how up-to-date the few weapons platforms available, having the appropriate weapon in the right place at the right time becomes a case of blind luck."³⁴

To that end, identifying what the Committee referred to as a "balanced fleet" within a twelve-year horizon of the Report, increases were recommended in several vessel types, including the forthcoming Canadian Patrol Frigates and replacement submarines. Most pertinent to domestic maritime security needs, however, were recommendations that some twelve (missile-equipped) fast patrol boats and a total of thirteen minesweepers and mine hunters be acquired and that the number of Auroras be doubled to total thirty-six as well as retaining some eighteen medium range patrol aircraft, (nominally the since-retired CP-121 "Trackers", used for fisheries and pollution patrol). An interesting aside in the Committee's description, suggested: "...several of the minesweepers might be assigned

³² House of Commons, Sub-Committee of the Standing Senate Committee on Foreign Affairs, *Canada's Maritime Defence*, May 1983, 43.

³³ *Ibid*, 51.

³⁴ *Ibid*, 54.

to the Coast Guard in peacetime for search and rescue and other duties...” and that “[a]s with the minesweepers, in peacetime some of the patrol boats would be assigned to the Coast Guard...”³⁵

The Committee also made a minor reference to the organization for search and rescue, noting that it (the Committee) “...generally concurs in the major conclusions and recommendations of the...Cross Report”.³⁶ In so doing, however, the Committee recommended “...that the Canadian Armed Forces continue to be assigned search and rescue as a major task”.³⁷ A major maritime disaster on Canada’s east coast drove the next study of maritime search and rescue, this time by means of a Royal Commission of Inquiry.

In the early morning hours of February 15, 1982, the American-owned offshore oil drilling rig the *Ocean Ranger*, capsized and sank during a storm some 166 nautical miles east of St. John’s Newfoundland. There were no survivors among the eighty-four men aboard.³⁸ As is common in situations of major loss of life within federally regulated activities, a Royal Commission of Inquiry was established in March 1982 and published its Report in June 1985. Aside from considerable findings and recommendations respecting the design, operation, safety procedures and equipment of offshore drilling rigs in general, the Royal Commission also looked into the maritime search and rescue system in Canada and the management of the National SAR Program itself.

³⁵ *Ibid*, 54-58.

³⁶ *Ibid*, 94.

³⁷ *Ibid*, 95.

³⁸ Department of Energy, Mines and Resources, *Government of Canada Response to the Recommendations of the Royal Commission on the Ocean Ranger Marine Disaster* (Ottawa: Supply and Services Canada, 1986), 1.

Aside from some criticism of the capabilities of Canadian Forces SAR helicopters available at the time of the incident, and discussion of the optimum basing locations for SAR resources to respond to incidents occurring in the Hibernia offshore oilfields, the Royal Commission Report focused considerable attention on the SAR Program itself. In a lengthy explanation of what the Commission saw as the need for a truly “National” SAR Program, it observed that:

“[m]any obstacles lie in the path of formulating in Canada an integrated, well-coordinated, and functioning national program...overlapping and sometimes competing departmental jurisdictions, interdepartmental rivalries and jealousies...and an increasing dependence by citizens...upon the state...”³⁹

The Commission went on to describe the National SAR Program of the time as being:

...a set of discrete SAR activities or services provided by two departments directly involved rather than an integrated program developed to provide adequate and timely response in the event of a disaster.⁴⁰

Acknowledging that “...much has, indeed been accomplished...in respect of co-ordinated approaches to an integrated SAR program”, the Commission offered criticism that:

...no single agency for developing, implementing, and controlling a national SAR program is yet in place. There is no single functioning agency with the mandate to knit together the several components into a comprehensive SAR program.⁴¹

Noting the findings of the Cross Report, the efforts of ICSAR and the subsequent failure of the Government to effect the measures recommended to put in place a national SAR program, the Report expressed the Commissioners’ contention of what was required:

...a distinct integrated structure, under a lead minister who is not otherwise directly involved in the delivery of SAR services and who is consequently not

³⁹ Royal Commission on the Ocean Ranger Marine Disaster, *Report Two: Safety Offshore Eastern Canada* (Ottawa: Supply and Services Canada, 1985), 109.

⁴⁰ *Ibid*, 122.

⁴¹ *Ibid*, 122.

involved in any conflict of interest...in setting priorities for government policies and spending.⁴²

The Commission further suggested that the national program should be distinct from departmental activities and funded with a “discrete” budget, from an “appropriate financial envelope”, so that, in the Commission’s words:

...for the first time, SAR vessels, helicopters, equipment, and facilities would be assessed primarily in terms of their suitability for SAR functions and not as resources designed and acquired for other purposes...⁴³

Although unsuccessful in motivating the Government to take action on establishing a separate SAR “agency” under a lead minister uninvolved in providing SAR services, the Commission Report did lead to the establishment of the National SAR Secretariat, replacing the ICSAR Secretariat and headed by a senior official having no line responsibilities for SAR and reporting directly to the lead minister, who remained the Minister of National Defence.⁴⁴ Attention returned to the matter of maritime security at a seminar held in the wake of the ambitious 1987 Defence White Paper.

The Conference of Defence Associations in its 1988 published record of the seminar on maritime security entitled *In Defence of Canada’s Oceans*, included a focus not previously prevalent in such discussions: the matter of Canada’s third ocean, the Arctic Ocean. As seminar speaker Dr. Harriet Critchley, put it: “...on the usual ‘mercator projection’ of Canada—the map that is used in schools all over this country...the Arctic hardly exists at all. The only thing north of Canada is the wall to

⁴² *Ibid*, 122.

⁴³ *Ibid*, 122.

⁴⁴ National Search and Rescue Secretariat, *Review of SAR Response Services*,...19.

which the map is attached”.⁴⁵ While much of the emphasis on the importance of the Arctic to Canadian defence and security was of course based on the Soviet nuclear submarine threat, three factors unrelated to the Cold War were also highlighted. These factors were: evolving international maritime law relating to jurisdiction over extended economic zones and ice-covered waters; increasing interest in and value placed on the resources of the region; and greater political involvement and activity on the part of residents of the north.⁴⁶ In making these observations, Critchley argued for a shift in perceptions of Canada’s maritime security concerns, from an Atlantic first and then Pacific-centric focus with the Arctic being virtually ignored, to one with all three oceans much more closely ranked in priority of interest.⁴⁷ Another speaker at the seminar, interestingly enough, a New Democrat Member of Parliament, Derek Blackburn, echoed these sentiments.

In his own words, Blackburn began by stating his position that “...Canada is a maritime nation...we must extend our maritime capabilities to exercise our sovereignty in three oceans”.⁴⁸ He went on to argue the need for a balanced naval fleet, to include not only a second batch of six Canadian Patrol Frigates (CPFs), but indeed suggested consideration of a third half-dozen CPFs. As well, he stated his belief that Canada should acquire minesweepers to “...keep our ports open” and went on to suggest that “[t]hese vessels might also be useful for search and rescue operations and coastal patrols on both the east and west coasts”.⁴⁹ Blackburn also alluded to the need to look at civilian assets

⁴⁵ Dr. W. Harriet Critchley, “From Sea...unto Sea”, in *In Defence of Canada’s Oceans*, ed. William J. Yost (Ottawa: Conference of Defence Associations Institute, 1988), 10.

⁴⁶ *Ibid*, 16-19.

⁴⁷ *Ibid*, 19-20.

⁴⁸ Derek Blackburn, “Maritime Defence Policy—A New Democrat’s Perspective,” in *In Defence of Canada’s Oceans*, ed. William J. Yost (Ottawa: Conference of Defence Associations Institute, 1988), 21.

⁴⁹ *Ibid*, 22.

that might be available to assist in meeting our maritime security requirements, "...to give this country an improved mine-countermeasures and coastal patrol ability without resorting to the costs of a major warship programme".⁵⁰

It is important to note that the 1987 White Paper under discussion at the Seminar had included in it the Government's intention to purchase a fleet of nuclear-powered submarines to counter Soviet submarines under the Arctic ice and which would also have performed, at least to some degree, the exercise of sovereignty over that area of Canadian maritime interest. With the dissolution of the Soviet Union and a subsequent change in government, the submarine project was ultimately cancelled; however, no alternative plan to provide for Arctic sovereignty protection or maritime security was forthcoming. The Naval Officers Association of Canada however, studied the need for a Canadian national maritime policy, including the defence aspects of it, publishing a report in early 1990.

In its first chapter, the study report entitled "A Maritime Policy for Canada", offered a useful explanation of the challenges faced in configuring a nation's maritime defence capability in peacetime:

During periods of peace, maritime defence requires that naval forces possess the capacity to enforce state law over the coastal waters claimed by a nation, particularly when its civilian authorities are unable to do so or need assistance. Thus, maritime defence matters encompass a wide range of topics related to the nature of a country's offshore regions, their breadth...and how efficiently and effectively its civilian maritime resources can be adapted to assist in defence...⁵¹

Taking the latter point to its logical conclusion, the study argued that, whereas the 1987 Defence White Paper had acknowledged the need for a "Three Oceans" defence strategy, it had fallen short "...in the articulation of a strategy which would incorporate civil assets

⁵⁰ *Ibid*, 27.

⁵¹ B.F. Grebenc, *A Maritime Policy for Canada* (Ottawa: Naval Officers Association of Canada, 1989), 30.

into the total national defence requirements”.⁵² Although the focus of this contention was primarily towards defence requirements in a wartime situation, it had applicability as well in the integration of military and civil assets for peacetime maritime security and sovereignty. In arguing its major thrust, “...that Canada’s national interests would best be served by developing a national maritime policy...” the study took note of the fact that no fewer than fourteen federal institutions had interests in managing maritime affairs in Canada, and that of those institutions, only three: National Defence, Transport Canada and External Affairs were concerned with national security and defence. Interestingly, a total of seven departments were credited with involvement in “sovereignty and international relations”. The study referred to these often-complicated interrelationships as being the basis of its call for a national maritime policy for Canada, noting that “...the country’s approach today towards dealing with maritime related issues is complex, compartmentalized, and issue area specific,” and suggested that “...these matters be dealt with in a more coordinated, comprehensive and integrated manner”.⁵³ It was only a matter of months before another study looked into Canadian Government maritime affairs, this time focusing on fleet utilization.

A thrust recurrent in several of the earlier examinations of federal fleets had been the notion of consolidating all federal fleets under a single operating department, specifically the Department of National Defence (DND). For a number of reasons, this option had not been pursued by the federal government. But by the time of release of the fall 1990 report entitled “All the Ships that Sail—A Study of Canada’s Fleets”, often referred to as the Osbaldeston Report after its author, Gordon F. Osbaldeston, of the

⁵² *Ibid*, 59.

⁵³ *Ibid*, 131-132.

Privy Council, there had occurred a reduction in the number of distinct federal fleets from thirteen in 1962 to only four. These remaining fleets were operated by: Transport Canada through the Canadian Coast Guard, the Department of Fisheries and Oceans, the Royal Canadian Mounted Police and, of course, the Canadian Forces Maritime Command (Navy).

In his opening remarks, Osbaldeston reviewed previous studies considering federal marine fleets, including the three discussed earlier in this section, as well as two less well-known studies in 1986 and 1987. These latter two, the first, conducted by the Secretary of State for External Affairs at the request of the Prime Minister, and the second, led by the Minister of Transport, both focused on the question of assigning the Canadian Coast Guard a more substantial role in coastal patrol and protection. Although the findings were essentially the same in both cases, "...that the Canadian Coast Guard should *not* [author's italics] become a para-military organization and [that it] should remain a part Transport Canada," the second study did conclude that "...some future integration of Fisheries and Oceans patrol vessels into the Coast Guard warranted further study".⁵⁴

The terms of reference for the 1990 Osbaldeston study set out its task in general, as follows:

A study Team, to be headed by an independent representative and to include members from departments, will examine a range of alternatives to the current management of the government's fleets and identify the optimal means of carrying out federal responsibilities in the marine environment.⁵⁵

⁵⁴ Treasury Board, *All the Ships That Sail...*, 2.

From this perspective, the Osbaldeston study team identified three objectives, the final one of which focused on the possibility of fleet consolidation: "...where the findings of the Study Team warrant the consideration of some form of fleet consolidation, to identify the preferred options for its achievement in terms of desirability and feasibility."⁵⁶

Indeed, in its conclusions, the Osbaldeston Report acknowledged that: "the full consolidation or "single fleet" option" was "theoretically possible", but went on to declare it to be "not a viable option", and suggested that it not be considered further.⁵⁷ Such a "single fleet" would, according to Osbaldeston, have to exist under DND, owing to the military role of the naval fleet, and would require either that "...the present civilian components would be extensively militarized or that DND would be required to operate in a non-integrated fashion with the civilian and military fleets being distinct and separate entities...".⁵⁸ As will be discussed later in this paper, this is a limited and extreme view of the consequences of DND operating a unified federal fleet, and as such it is of questionable validity.

Based on this perception of the possible manners by which DND would have to manage and operate all federal government fleets, Osbaldeston went on to conclude that in the case of two "distinct and separate entities", benefits accruing to fleet consolidation would be substantively lost. In the case of the civilian portions being "extensively militarized", it was suggested that (civilian) program effectiveness would be negatively

⁵⁵ *Ibid*, 65.

⁵⁶ *Ibid*, 66.

⁵⁷ *Ibid*, 58.

⁵⁸ *Ibid*, 49.

impacted concomitant with a risk to naval combat effectiveness.⁵⁹ In supporting this opinion, the study team stated:

It is inappropriate to separate program responsibilities from the essential resources required to carry them out. (It is inconceivable that the program responsibilities as well as the platforms, for such diverse areas as science, fisheries, environment and shipping be consolidated in a Department of National Defence).⁶⁰

Again, as will be addressed elsewhere in this paper, these are taken to be extreme findings without adequate substantiation; however, even within the Report itself, there exist contradictions to these views.

The Osbaldeston Report's major recommendation was that the status quo of the time continue, with three federal fleets operated by DND, DFO and CCG, albeit within a proposed framework of greater cooperation and coordination to be fostered through a new Interdepartmental Program Coordination and Review Committee (IPCRC) structure. The Report went on to present several additional recommendations, at least two of which counter, to varying degrees, the earlier argument against a consolidated fleet under DND: "DND should be assigned additional responsibility for increased offshore patrol in support of sovereignty, fisheries management, marine SAR [search and rescue] and environmental surveillance" and "DND should assist in meeting the R.C.M.P. requirements for preventative patrols where armed vessels are needed..."⁶¹ If the separation of program responsibilities from resources, specifically platforms (vessels as in this instance), is "inappropriate" as stated earlier in the Report, then the assignment of program responsibilities or portions thereof to DND without that department having a say in the program(s) would be equally inappropriate. But herein lay the crux of what the

⁵⁹ *Ibid*, 49-50.

⁶⁰ *Ibid*, 50.

⁶¹ *Ibid*, 61-62.

Osbaldeston study focused on: trying to identify ways to maximize effective federal marine fleet *utilization*. It was therefore oriented more towards economy and efficiency, predominantly within the realm of the *management* of the various fleets rather than the effective employment of them.

In any event, the Osbaldeston Study itself led to no significant changes in the ownership, management or utilization of federal fleets. The aforementioned Committee, IPCRC, was established and operated for some eleven years, prior to being disbanded curiously enough, only six days after the 9/11 attacks on the World Trade Centre and Pentagon. While IPCRC was able to advance some issues of interdepartmental coordination in areas such as communications and operational coordination, these successes were accomplished within sub-committees, rather than at the higher departmental level, as had been the goal. Writing on his own experience with IPCRC, Lieutenant-Commander I.C.D. Moffat had this to say in 1994:

...although the committee has attempted to coordinate assets among departments, it is too far from the operations of each department to obtain substantive results in a timely manner...no financial resources are accrued to the committee...the major block to coordination seems to be bureaucratic inertia and linear thinking...due to its size and decentralized control system for its operations, this is particularly evident in the Department of Transport as represented by the Canadian Coast Guard. It is less evident in DFO but still present...⁶²

Considering the title of his paper, Moffat clearly supported the consolidation of federal marine fleets; however, the crux of his remarks cannot be easily dismissed: a committee approach to coordination of marine operations among departments has proven less than effective. A Defence Review undertaken in 1994 and ultimately a White Paper on

⁶² I.C.D. Moffat, "One Canada One Fleet: An Argument for the Unification of All Federal Maritime Fleets", (Toronto: Canadian Forces College Exercise New Horizons Paper, 1994), 12-13.

Defence published in that year paid, as one author later put it, “scant attention” to such matters in the broad sense of contributing to “domestic security”.⁶³

As part of the public and academic debate leading up to the 1994 White Paper however, there could be no question that some observers recognized the importance of Canadian domestic security and the role of the military in this regard:

The first defence role, *the direct protection of Canada*, really is beyond argument...what cannot be debated is that Canada owes herself and the world outside effective control of her land, air, and sea space. Also it cannot be debated that although as a general rule this is not a combat role, it is still a demanding one.⁶⁴

In identifying “three broad “defence roles” for the Canadian military,” Gray listed as the first “...the direct protection of Canada, including all law enforcement duties in support of Canadian sovereignty”.⁶⁵ Another observer, addressing the challenge of demonstrating to the Canadian public of 1994, the relevance of the Canadian Forces:

The new white paper also must leave Canadians in no doubt that their defence dollars will be wisely, and cost-effectively spent...it must, in particular, thrash out the place of the Canadian Forces in such quasi-military and non-military roles as search and rescue, fisheries protection, environmental surveillance, disaster relief and drug interdiction...the available evidence continues to suggest strong public support for the quasi-military and non-military activities of the Armed Forces.⁶⁶

Despite contributions such as these to the debate, as previously noted, the 1994 White Paper was considered deficient in the attention paid to the matter of Canadian domestic security. In 2001 however, a Council for Canadian Security in the 21st Century co-

⁶³ David J. Bercuson, *To Secure a Nation* (Calgary: Centre for Military and Strategic Studies, University of Calgary, 2001), 3.

⁶⁴ Colin S. Gray, *Canadians in a Dangerous World* (Toronto: The Atlantic Council of Canada, 1994), 21.

⁶⁵ *Ibid*, 21.

⁶⁶ Martin Shadwick, “Defence and Public Opinion in Canada,” in *Defence and Public Opinion in Canada*, ed. David E. Code and Ian Cameron (Ottawa: Conference of Defence Associations Institute, 1994), 22-23.

chaired by Dr. J.L. Granatstein and Senator Laurier LaPierre, engaged the views of a broad spectrum of concerned Canadians to argue for a new Defence White Paper.

In its report entitled “To Secure a Nation”, the Council reflected the emphasis that must be placed on Canadian maritime security in the post-9/11 world:

The Government of Canada also needs to maintain its ability to assert control over its maritime and arctic regions...to address threats to the Canadian coasts, including drug trafficking, human smuggling, and international terrorism...the security implications of a substantial warming trend in the arctic...increased pressure on Canada to allow international shipping through the northwest passage will have a direct impact on Canadian interests.⁶⁷

In making recommendations in this regard, the Council suggested that a review of Canadian defence policy should “...fully address ongoing domestic security concerns and explore emerging new threats to both sovereignty and security within the nation’s borders and on the nation’s littorals”, and added that the Government should “...explore such issues as...Canada’s ability to protect its sovereignty while protecting the continental defence perimeter...”⁶⁸. Although it has of late been much discussed, the defence review called for in the Council’s Report has yet to be undertaken. In the meantime, however, the Senate Committee and Fisheries Committee Reports described briefly in the introductory paragraphs, as well as a long-awaited Canadian National Security Policy, have been published and will be discussed in the following section on Maritime Security and the Constabulary Role.

But what can be concluded at this point from the nearly four decades worth of studies and reviews on maritime defence and security, marine search and rescue and fleet utilization? Several common threads emerge which bear directly on the current issues.

⁶⁷ David J. Bercuson, *To Secure a Nation...*, 3.

⁶⁸ *Ibid*, 3-5.

Firstly, maritime security and defence as well as arctic sovereignty have gained prominence in recent years, with studies confirming these as naval roles, but alluding to more integration of the Canadian Coast Guard with the navy in delivering such services, even to the point of acquiring and sharing new vessels. Indeed, the Navy has no effective capacity to exert Canadian sovereignty in the arctic, none of its current fleet being ice capable, whereas the Coast Guard's vessels are unarmed and therefore lacking the credible defensive capability to discharge a maritime sovereignty and security role. Overall, however, both the Navy and the Coast Guard have significant capacity problems in their respective areas of endeavour. The requirement for armed Coast Guard vessels is implicit in these findings, as is the need for a Canadian Naval capability for arctic operations.⁶⁹

The federal search and rescue program, which essentially consists of the marine and aeronautical SAR activities of the Canadian Coast Guard and the Canadian Forces respectively, has suffered at the program level from a lack of coherence, definition and integration. Attempts to reconcile these deficiencies over the past 28 years via committees and cooperative management structures have been unsuccessful. Although the Minister of National Defence was appointed federal "Lead Minister" for SAR, in 1976, it is a spokesman position. The appointment of a single minister, responsible for the federal SAR program, to include expenditure control and budget, has consistently been recommended but not implemented. Whereas the option of a fully independent Canadian SAR Service has been proffered, as has the notion of the Minister of Transport

⁶⁹ Note: Whereas the *Victoria* class submarines about to enter service will represent some capability to operate under the polar ice, it can be argued that the "showing" part of showing the flag in sovereignty is of no less importance than the presence and credible defensive capability.

undertaking overall ministerial control of federal SAR, both of these approaches belie the total costs entailed, and the loss of direct access to the considerable resources of the Canadian Forces.

Finally, the matter of efficient federal government fleet utilization through consolidation has been a recurrent theme, either as the primary subject of a review or at least as an adjunct consideration. In these deliberations, the notion of consolidation under a single agency, nominally DND, has been suggested and recognized as feasible, but has consistently been dismissed as being impractical owing either to concerns related to “militarizing” civilian functions or the separation of program responsibilities from the requisite resources.

These findings are unfounded. DND already has civilians operating many of its vessels used in harbour, yard and maintenance functions, and could easily integrate the civilian-operated Coast Guard fleet. With respect to separating program responsibilities from resources, the Glassco Commission Report of 1962 proposed the amalgamation of the enforcement functions of several departments: Fisheries (at the time), the RCMP and the Department of Transport, under the newly formed Coast Guard. In fact, separating service and research functions from enforcement functions is not only feasible, but allows for more effective multi-tasking of vessels, since the vessel characteristics required for the variety of enforcement functions, as well as marine SAR, share much in common: speed, manoeuvrability, and sea-worthiness offshore. As has been the case for the federal SAR program, however, efforts to more closely coordinate the employment of the remaining two federal fleets, those of the Coast Guard and the Navy, via a committee approach, has enjoyed only limited success.

Maritime Security and The Constabulary Role

As explained in *Leadmark*, British academic Kenneth Booth, writing in 1977 on the roles of navies, described a trinity: a military role, a diplomatic role and a constabulary role. In distinguishing between the three, he noted that, as opposed to the diplomatic and military roles, the constabulary role “...is internally as much as externally oriented...rarely concerned with the armed forces of other states...mainly concerned with extending sovereignty over the state’s own maritime frontiers”.⁷⁰ Maritime sovereignty was also among three reasons given for the establishment of the Canadian Coast Guard in 1962. Whereas Search and Rescue held prominence, that being the title of the entry in *Hansard* documenting the government announcement, two other areas of concern were also extant at the time: arctic sovereignty and growing international maritime trade, with a concomitant requirement for regulation and safety policies.⁷¹ Maginley went on to note that the formation of “...a national maritime body, staffed with trained professionals, was needed to support and promote our [Canada’s] national interests in the nautical field, while leaving our sea defences...in the hands of the Royal Canadian Navy.”⁷²

Indeed, such a body had existed from only a year after Canadian confederation, when, in 1868, a Department of Marine and Fisheries had been established with similar responsibilities, including the regulation of fisheries. Comparing this past to the present, Maginley observed that “...the tasks performed by the Department of Fisheries and Oceans today are...very much the same...most of them are still the responsibility of the

⁷⁰ Department of National Defence, *Leadmark...*, 30.

⁷¹ Charles D. Maginley, *The Canadian Coast Guard...*, 13-14.

⁷² *Ibid*, 14.

present day Coast Guard.”⁷³ While this is true as far as it goes, it does not speak to the means or methods of performing those tasks, since almost from its very inception, the Department of Marine and Fisheries had operated armed vessels, the “Dominion cruisers” to enforce fisheries protection.⁷⁴ Equipped with deck guns (cannons) and bows designed for ramming, these were at the time, the only semblance of a naval presence in Canada, maritime defence still being carried out by the Royal Navy of Great Britain. But it was the Department of Marine and Fisheries that would in fact form the basis of a fledgling Canadian Naval Service, spurred by maritime security concerns of the Canadian Government following the American Civil War.

During that conflict, a Confederate ship the *Alabama*, in reality a merchant vessel, had been covertly converted for service as a cruiser, and “...demonstrated the ease with which fast merchant ships could be transformed into armed raiders...”⁷⁵ Representing perhaps the first expression of concern on the part of the new nation with its sovereignty and maritime security, the Government of Canada was thus motivated to ask Great Britain for assistance in providing a frigate for both coastal defence and naval training.⁷⁶

HMS *Charybdis*, “...a sailing corvette with steam machinery...representative of a fast-disappearing type used only for showing the flag in remote places...” was loaned by Britain and ultimately made a gift of to Canada in 1880, the Department of Marine and Fisheries taking possession, “...there being no Canadian naval authority at the time”.⁷⁷

Although the vessel’s projected use to train a naval reserve ultimately proved ill fated, its

⁷³ *Ibid*, 14.

⁷⁴ Appleton, *A Mare Usque Ad Mare...*, 37.

⁷⁵ *Ibid*, 73. Note- It is interesting to relate this early concern with the potential use of civilian commercial vessels as military “weapons”, to more recent expressions of alarm at Al-Qaeda’s apparent possession of a “fleet” of fifteen or so cargo vessels, potentially for such use.

⁷⁶ *Ibid*, 73.

⁷⁷ *Ibid*, 73.

brief commission represented a common thread in the lineage of the Canadian Coast Guard and the Canadian Navy and their involvement in sovereignty protection, through their forebears. It would be another thirty years, however, before Canada formally stood up a navy of her own, once again through the auspices of the Department of Marine and Fisheries.

On May 4, 1910 the Naval Service Act was signed into law, bringing into existence the Naval Service of Canada, under the Minister for Marine and Fisheries, although the new Service became a separate department.⁷⁸ In order to train an initial cadre of officers, Marine and Fisheries made available the patrol vessel *Canada*,

...a remarkable little ship, similar to a fast naval sloop of the period...of 200 feet in length, she could steam at 22 knots, was armed with four small quick-firing guns, and carried a complement of 75 officers and men. With a ram bow, she was certainly the most warlike fishery cruiser we ever had...really small warship[s] in all but name...⁷⁹

These are specifications of a vessel launched in 1904, fully a century ago. By way of comparison, Appendix XI of Senator Kenny's October 2003 Committee Report describes a cutter proposed by Mr. John Dewar of the Navy League of Canada, for use by the Canadian Navy in the performance of law enforcement functions:

Length (waterline):	minimum 75 metres (approximately 240 feet)
Maximum Speed:	minimum 25 knots
Armament:	machine guns, medium calibre weapon (57 mm or 76 mm), and close-in self defence weapon system (eg: Phalanx)
Complement:	maximum 40 (mixed gender)
Accommodation:	for 40 more personnel (boarding teams, etc.) ⁸⁰

Neither the cutter described by Dewar, nor the "Offshore Patrol Corvette" being acquired

⁷⁸ *Ibid*, 78.

⁷⁹ *Ibid*, 79

⁸⁰ House of Commons, Standing Senate Committee on National Security and Defence, *Seventeenth Report...*, vol. 2, 98.

by the United States Coast Guard under its “Deepwater Program”, and also described in the Committee Report, were to have “ramming” bows, that method of naval warfare having given way to more sophisticated weapons systems. The modern ships were, however, to be equipped with a helicopter and ideally a hangar for same. Given modern marine propulsion and surveillance systems, the smaller crew complement of the proposed vessels is understandable and there would be space aboard for additional personnel, approximating in total, the complement of the *Canada*. What is important to note, is the fact that a century apart, and facing somewhat similar threats to its maritime security and sovereignty, the Canadian Government identified a need for vessels with such strikingly similar characteristics. Unfortunately, neither the Coast Guard nor the Canadian Navy have any such vessels in their current fleets.

Similarities in characteristics among vessel types also led to the transfer of surplus naval vessels to the civilian government marine services following both World Wars. Whereas it might be argued by some that their surplus nature, rather than suitability for the task was the motivation in transferring the vessels, it would be difficult to contend that fisheries patrol duties in offshore Canadian waters were so different from naval tasks such as minesweeping or coastal patrol. Indeed, as Appleton describes, even naval vessels as large as Second World War corvettes and frigates found new roles, ultimately with Transport Air Services of the newly formed Department of Transport, as weather ships on the Atlantic and Pacific oceans. Initially operated under naval control with embarked Department of Transport meteorological observers, they were eventually

turned over to the civilian department and operated until replaced by purpose-built ships.⁸¹

The intervening years saw many changes in federal departmental organization and responsibilities, and with the transfer of Coast Guard to Fisheries and Oceans in 1995, an almost full-circle of change was completed, "...thus returning to the original arrangement of 1868," as described by Maginley.⁸² With the exception of research-based functions such as: hydrography and fishery management, and aid to maritime navigation such as: dredging, buoy tending and ice-breaking, some current roles and responsibilities of the Canadian Coast Guard such as fisheries enforcement, environmental enforcement and response and marine search and rescue, may broadly be described as "constabulary" in nature, although the term is not used by Maginley.

The term "constabulary" in this context is interpreted to mean: the *enforcement* of the aforementioned "regulation and safety policies"; the provision of marine search and rescue services; sovereignty activities providing for a "presence" throughout Canada's territorial waters; and humanitarian and disaster response.⁸³ This is a strikingly similar definition to that incorporated by the Canadian Navy in *Leadmark*. Noting that "...most countries with a sea coast have established some sort of separate coast guard, many of these services (such as the Canadian Coast Guard) are not armed or equipped to enforce fully the statutes of law", *Leadmark* identifies a constabulary role for the Canadian Navy.⁸⁴ Included therein are functions such as: sovereignty patrols, aid of the civil power, assistance to other government departments, search and rescue, disaster relief and

⁸¹ Appleton, *A MareUsque ad Mare...*, 186-188.

⁸² Maginley, *The Canadian Coast Guard...*, 223.

⁸³ *Ibid*, 13-14.

⁸⁴ Department of National Defence, *Leadmark...*, 40.

oceans management.⁸⁵ While the Navy's definition of a constabulary role is obviously broader than those functions of the Canadian Coast Guard that fall within the category, there are nonetheless, similarities among them and indeed some overlap, particularly in the areas of sovereignty patrols, oceans management and search and rescue. Whereas the latter, search and rescue, represents a special case in this examination, it will be addressed in a separate section. The other two functions, sovereignty patrols and oceans management, will be treated herein.

Leadmark defines sovereignty patrols as:

A specific form of *presence*...undertaken within a state's area of maritime jurisdiction, in support of nation building, to reinforce claims in contested waters, or otherwise "to show the flag" in a domestic context.⁸⁶

The term "presence" is further defined in *Leadmark* as being "...the exercise of naval diplomacy in a general way involving deployments, port visits, exercising and routine operating...to declare interest, reassure friends and allies, and to deter".⁸⁷ Even the 1971 white paper on defence, "Defence in the 70s" identified a role for Canadian maritime forces in sovereignty protection, but this definition was limited to police-type functions, involving enforcement of laws and regulations rather than defence.⁸⁸ Noting this apparent oversight, the May 1983 Report of the Sub-Committee on National Defence of the Standing Senate Committee on Foreign Affairs suggested that:

...the protection of Canadian sovereignty involves at a minimum, in the case of MARCOM [Maritime Command], ensuring that Canada can exercise jurisdiction over its waters in peacetime, successfully assert its control when confronted by a

⁸⁵ *Ibid*, 40-41.

⁸⁶ *Ibid*, 40.

⁸⁷ *Ibid*, 39.

⁸⁸ Department of National Defence, *Defence in the 70s: White Paper on Defence* (Ottawa: Queen's Printer, 1971), 17.

probing show of force, and deter the kind of opportunistic military adventures fostered by absence of a defensive capability.⁸⁹

Thus is presented a definition of the exercise of sovereignty as involving not simply a “presence” in the generic sense, but rather a deterrent presence represented by a credible defensive capability.

Such a credible defensive capability it has been argued, is best vested in a surface vessel, able not only to conduct surveillance of the airspace, surface and sub-surface environments, but also able to respond with force to challenges of sovereign control. In arguing thus, Rear Admiral A.P. Gay of the French Navy observed: “...it [the surface vessel] is the only maritime means of patently showing one’s presence and one’s strength—of fulfilling what is called the political function of a navy”.⁹⁰ Interestingly enough, Gay goes on to write: “...the building of a large icebreaker to operate to the north of Canada’s coasts is a good idea. Even though it will not carry weapons...this ship will work and be the visible representative of the Canadian government”.⁹¹ The “large icebreaker” referred to was to have been the Canadian Coast Guard’s “Polar 8” vessel, ultimately cancelled for budgetary reasons before construction had begun. In any event, the Canadian Navy has no ice-capable vessels in its inventory and other than small arms and some .50 calibre machine guns aboard some fisheries patrol vessels, the Canadian Coast Guard is unarmed. Given Gay’s earlier emphasis on the showing of “strength” as inherent to the “political function of a navy”, his endorsement of the unarmed Polar 8 seems somewhat contradictory. It is just this kind of contradiction that

⁸⁹ House of Commons, Sub-Committee on National Defence of the Standing Committee on Foreign Affairs, *Canada’s Maritime Defence* (Ottawa: Supply and Services Canada, 1983), 27-28.

⁹⁰ Rear Admiral A.P. Gay, “Problems of Maritime Defence to the North American Continent” in *In Defence of Canada’s Oceans*, William J. Yost ed., Conference of Defence Associations Institute, Ottawa, 1988: 52.

for many years has plagued the pursuit of a comprehensive and integrated Canadian policy on maritime security matters.

Although stated as one of the original national concerns leading to the establishment of the Canadian Coast Guard, arctic sovereignty was specifically excluded by that service in a 1986 slide presentation entitled “The Canadian Coast Guard—A Tradition of Quiet Pride”. So too was excluded the enforcement of the Criminal Code and the provision of “coastal surveillance” or “general patrol”, which are arguably aspects of the exercise of sovereignty, as well as “armed support to DND/RCMP”.⁹² Indeed, as observed by Rear Admiral F.W. Crickard, there have existed three distinct Canadian government perspectives on maritime matters: “...the Department of National Defence focused on security...the Department of External Affairs on sovereignty, and that of the Department of Fisheries and Oceans is primarily economic”.⁹³ Aside from diplomacy, exercised predominantly by External Affairs, and participation in bi-lateral and multi-lateral organizations and agreements as practiced by all three Departments, only National Defence, through the Canadian Forces, and Fisheries and Oceans, through the Canadian Coast Guard, have the means to apply direct action in maritime matters. Despite their seemingly distinct nature, such matters have been and remain, inextricably linked and interdependent:

...if an incident requires more than simple government presence or needs coordination, the Navy is called in. Moreover, the growing tendency by individuals to resolve disputes by force, including the resort to terrorism, is making the management of violence at sea a specialization. There is nothing

⁹¹ *Ibid*, 52.

⁹² Canadian Coast Guard, *The Canadian Coast Guard—A Tradition of Quiet Pride*, (Slide presentation print copy) (March 1986), (bound and available through the Canadian Forces College Resource Centre under: 359.970971 C351).

⁹³ Rear Admiral F.W. Crickard, “Oceans Policy and Maritime Strategy”, *Canadian Defence Quarterly*, vol 19, no. 5, (April 1990): 16.

wrong with adopting a graduated response capability using non-military patrol vessels in the first instance, but for the concept to be valid, the first level of response has to be supported by a less subtle means of resolving disputes. This function and the coordination of complex operations is a traditional naval role.⁹⁴

While it may be easy to acknowledge that the ultimate employment or threat of force in such a situation is indeed a military function, there are also valid concerns that such a level of force is too much of an escalation for what are essentially civilian policing problems.

In his PhD thesis entitled “Custos Borealis; the Military in the Canadian North”, author Major K.C. Eyre noted that the functions inherent in the protection of sovereignty “...takes the military into such diverse areas as fisheries protection, shipping surveillance, ecological monitoring, airspace surveillance, and generalized “showing the flag” operations...”.⁹⁵ Eyre goes on to caution that: “...many if not all of these extended roles hold the potential to bring military forces into contact and possibly conflict with foreign elements that are private or commercial in nature rather than official or military”.⁹⁶ In the same vein, Mr. Ernie Regehr of Project Ploughshares argued:

When Canadian laws are violated, it is not a challenge to sovereignty—rather it is a challenge to law and order within Canada...If people are fishing in violation of Canadian law, if drugs are being transported contrary to Canadian law, if toxic wastes are being dumped illegally, that is not a questioned of threatened or fragile sovereignty—that is a question of the administration of justice.⁹⁷

While both Major Eyre’s and Mr. Regehr’s concerns have merit, it is important to relate the essence of their observations to an understanding of the Canadian Navy’s role in

⁹⁴ Commander Peter Haydon, “The Future of the Canadian Navy”, *Canadian Defence Quarterly*, vol. 20, no. 3, (winter 1990): 13.

⁹⁵ Major K.C. Eyre, “Custos Borealis; the Military in the Canadian North”, Doctor of Philosophy thesis, University of London, King’s College, department of War Studies, (1981): 298.

⁹⁶ *Ibid*, 298.

⁹⁷ House of Commons, Standing Committee on National Defence and Veterans Affairs, *Maritime Sovereignty*, November 1990, 8.

sovereignty protection:

...our laws [justice] must be both administered and enforced, the question which arises is what role should be undertaken by the Canadian Armed Forces in this regard. The administrative function, barring an emergency situation, is a civil one whereas enforcement *could* [author's italics] require military assistance.⁹⁸

Thus, while in the norm, civil authorities are the lead agencies for the administration of our laws and regulations, such case will only be successful if it is backed-up with a credible capability to "...successfully assert (its) control when confronted by a probing show of force...".⁹⁹

Increasingly, however, there are indications that the requirement for such a credible capability is becoming more prevalent:

...the serious decline of fisheries in the Grand Bank[s] of Newfoundland, the George's Banks off New England, and other areas have either spawned incidents of violence involving armed forces or created other clear indications for global security.¹⁰⁰

Clearly containing a reference to the "turbot war" with Spain, the mention of the involvement of armed forces in a fishing dispute speaks to the insufficiency of unarmed or minimally armed vessels enforcing a nation's sovereignty. Indeed, as Canadian experience has shown, even a substantial military presence is no guarantee that the nation's laws and regulations can be successfully enforced. The *Concordia* incident of 1989 bore witness to that.

The *Concordia* was an American fishing vessel, observed illegally fishing in Canadian waters by a Canadian Forces "Tracker" fisheries patrol aircraft. Attempts by

⁹⁸ *Ibid*, 8.

⁹⁹ House of Commons, Sub-Committee of the Standing Senate Committee on Foreign Affairs, *Canada's Maritime Defence...*, 28.

¹⁰⁰ United States, National Oceanographic and Atmospheric Administration, *The Oceans and National Security*, (1998); available from http://www.yoto98.noaa.gov/yoto/meeting/nat_sec_316.html; Internet; accessed 1 March 2004.

the Tracker to contact the vessel were unsuccessful and the *Concordia* headed for American waters. The destroyer HMCS *Saguenay* was tasked to intercept the *Concordia*, which, while the *Saguenay* was sailing a parallel course, intentionally rammed the destroyer, slowed to inspect damage, and then carried on towards American waters. It took several hours for *Saguenay* to receive authority for warning shots, which were fired across the *Concordia*'s bows, with small arms and then with the main deck gun. The *Concordia* ignored these actions, doused her lights and continued into American waters. Lacking authority to take any action that might pose a risk to life, *Saguenay* was powerless to stop the *Concordia* once warning shots were ignored. She was subsequently pursued and stopped by the American Coast Guard.¹⁰¹ Given that this was “only” an illegal fishing incident, the effectiveness of even warships in sovereignty enforcement comes into question and certainly challenges the notion that “...light arms are all that is required,” as stated by members of the Canadian Coast Guard testifying before the Standing Committee on Fisheries and Oceans.¹⁰²

Also questionable, are both the Senate Committee and Standing Committees' dismissal, as has so often happened in the case of previous studies of the Coast Guard's role in Canada, of the option of transferring that service to the Department of National Defence. Judging from the explanations given in the Reports, such a transfer is assumed to automatically entail the militarization of the Coast Guard, rather than simply a change of Departmental affiliation. Interestingly, the Senate Committee summarized in its

¹⁰¹ House of Commons, Standing Committee on National Defence and Veterans Affairs, *Maritime Sovereignty*, November 1990, 53-54.

¹⁰² House of Commons, Standing Committee on Fisheries and Oceans, *Safe, Secure...*, 26.

Report the approach to maritime security undertaken by some fifteen nations, in twelve of which the coast guard was part of the navy, commanded by the navy or coast guard functions were performed by the navy.¹⁰³ There may be a lesson in this for Canada's maritime security dilemma.

As well, the Committees' concerns regarding the state of funding for the Coast Guard available from DND vice Fisheries and Oceans, or as an independent agency, seem to belie the logical expectation of an appropriate transfer of budget to DND and a concomitant reduction in infrastructure, management and support costs through re-organization and integration with the Navy's maintenance and support system.¹⁰⁴ But while the two Parliamentary Committees are advocating an independent Coast Guard expanded to take on the naval function of maritime security, Canada's Navy, aside from its recent yeoman service in the Middle East, has also been engaged in other tasks of the constabulary role.

Along with sovereignty patrols, *Leadmark* defines other functions of the constabulary role to include assistance to other government departments and oceans management. Curiously, these two definitions are somewhat ambiguous, with "oceans management" including "...the regulation of activities on, under and above the sea" and "assistance to other government departments" specifically citing "...fisheries protection, drug interdiction and environmental protection", which would seem to have been

¹⁰³ House of Commons, Standing Senate Committee on National Security and Defence..., vol.2, 3-53.

¹⁰⁴ Bryn M. Wheadon, "Amalgamation of Canada's Maritime Assets" (Toronto: Canadian Forces College Exercise New Horizons Paper, 1992), 19-22.

included within the former.¹⁰⁵ Nevertheless, it is clear that the Navy acknowledges within its constabulary role, functions that are either performed to a greater or lesser degree, or at least exist within the purview of other government departments or agencies.

Among these are an annual allocation of “steaming days” of Navy ships committed to fisheries patrols and enforcement. So too are not infrequent calls upon naval resources to support the RCMP in counter drug operations and on a few occasions the provision of a show of force in support of fisheries enforcement actions, such as during the so-called “Turbot War” with Spain. Given the aforementioned concern regarding the military being forced in these roles to interact with foreign or domestic private or commercial interests rather than official or military entities, it may logically be questioned as to whether or not this is an ideal approach.

The 1990 Report of the House of Commons Standing Committee on National Defence and Veterans Affairs had this to say with respect to the wisdom of using military (naval) forces for such roles:

As we become more aware of the diversity and scope of threats to our national security, the concept that military aggression is the only danger to our country’s survival against which the Armed Forces provide protection must give way to a broader view—the view that Canada’s military has a crucial role to play in non-military activities which protect our laws, our social fabric and our human and natural resources.¹⁰⁶

In arriving at this conclusion, the Committee took into account the changing times:

The major challenge confronting Canadian maritime policy may not be “Soviet submarines” or the “resupply and reinforcement of Europe,” but rather, the effective control of our coastal waters and the 200-mile economic zone. It is with a concern over our ability to exercise this control that we have undertaken our study of maritime sovereignty.¹⁰⁷

¹⁰⁵ *Leadmark...*, 40-41.

¹⁰⁶ House of Commons, Standing Committee on National Defence and Veterans Affairs, *Maritime Sovereignty*, November 1990, 3.

¹⁰⁷ *Ibid.*, 2.

Thus we find the Navy performing what would be, in many of those fifteen other nations studied by Senator Kenny's Committee, Coast Guard functions, whereas that service represents the only federal marine presence for sovereignty in our third ocean, the Arctic Ocean, which has been defined to be a Canadian Navy responsibility. The problem, to which it has been alluded earlier, is that neither responsibility is being discharged in a wholly effective or efficient manner.

Lacking suitable coastal patrol vessels, "[t]he Navy's Maritime Coastal Defence Vessels (MCDV's) are not, in fact, coastal defence vessels...these ships are used primarily for training naval reserves," the Navy must employ large, expensive to operate, heavily armed, albeit very capable, frigates for its constabulary roles.¹⁰⁸ On its part, the Coast Guard icebreakers in the arctic are employed primarily in support of shipping to northern communities rather than in a "show the flag" sense of presence. In any event, they are unarmed and thus do not fulfil the aforementioned criteria for true sovereignty demonstration of credible defensive capability. Both services need new capabilities to better discharge these responsibilities.

On its part, "[t]he Navy needs "*a new kind of coastal patrol vessel*" capable of moving as quickly as frigates but able to stay at sea for two to three weeks".¹⁰⁹ Aside from the provision of credible defensive armament, in the light of predictions of an open Northwest Passage in the not too distant future, "...there will be a greater need for Canadian government icebreaker support in the Arctic, and we [the Canadian Coast Guard] will need the capital replacement of Coast Guard ships to take this into

¹⁰⁸ House of Commons, Standing Senate Committee on National Security and Defence, *Seventeenth Report...*, 6.

¹⁰⁹ *Ibid*, 6.

account”.¹¹⁰ Indeed, the Coast Guard has capital replacement needs far beyond that required for additional or replacement icebreakers: “[t]he Canadian Coast Guard (CCG) is rusting out. Although the CCG possesses 107 ships...the majority of them are reaching the end of their useful lives...”.¹¹¹ Appropriate replacements for some of these vessels should possess similar characteristics to those of the proposed new coastal patrol vessels for the Navy. Whereas some would argue that these needs pose an impediment to resolving the question of the place of the Canadian Coast Guard within the federal government as well as in its service to Canadians, an equal contention can be made that it represents an opportunity.

The requisite major capital expenditures needed to deal with the “rust-out” of the Canadian Coast Guard fleet as well as the acquisition of appropriate patrol vessels for naval use in sovereignty and maritime security, afford a chance to rectify the resource versus capability gaps facing both these entities. An integrated service would maximize the impact and effectiveness of such a re-equipment program, not only through economies of scale, but by a thorough rationalization of program needs, equipment configuration, and ultimately operational employment. The flexibility thus afforded would represent an enhanced capacity to deliver additional services in the maritime security and sovereignty realms. Likewise, an integrated service would be better situated to address increasing arctic sovereignty and security concerns.

¹¹⁰ *Ibid*, 5-6.

¹¹¹ *Ibid*, 1.

Search and Rescue

Although *Leadmark* addresses it within the Constabulary Role, arguably, and with justification, the provision of federal Search and Rescue (SAR) services has evolved in a somewhat unique fashion in comparison to that of other maritime functions. It therefore merits separate treatment hereS

another at Nottawasaga Island on Georgian Bay. Given this impetus, "...a definite interest had been aroused and funds for a lifeboat service were provided in 1872".¹¹⁴

Ultimately, by the beginning of the First World War, more than thirty-six such lifeboat stations existed from coast-to-coast, and had "...reached a high degree of efficiency"; however, as the old sailing schooners were replaced in trade by powered vessels, the usefulness of such stations declined over time.¹¹⁵ Interestingly, responsibility for the lifeboat stations was transferred to the fledgling Canadian Naval Service in 1914, but little effort was made to enhance or even maintain the resources during the interwar period. By the time war broke out again in 1939, and the lifeboat crews departed for national service, the stations and lifeboats were left to deteriorate from disuse.¹¹⁶

During the same intervening period, the old Department of Marine and Fisheries had been supplanted by several succeeding services, as various responsibilities were divided among different government departments, each with a fleet of vessels for specific tasks. Separated into two branches in 1927 and ultimately separate departments in 1930, the Department of Marine and the Department of Fisheries pursued somewhat parallel paths, the former falling under a newly-formed Department of Transport in 1936, and the later continuing as the Department of Fisheries. In 1932, the marine functions of the old Customs Preventative Service became the responsibility of the Marine Section of the RCMP.¹¹⁷ Whereas each of these services operated its own, often purpose-built vessels, SAR response was at best provided in an ad hoc manner and no significant development of capabilities ensued. The post Second World War period until the early 1960s was

¹¹⁴ *Ibid*, 141.

¹¹⁵ *Ibid*, 128.

¹¹⁶ *Ibid*, 128.

¹¹⁷ Maginley, "The Canadian Coast Guard...", 22.

described by Appleton as "...a low point in our search and rescue organization", noting that although there were more federal government vessels available to respond to SAR incidents, "...the lifeboat stations had been reduced to three...and there were considerably fewer casualties in merchant shipping, but a rising awareness of the age-old risks of the fishing industry...".¹¹⁸ But while federal marine search and rescue may have languished during the post war period, this was not the case for aeronautical SAR and the involvement of the Royal Canadian Air Force (RCAF).

World War II, much more so than the "Great War" of 1914-18, had seen the rapid and exponential growth of air forces, rivalling the other services with their ability to operate with nearly equal ease in all environments. In the immediate post-war period many of these resources were turned to peaceful pursuits and the era of commercial air travel began in earnest. In Canada, concern for the safety of airline passengers and crew travelling long distances over sparsely-populated landscape, led to a federal government decision in 1946 to examine the establishment of an aeronautical search and rescue service. An interdepartmental committee on search and rescue, with representation from various departments, including Transport, National Defence and the Solicitor General (RCMP), was convened to study the matter and recommend a course of action.¹¹⁹

In its 1947 report to the Cabinet Defence Committee, the interdepartmental committee recommended that the RCMP be assigned the task of establishing an aeronautical SAR service and listed an estimate the resources necessary. Cabinet apparently disagreed and directed instead that the RCAF be responsible for aeronautical

¹¹⁸ Appleton, "Usque ad Mare...", 128.

¹¹⁹ Note: This was the *original* "ICSAR" previously mentioned, although it was apparently not a standing committee in the same sense that the current ICSAR exists.

SAR, and approved an additional allocation to the National defence budget to cover the costs. Based on existing RCAF Regional Air Commands located across the country, Rescue Coordination Centres (RCCs) were established at Halifax, Trenton, Winnipeg and Vancouver, staffed twenty-four hours a day by air force personnel. Rescue Flights were also established within these Commands, equipped with varying types of land-based and some amphibious aircraft with crews on alert posture to be prepared for “immediate” launch.¹²⁰ Four years later, in 1951, the federal Cabinet extended the RCAF’s SAR responsibilities to include the coordination of marine SAR response in Canada, through these same RCCs.¹²¹ Thus, the Canadian Forces’ overall responsibility for federal search and rescue response, both aeronautical and marine, was established at government direction more than a decade before a Canadian Coast Guard came into being. Whereas the continuing formal military involvement in SAR began with the post-war RCAF, the Canadian Navy had flirted with a SAR role at various times before.

As previously cited, the Canadian Naval Service had, during the early days of World War I, taken over responsibility for the lifeboat stations, and had in part, allowed their deterioration and disuse. At the same time, although its application was somewhat in abeyance during the hostilities of the First World War, the Canada Shipping Act had required masters of Canadian vessels at sea to render assistance to vessels in distress. This applied equally to Canadian civil or military vessels, and so the Canadian Navy became part of the broader “fleet” of federal SAR providers, albeit on an ad hoc basis.

¹²⁰ Note: Interestingly, as the RCAF took delivery of the first of its helicopters and recognized their utility in SAR, they too were added to the Rescue Flight rolls; however, owing to the day, visual flight rule and fair weather only limitation of early helicopters, crews for these machines were only required to be available during the day.

¹²¹ Government of Canada, Cabinet Committee on Foreign and Defence Policy, *Report on an Evaluation of Search and Rescue*, Annex A Legal Basis, page 2.18.

More formal naval involvement would await later developments in the organization for federal aeronautical and marine SAR coordination.

As described in the section on the Constabulary Role, the title of the Hansard entry referring to the establishment of the Canadian Coast Guard was “Search and Rescue”. Indeed, from almost the immediate post-war period until its ultimate founding in 1962, there were almost constant calls for the formation of a Canadian Coast Guard. As Maginley described it, the demands came from: “...communities, Chambers of Commerce, newspapers, fishing and shipping organizations, labour unions and veterans associations...” and by the mid-1950s included more formal demands:

On 29 December 1953 the British Columbia Government passed a resolution requesting the establishment of a Coast Guard...in 1954 the Canadian Chamber of Commerce recommended the elevation of the current temporary arrangements for Search and Rescue to the status of a seagoing Coast Guard...[o]n 19 March 1955 there was a submission by the Naval Officers’ Association of British Columbia...[o]n 31 October 1955 Deputy Minister of Transport J.R. Baldwin reported on the state of marine Search and Rescue on the British Columbia Coast...¹²²

The thrust of these calls and submissions was that the ad hoc system of SAR using federal vessels of opportunity was inadequate, not only from a responsiveness perspective, but also in terms of vessel suitability: “...RCN vessels were not suitable and took too long to sail...RCMP and fisheries patrol vessels were too small and slow...DOT ships were too slow and otherwise engaged...”.¹²³ This was a demand for a specialized, dedicated federal SAR service. Despite such public pressure, however, federal Transport Minister George Hees, in 1959 was quoted as saying “...providing a fleet of special vessels solely for Search and Rescue would require a very expensive organization”.¹²⁴ A

¹²² Charles D. Maginley, *The Canadian Coast Guard...*, 28-29.

¹²³ *Ibid*, 29.

¹²⁴ *Ibid*, 30.

serious marine incident on the west coast only a month later would change the Government's mind.

A fire aboard a Norwegian freighter *Ferngulf* in the approaches to Vancouver in May 1959 had a tragic outcome, but ultimately resulted in government action to form a Canadian Coast Guard. The distress message from the vessel indicated that she was afire and had injured personnel aboard. The response, although ultimately successful, was less than satisfactory:

...an RCAF helicopter put a doctor on board. The Vancouver fireboat was not able to respond—later giving the reason, much criticized, that its activities were restricted to the harbour. Fortunately, two Canadian destroyers and a US Navy submarine were in port. Firefighting crews from [these three naval vessels] reached the *Fergulf*...and succeeded in bringing the fire under control. There were casualties among the freighter's crew, however, one of who died in hospital.¹²⁵

Within a month of the tragedy, consideration of the formation of a Canadian Coast Guard began to gain momentum in the Department of Transport. Of the early recommendations for a Coast Guard contained in a memo from the then Deputy Minister of Transport in 1959, were two that pertain to the present examination: “[s]ome surplus ships of the same general layout as present vessels could be earmarked for SAR but it would not be feasible to provide fast dedicated SAR cutters” and “...marine SAR coordinators [should] be appointed to the RCAF rescue coordination centres”.¹²⁶

Both of these recommendations were ultimately implemented; however, although smaller, inshore fast dedicated SAR “cutters” were acquired, “offshore patrol cutters” as the Coast Guard terms the type, designed for patrol and SAR duties out to the 200 mile limit, were as described in the recommendation: surplus ships acquired originally for

¹²⁵ *Ibid*, 30.

¹²⁶ *Ibid*, 30.

other purposes.¹²⁷ Coast Guard marine SAR coordinators joined their air force counterparts in the Rescue Coordination Centres (RCCs), which remained RCAF units. In 1968, with the unification of the Canadian Forces, a significant organizational change occurred in the federal aeronautical and marine SAR system.

A 1961 amendment to the Canada Shipping Act empowered the federal Minister of Transport “...to designate marine co-ordinators to organize search and rescue work on the high seas and on the coast of Canada”.¹²⁸ When the newly unified Canadian Forces re-organized its regional structure, it assigned “Search and Rescue Region (SRR) Commander” responsibilities to general officers in each of the then, four SRRs that made up Canada’s internationally accepted SAR area of responsibility. At that time the SRRs were designated: Victoria, Edmonton, Trenton and Halifax. Although the Land Forces (formerly the Army) had established Regional Commanders in each of these cities (except Trenton—the Regional Commander was located in Toronto), to identify a local point of contact for Canadian Forces aid of the civil power, these were not the positions appointed to be SRR Commanders. Instead, the Commanders of each of the two Maritime Forces (formerly Navy) formations, Atlantic and Pacific, as well as the Commander of Air Transport Group (of the former RCAF), were so appointed. The Victoria SRR was thus commanded by the Commander of Maritime Forces Pacific; the Halifax SRR, by the Commander of Maritime Forces Atlantic; and both the Edmonton and Trenton SRRs by the Commander, Air Transport Group. By interdepartmental agreement to support the marine SAR aspects of these functions, the Minister of

¹²⁷ *Ibid.* Although at least one identifiable dedicated offshore SAR cutter, the 234 foot long *Alert* was built in 1969, other vessels for such use were either surplus, such as the much smaller ex-RCMP *Daring*, or designed for other purposes such as ex-offshore supply ships the *Grenfell* and the *Jackman*.

¹²⁸ Thomas E. Appleton, *Usque ad Mare...*, 127.

Transport issued standing appointments as marine SAR coordinators to the incumbents of these positions.¹²⁹

The important impact of these appointments and the basis for the selection of these specific positions was a simple matter of matching authority with accountability. SAR cases in the two coastal SRRs are predominantly marine cases. Aside from the dedicated Canadian Forces primary SAR helicopters and aircraft assigned to the Region, the Maritime Force Commanders also have: operational command of their respective naval fleets and operational control of maritime aviation assets assigned to them (Sea King helicopters and Aurora long range patrol aircraft). The Commander, Air Transport Group (replaced as SRR Commander for the amalgamated Edmonton and Trenton SRRs in 1997 with the dissolution of the Air Groups by the Commander, 1 Canadian Air Division), has, under his operational command, virtually all aircraft in the Canadian Forces inventory. The amalgamated Trenton and Edmonton SRRs is the largest, and extends from the US border to the North Pole, and from British Columbia to the Saguenay River. Aircraft are obviously an important resource for this Region.

These authorities are directly exercisable, without requirement to apply to higher authority; however, for SAR, the respective SRR Commanders may also directly request from the Deputy Chief of Defence Staff, any additional Canadian Forces resources deemed necessary. By making these specific command appointments responsible for SAR in their Region, the impetus is placed directly on them to employ any and all resources at their disposal to respond to a distress, avoiding any requirement to “negotiate” with an otherwise disengaged authority for additional resources when needed.

¹²⁹ Note: Copies of several such messages are on file at the National SAR Secretariat, where the author was employed on a two-year secondment for a project on SAR program management.

The efficacy of this arrangement has been proven countless times, and in fact, in the maritime environment, embarked helicopters aboard naval ships have been employed on some of the most challenging rescues. The exercise of such authority by the Commander of the Trenton SRR has seen Canadian Forces transport aircraft (including on at least one occasion, a Prime Ministerial flight) tasked to conduct electronic homing of distress signals or direct rescuers on the ground or afloat. But whereas at the tactical and operational levels a synergy exists between the National SAR Program's two largest contributors, this has not always been the case at the Program management level.

In its most recent major effort, the National SAR Secretariat in 2001, at the direction of ICSAR and the Lead Minister, undertook a project to implement recommendations from the 1999 Review of SAR Response Services. The Strategic Transition Initiative Project (STIP), had as its main objective the development of a management framework for the federal SAR program. This was to include: an annual SAR program planning process, a performance measurement framework, a program of multi-jurisdictional SAR exercises, and the harmonization of major SAR incident plans for the marine and aeronautical environments. As an adjunct, the potential to expand the program planning process to involve provincial and territorial jurisdictions was also pursued.

Over the course of its two and one half year term, the STIP team, consisting of seconded officers from the Canadian Forces, the RCMP and (briefly) the Canadian Coast Guard, as well as National SAR Secretariat staff members, made progress in virtually all of its mandated tasks. Prominent among these were: a Major Air Disaster Workshop, the first of its kind, involving some twenty-two airlines, provincial and territorial emergency

measures staff and officials from key federal departments and agencies; an exercise in the arctic involving multi-jurisdictional SAR response; and the development of an annual and multi-year SAR program planning framework, including provision for performance measurement of program-level output.

Essential to the planning framework was the update and incorporation of departmental SAR “roles and responsibilities” statements provided to ICSAR, and, for the purpose of performance measurement, “levels of service” statements. Whereas a couple of departments had never really contributed roles and responsibilities statements in the past, the major departments, DND and Transport Canada (representing its earlier stewardship of the Canadian Coast Guard), had both done so in 1989 and updated them in 1994 (just prior to the transfer of Coast Guard to Fisheries and Oceans). For the STIP, DND provided an update which merely amended some headquarters directorate titles and designations that had changed over time, and reflected the involvement of 1 Canadian Air Division vice the old Air Transport Group. In contrast, the Coast Guard, without any prior advice or consultation with the Canadian Forces, delivered a statement of roles and responsibilities that if accepted, would represent the potential dismantlement of the existing coordinated aeronautical and marine SAR system.¹³⁰

Basing its position on a single, arguably ambiguous phrase contained in the *Oceans Act* of 1996, the Coast Guard claimed unilateral authority to establish or modify marine Search and Rescue Regions (SRRs) and to establish Marine Rescue Coordination Centres and Sub-Centres. Over the years, Canadian marine and aeronautical SRRs have

¹³⁰ Note: The Canadian aeronautical and marine SAR system has effectively been what today is described as a “joint” system, since 1951. “Joint” in this context does not refer to command and control arrangements (the Rescue Coordination Centres (RCCs) are Canadian Forces Units), but rather to the fact that both aeronautical and marine cases are handled by a single RCC.

been “harmonized”; that is, they have the same boundaries, facilitating coordination of cases in either environment by the Rescue Coordination Centres. The Coast Guard’s newly provided role and responsibility statement in this regard, would permit that service to unilaterally change the marine boundaries, and/or disengage from participation in the existing RCCs, thus effectively dismantling the coordinated aeronautical and marine system.¹³¹

The statement was presented to the STIP Planning Working Group meeting in Spring 2002. To date, a satisfactory resolution of this controversy has yet to be achieved.¹³² This is but one example of the form and nature of “...overlapping and sometimes competing departmental jurisdictions, interdepartmental rivalries and jealousies...” observed upon by the Ocean Ranger Royal Commission, the Cross Report and other studies.¹³³ The persistent recurrence of such impediments to the development and implementation of an effective, integrated national (or at least, federal) SAR program is testament to the failure of the “committee” approach to managing such a vital system.

The Canadian Forces bring to the program the experience of more than fifty years as the lead federal agency, and arguably, as the organization possessing the broadest resource base and capabilities. Contentions that the appointment of Lead Minister for SAR should in fact be assigned to another minister, have been predicated on the notion that within National Defence, competition for resources was such that the acquisition of major SAR equipment would not be decided in the best interest of the National (federal)

¹³¹ Note: Interestingly, this effort came at a time when the International Civil Aviation Organization (ICAO) and International Maritime Organization (IMO) were working together to encourage the “harmonization” by nations, of aeronautical/marine SRRs world and the establishment of Joint RCCs.

¹³² Note: The author was the Canadian Forces officer seconded to the STIP, and also chaired the Planning Working Group. Minutes of the Working Group Sessions and copies of the role and responsibility statements submitted are on file at the National SAR Secretariat.

¹³³ Royal Commission on the Ocean Ranger Marine Disaster...109.

SAR Program, but rather, it would be the result of compromise or the provision of equipment originally intended for other use. Whereas this has indeed been the case in the past (as it has also been at Coast Guard and Fisheries and Oceans), there can be little argument that recent initiatives such as: the purchase of the CH-149 Cormorant helicopters; a major automation project for the Joint Rescue Coordination Centres; and a forthcoming, expedited purchase of new, fixed-wing SAR aircraft, are not evidence of a changed approach.

Contrary to suggestions of the past, the current office of Minister of National Defence is anything *but* distracted by conflict of interest with other departmental priorities; SAR is very much a high priority in the Department. Earlier impediments to strengthening the effectiveness of the management of the National SAR Program, by assigning full fiscal and resource responsibility to the Lead Minister for SAR, have been removed. Transfer of the Coast Guard from Fisheries and Oceans to National Defence would achieve the essence of placing the vast majority of federal SAR activities under one minister, as repeatedly called for by a number of studies and reviews.

Whereas there are those within the military who view SAR as a non-core activity that diverts resources from more combat-oriented functions, the Canadian Forces and the Air Force in particular, have benefited from the consistency of the positive publicity. The image of relevance of an organization directly serving the needs of Canadians on a continuous basis, serves the military well, especially during periods, which will inevitably return, of minimal high profile international operations. The Commander of the Navy, intent on imposing a year-long “pause” for that service to “...put its house in order...forced to come to grips with a lack of funding and of rested personnel”, may well

wish to bear in mind the need to remain relevant at all times to Canadians.¹³⁴ An integrated Coast Guard and Navy, performing together the realm of constabulary roles including search and rescue, maritime security and enforcement, would afford an excellent venue for an enduring demonstration of such relevance.

A Unified Federal Fleet

As described previously, from the earliest days of the Canadian Coast Guard, the notion of consolidating all of Canada's federal marine fleets has been a recurrent thrust of government reviews and private study. Whereas consolidation of the original thirteen fleets has occurred over the years, arguably driven more by economic considerations than functional concerns, until today there are only two, the last step of fleet unification, the amalgamation of the civilian and military fleets, has yet to be attempted.

On a number of occasions, committees and writers pondering the issue concluded that a combined military/civilian fleet was *possible*, but not a recommended option. The bases of the recurrent recommendation *against* consolidation, including the two recent Parliamentary Committees, seem to be most vested in terms of the impact in human terms, specifically the impact on the "...resolutely civilian Canadian Coast Guard".¹³⁵ Some of this angst apparently is primarily attitudinal "...[I]t is not evident that those who have joined a non-military organization would join a military one to perform the same task", whereas other concerns are more practically focused "...integration might involve a greater likelihood that government personnel [civilians] would be called upon to

¹³⁴ House of Commons, Standing Senate Committee on National Security and National Defence..., vol.1, 3.

¹³⁵ House of Commons, Standing Committee on National Defence and Veterans Affairs, *Maritime Sovereignty*..., 62.

perform enforcement functions”.¹³⁶ Indeed this would also certainly be the case for an independent Coast Guard with responsibilities for maritime security. The issue in this respect would be just how far in the aforementioned “enforcement functions” would the Coast Guard be expected to go prior to having to call on the Navy to reinforce the show of strength. To be sure, these matters have both a legal aspect as well as a personnel aspect; however, they are not insurmountable, and as previously noted, the Navy already operates a number of fully civilian-crewed vessels, albeit smaller types.

The matter of vessel types is another consideration, this time in a more positive vein, whereas it was previously postulated that some of the replacement vessels required by the Coast Guard would share characteristics with the identified “coastal patrol vessels” needed by the Navy. Aside from the obvious economies of scale in initial acquisition, common training, the enhanced flexibility of a larger, common fleet, as well as savings from a common support and maintenance system would also accrue.

Whereas the more specialized vessels used primarily for science based activities such as hydrography and fisheries research would continue to require such specialization, a single department would be more likely able to influence a trend towards more fundamental commonality even among these types, and thus realize additional economies. As well, through the addition of capabilities to these types and their ultimate replacements, much greater overall capacity and flexibility could be achieved, particularly for vessels which are currently only seasonally used, such as icebreakers. Given the previously identified capacity problems facing both the Navy and Coast Guard in their ability to fulfil their respective mandates, an increase of this nature should certainly be welcome.

¹³⁶ *Ibid*, 62.

Concerns that departmental mandates, such as Fisheries and Oceans' role in research and science, would thus be separated from the resources necessary to carry them out, are weakly founded. Acting "...as the agent for the other departments requiring ocean-going vessels to carry out their mandates...the Navy could employ all ocean-going vessels more efficiently...".¹³⁷ Indeed, "...this is what happens presently when other government departments [Coast Guard, Fisheries and Oceans, RCMP] request naval assets to carry out their mandate".¹³⁸ In terms of what mandates the Coast Guard should itself bring with it into an integrated fleet, the divisions are clear: enforcement of regulations and laws, marine services such as icebreaking and navigational aids (although some of this function could be targeted for contracting-out, as it already is in some areas), and pollution enforcement and response.

In order to achieve a successful integration, both the Navy and Coast Guard will have to look beyond individually short horizons and decide how best to manage the mix. Overall, however, as even Osbaldeston noted "[t]he full consolidation or "single fleet" option...[is] theoretically possible...".¹³⁹ The transformation of theory into reality is the challenge to be faced; it is a challenge more of will than of means.

Conclusion

Two organizations stand between Canadians and maritime-based threats to our values, our economy, our laws and most importantly our safety and security: the Canadian Coast Guard and the Canadian Navy. Their respective roles in this regard are inextricably intertwined and interdependent. Rather than continue in what has been an

¹³⁷ I.C.D. Moffat, "One Canada One Fleet...", 24-25.

¹³⁸ *Ibid*, 25.

¹³⁹ Treasury Board, *All the Ships that Sail...*, 58.

oft times uncoordinated, incoherent and even ineffective joint effort to secure Canada's maritime interests, a change in the relationship is urgently needed. Management by committee hasn't worked. Facing new and more dangerous challenges to our maritime security, Canada needs a Coast Guard fully integrated with the Canadian Navy under DND to optimize the limited capabilities of both services to protect the nation's coasts, to provide for marine search and rescue and to guarantee our maritime sovereignty.

The matter has been studied extensively for more than forty years, similar conclusions being arrived at but never fully pursued. Despite the common historical origins of both services, particularly with respect to maritime sovereignty and security, there has persisted an unwillingness to make a serious attempt at unification of their resources and capabilities. Many of the impediments are due to the "cultural" differences between a military and a civilian organization; however, they are not insurmountable. For a myriad of reasons, not the least of which are cost, limitations of capabilities and continued lack of integration of roles and responsibilities, the option of an independent Coast Guard with maritime security responsibilities as proposed by two Parliamentary Committees, cannot seriously be considered.

The maritime security and sovereignty role is clearly a naval function and must remain so, owing to the need for credible defensive show of force capability. At the same time, the Coast Guard is singular in its ability to operate in Canada's third ocean, the Arctic Ocean, whereupon renewed economic, environmental and sovereignty issues have arisen in recent years. Both services are facing capacity shortfalls in meeting their respective mandates, and the age-old adage of the whole being "greater than the sum of the parts" is definitely applicable to this situation. It is time for clear government action

to provide for adequate defence and security of Canada's maritime areas, through the unification of Canadian federal marine fleets, military and civilian, under a single department. In so doing, not only will maritime security and sovereignty be enhanced, but the National SAR Program will also significantly benefit, as the long sought-after goal of the Program being under the direction of a single minister will have been achieved.

Failure to take definitive action in regards to our maritime security "...will erode the most fundamental national interest of all—territorial integrity and political independence."¹⁴⁰ Canadians deserve better.

¹⁴⁰F.W. Crickard, "Oceans Policy and Maritime Strategy...", 19.

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