

## Archived Content

Information identified as archived on the Web is for reference, research or record-keeping purposes. It has not been altered or updated after the date of archiving. Web pages that are archived on the Web are not subject to the Government of Canada Web Standards.

As per the [Communications Policy of the Government of Canada](#), you can request alternate formats on the "[Contact Us](#)" page.

## Information archivée dans le Web

Information archivée dans le Web à des fins de consultation, de recherche ou de tenue de documents. Cette dernière n'a aucunement été modifiée ni mise à jour depuis sa date de mise en archive. Les pages archivées dans le Web ne sont pas assujetties aux normes qui s'appliquent aux sites Web du gouvernement du Canada.

Conformément à la [Politique de communication du gouvernement du Canada](#), vous pouvez demander de recevoir cette information dans tout autre format de rechange à la page « [Contactez-nous](#) ».

CANADIAN FORCES COLLEGE / COLLÈGE DES FORCES CANADIENNES  
CSC 31 / CCEM 31

EXERCISE/EXERCICE NEW HORIZONS

**Call to arms – Unlimited liability with unlimited trust.**

By /par Maj Tim Bishop

*This paper was written by a student attending the Canadian Forces College in fulfilment of one of the requirements of the Course of Studies. The paper is a scholastic document, and thus contains facts and opinions which the author alone considered appropriate and correct for the subject. It does not necessarily reflect the policy or the opinion of any agency, including the Government of Canada and the Canadian Department of National Defence. This paper may not be released, quoted or copied except with the express permission of the Canadian Department of National Defence.*

*La présente étude a été rédigée par un stagiaire du Collège des Forces canadiennes pour satisfaire à l'une des exigences du cours. L'étude est un document qui se rapporte au cours et contient donc des faits et des opinions que seul l'auteur considère appropriés et convenables au sujet. Elle ne reflète pas nécessairement la politique ou l'opinion d'un organisme quelconque, y compris le gouvernement du Canada et le ministère de la Défense nationale du Canada. Il est défendu de diffuser, de citer ou de reproduire cette étude sans la permission expresse du ministère de la Défense nationale.*

The people of Canada will, I know, face the days of stress and strain which lie ahead with calm and resolute courage. There is no home in Canada, no family, and no individual whose fortunes and freedom are not bound up in the present struggle. I appeal to my fellow Canadians to unite in a national effort to save from destruction all that makes life itself worth living, and to preserve for future generations those liberties and institutions which others have bequeathed to us.<sup>1</sup>

--William Lyon Mackenzie King,  
Prime Minister of Canada, September, 1939

## INTRODUCTION

In two World Wars, Canada sent significant fighting formations that acquitted themselves with distinction on the field of battle. In doing so they also left thousands of young men on the battlefields of Europe sacrificed on behalf of their nation. These military personnel were all serving the best interests of their nation and were deployed at the behest of their government. They were citizens first and soldiers by circumstance. Their sacrifice and efforts have lead Canada as a nation to where we are today; an internationally respected power that contributes effectively to peace and stability globally.

Governments place unique demands on their militaries and as is clearly outlined above, the Canadian government is no exception. It expects the military to be ready when virtually nothing else is able to respond. It expects them to be able to solve the problems that only managed violence can deal with. In return the military expects that the government will provide funds with which to remain ready, and support for the operations it conducts on behalf of the government. This ranges from the domestic tasks

---

<sup>1</sup> William Lyon Mackenzie King. - Extract from a speech given by the Canadian Prime Minister in the House of Commons, in September, 1939.  
<http://collections.ic.gc.ca/courage/w.l.mackenziekingdeclaresw.html>; Internet; accessed 19 Mar 05.

such as fighting forest fires to international operations within a coalition. These spectrums of tasks are all conducted on behalf of the government to bolster either domestic assets or as part of a foreign affairs agenda of support to peace and stability abroad. The government very carefully plans the use of the military in pursuit of these goals. The methods it uses to determine what level of support has varied from mission to mission.

The protocols in place that the government used in order to employ military force in time of peace and war will therefore be examined throughout this paper. The key issue examined is that of international deployments, namely conducted outside Canadian territory or territorial waters into places where there is a high risk that personnel will be killed.<sup>2</sup> There is no official protocol currently used within the government and I will therefore argue that there should be. It is one of the most important decisions that we make as a people. Waging war is a costly, bloody business and anyone that thinks otherwise needs only to visit any Canadian battlefield in Europe and review the names of the thousands of young men that fill the cemeteries there. It is a sad reminder of the reality of the cost of war.

This paper will contend that the Canadian government must formalize the process used to decide to deploy military personnel on international operations as a means to mitigate risk and bolster public support to those personnel deployed. Although mention will be made of domestic deployments it is done to provide context to the argument. The essay will focus on the unlimited liability issues that are associated with service in areas of the world where only managed violence will solve the problem and therefore soldiers

---

<sup>2</sup> Department of National Defence. B-GL-005-500/FP-000, *Canadian Forces Operations*, (Ottawa: DND Canada, 2000), 5-1

must be placed in harms way to intervene and achieve the mission at whatever costs. In order to do this the paper will outline the historical context, and follow with a brief view of the threat and then examine the current policy including examples from other nations to conclude with a recommendation to evolve the process to mitigate the risk to deployed soldiers and better foster public support.

### **WHAT IS UNLIMITED LIABILITY?**

Liddell Hart, a well-known military theorist, developed theories that were more defensive in nature and sought to use technology to replace manpower to limit the amount of human casualties.<sup>3</sup> In this way he believed the governments aims could be met without sacrificing the lives of soldiers. His view was that this would limit the liability of human casualties and therefore place more emphasis on pure technology to win in military conflict.

---

<sup>3</sup> Brian Bond. "Liddell Hart: A Study of his Military Thought." Gregg Rivals, Gower House, Hampshire, England. Reprinted 1991. p96.

Unlimited Liability, as it is outlined in *Duty with Honour*, is described as "...all members accept and understand that they are subject to being lawfully ordered into harm's way under conditions that could lead to the loss of their lives."<sup>4</sup> Few professions make demands like this on their workers but the government of Canada, and by extension, the military, expects it as part of the achievement of the mission. It forms part of the fundamentally accepted beliefs and expectations that every military person is aware of when serving in uniform. They therefore give up the rights and expectations that are essential to other citizens of their country and guaranteed by the Charter of Rights and Freedoms.<sup>5</sup> Lastly it is highlighted that "[t]he concept of unlimited liability is integral to the military ethos and lies at the heart of the military professional's understanding of duty."<sup>6</sup>

The moral contract that goes with this, as it is outlined in *Canada's Army: we stand on guard for thee*, is:

...one of mutual trust, confidence, support and reciprocity. In Canada, it requires that Canadian Forces' members be provided the tools and resources to do the job expected of them. It also implies that Canadian Forces' members should not be expected to put their lives at risk unnecessarily nor endure undue hardship as a result of performing their duty.<sup>7</sup>

This unwritten contract provides the underpinnings of the expectations of the citizens toward their military and the reciprocal expectations of the military of its civilian masters. In short, they

---

<sup>4</sup> Department of National Defence. *Duty with Honour: The Profession of Arms in Canada*. (Ottawa: Canada. Her Majesty the Queen in right of Canada. 2003); available from <http://cda-acd.forces.gc.ca>; Internet; accessed 11 – 18 Mar 2005. 26.

<sup>5</sup> The Canadian Charter of Rights and Freedoms. (Ottawa, Canada: 1982). <http://laws.justice.gc.ca/en/charter/>; Internet; accessed Jan 05 and 11-18 Mar 05.

<sup>6</sup> Department of National Defence. *Duty with Honour: ...*26.

<sup>7</sup> Department of National Defence. B-GL-300-000/FP-000. *Canada's Army: We stand on Guard for thee*. (Ottawa: DND Canada, 1998). 44.

expect them to serve when and where they are ordered as part of their duty.

The military is the only institution that can be charged with lawful use of lethal force to achieve its missions when externally deployed. It cannot afford to fail as the will of the nation depends on successful outcomes. This is the most compelling reason why there must be close consideration of any international deployment. The military has the ability to kill and understands it may also be killed in accomplishing the tasks given by its government. The citizens of the country employing its military must understand this and commit to these deployments conscious of this fact.

## **THE THREAT**

The current view of threat to civil societies is seen as; terrorism in its many forms, the rapid spread of deadly disease, natural disaster, and failed and fragile states as a result of some or all of the above events.<sup>8</sup> In view of this, no country however strong militarily or economically, can afford to act alone. Doing so could place it in a position where it cannot act further in its own self-defence. It is precisely for this reason that alliances are seen as the way of the future for operations. World economy is now so inter-connected that the above threats would have an impact on it. Furthermore, it would have a long-term impact economically on surrounding countries not otherwise involved in the conflict thereby jeopardizing regional stability.

The threat is not a direct military attack *per se* but more the impact of other activities and the role that these activities would have on societies if not acted upon. This provides the justification required to continue to have a strong military to react when required to unforeseen events so the risk is mitigated. In reacting the military as a nation's last resort of defence and is compelled to the unlimited liability of achieving the missions assigned.

## **THE ROLE OF DEFENCE**

The Government of Canada released the newest iteration of the National Security Policy in Apr 04. Therein was outlined the commitment that the government has to a security agenda. Within the agenda they highlighted several key measures in broad categories of: Intelligence, Emergency Planning and Management, Public Health, Transportation Security, Border Security,

---

<sup>8</sup> Government of Canada. *Canada's International Policy Statement: A Role of Pride and Influence in the World – Overview*. (Diplomacy, Defence, Development, Commerce), (Her Majesty the Queen in Right of Canada. Ottawa, Apr 2005). available from: [www.international.gc.ca](http://www.international.gc.ca); [www.acdi-cida.gc.ca](http://www.acdi-cida.gc.ca) and [www.forces.ca](http://www.forces.ca); Internet; accessed 25 Apr 05. 1.



and lastly International Security.<sup>9</sup> In each of these categories the military has an identified function but six of the seven are only relative in the domestic sense. In nearly all of the roles there have been several notable examples of military involvement to one extent or another under the Government of Canada's direction. Commitment to these tasks is therefore a clear focus for the department.

Where then does the Canadian Government stand with respect to Foreign policy and international security? In examining the last 10 years of commitments made by the department in support of Foreign Affairs, there is indication that Canada is maintaining its strong ties to North Atlantic Treaty Organization (NATO) and the United Nations (U.N.). Both of these collective security agreements have seen Canadian soldiers deployed to support ongoing agendas of peace and freedom. The ties to NATO began with the end of World War 2, were ratified with the signing of the North Atlantic Treaty in April 1949, and have not evolved with the emerging trends within the alliance.<sup>10</sup> A recent visit to NATO HQ revealed that they are in the process of transforming the HQ to remain relevant in the post cold war era. There was indication of unease with the recent emergence of the European Union. There was a further distinct lack of clarity on where the European Forces (EUROFOR) would draw soldiers from and how that might impact the NATO alliance. Recent additions to NATO partners have further called into question its overall relevance in the emerging global security environment given the weakness militarily of some of the new partners. NATO's recent shift in focus outside Europe to

---

<sup>9</sup> Privy Council Office. *Securing an Open Society: Canada's National Security Policy*. (Ottawa: Privy Council Office, Apr 2004). viii-xi.

<sup>10</sup> NATO. "NATO Handbook". NATO Office of Information and Press. (1110 Brussels Belgium. 2001). 31.

areas like Afghanistan is seen as indication of NATO looking for a new role to remain relevant over the long term. Troop contributing nations like Canada therefore must re-examine the original intent of belonging to the alliance and ensure that this fits within its security agendas. Otherwise it risks being committed as part of a force that does not represent national security interests for the sake of finding NATO a job. This would not fit well into Canada's view of National Security. Furthermore, it would do nothing to bolster public support for the military to be deployed into dangerous areas where there is no perceived value added to Canadian Foreign policy agendas. The public could well conclude that the government is wasting money on military deployments and placing soldiers unduly at risk on tasks that are not pursuant to Canadian security interests.

The commitment of soldiers to NATO is one thing, but the commitment of peacekeepers to the U.N. for tasks that are ill defined and poorly managed is yet another ongoing concern. Since 1990 the amount of U.N. deployments has exploded in areas like the Balkans, Haiti, the Middle East, Africa and South America.<sup>11</sup> Prior to that soldiers in the CF could count on being deployed to Cyprus and perhaps one other place on peacekeeping duties within a career. Currently there are seventeen long-term commitments of Canadian military personnel around the world deployed to support the U.N. and other missions.<sup>12</sup> These range in numbers from a few hundred on the Golan Heights to eight in the Congo. More than 1500 military personnel are deployed globally on these tasks.<sup>13</sup> These types of commitments fall within the scope outlined as International Security and support what Canada is trying to achieve within that agenda. The

---

<sup>11</sup> Government of Canada. *Canada's International Policy Statement*: ...11.

<sup>12</sup> Canadian Forces deployed Operations – DCDS Operations website - available from: [http://www.forces.gc.ca/site/operations/current\\_ops\\_e.asp](http://www.forces.gc.ca/site/operations/current_ops_e.asp); Internet; accessed 27 Apr 05.

<sup>13</sup> *Ibid.*

U.N. continues to commit to Global peace and Security and continues to request that member Nations provide soldiers when requested to do so. The U.N. therefore has become another source of commitment to the CF and another source of risk to military personnel.

The last security agreement, established in 1958, is the North American Aerospace Defence (NORAD) agreement with the United States.<sup>14</sup> This is perhaps the least controversial given the shared border, economic and security concerns. Even this alliance requires effort to maintain and Canadian military personnel continue to be deployed in support of this partnership both in the form of postings within the U.S. command and control framework and into airborne early warning aircraft (AWACS) as part of the crews. After 11 September 2001 this agenda garnered support from the public to continue to keep North American airspace free from threats. Where then does the Ballistic Missile Defence (BMD) policy fall within this agenda? As the government continues to struggle with this initiative it is increasingly evident that there is a requirement for public consultation on this issue to see what would be reasonable to support. Whether NORAD needs to be re-examined with a view to replacement with the BMD is a matter that should be openly debated to discover the true merits and drawbacks of the program. Again the issue of placing CF personnel at risk on potentially new international commitments of this nature is concerning. Such emergencies are covered in part II, section 16 of the National Defence Act with the establishment of a special force.<sup>15</sup>

The common theme of the partnership agreements outlined above is the commitment of manpower and material to international deployments. Such deployments are costly investments

---

<sup>14</sup> North American Aerospace Defence (NORAD). available from <http://www.norad.mil/index.cfm?fuseaction=home.welcome>; Internet; accessed Jan 05 and 19 Mar 05.

<sup>15</sup> National Defence Act (R.S. 1985, c. N-5). available from: [http://laws.justice.gc.ca/en/srch.cgi?part=full;method=and;lang=en;corpus=c\\_stats;titre=national%20defence%20act;query=:x=11;y=3&docid=191325&exp=1](http://laws.justice.gc.ca/en/srch.cgi?part=full;method=and;lang=en;corpus=c_stats;titre=national%20defence%20act;query=:x=11;y=3&docid=191325&exp=1); Internet; accessed Jan and 11-18 Mar 05. Sec 16.

and require significant ongoing committed work to sustain. These deployments have an impact on the personnel deployed and those that are left at home. In every recent deployment from the Balkans, to Afghanistan there have been Canadian soldiers killed and injured. The decision to send soldiers in all cases was based on Canadian commitments to a security agenda but that agenda has not been well articulated to the public. In most cases the average citizen could not explain in a few words what the value is nationally to having soldiers deployed abroad. Most would answer that it is part of the commitment to the peace and security initiative and while this is true, it does not begin to describe the level of complexity of the issues. An informed public in this case would provide better support given that when incidents occur they would understand why Canada is involved.

#### **NEW FOREIGN POLICY STATEMENT**

The delivery of Canada's newest International Policy statement provides a clearer view of the ties between departments. It articulates, for the first time, that there is an essential link between Foreign Affairs and Defence and that the two must be considered together as part of a holistic look at how Canada has influence throughout the world. The goals highlighted in the document provide the essential link required between the CF and Foreign Affairs Canada (FAC) to achieve the government's policy objectives and provides direction for the future that has been missing. By extension the link can be made to the commitment of personnel to achieve these aims as the recently released defence policy articulates how this will be achieved. These deployments involve both military personnel and civilians to areas where Canada has interests abroad. It also identifies the risks associated with making decisions on international

deployments pointing out “[s]ome have made the ultimate sacrifice, and many more have been injured” therefore acknowledging the risk associated with these missions.<sup>16</sup>

## **HOW THE GOVERNMENT OF CANADA CURRENTLY COMMITS FORCES**

The Government of Canada has continued to show leadership in its commitment to a global security agenda. Unfortunately at times the agenda being supported it is unclear. There is no written foreign policy to examine for example that says anything about the initial commitment into Afghanistan and the rationale behind it. There is indication that it was done in support of the U.S. campaign against terrorism but that is a bilateral relation and not part of a legitimate security policy *per se*. Although there can be a link drawn to global peace and stability, the planning for that mission is best described as *ad hoc*. It would appear that each time a like event occurs globally, it is examined by the staff at FAC and if it is deemed worthy within whatever context, it is fielded to Director General Policy within the Department of National Defence for examination of the military role. From there the Deputy Chief of Defence Staff (DCDS) group further examines it and finally recommendations are made to the Chief of Defence Staff (CDS). Parallel to this the Minister of Foreign Affairs presents the information outlined above to the Minister of National Defence (MND) and he also has the department examine it from that perspective. This parallel approach allows significant concurrent activity to occur but it also risks duplicated effort and potential of movement in the wrong direction on issues before formal government level guidance is given.<sup>17</sup>

There is direction in the National Emergencies Act wherein the Governor in Council may declare either an International Emergency by proclamation or make a declaration of a war

---

<sup>16</sup> Government of Canada. *Canada's International Policy Statement*: ...11.

<sup>17</sup> Draw from the authors experience while working in COS J3 (J3 International).

emergency.<sup>18</sup> In both instances there is a requirement outlined in the Act for Parliamentary Supervision. There is also a requirement for a debate and vote on the subject of the emergency. The act is very specific with respect to this issue. It is therefore unfortunate that there have been no such declarations since the act was brought into law in 1985. Had such measures been taken there would be a better informed public able to answer the questions with respect to such deployments because it would have been brought to the public's attention through the parliamentary process. Section 59 of the act requires that a vote be taken.<sup>19</sup> Thereafter public support for any action prescribed is guaranteed and no follow on requirement to further debate the merits of the action. Furthermore the issue of designation of Special Duty Areas/Operations is also potentially covered by this requirement given that the Emergencies act was the basis for the vote. This not only covers the requirement for discussion on the issue of deployment by mitigating the risk but it also covers the soldiers and their families in the unfortunate circumstance where they are injured or killed.

The impact on soldiers individual rights and freedoms as outlined in the Charter must also be considered as being a soldier has always impacted on certain freedoms that must be suppressed for the greater good. For example, the guarantee provided in the Charter with respect to fundamental freedoms and the right to express opinions is delegated only to the chain of command to provide comment on CF activities.<sup>20</sup> There may be times for example where

---

<sup>18</sup> The Emergencies Act. R.S.,1985,c.22 (4<sup>th</sup> Supp). available from: [http://laws.justice.gc.ca/en/srch.cgi?part=full;method=and;lang=en;corpus=c\\_stats;titre=emergencies;query=;x=5;y=11&docid=191168&exp=1](http://laws.justice.gc.ca/en/srch.cgi?part=full;method=and;lang=en;corpus=c_stats;titre=emergencies;query=;x=5;y=11&docid=191168&exp=1); Internet; accessed Jan 05 and 19 Mar 05.

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

<sup>20</sup> The Canadian Charter of Rights and Freedoms. 1982. available from: <http://laws.justice.gc.ca/en/charter/>; Internet; accessed Jan 05 and 11-18 Mar 05.

allowing information to be made public could be harmful to an ongoing operation and in these cases Charter freedoms must be restricted.

The legality of such decisions is therefore a question that the Government must be prepared to answer. In cases where it is decided to get involved where there are human rights abuses the government must be in a position to explain why it felt compelled to intervene in the affairs of another state. Sending military into these situations without due consideration to such questions opens the door to have to answer to international criminal tribunals. This is a situation that no military should face. Certainly as it is explained in *Duty with Honour*, it is the country's military that is responsible to the government and the people of Canada for the execution of the tasks given it by the government.<sup>21</sup> It is therefore the military that is responsible to translate the direction given them into a lawful mission that they can accomplish.

There is a complimentary commitment from the people of Canada through the elected government to support the government's goals and therefore the military's mission by extension. In this year's budget for example there was a promise of 12.5 Billion dollars over five years to help fund current commitments and rebuild the military for use as a domestic and foreign policy enforcer.<sup>22</sup> Although the injection of cash was needed it does not take into consideration the requirement for public support for such commitments to succeed. In this case the government in house tables the budget on the hope that the other party's will support the budget. This is particularly troubling when the current government is in minority position and if the budget is not supported they risk a motion of no confidence and trigger an election. It could therefore be

---

<sup>21</sup> Department of National Defence. *Duty with Honour*: ...11.

<sup>22</sup> Canadian Government Budget details - available from: <http://www.fin.gc.ca/budtoce/2005/budliste.htm>; Internet; accessed Jan 05 and 11 and 19 Mar 05.

argued that the numbers generated in the budget are there to please the other party's and not for real concrete nation building initiatives. The support shown for the military in this case could easily be lost in an election of a new government with different ideas on agendas. Had there been a debate on the issue of support and the levels of funding provided then even with a change of government there should be stable funding and a solid idea of what the long-term vision of Canada's role is global peace and security.

The last issue that must be considered in any defence discussion is the effect that the decisions of the Canadian government have on the United States. The importance in commerce and within existing agreements on defence is impacted by any discussion of military involvement internationally. Canada has a long history of getting involved when the cause is just and has supported allies when requested. Understandably when they choose not to, it must be fully considered and explained so that there is no doubt about the motivation. That way the public on both sides of the border understand why Canada has taken another position. Such decisions have a lasting effect on relations between Canada and the U.S. but also have a secondary effect on relations with other allies that are involved. An excellent example of such an impact is that Canada's borders remain closed to the export of beef. This is perhaps not surprising given that the Prime Minister (PM) just formally announced that Canada would not participate in the U.S. BDM initiative. The new foreign policy objectives have placed a priority on "revitalizing our North American Partnership."<sup>23</sup> In words outlined in The Halifax Herald; "...those diplomatic tensions (means) that Canada will struggle to perform its familiar balancing act: promote close ties with the U.S. while also seeking an independent voice abroad."<sup>24</sup>

---

<sup>23</sup> Government of Canada. *Canada's International Policy Statement*: ...6.

<sup>24</sup> Alexander Panetta. "Canada's Foreign Policy changes" The Halifax Herald, 17 March 05. available from: <http://cnews.canoe.ca/CNEWS/Canada/2005/03/17/pf-964324.html>; Internet; accessed 26 Apr 05.



## **HOW OTHER GOVERNMENTS COMMIT FORCES**

The U.S. government has clear protocols in place to send soldiers into harms way. The President can, as the Commander-in-Chief of the U.S. Military in times of emergency, approve deployments of troops. He must thereafter appear before Congress and put the deployment to a vote as Congress is charged with paying for the activities and represents the democratically elected voice of government. He must therefore seek their approval of any decision to send their citizens on international deployments into combat. Within the process there is an expectation that there will be an explanation to the nation why the President felt compelled to act. Colin Powell appearing before Congress preceding the Iraq conflict and presenting evidence that there was a strong belief held within the intelligence community of the U.S. that Iraq held Chemical Weapons illustrated this. This was the only way that the president was able to secure the vote to act. The other important aspect of the vote is that with it comes the expectation that there will be funding for the action and that it will be supported within the U.S. by its citizens. The U.S. military consequently answers to both the President and Congress, providing checks, balances and oversight of its activities to both.

In Canada, by way of contrast, the Chief of Defence Staff (CDS) provides advice to, and answers to the Government, through the Minister of National Defence (MND) on the employment and deployment of the military.<sup>25</sup> The Minister thereafter provides this advice to the Prime Minister who then decides on deployments. There is no link to Parliament as they only provide the funds that are required to pay for the activities. They

---

<sup>25</sup> National Defence Act (R.S. 1985, c. N-5)... Sec 18.

have no voice in matters related to deployments other than indirectly through influence within Cabinet. Depending on the strength of a particular party in Cabinet the weight of influence of parliamentarians is questionable and therefore whether the democratic will of citizens is felt in these decisions is doubtful.<sup>26</sup> Again, the use of the Emergency act in this case would resolve this given its requirement for a debate and vote.

In summary, the Government of Canada uses an *ad hoc* system of checks and balances to decide on deployments. There is no real protocol developed and the decisions are done on a case-by-case basis. The weighing of the pros and cons of deployments are done by a select few within the department and the government and there is little advice or opinion sought or received from the public. It is therefore understandable how there could be questions with respect to such actions. If this were done with the transparency that is required there would likely be greater support for the actions. If Canadians wish to have an independent voice from that held by the U.S. it remains important that it makes its own sound timely decisions about its foreign relations. It is also important that it is seen to make these distinctions so that other governments understand its position as a sovereign state that is independent in both action and deed from the U.S.

## **SECURITY AND TIMELINESS**

There will be times when there is limited time to decide to react to security threats and this must not be impinged upon. The government, in cases where there is little time to consider their options, must have the authority to act in a timely manner. In such instances they must have the ability to commit forces without a debate. In these cases the

---

<sup>26</sup> David Burcuson. Our Military needs two masters – THE NATIONAL POST – Friday, 22 Apr 05 – A14.

current framework whereby selected members of the military and government make decisions rapidly is well suited to this requirement.

In cases where there are legitimate security concerns there must also be flexibility within the system so that the PM can use his discretion on where and when to act. In these cases there should be a protocol in place where certain members of the house with appropriate security access are gathered and informed of the action while it is ongoing. That way there is no room to discuss the issue in hindsight as they have already been made aware of the incident and their support has been sought and received.

### **WHAT THE PROCESS SHOULD LOOK LIKE**

The current government process is complicated to explain as it is seldom done in a like manner for any mission. It would appear that there is a process of debate in place but only when the question is brought forth in the House of Commons. This was the case on military involvement in the Iraq conflict.<sup>27</sup> The difference with this instance and the last is that there was a U.N. mandate in place and clear world opinion to conduct the first war. This time there was less clarity on this issue and there was even less clarity on the part of the U.N. In the end there was no chance of a vote within the U.N. as one of the permanent five member Nations would have exercised its veto powers and therefore the vote would have made no progress. This is not surprising given that this could be interpreted as a violation in the affairs of a sovereign state, and; therefore a breach of international law. When the U.S. decided to continue on and engage Iraq, Canada had no choice but to say no. There was no further debate on the issue as it was

---

<sup>27</sup> Special Debate (Iraq) in the House of Commons - Former Prime Minister's Newsroom Archive (1995-2003). 9 Feb 98. Ottawa, Canada. available from: [http://www.pco-bcp.gc.ca/default.asp?Language=E&Page=pmarchive&Sub=Speeches&Doc=speeches19980209722\\_e.htm](http://www.pco-bcp.gc.ca/default.asp?Language=E&Page=pmarchive&Sub=Speeches&Doc=speeches19980209722_e.htm); Internet; accessed Jan 05 and 11-18 Mar 05.

decided by the PM of the day that the only way that Canada would get involved was if there was clear proof of evidence of Chemical weapons and there was still time to investigate.<sup>28</sup>

There have been special debates held in the past on matters of such importance that the government feels that there is merit in holding a special debate. On 09 Feb 1998 there was a special debate held in the House of Commons over Canada's commitment to the UN to enforce UN resolution 687 and all other Security Council resolutions passed on Iraq since 1991.<sup>29</sup> On this occasion the parliamentarians were allowed to speak in turn to express the views of their constituents with respect to the issue. There was a useful informed debate and all parties were given the time to voice concerns over involvement. This also gave the public a solid overview of the issues involved with commitment to an attack on Iraq and garnered public support.

The new CDS, in an article in the *Toronto Star*, pointed out that the real "threat facing Canada has changed 'from the Bear' to a 'ball of snakes' - terrorists and organized crime."<sup>30</sup> His point was that the military has been trying to adapt to the emerging threat to become relevant to the Canadian public that they serve. He went on to point out that "I thought that you'd like to know that since they are your soldiers and since we are demanding a lot of money from you to make....sure those soldiers, sailors and air men and women are well-equipped to do the job."<sup>31</sup> He was illustrating to the public that they have a role to play and have a say in what they want of

---

<sup>28</sup> Jean Chretien. - "A proof is a proof is a proof" quote from the Prime Minister during an interview about whether Iraq had weapons of mass destruction.

<sup>29</sup> Special Debate (Iraq) in the House of Commons - Former Prime Minister's Newsroom Archive (1995-2003). 9 Feb 98. Ottawa, Canada.

<sup>30</sup> Top General's charm offensive (Gen Hillier, CDS) - TORONTO STAR - Saturday 19 Mar 05 - filed by Bruce Campion- Smith (Ottawa Bureau), A8.

<sup>31</sup> *Ibid.*

their military and that it is up to them to exercise it. He is also highlighting that the military takes the responsibility of

protecting the public seriously.

Invoking Emergency Act would clarify the process and make it transparent to the public. It would also remove the requirement of the CDS to justify what the CF is doing because the public would be informed as part of the process. Lastly it would serve to expose all risks associated with deployments and they could therefore be mitigated to the extent possible prior to deployment.

## **CONCLUSION**

No one wants to see a flag draped coffin. The image needs no explanation. Unfortunately in the military it is an acknowledged cost of doing business. The military serves where and when the GOC requires it. The basis of decisions to serve exterior to Canada is rooted in long standing collective security agreements. These agreements were established during the cold war when there was a predictable threat and a benign security environment. This environment has evolved since the end of the Cold war but the institutions have not effectively responded. The missions that military personnel are deployed on today are inherently more dangerous and CF personnel have suffered the consequences. The method that the GOC uses to decide on these deployments has also not evolved with the threat and it is therefore risking not considering all the factors in making its decisions to deploy forces. The CF uses the Operation Planning Process and within the Mission Analysis process there is a question that must be asked; has the situation fundamentally changed?<sup>32</sup> Clearly it has and the protocol to react to this change is already in place in the form of the Emergency Act. The Emergency Act was signed into law in 1985 and has not been used since.<sup>33</sup> It is unfortunate because within the law all the planning

---

<sup>32</sup> Department of National Defence. B-GL-005-004/AF-000, *Canadian Forces Operational Planning Process*. (Ottawa; DND Canada, 2002).

<sup>33</sup> The Emergencies Act. R.S.,1985,c.22 (4<sup>th</sup> Supp).

requirements that have been outlined within this essay this would be addressed. Furthermore the informed public would better understand the roles and responsibilities that the government is giving the military and perhaps support the decision. Lastly, once a positive vote has been returned it is then the government who is responsible, as the controllers of the military, for any and all actions taken. This includes but is not limited to financial support to cover the costs of such deployments. It also includes the support for the families of those soldiers who pay the ultimate sacrifice in the pursuit of national objectives.

The public is generally aware of the traditional commitments with NATO, the U.N. and NORAD. What they may not be informed about is the global security environment and how deploying forces indirectly affects them. Invoking the act would serve to educate the public and give them a voice in commitment. Lastly this would serve to mitigate the risk to military personnel as a better-informed public that has been involved in the decision making process would support the governments decision on military deployment. In cases where a true emergencies exists the current method of minimum consultation must be used. There is still merit in a special debate after the decision is made to ensure that the public is given all the pertinent details so that they understand the GOCs fundamental objectives and goals with the deployment. Given that information perhaps there would be better public support for the operations.

Service before self is a motto that is taught to all soldiers and the accomplishment of the mission is primary. Knowing that the citizens of the country support the government's decisions is a key aspect of maintaining public trust in the military. Such decisions can have dire consequences and those in uniform pay the debts. If the bill is to be paid in their blood, then the will of the nation must support their sacrifice.

## **Bibliography**

### **Books**

Arnold, Edwin J. "The Use of Military Power in Pursuit of National Interests." *Parameters* (Spring 1994) : 4-12.

Bond, Brian. "Liddell Hart: A Study of his Military Thought." Gregg Rivals, Gower House, Hampshire, England. Reprinted 1991.

Granatstein, J.L. *Canadian Foreign Policy, Historical Readings*. Toronto: Copp Clark Pitman, 1993.

Granatstein, J.L. *Who Killed the Canadian Military?* HarperCollins Publishers Ltd. Toronto, Canada. 2004.

Morton, D. *Understanding Canadian Defence*. Toronto: Penguin Books, 2003.

NATO. "Allied Contributions to the Common Defence." available from [http://www.defenselink.mil/pubs/allied\\_contrib2002/02-Annex\\_C/02-Annex\\_C\\_tbl\\_C2.html](http://www.defenselink.mil/pubs/allied_contrib2002/02-Annex_C/02-Annex_C_tbl_C2.html) ; Internet; accessed on 08 September 04

NATO. "NATO Handbook". NATO Office of Information and Press. 1110 Brussels Belgium. 2001.

Soanes, Catherine. *Pocket Oxford English Dictionary*, 9<sup>th</sup> ed., 47.

Tofler, Alvin and Heidi. *War and Anti-War: Survival at the dawn of the 21<sup>st</sup> Century*. Canada. Little, Brown and Company, 1993. Canada.

Von Clausewitz, Carl. *On War*. Ed. and trans. by Michel Howard and Peter Paret including commentary by Bernard Brodie. Princeton: Princeton University Press, 1984.

### **Government Publications**

Canada. The Canadian Charter of Rights and Freedoms. 1982. available from <http://laws.justice.gc.ca/en/charter/>; Internet; accessed Jan 05 and 11-18 Mar 05.

Canada. The Emergencies Act. R.S., 1985, c.22 (4<sup>th</sup> Supp). available from [http://laws.justice.gc.ca/en/srch.cgi?part=full;method=and;lang=en;corpus=c\\_stats;titre=emergencies;query=;x=5;y=11&docid=191168&exp=1](http://laws.justice.gc.ca/en/srch.cgi?part=full;method=and;lang=en;corpus=c_stats;titre=emergencies;query=;x=5;y=11&docid=191168&exp=1); Internet; accessed Jan 05 and 19 Mar 05.

Canada. National Defence Act (R.S. 1985, c. N-5). available from [http://laws.justice.gc.ca/en/srch.cgi?part=full;method=and;lang=en;corpus=c\\_stats;titre=n](http://laws.justice.gc.ca/en/srch.cgi?part=full;method=and;lang=en;corpus=c_stats;titre=n)



[ational%20defence%20act;query=;x=11;y=3&docid=191325&exp=1](#); Internet; accessed Jan and 11-18 Mar 05.

Canada. Report of the Standing Senate Committee on National Security and Defence. *Canadian Security and Military Preparedness*. Ottawa: First Session, Thirty Seventh Parliament, Feb 2002. available from <http://www.parl.gc.ca/37/1/parlbus/commbus/senate/com-e/defe-e/rep-e/rep05feb02-e.pdf>; Internet; accessed 11 Mar and 18 Mar 2005.

Canada. Privy Council Office. *Securing an Open Society: Canada's National Security Policy*. Ottawa: Privy Council Office, Apr 2004.

Canada. Office of the Judge Advocate General. "1945 Charter of the United Nations, Chapter 1 – Purposes and Principles, Article 2(4)," In Collection of Documents on the Law of Armed Conflict, 2004 ed. Edited by Directorate of Law Training, 56-66. Ottawa: DND, 2004.

Canada. Department of Foreign Affairs, *A dialogue on Foreign Policy*, Ottawa: 2003.

Canada. Department of Foreign Affairs, *Canada in the World*, Ottawa: 1994.

Canada. Department of Foreign Affairs, *Foreign Policy for Canadians*, Ottawa: 1970.

Canada. Department of Foreign Affairs, *Foreign Policy Framework*, Ottawa: 1991.

Canada. Department of National Defence. *Duty with Honour: The Profession of Arms in Canada*. Ottawa: Canada. Her Majesty the Queen in right of Canada. 2003; available from [http://www.cda-acd.forces.gc.ca/CFLI/engraph/poa/doc/DutyWithHonourSummary\\_e.pdf](http://www.cda-acd.forces.gc.ca/CFLI/engraph/poa/doc/DutyWithHonourSummary_e.pdf); Internet; accessed 11 – 18 Mar 2005.

Canada. Department of National Defence. *1994 Defence White Paper*. Ottawa: 1994. Communications Group, 1994; available from [http://www.dnd.ca/site/Minister/eng/94wpaper/highlights\\_e.html](http://www.dnd.ca/site/Minister/eng/94wpaper/highlights_e.html); Internet; accessed 01 – 26 September 2004 and 18 Mar 05.

Canada. Department of National Defence. B-GL-300-000/FP-000. *Canada's Army: We stand on Guard for thee*. Ottawa: DND Canada, 1998.

Canada. Department of National Defence. B-GL-005-004/AF-000, *Canadian Forces Operational Planning Process*. Ottawa; DND Canada, 2002.

Canada. Department of National Defence. B-GL-005-500/FP-000, *Canadian Forces Operations*, Ottawa; DND Canada, 2000.

Canada. Department of National Defence. *Canadian Military Journal*. Vol.5, No. 4 Winter 2004-2005. Kingston: 2005. available from [www.journal.forces.gc.ca](http://www.journal.forces.gc.ca); Internet; accessed 14 Apr 05.

Canada. Department of National Defence, *Annual Report of the Chief of Defence Staff 2002-2003*. Ottawa: 2003. available from [http://www.cds.forces.gc.ca/pubs/anrpt2003/intro\\_e.asp](http://www.cds.forces.gc.ca/pubs/anrpt2003/intro_e.asp); Internet; accessed 09 Apr 05.

Canada. Department of National Defence, *Annual Report of the Chief of Defence Staff 2003-2004*. Ottawa: 2004. available from [http://www.cds.forces.gc.ca/pubs/anrpt2004/intro\\_e.asp](http://www.cds.forces.gc.ca/pubs/anrpt2004/intro_e.asp) ; Internet; accessed 09 Apr 05.

Canada. Department of National Defence, *Canadian Forces Strategic Operating Concept 2020*, available from [http://www.vcds.forces.gc.ca/dgsp/pubs/rep-pub/dda/cfsoc/intro\\_e.asp](http://www.vcds.forces.gc.ca/dgsp/pubs/rep-pub/dda/cfsoc/intro_e.asp) ; Internet; accessed 09 Apr 05.

Canada. Department of National Defence, *Shaping the Future of the Canadian Forces: A Strategy for 2020*. Ottawa: 1999. available from [http://www.cds.forces.gc.ca/pubs/strategy2k/intro\\_e.asp](http://www.cds.forces.gc.ca/pubs/strategy2k/intro_e.asp); Internet; accessed 09 Apr 05.

Canada. Department of National Defence. *Defence Policy Statement*. Ottawa: April 2005. available from [http://www.forces.gc.ca/site/reports/dps/main/intro\\_e.asp#1](http://www.forces.gc.ca/site/reports/dps/main/intro_e.asp#1); Internet; accessed 23-24 Apr 05.

Canada. Government of Canada. *Canada's International Policy Statement: A Role of Pride and Influence in the World – Overview*. (Diplomacy, Defence, Development, Commerce), Her Majesty the Queen in Right of Canada. Ottawa, Apr 2005. available from [www.international.gc.ca](http://www.international.gc.ca); [www.acdi-cida.gc.ca](http://www.acdi-cida.gc.ca) and [www.forces.ca](http://www.forces.ca); Internet; accessed 24-27 Apr 05.

## **DND Documents**

Canadian Forces College. “Exercise New Horizons Statement of Requirements” (Command Staff College 31, C/OF/IRP 305/RP-2)

## **Internet**

Bland, D. “Canada and Military Coalitions: Where, How and with Whom?” *Policy Matters*. Vol. 3, No. 3. (February 2002). available from <http://action.web.ca/home/cpcc/attach/pmvol3no31.pdf>; Internet; accessed 09 Apr 05.

Canadian Forces deployed Operations – DCDS Operations website - available from [http://www.forces.gc.ca/site/operations/current\\_ops\\_e.asp](http://www.forces.gc.ca/site/operations/current_ops_e.asp); Internet; accessed 27 Apr 05.

Canadian Government Budget details - available from <http://www.fin.gc.ca/budtoce/2005/budliste.htm>; Internet; accessed Jan 05 and 11 and 19 Mar 05.

Foreign Policy – An Overview. available from [http://www.dfait-maeci.gc.ca/foreign\\_policy/menu-en.asp](http://www.dfait-maeci.gc.ca/foreign_policy/menu-en.asp); Internet; accessed Jan 05 and 11 and 18 Mar 05.

Maloney, S. M. *Canadian Values and National Security Policy: Who Decides? Policy Options*, (December 2001) available from <http://www.irpp.org/po/archive/dec01/maloney.pdf>; Internet; accessed 09 Apr 05.

North American Aerospace Defence (NORAD). available from <http://www.norad.mil/index.cfm?fuseaction=home.welcome>; Internet; accessed Jan 05 and 19 Mar 05.

Panetta, Alexander. “Canada’s Foreign Policy changes” The Halifax Herald, 17 March 05. available from <http://cnews.canoe.ca/CNEWS/Canada/2005/03/17/pf-964324.html>; Internet; accessed 26 Apr 05.

Parliamentary Debate – CBC News Article entitled: *After the War*. This article highlights the debate that took place on Canada’s involvement in Iraq. Dated 30 Jan 03. available from [http://www.cbc.ca/news/iraq/documents/parliamentary\\_debate.html](http://www.cbc.ca/news/iraq/documents/parliamentary_debate.html); Internet; accessed 11 Mar 05.

Special Debate (Iraq) in the House of Commons - Former Prime Minister's Newsroom Archive (1995-2003). 9 Feb 98. Ottawa, Canada. available from [http://www.pco-bcp.gc.ca/default.asp?Language=E&Page=pmarchive&Sub=Speeches&Doc=speeches19980209722\\_e.htm](http://www.pco-bcp.gc.ca/default.asp?Language=E&Page=pmarchive&Sub=Speeches&Doc=speeches19980209722_e.htm); Internet; accessed Jan 05 and 11-18 Mar 05.

The Final Report to Congress - *CONDUCT OF THE PERSIAN GULF WAR*  
Pursuant to Title V of the Persian Gulf Conflict Supplemental Authorization and Personnel, Benefits Act of 1991 (Public Law 102-25), APRIL 1992  
The Air Campaign – Chapter VI - available from <http://www.ndu.edu/library/epubs/cpgw.pdf>; Internet; accessed 11 Jan 05.

### **Newspaper Articles**

Impolitic slip-ups touch readers’ nerves - TORONTO STAR - Sunday 09 Jan 05 - filed by Graham Fraser. (A12)

Opposition Parties warn PM over Iraq ‘flip-flop’ - TORONTO STAR - Sunday 06 Feb 05, - filed by Sean Gordon, Ottawa Bureau.

Our Military needs two masters – THE NATIONAL POST – Friday, 22 Apr 05 – David Burcuson.(A14).

Top General's charm offensive (Gen Hillier, CDS) - TORONTO STAR - Saturday 19 Mar 05 - filed by Bruce Campion- Smith (Ottawa Bureau)(A8)

### **Speeches**

Axworthy, The Honourable Lloyd. "Minister of National Defence address to Société des Relations Internationales de Quebec", "Human Security and Canada's Security Council Agenda, 25 February 99. Québec City, Québec. (Speaking notes) \_available from [http://webapps.dfait-maeci.gc.ca/minpub/Publication.asp?publication\\_id=374935&Language=E](http://webapps.dfait-maeci.gc.ca/minpub/Publication.asp?publication_id=374935&Language=E) ; Internet; accessed on 11-18 Mar 05.

Graham, The Honourable Bill. "Minister of National Defence speech to Royal Canadian Military Institute" (RCMI), 22 September 04. Toronto, Ontario. (Speaking notes) available from [http://www.forces.gc.ca/site/newsroom/view\\_news\\_e.asp?id=1456](http://www.forces.gc.ca/site/newsroom/view_news_e.asp?id=1456) ; Internet; accessed on 25-26 Sep 04.

King, William Lyon Mackenzie - Extract from a speech given by Canadian Prime Minister in the House of Commons, in September, 1939. available from <http://collections.ic.gc.ca/courage/w.l.mackenziekingdeclaresw.html>; Internet; accessed 19 Mar 05.

Chretien, Jean. - "A proof is a proof is a proof" quote from the Prime Minister during an interview about whether Iraq had weapons of mass destruction. available from <http://www.axi.ca/tca/Jul2003/review.shtml>; Internet; accessed 21 Mar 05.

### **NSSC Papers**

Pennington, Bruce. "Canadian Coalition Contributions: Proposing a Planning Paradigm." Toronto: Canadian Forces College Advanced Military Studies Course 6 Paper, Oct 2003.