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# THE TRUE NORTH STRONG AND FREE : STRENGTHENING CANADA'S NATIONAL SECURITY INTERESTS THROUGH FREE TRADE AGREEMENTS

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**JCSP 44**

***Exercise Solo Flight***

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## THE TRUE NORTH STRONG AND FREE: STRENGTHENING CANADA'S NATIONAL SECURITY INTERESTS THROUGH FREE TRADE AGREEMENTS

*By keeping our borders open and pursuing progressive trade deals that put people first and reflect our values, we give our businesses access to more customers and we give our customers greater access to the goods they want.*

— Prime Minister Justin Trudeau, in a speech to the Fortune Global Forum in Guangzhou, December 2017.

### Introduction

As the world becomes more connected with air travel, rapidly advancing technology, and increased exploitation of the internet and networked systems, so too does industry and academia. While technological, material, and labour contributions from various entities from around the world may sound like a positive thing that should be freely encouraged, there are security risks that are associated with these international interactions that warrant consideration when pursuing free trade relationships. However, that is not to say that national security interests are threatened through the pursuit of these activities either.

Canada has entered into Free Trade Agreements (FTAs) with numerous countries over the years. One of the most notable is the North American Free Trade Agreement (NAFTA) currently being renegotiated as the United States-Mexico-Canada Agreement (USMCA). Another is the Comprehensive Economic and Trade Agreement (CETA) with the European Union (EU). Both of these agreements were negotiated with friendly Western nations that share similar values and have shared security interests. China has the world's second-largest economy and has a requirement to import natural resources such as oil, lumber, and food to support its large population.<sup>1</sup> This makes China an incredibly

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<sup>1</sup>Gordon Houlden, "The Security Dimension of a China Free Trade Agreement: Balancing Benefits and Risk," last modified [or accessed] 20 May 2019, [https://www.cgai.ca/the\\_security\\_dimension\\_of\\_a\\_china\\_free\\_trade\\_agreement\\_balancing\\_benefits\\_and\\_risk](https://www.cgai.ca/the_security_dimension_of_a_china_free_trade_agreement_balancing_benefits_and_risk).

lucrative trading partner; however, the core of their governance, as well as their gender and labour practices, are not compatible with Canadian norms and values.<sup>2</sup> Furthermore, their human rights record and their purported threat to Canadian national security interests make a Canada-China FTA extremely complicated.<sup>3</sup>

This paper will demonstrate the net increase to Canada's national security interests by examining the FTAs in force or in negotiations with both established and developing economies and their impact on regional and international security outcomes. The defence industry is a major driving force in many economies and having access to goods, technology, and skilled labour in those sectors ensures that Canada is integrated with its international defence partners. Free Trade Agreements (FTAs) strengthen Canadian national security interests by leveraging the benefits of globalization through increased access to foreign nations' technology, goods, and labour markets while promoting the Canadian norms and security agenda.

### **World Political Economy and Free Trade Agreements**

The Canadian economy is based on exports, with over 75% of international trade destined for the US.<sup>4</sup> To expand Canada's economic interests and influence the world using soft power, the Canadian Government has entered into negotiations to establish FTAs with several nations or unions such as the US and Mexico through the USMCA and the

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<sup>2</sup>*Ibid.*

<sup>3</sup>*Ibid.*

<sup>4</sup>Canada, "Canada's Economy," last modified [or accessed] 22 May 2019, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/discover-canada/read-online/canadas-economy.html>.

European Union through CETA. Canada also has FTAs with smaller nations such as Colombia, Chile, Jordan, and Israel, to name a few.<sup>5</sup>

To better understand why Canada uses diplomatic tools such as FTAs, one must ask the questions, what are Free Trade Agreements, and why does Canada seek to enter into them with other nations? FTAs “create a level playing field for companies to compete in international markets ... by reducing trade barriers, such as tariffs, quotas or non-tariff barriers [and] create more predictable, fair and transparent conditions for businesses operating abroad.”<sup>6</sup> This is important to Canada because the health of the economy is mainly dependent on exports and having access to more diverse markets means that there are more places for Canadians to do business and there is more competition for products and services entering Canada thereby reducing costs to Canadian consumers.<sup>7</sup>

A healthy and robust economy that is open for business is also one that is enticing for smaller countries to become a part of creating secondary diplomatic and security effects.<sup>8</sup> For instance, Canada has an FTA with Jordan for the express purpose of creating bilateral relations with a moderate Arab state that promotes peace in the Middle East.<sup>9</sup> In exchange for favourable market access to the larger Canadian economy, Jordan is now in

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<sup>5</sup>Canada, “Trade and Investment Agreements,” last modified [or accessed] 22 May 2013, <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/index.aspx?lang=eng>.

<sup>6</sup>Brian Kingston, “Canadian free trade agreements and why they are important,” *Export and Development Canada* (blog), 19 December 2017, <https://www.edc.ca/en/blog/importance-of-canadian-free-trade-agreements.html>.

<sup>7</sup>Joy Nott, “International Trade Agreements Boost Canadian Prosperity,” *Export and Development Canada* (blog), 27 December 2017, <https://www.edc.ca/en/blog/international-trade-agreements-boost-canadian-prosperity.html>.

<sup>8</sup>Gary M. Shiffman, “Economic Security,” In *Contemporary Security Studies*, ed. Alan Collins, (New York: Oxford University Press, 2013), 213.

<sup>9</sup>Canada, “Canada-Jordan Free Trade Agreement,” last modified [or accessed] 23 May 2019, [https://international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/jordan-jordanie/fta-ale/background-contexte.aspx?lang=eng&\\_ga=2.189777707.1608767424.1558579983-105449307.1558031921](https://international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/jordan-jordanie/fta-ale/background-contexte.aspx?lang=eng&_ga=2.189777707.1608767424.1558579983-105449307.1558031921).

a position to be influenced into promoting peace in a region rife with conflict according to the Canadian strategic agenda for the region.

NAFTA is a prime example of how large economies with similar interests and economic structures can band together to achieve both market integration as well as collaborative security outcomes. Before September 11, 2001, NAFTA countries were primarily focused on reducing barriers to trade and growing their respective economies.<sup>10</sup> The events of 9/11 changed everything, and the security of North America became of utmost importance primarily to the US, who was the stakeholder of the most significant influence. As such, Canada and Mexico were forced to follow the US and NAFTA became more than an economic tool: it became a means to secure North America.<sup>11</sup>

In 2005, the leaders of all three signatories met to formalize the Security and Prosperity Partnership (SPP) that was based on “the principle that our prosperity is dependent on our security and recognizes that our three great nations share a belief in freedom, economic opportunity, and strong democratic institutions.”<sup>12</sup> Through this vehicle, the idea of “smart borders” came to the fore which transformed national frontiers from merely a physical checkpoint to more of an intelligence-gathering checkpoint.<sup>13</sup> There are over 300 initiatives outlined in the SPP that seek to harmonize policies on illegal drugs, immigration, food, refugees, the environment, manufacturing and public health, all of

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<sup>10</sup>Isidro Morales, *Post-NAFTA North America: Reshaping the Economic and Political Governance of a Changing Region*, (New York: Palgrave MacMillan, 2008), 148.

<sup>11</sup>Laura Carlsen, “NAFTA’s Dangerous Security Agenda,” *Peace Review: A Journal of Social Justice* 20, no. 4 (2008): 442, <https://www.tandfonline.com/cfvl.idm.oclc.org/doi/full/10.1080/10402650802495031>.

<sup>12</sup>*Ibid.*

<sup>13</sup>Isidro Morales, *Post-NAFTA North America...*, 152.

which require integration of information networks and security agencies.<sup>14</sup> The creation of the “smart borders” and the integration of NAFTA security partners to support the collection and analysis of the information required to assess goods or travellers entering the North American security and economic space helps create a more secure North America.<sup>15</sup>

While the pursuit of Free Trade Agreements with nations that share similar political views, governance instruments, and economic structures seems straight forward, the world’s second-largest economy (China) does not share those same attributes as Canada’s natural trading partners such as the US or the EU.<sup>16</sup> China has a spotty record regarding human rights abuses, treatment of women and indigenous peoples, and the environment not to mention security concerns of state-sponsored espionage.<sup>17</sup>

The allure of trade with a massive foreign market that has a heavy demand for natural resources, of which Canada is a net exporter, is obvious but are the diplomatic and security tradeoffs worth the risk? Currently, Canada’s largest trading partner, most significant defence partner, and controller of the NAFTA renegotiations, is engaged in a trade war with China, the implications of which are many and far reaching.<sup>18</sup>

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<sup>14</sup>Tracy Thibault, “The Security and Prosperity Partnership: Will Canada gain security and prosperity at the expense of sovereignty and will it ultimately lead to the militarization of Canada?” *The Canadian Military Journal* 10, no. 1 (2009): 24.

<sup>15</sup>Isidro Morales, *Post-NAFTA North America...*, 152.

<sup>16</sup>Gordon Houlden, “The Security Dimension of a China Free Trade Agreement...”

<sup>17</sup>*Ibid.*

<sup>18</sup>J. Berkshire Miller, “The China-U.S. trade war presents an existential crisis for the G20 nations,” *Globe and Mail*, 23 May 2019.



First, the US is claiming that the Chinese owned and operated Huawei, is a security threat and alleges that China will use Huawei and ZTE technology installed in Western countries to spy on civil and government communications.<sup>19</sup> The US has taken steps to ban Huawei and other Chinese technology firms in their communications networks and have threatened that if the Five Eyes community does not follow suit, that they will be denied US intelligence due to decreased confidence in network security.<sup>20</sup> Should Five Eyes countries not heed President Trump's warnings, access to vital intelligence networks and assets may be cut off, and interoperability within the defence alliance will surely be compromised creating significant defence and security gaps. Second, as US-MCA negotiations are not yet complete and a "non-market" clause has been inserted into the recent text, Canada would be forced to seek the permission of both the US and Mexico to enter into negotiations and to review and approve the draft text before any agreement is finalized.<sup>21</sup> Given the present stance of the US government towards trade with China, the likelihood of Canada being approved to enter into a free trade agreement with China is minimal.

Suspect network technology and a China-US trade war make entering into trade negotiations with China a complex endeavour. Canada relies heavily on the US for security and intelligence and has benefitted from the SPP, North American Aerospace Defence (NORAD), and membership in the North Atlantic Treaty Organization (NATO) all of which are heavily controlled by the US. With President Trump engaging in a trade war

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<sup>19</sup>Timothy R. Heath, "Public Evidence of Huawei as a Cyber Threat May Be Elusive, but Restrictions Could Still Be Warranted," *The Hill*, 6 March 2019.

<sup>20</sup>Noah Barkin, "Exclusive: Five Eyes intelligence alliance builds coalition to counter China," *Reuters*, 12 October 2018.

<sup>21</sup>Hugh Stephens, "Canada's Progressive Trade Agenda and a Free Trade Agreement with China: Are They Incompatible?" last modified [or accessed] 24 May 2019, [https://www.cgai.ca/canadas\\_progressive\\_trade\\_agenda\\_and\\_a\\_free\\_trade\\_agreement\\_with\\_china\\_are\\_they\\_incompatible](https://www.cgai.ca/canadas_progressive_trade_agenda_and_a_free_trade_agreement_with_china_are_they_incompatible).

with China and the USMCA negotiations not yet complete, opening trade discussions with China could place Canada in a disadvantageous position with regard to preferential trade opportunities with the US significantly weakening the Canadian economy. Additionally, Canada's access to US intelligence, defence materiel, and technology may be limited, negatively affecting Canada's national security interests.

Since NAFTA was first negotiated in 1994, Canada has benefitted tremendously from both an economic and security standpoint.<sup>22</sup> Preferential access to the world's largest economy has created jobs and bolstered Canadian industry.<sup>23</sup> The SPP has created security partnerships with defence and law enforcement, which have helped better secure North America from both terrorist and criminal threats.<sup>24</sup> Canada's economic and national security rely heavily on the US and their enormous defence and law enforcement resources. While free trade agreements seek to diversify Canadian economic interests and reduce risk due to limited market exposure,<sup>25</sup> negotiating FTAs with other nations such as China have the potential to derail agreements with Canada's more natural trading and security partners, thereby jeopardizing Canadian economic and national security interests. It is, therefore, necessary that Canada seeks to maintain positive diplomatic relations through free trade agreements with the US and EU to maintain and improve the benefits to the national security interest.

### **Science and Technology**

Free Trade Agreements also have benefits to the science and technology sector of the Canadian economy. The flow of scientists, researchers, and inventors and their ideas

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<sup>22</sup>Gordon Houlden, "The Security Dimension of a China Free Trade Agreement..."

<sup>23</sup>Brian Kingston, "Canadian free trade agreements and why they are important..."

<sup>24</sup>Tracy Thibault, "Security and Prosperity at the Expense of Sovereignty...", 24.

<sup>25</sup>Gordon Houlden, "The Security Dimension of a China Free Trade Agreement..."

across borders to further develop advanced technologies and scientific theories, have tremendous applications for the national security of Canada. Emerging technologies can transform national security; drones, autonomous weapons, the militarization of space, wearable devices, additive manufacturing, renewable energy, nanotechnology, biological weapons, and biochemical weapons all require research and development to stay ahead of the adversary.<sup>26</sup> Defence Research and Development Canada (DRDC), an agency of the Department of National Defence (DND), works with government, academia, and industry as well as with Canada's allies to develop, test, and implement the latest innovations to support the Canadian Armed Forces (CAF) and other Canadian security partners.<sup>27</sup> Those exchanges and partnerships rely on labour and material flow to help facilitate defence research. As technology becomes more advanced and incorporates more networked systems, the risks to those new systems being compromised due to network attack or exploitation are increased. It is, therefore, necessary that defence research in Canada be conducted in a manner that protects the vital information provided by industry and trade partners while pursuing novel ideas to maintain a competitive and tactical edge.

DRDC has embarked on a mission to exploit the research and development already happening across industry and academia through a formal engagement mechanism called the Innovation for Defence Excellence and Security (IDEaS) program.<sup>28</sup> The IDEaS program has several different avenues to pursue novel ideas with those outside of DND through sandboxes, contests, competitive projects, and innovation networks.<sup>29</sup>

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<sup>26</sup>Klaus Schwab, *The Fourth Industrial Revolution* (Cologny/Geneva: World Economic Forum, 2006), 86-87.

<sup>27</sup>Canada, "Defence Research and Development Canada," last modified [or accessed] 25 May 2019, <https://www.canada.ca/en/defence-research-development.html>.

<sup>28</sup>Canada, "Innovation for Defence Excellence and Security (IDEaS)," last modified [or accessed] 25 May 2019, <https://www.canada.ca/en/department-national-defence/programs/defence-ideas.html>.

<sup>29</sup>*Ibid.*

Sandboxes, for example, provides opportunities for inventions and equipment to be demonstrated that answers a specific challenge put forth by DRDC.<sup>30</sup> If accepted, the solutions will be further investigated and developed for use by defence and security by the successful applicant.<sup>31</sup>

The IDEaS program and FTAs have mechanisms to protect intellectual property that is associated with the program, ensuring that those engaged in defence are adequately credited and compensated for their efforts.<sup>32</sup> Furthermore, the materials and technology that were used in the innovation may be imported or exported without tariffs through FTAs that Canada may have with the originating nation resulting in more cost-effective technology as well as strengthened partnerships with Canada's trade and defence partners. The protection of intellectual property and the free flow of goods and labour through free trade all contribute to Canada's national security interests.

With advances in technology and networked capabilities, cyber and information technology threats will have an impact not only on defence capabilities but also on the ability of Canadian industries to keep pace with a rapidly evolving world. Cybercriminals operating both within and external to Canada's borders seek to steal financial information, intellectual property and trade secrets.<sup>33</sup> Some of the intellectual property and trade secrets on networked systems are directly linked to the defence and security industry and therefore have implications to national security interests.

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<sup>30</sup>*Ibid.*

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

<sup>32</sup>Canada, "Innovation for the Defence Excellence and Security...";Canada, "Trade and Investment Agreements..."

<sup>33</sup>Public Safety Canada, *National Cyber Security Strategy: Canada's Vision for Security and Prosperity in the Digital Age* (Canada: Government of Canada, 2018), 2.

It is imperative that, as part of free trade agreements and defence alliances, that Canada continues to include cybersecurity measures in all future FTA negotiations to ensure that Canadian industry and academia maintain privileged access to trade partners' innovations and technology. This access and collaboration will ensure that Canada maintains a competitive edge in the technology sector and that innovations developed for the defence and security sectors remain safeguarded to defeat or defend against any threat to the national security interest.

### **Defence Procurement**

Defence procurement is a massive and complex undertaking for any democratic nation that values transparency and accountability. National security is directly linked to technological and industrial capabilities; however, defence production is subject to political control to place limits in foreign investment, transfer of technology, and the export of goods.<sup>34</sup> The investment and research that goes into defence innovation to maintain a tactical advantage is not something a country would freely trade through FTAs with economic partners, but FTAs do help reduce some barriers to the highly lucrative and profitable defence trade. Many measures and programs have been developed by the NORAD, NATO, and Five Eyes communities along with trading partners such as the US to ensure that sensitive and classified defence information and technology is appropriately safeguarded as nations work with each other to deliver on next-generation warfighting and security platforms.

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<sup>34</sup>Keith Hayward, "The Globalization of Defence Industries," in *The Modern Defence Industry*, ed. Richard A. Bitzinger (Santa Barbara: ABC-CLIO LLC, 2009), 108.

Canada has implemented a Treasury Board mandated Industrial Security Program that deals with both domestic and international vendors and contractors and is administered on behalf of the government by Public Services and Procurement Canada (PSPC).<sup>35</sup> PSPC also administers the government's Controlled Goods Program that helps ensure that goods, technology, and information that have been identified as having a military or defence purpose are adequately safeguarded against unauthorized examination, use, or transfer.<sup>36</sup> These types of programs along with those of Canada's defence and security partners provide the assurances that trade in the defence procurement sector only benefits the intended recipient and that sensitive information does not fall into the hands of an adversary whether it be a state or non-state actor. These programs are one way that Canada demonstrates to its trade and defence partners that it is serious about safeguarding sensitive and classified information and is a trusted business partner.

Every contract that the government enters into that is procured through PSPC requires that a Security Requirements Check List (SRCL) be completed for protected and classified contracts identifying the security measures that the selected contractor must abide by in order to be compliant with the contract.<sup>37</sup> The SRCL helps identify which parts of the contract are at the protected and classified level and if there are any citizenship restrictions based on the information that will be shared with the contractor.<sup>38</sup> It also

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<sup>35</sup>Canada, Treasury Board Secretariat, "Policy on Government Security," last modified [or accessed] 24 March 2019, <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=16578>.

<sup>36</sup>Treasury Board Secretariat, "Controlled Goods Directive," last modified [or accessed] 25 May 2019, <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12063>.

<sup>37</sup>Treasury Board Secretariat, "Industrial Security Manual," last modified [or accessed] 26 May 2019, <https://www.tpsgc-pwgsc.gc.ca/esc-src/msi-ism/index-eng.html>.

<sup>38</sup>*Ibid.*

identifies the information technology (IT) requirements as well as whether or not the contractor will be required to store or process protected and classified information at their site.<sup>39</sup> These requirements apply to both domestic and international contractors, but PSPC does not clear international contractors. Instead, it relies on the bilateral security instruments that it has with several countries to verify whether or not the company and the employees working on the contract have the required security clearance and that their IT system protection measures that are equivalent to the Canadian standards.<sup>40</sup>

Furthermore, PSPC also administers the government's controlled goods program, which is an additional measure that protects sensitive and classified information and assets.<sup>41</sup> In addition to a company registering in the Industrial Security Program, if they are to access controlled goods, the company and its personnel must also register in the Controlled Goods Program to ensure that they have a clear understanding of what controlled goods are and how they must be protected.<sup>42</sup> The US also has a regulation called the International Traffic in Arms Regulations (ITAR) that also seeks to limit where US defence information and technologies end up. Both ITAR and Canada's Controlled Goods Program run on similar principles and seek to limit the sharing of defence information and assets only to those that have a need to know.<sup>43</sup>

Canada is not the only country to implement an Industrial Security Program. PSPC represents Canada at the Multinational Industrial Security Working Group (MI-SWG) where industrial security representatives from all NATO countries discuss and

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<sup>39</sup>*Ibid.*

<sup>40</sup>Public Services and Procurement Canada, "International Contract Security Requirements," last modified [or accessed] 26 May 2019, <https://www.tpsgc-pwgsc.gc.ca/esc-src/international-eng.html>.

<sup>41</sup>Public Services and Procurement Canada, "Controlled goods: Examining, possessing or transferring," last modified [or accessed] 26 May 2019, <https://www.tpsgc-pwgsc.gc.ca/pmc-cgp/index-eng.html>.

<sup>42</sup>*Ibid.*

<sup>43</sup>*Ibid.*

find solutions to common industrial security challenges. This working group helps ensure that defence and security contracts that originate from and are intended for NATO countries have adequate measures of security built into both the contract itself as well as the contractor's facilities and personnel.<sup>44</sup>

Defence procurement is indeed complicated. The complexity of technology and the globalized market space present enormous challenges to protecting the promulgation of defence information and goods to only those who are entitled to possess it. Canada's Industrial Security Program works with Canadian and international industry to ensure that when a contract is awarded by the Government of Canada that involves sensitive or classified Canadian or allied information, that there are assurances that the information will be appropriately protected. This enables Canada to continue receiving information from its allies and remain a competitive partner in the defence industry, which will undoubtedly benefit national security interests.

## **Conclusion**

Free trade agreements can increase Canadian national security interests through the promotion of Canadian norms and values as well as through partner nations' desire to ensure the security of exported or imported goods, technology, and services. The increased integration and reliance on technology creates an area of significant risk, but with partnerships with defence allies and trade partners, the ability to respond to the risks becomes much greater due to shared interests, networks, and technology.

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<sup>44</sup>Public Services and Procurement Canada, "International Contract Security Requirements..."



This paper has demonstrated the national security benefits of FTAs with Canada's natural security and defence partners, such as the US, by providing access to valuable security networks as well as defence technology and information. FTAs with smaller nations, such as Jordan, shows how being a lucrative trading partner attracts business from nations that may have a more direct influence in a particular region than Canada and can be leveraged to promote the Canadian peace and security agenda. Science and technology is another lucrative economic sector that has national security implications. By showing that Canada is willing to work with industry to develop the next generation warfighting platforms, trade and defence partners may be more enticed to partner with Canadian defence research organizations through mechanisms in FTAs. Finally, defence procurement is a very risky endeavour both in a financial sense as well as an information security sense. Canada's industrial security program that leverages agreements and partnerships with domestic and international defence and security partners demonstrate that Canada is a responsible and reliable defence industry partner. It is through free trade agreements and the measures that Canada puts in place to maintain security in defence contracts, that Canada can strengthen national security interests through trade with other nations.

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