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IS SPECIAL THE NEW NORMAL? FACING THE REALITY OF THE SECURITY ENVIRONMENT

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Solo Flight

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By Major Deirdre Nalepa

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INTRODUCTION

That is why the Charter's own words declare that "armed force shall not be used, save in the common interest". But what is that common interest? Who shall define it? Who will defend it? Under whose authority? And with what means of intervention? These are the monumental questions facing us as we enter the new century.

- Kofi Annan, United Nations Secretary-General, 1999 Annual Report

The end of the Second World War (WWII) heralded many changes to the world. Not least of all was the formation of the United Nations (UN). At that time, the United States (US), the United Kingdom (UK), Russia, Germany and China were the global powers and had been key players in WWII. Their ratification of the UN Charter was a symbol of their willingness and commitment to prevent another global war, and to strive for international peace and security. With these five states installed as permanent members of the UN Security Council (UNSC), they were vested with the authority to determine the legitimate use of armed force by a sovereign state. The very framework of the institution is a product of the period in which it was formed. Almost eighty years later, the world has changed and the modern security environment presents new challenges beyond which the UN was initially structured.¹ Where previously antagonists to international peace and security were predominantly state based actors using armed force, there is now an increase in both non-state actors who challenge the concept of state sovereignty and an increase in the use of tactics below the threshold of armed conflict. Some of the more recent threats to security, such as cyber attacks, the exploitation of international law, and information warfare, fall short of the UN's definition of armed conflict. Recent examples of such actions include: the arrest of Meng Wanzhou in 2018,

¹ UN Secretary-General Kofi Annan, "Secretary-General Presents His Annual Report to General Assembly," last accessed 01 May 2020. <https://www.un.org/press/en/1999/19990920.sgsm7136.html>.

the 2014 Russian annexation of Crimea, the 2003 US invasion of Iraq, transnational non-state organizations such as Daesh operating across the Middle East and beyond, and information warfare conducted against the North Atlantic Treaty Organisation (NATO) presence in the Baltic states.² These examples all serve to illustrate the prevalence and severity of the threats posed to international security by actors who show little desire to adhere to the rules of international law. What distinguishes war from peace, and how one defines the area that lies in between, is blurry and is open for interpretation. This paper does not serve to argue the definitions and concepts involving armed conflict and the use of force, nor does it attempt to propose alternatives.³ Yet it is important to acknowledge that when the terms used to describe and understand the security environment cannot reach a consensus in the UN, how can the UNSC begin to determine what constitutes a legitimate use of armed force?

² Meng Wanzhou is the Chief Financial Officer for Huawei who was arrested in Canada, on behalf of the USA, who is awaiting an extradition trial. The resulting detention of Ms. Wanzhou has led to China detaining two Canadian citizens; The New York Times, "Extradition Hearings Begin for Meng Wanzhou, Huawei Officer Held in Canada," last accessed 25 April 2020. <https://www.nytimes.com/2020/01/20/world/canada/meng-wanzhou-huawei-detention-vancouver.html>; Russian President Vladimir Putin denied the movement of Russian troops into the border region with Ukraine. When he eventually ordered Russian armed forces into Crimea, he justified the actions through the "Responsibility to Protect" the Russian citizens within Crimea from the Ukrainian government. Steven Chase and Kathryn Blaze Carlson. "West Rejects Crimea Vote to Join Russia: NATO Assures Ukrainian Prime Minister of the 'Territorial Integrity' of His Country After Breakaway Region Calls a March 16 Referendum." The Globe and Mail (1936-2016), Mar 07, 2014. <https://search-proquest-com.cfc.idm.oclc.org/docview/1942825950?accountid=9867>; In 2003, a US led coalition invaded Iraq without UNSC authorisation, arguing the right to "pre-emptive self-defence". Robert Malley, "We Don't Invade Iraq. Then what?" New York Times (1923-Current File), Jan 03, 2003. <https://search-proquest-com.cfc.idm.oclc.org/docview/92726921?accountid=9867>; Daesh and other non-state groups do not affiliate themselves with a recognised state. Instead of targeting states directly, they use their ideology to justify their actions and attack those whose actions do not align with their views. Peter Layton. "Rewrite Security Script to Tackle Non-State Actors [Australian Edition]." *The Australian*, 14. <https://search-proquest-com.cfc.idm.oclc.org/docview/1640352955?accountid=9867>; Soldiers deploying with the NATO enhanced forward presence, a deterrence force to counter Russian aggression, were warned that their reputation would be attacked through campaigns to discredit them to the local population and undermine their presence. Steven Chase. "Latvia Warns Canada to Expect Russian Smear Campaign Against Troops." The Globe and Mail, <https://search-proquest-com.cfc.idm.oclc.org/docview/2383247185?accountid=9867>.

³ Contested terms and definitions within this paper will be addressed throughout as the author determines that further information on the subject is required in explanation to support the argument.

The primary reasons for Canada to maintain a strong conventional military force have changed, as actions taken below the threshold of armed conflict threaten the national security of Canada. Consequently, the responsibilities of the Canadian Armed Forces (CAF) have grown beyond acting as a deterrent to armed conflict and protector of human rights. In the Department of National Defence's (DND) *Pan-domain Force Employment Concept* (PFEC), the CAF now includes the requirement to counter a host of unconventional threats including terrorism, cyber attacks, and information warfare.⁴ Work is being done across the Government of Canada (GoC) to address both the current and future security environments.⁵ What is lacking is an overarching strategy necessary to integrate and coordinate the efforts. Even with the changes underway to address threats to Canadian national security, as a ratified member of the UN, the GoC requires authority from the UNSC to legitimise the use of force. Threats that fall short of armed conflict, threats that cannot be concretely attributed to state action, or threats created by non-state actors, all add to the complexity the UNSC faces when trying to determine appropriate responses. The UN has shown an inability to address the unconventional threats within the current security environment which has driven the GoC to rely on unconventional military responses to preserve national security. To demonstrate this, we will consider the issue of authority and legitimacy of military response through the UN framework. Next, we will consider what capabilities the CAF can provide to the GoC for a military

⁴ Department of National Defence. CJOC. *Pan-domain Force Employment Concept: Prevailing in an Uncertain World*. Canada: National Defence, 2020.

⁵ The GoC created the Policy Horizons organization to develop forward looking policy to address the changing policy landscape (<https://horizons.gc.ca/en/about-USA/>). For further reading on their predictions see: Policy Horizons Canada, *The Next Generation of Emerging Global Challenges: A Horizons 2030 Perspective on Research Opportunities*. Ottawa, ON, CA: Policy Horizons Canada, 2018; Department of National Defence. Canadian Forces Development. *The Future Security Environment 2013-2040*. Canada: National Defence, 2014; Department of National Defence. CJOC. *Pan-domain Force Employment Concept: Prevailing in an Uncertain World*. Canada: National Defence, 2020.

response to unconventional threats to national security. Finally, we will explore some of the risks that should be considered by the GoC when contemplating the use of an unconventional military response to counter threats below the threshold of armed conflict.

PEACEFUL CONFLICT

And that's because of people arguing over things that many people regard as imaginary. Chiefly, gods, religions, and national boundaries, which are absolutely imaginary. They're completely notional. They don't tend to exist. As soon as you pull back half a mile and look down at the Earth there are no national boundaries. There aren't even national boundaries when you get down and walk around. They're just imaginary lines we draw on maps. I just get fascinated by people who assume that things that are imaginary have no relevance to their lives.

– Neil Gaiman, Interviewed by Jessica Crispin, 2006

In his book *World Order*, Henry Kissinger, the former US foreign secretary proposes that the systems of “World Order” are based on two components, “a set of commonly accepted rules that define the limits of permissible action and a balance of power that enforces restraint when rules break down....”⁶ In the context of the UN, international law provides the former while the UNSC provides authority for the latter. For the purposes of this paper, this will be known as International Rules Based Order (IRBO).⁷ The principles and rules which govern the actions of the UN are laid out in the

⁶ Henry Kissinger, *World Order* (Penguin Books, 2014). The concept of “world order” is contested with no agreed upon definition. International rules based order or rules based order are the terms most commonly used in CAF and GoC documentation, and will be used throughout this paper to define the mechanisms by which the UN maintains “World Order”.

⁷ International rules based order is a contested concept. For further reading on the concepts and debate surrounding this topic, see: Charles Jr. Dunlap, “Lawfare 101: A Primer.” *Military Review* 97, no. 3 (2017): 8; Richard Jolly, Louis Emmerij, and Thomas G. Weiss. “Peace and Security: From Preventing State Conflict to Protecting Individuals.” *In U.N. Ideas that Changed the World*. Bloomington, IN: Indiana University Press, 2009, 165; United Nations. “International Law and Justice.” Last accessed 22 April 2020. <https://www.un.org/en/sections/issues-depth/international-law-and-justice/index.html>; United Nations. “Rule of Law,” last accessed 22 April 2020. <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>; Secretary-General of the United Nations (UN), “UN General Assembly, 67th session, Agenda Item 83, High-Level Meeting on the Rule of Law at the National and International Levels, A/RES/67/1” (30 November 2012). <https://www.un.org/ruleoflaw/files/A-RES-67-1.pdf>.

UN Charter and, through various treaties, conventions, and standard practices, in the UN's body of international law.⁸ The UNSC is the organ by which the UN determines if an armed conflict is taking place, if it constitutes a threat to international peace and security, and what methods may be used in response, up to and including the use of armed force.⁹ Through the UN, legitimacy for a military response to security threats is gained through the authorisation of the UNSC with the body of international law providing the framework to justify the decisions. Acting with approval from the UNSC supports IRBO and reinforces the credibility of the UN as an institution.¹⁰ Through this mechanism, Canada can gain international legitimacy to support a military response and be seen as upholding IRBO.

The events surrounding 9/11 showed the reach of terrorists to plan, operate, and deliver effects transnationally. In response, the international legislation of the UN changed in an attempt to counter the threat presented by terrorists and to provide the legitimacy necessary for states to combat the "war on terror".¹¹ In 2003, when President Bush sought authority from the UNSC to support the US led invasion of Iraq, the

⁸ The subset of international law that this paper is most concerned with is that of International Humanitarian Law (IHL), which according to the UN, "encompasses the principles and rules that regulate the means and methods of warfare." IHL is also known as the Law of Armed Conflict (LOAC). International Committee of the Red Cross, "War and Law," last accessed 23 April 2020. <https://www.icrc.org/en/war-and-law>.

⁹ For the purposes of this paper, armed conflict will be defined as "a state-based armed conflict is a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths in one calendar year. Comment: "Armed conflict" is also referred to as "state-based conflict", as opposed to "non-state conflict", in which none of the warring parties is a government." Uppsala University, Department of Peace and Conflict Research. *Definitions: Armed Conflict*. Accessed 22 April 2020. <https://www.pcr.uu.se/research/ucdp/definitions>.

¹⁰ United Nations, "What We Do." Accessed 22 April 2020. <https://www.un.org/en/sections/what-we-do/index.html>.

¹¹ Kent Roach, "The United Nations Responds: Security Council Listing and Legislation." Chap. 2 in *The 9/11 Effect: Comparative Counter-Terrorism*. Cambridge: Cambridge University Press, 2011, 73-76. From a NATO perspective, there was a shift in how collective security was viewed, and likewise, agreements and members' national policies were adapted.

justification he used for the pre-emptive defence came from these new policies. A lack of consensus on policy interpretation left the UNSC unable to reach an agreement.¹² The UNSC did not authorise the proposal made by the American's, and the US proceeded to conduct operations in Iraq without the backing of a UNSCR. While many member states were opposed to American action in Iraq, Canada's public declaration opposing the invasion was surprising.¹³ The GoC's choice to support the UN's position caused damage to the Canada-US relationship.¹⁴ The actions were ultimately deemed illegitimate by the UN *General Assembly* (UNGA).¹⁵ Yet this exercise in public diplomacy demonstrated that Canada was willing to bear the cost of taking a position against a powerful ally in order to stand up for Canada's international reputation. Canada has further shown support to the UN's mandate by deploying CAF members to many UN sanctioned missions such as those in Korea, Cyprus, Mali, and the Golan Heights.¹⁶ These military contributions

¹² Mats Berdal, "The UN Security Council: Ineffective but Indispensable." *Survival* 45, no. 2 (2003): 7-30, 15-18, 20-21.

¹³ The US and the UK are two of Canada's closest and longest standing allies. Further, Canada shares a close relationship for security of North America with the United States of America and relies on the US as one of its primary economic trading partners. Srdjan Vucetic, "Why did Canada Sit Out of the Iraq War? One Constructivist Analysis." *Canadian Foreign Policy Journal* 13, no. 1 (2006): 133-153. doi:10.1080/11926422.2006.9673423. <https://doi-org.cfc.idm.oclc.org/10.1080/11926422.2006.9673423>; Brian Bow, "Parties and Partisanship in Canadian Defence Policy." *International Journal* 64, no. 1 (03, 2009): 67-88, 67; Douglas Roche, "The U.S. Choice for Canada" EBSCOhost (Online service), and EBSCO ebook. *Canada and the New American Empire: War and Anti-War*. Edited by George Melnyk, Calgary: University of Calgary Press, 2004., 15-18, 20; Brendon O'Connor and Srdjan Vucetic, "Another Mars-Venus Divide? Why Australia Said 'yes' and Canada Said 'non' to Involvement in the 2003 Iraq War." *Australian Journal of International Affairs* 64, no. 5 (2010): 526-548. <https://doi-org.cfc.idm.oclc.org/10.1080/10357718.2010.513368>, 540-541.

¹⁴ Stephane Roussel, "'Honey, are You Still Mad at Me? I've Changed, You Know...': Canada-US Relations in a Post-Saddam/post-Chretien Era." *International Journal* 58, no. 4 (Fall, 2003): 571-590. <https://search-proquest-com.cfc.idm.oclc.org/docview/220857574?accountid=9867>. Stanley Taube, "Canada and Iraq: [Final Edition]." *The Tribune*, Apr 23, 2004. <https://search-proquest-com.cfc.idm.oclc.org/docview/359252086?accountid=9867>.

¹⁵ Mats Berdal, "The UN Security Council: Ineffective but Indispensable." *Survival* 45, no. 2 (2003): 7-30, 7; The Guardian, accessed 25 April 2020. <https://www.theguardian.com/world/2004/sep/16/iraq.iraq>

¹⁶ These are just a few of the many UN sanctioned missions that Canada has participated in. The role of the CAF can be explored further through the following: Public Safety, Accessed 22 April 2020. <https://www.publicsafety.gc.ca/cnt/ntnl-scrtp/lcs-en.aspx>; <https://www.publicsafety.gc.ca/cnt/ntnl-scrtp/lcs-en.aspx>; Department of National Defence, *Strong, Secure, Engaged: Canada's Defence Policy*. Ottawa:

serve to further bolster the credibility of Canada as a law-abiding nation. The conflict within the UNSC over the US's proposal to invade Iraq may be an indication of a diminishment of the UNSC's authority and may call in to question its very purpose.¹⁷ When states are threatened by actions that do not clearly meet the criteria of an armed conflict or where international law is too broad in its application, deliberations within the UNSC can reach an impasse.

The key to having a UNSCR authorised is for nine members of the council to vote in the affirmative. But not all votes are equal. The UNSC consists of 10 rotating members and the five powerful permanent members, who hold veto power; each permanent member must be in favour of the motion for it to pass. A state such as Canada needs to navigate certain obstacles when requesting UNSC approval to support a military response. Three of the five members are in collective security alliances with Canada.¹⁸ There exists a perception that Russia and China view the current "World Order" as an imposition controlled by Western Democracies.¹⁹ This creates an intricate web of alliances between permanent members and other states which makes it difficult for the

Government of Canada, 2017; Brian Bow, "Parties and Partisanship in Canadian Defence Policy." *International Journal* 64, no. 1 (03, 2009): 67-88, <https://search-proquest-com.cfc.idm.oclc.org/docview/1910548806?accountid=9867>, 73.

¹⁷ Nicole Jackson, "Deterrence, Resilience and Hybrid Wars: The Case of Canada and NATO." *Journal of Military and Strategic Studies* 19, no. 4 (2019), 106; Robert McCorquodale, "Defining the International Rule of Law: Defying Gravity?" *The International and Comparative Law Quarterly* 65, no. 2 (2016): 277-304, <https://search-proquest-com.cfc.idm.oclc.org/docview/1784600663?accountid=9867>; Secretary-General of the UN, UN General Assembly, 67th session, Agenda Item 83, High-Level Meeting on the Rule of Law at the National and International Levels, A/RES/67/1 <https://www.un.org/ruleoflaw/files/A-RES-67-1.pdf>; Mats Berdal, "The UN Security Council: Ineffective but Indispensable." *Survival* 45, no. 2 (2003).

¹⁸ Department of National Defence. Canadian Forces Development, *The Future Security Environment 2013-2040*. Canada: National Defence, 2014, 24.

¹⁹ Nicole Jackson, "Deterrence, Resilience and Hybrid Wars: The Case of Canada and NATO." *Journal of Military and Strategic Studies* 19, no. 4 (2019), 115-116; Thomas Gomart, "Between Concentration and Dispersion: A Promising Future for Power Relations." *Politique étrangère* 84, no. 1 (Spring 2019): 11-21, 15.

five permanent members to agree with each other.²⁰ This casts doubt on the council's commitment to the UN's mandate and raises concerns over what lengths permanent members will go to in supporting their own national interests over the collective interests of the international community.²¹ The perceived lack of impartiality within the UNSC makes a states application for council authorisation risky. If Canada feels that actions below the threshold of conflict pose a threat to its national security and makes a request to the UNSC, there is no guarantee of support from the divisive group. The likelihood of support would decrease significantly if Canada alluded that the threat to national security appeared to come from a permanent member or one of its allies. In such situations, Canada requesting legitimacy for a military response from the UNSC would be akin to asking an opponent for permission to retaliate. If authority were granted, the element and advantage of surprise would be lost. If denied, Canada as an advocate of IRBO would be compelled to respect the decision of the UNSC. The inability to gain authority from the UNSC has led to states using military response without UNSC authorisation.²² Canadian defense is too heavily reliant on coalitions and alliances for a decision to act unilaterally with a conventional military force to be a feasible option.²³

²⁰ Pá Dunay, "Kosovo 1999 and Crimea 2014: Similarities and Differences." *Connection : The Quarterly Journal* 14, no. 4 (Fall, 2015): 57-68. <https://search-proquest-com.cfc.idm.oclc.org/docview/1776596480?accountid=9867>, 61.

²¹ Tim Dunne and Brian C. Schmidt. "Chapter 7: Realism." Baylis, John, and Steve Smith, *the Globalization of World Politics* 3, (2004), 101; D. Michael Day, and Bernd Horn. "Canadian Special Operations Command: The Maturation of a National Capability." *Canadian Military Journal* 10, no. 4 (Autumn 2010): 69-74, 70; UN Secretary-General Kofi Annan, "Secretary-General Presents His Annual Report to General Assembly," last accessed 01 May 2020. <https://www.un.org/press/en/1999/19990920.sgsm7136.html.Annan>.

²² Pá Dunay, "Kosovo 1999 and Crimea 2014: Similarities and Differences." *Connection: The Quarterly Journal* 14, no. 4 (Fall, 2015): 57-68. <https://search-proquest-com.cfc.idm.oclc.org/docview/1776596480?accountid=9867>.

²³ Department of National Defence, *Strong, Secure, Engaged: Canada's Defence Policy*. Ottawa: Government of Canada, 2017, 48, 57, 89; Christian Leuprecht, Joel Sokolsky, and Jayson Derow. "Paying it Forward: Canada's Renewed Commitment to NATO's Enhanced Forward Presence." *International*

The GoC actively promotes its identity as a nation that defends and upholds IRBO. Canada has done this through contributions of military assets to numerous UN sanctioned missions and by publicly opposing questionable military action by powerful allies. As a ratified member of the UN, Canada is obligated to seek international legitimacy prior to unilaterally deploying a conventional military response into a foreign country. When the situation is clearly within the UN framework of international law, the UNSC is well suited to legitimize a military response. When actions take place below the threshold of armed conflict, or clashes with the interests of the permanent members of the UNSC, response and action from the UN is tentative. Threatened states who differ in opinion from the UNSC's decisions and who consider actions that fall short of armed conflict a risk to peace and security, may doubt the ability of the UN to uphold IRBO. Further, this perceived vulnerability in the Security Council's effectiveness may drive states like Canada to take matters into their own hands.

IF YOU CAN'T BEAT THEM...

The strategic environment has shifted. Canada and its allies are in a persistent state of competition against adversaries who seek to undermine the rules-based international order. These actors exploit the traditional thresholds of armed conflict, employ all instruments of national power, and operate across all domains. This has limited the international community's ability to respond effectively.

– General Jonathan Vance, Canadian Chief of Defense Staff, PFEC

Journal 74, no. 1 (2019): 162-171, 163; Kim Nossal, "The Imperatives of Canada's Strategic Geography." In: Juneau, Thomas, Philippe Lagassé, and Srdjan Vucetic. *Canadian Defence Policy in Theory and Practice*. Cham, Switzerland: Palgrave Macmillan, 2019-2020, 12-14.

While armed conflict is never simple, the traditional approach to viewing armed conflict as either *war* or *peace* certainly made it much more straightforward. If inter- or intra-state armed conflict broke out, the UN organs could convene, make determinations, and react accordingly. The UNSC provides the authority for armed conflict and international law provides the rules of conduct. As noted previously, aggressive actions that fall below the threshold of armed conflict have demonstrated that the binary concepts of *war* and *peace* are insufficient in today's security environment.²⁴ A military response is not authorised without consensus from the power wielding nations and international law is slow to address change.²⁵ In order to counter the threats posed to national security by adversaries acting below the threshold of armed conflict, the GoC may consider taking action that skirts the boundaries of international law and UNSC authority. Through CANSOFCOM, the CAF is able to provide the GoC with military options capable of addressing the threats below the threshold of armed conflict that have become matters of a sensitive and pressing political nature.²⁶

²⁴ Department of National Defence. Canadian Forces Development. *The Future Security Environment 2013-2040*. Canada: National Defence, 2014, 92. The persistence of conflict and its impact on how war and peace are understood is further expanded upon in the following literature: Falk, Barbara J. and Paul T. Mitchell. "The Last Good War?: The Lingering Impact of World War II Epistemology and Ontology in Conflict and Popular Culture." *Critical Studies on Security* 3, no. 3 (2015): 290-296; Merz, Sebastian. "Less Conflict, More Peace? Understanding Trends in Conflict Persistence." *Conflict, Security & Development* 12, no. 3 (2012): 201-226; Iavor Rangelov and Mary Kaldor. "Persistent Conflict." *Conflict, Security & Development* 12, no. 3 (2012): 193-199. <https://doi-org.cfc.idm.oclc.org/10.1080/14678802.2012.703531>.

²⁵ Ruth Wedgwood, "War and Law: The Dilemmas of International Law and Coercive Enforcement." In *Leashing the Dogs of War: Conflict Management in a Divided World*, edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, 583-599. Washington, DC: United States Institute of Peace Press, 2007, 584; Richard Jolly, Louis Emmerij, and Thomas G. Weiss. "Peace and Security: From Preventing State Conflict to Protecting Individuals." In *U.N. Ideas that Changed the World*. Bloomington, IN: Indiana University Press, 2009; 184.

²⁶ Nicole Jackson, "Deterrence, Resilience and Hybrid Wars: The Case of Canada and NATO." *Journal of Military and Strategic Studies* 19, no. 4 (2019), 105.

Since the creation of the UN, the GoC has used the CAF to defend against threats to national security through a policy of forward collective defence with NATO and threats to international security by supporting the UN.²⁷ The employment of the CAF to an armed conflict has traditionally been in the form of an alliance or coalition.²⁸ This forward defence policy of bringing the fight to the threat is not well suited to respond to unconventional threats that are not tied to physical geography or aligned with a state. Cyber attacks and information warfare transcend borders, may not be attributed to a state, and do not meet the threshold of armed conflict.²⁹ Should the GoC be intent on pursuing a unilateral conventional military response to these types of threats without UNSC support, it would likely come with political risk, such as consequences to Canada's international reputation and domestic opinion.³⁰ If this alone were not sufficient to convince the GoC from acting in such an overt and rash manner then the likelihood of retaliation, escalation in to armed conflict, and destabilisation of IRBO, should. The result is that conventional military forces are often limited to UN sanctioned operations and supporting NATO collective defense "deployments" to receptive or allied countries.³¹ With an ever

²⁷ Primarily through membership and contribution to the UN, NATO, and many bi and multi-lateral alliances. Department of National Defence. CJOc. *Pan-domain Force Employment Concept: Prevailing in an Uncertain World*. Canada: National Defence, 2020, 17; Department of National Defence. Canadian Forces Development. *The Future Security Environment 2013-2040*. Canada: National Defence, 2014, 92-97, 105; Adam Chapnick and J.C. Stone, "From Policy and Strategy to Outcomes" In: Juneau, Thomas, Philippe Lagassé, and Srdjan Vucetic. *Canadian Defence Policy in Theory and Practice*. Cham, Switzerland: Palgrave Macmillan, 2019-2020, 92.

²⁸ Adam Chapnick and J.C. Stone, "From Policy and Strategy to Outcomes" In: Juneau, Thomas, Philippe Lagassé, and Srdjan Vucetic. *Canadian Defence Policy in Theory and Practice*. Cham, Switzerland: Palgrave Macmillan, 2019-2020, 90-91

²⁹ Department of National Defence, *Strong, Secure, Engaged: Canada's Defence Policy*. Ottawa: Government of Canada, 2017, 54, 92; Deborah Pearlstein, "Armed Conflict at the Threshold?" *Virginia Journal of International Law* 58, no. 2 (2019), 373-375.

³⁰ Andrew Bolt, "Law and Political-Military Strategy: The Importance of Legal Advice in the Decision to Deploy the Canadian Armed Forces." In: Juneau, Thomas, Philippe Lagassé, and Srdjan Vucetic. *Canadian Defence Policy in Theory and Practice*. Cham, Switzerland: Palgrave Macmillan, 2019-2020, 298-301.

³¹ Christian Leuprecht, Joel Sokolsky, and Jayson Derow. "Paying it Forward: Canada's Renewed Commitment to NATO's Enhanced Forward Presence." *International Journal* 74, no. 1 (2019): 162-171,

increasing number of nations persistently employing hybrid action, there is little incentive for Canada to continue to play by the old set of rules and rely solely on conventional military responses.³² The CAF is in the process of setting up a Cyber Force Command and requisite support structures, but they are a decade behind the capabilities of their allies and adversaries.³³ The CAF currently has no clearly defined information warfare capabilities and a way forward is only in the conceptual stage.³⁴ Various forms of “lawfare”, which is using the law as a type of warfare, have been actively used against Canada.³⁵ As a champion of IRBO, to retaliate in kind with the manipulation of international law would not be in the GoC’s best interest. The CAF does have a specialised counter-terrorism (CT) expertise within CANSOFCOM, which has been further developed since it took over the role from the Royal Canadian Mounted Police

163; J.C. Boucher, “Public Opinion and Canadian Defence Policy.” In: Juneau, Thomas, Philippe Lagassé, and Srdjan Vucetic. *Canadian Defence Policy in Theory and Practice*. Cham, Switzerland: Palgrave Macmillan, 2019-2020, 162.

³² Sandor Fabian, “The Russian Hybrid Warfare Strategy - neither Russian nor Strategy.” *Defense & Security Analysis* 35, no. 3 (2019): 308-325, 311-315; Liang Qiao and Xiangsui Wang. *Unrestricted Warfare: China's Master Plan to Destroy America*. Panama City, Panama: Pan American Publishing, 2002.

³³ Maj Devon Smibert, “Building Cyber Operations in the Canadian Armed Forces: A Blueprint to Lay a Solid Foundation” (Joint Command and Staff Program Paper, Canadian Forces College, 2019), 1, 23, 30; NATO, “The History of Cyber Attacks – Timeline.” Last accessed 01 May 2020. NATO, 2013, <https://www.nato.int/docu/review/2013/cyber/timeline/en/index.htm>.

³⁴ BGen Jay Janzen, “Command and the Media,” (lecture, Canadian Forces College, Toronto, ON, 16 October 2019), with permission.

³⁵ China used technicalities to ban pork imports from Canada in retaliation for Canada’s assistance to the US with the arrest of Meng Wanzhou. The Diplomat, “Pork and Huawei: US-Canada-China Trade Triangle” last accessed 30 April 2020, <https://thediplomat.com/2019/09/pork-and-huawei-us-canada-china-trade-triangle/>. The concept of “lawfare” is contested. For further reading see: Christ Scott Bartman, “Lawfare and the Definition of Aggression: What the Soviet Union and Russian Federation can Teach Us.” *Case Western Reserve Journal of International Law* 43, no. 1/2 (2010): 423-445. <https://search-proquest-com.cfc.idm.oclc.org/docview/867845478?accountid=9867>; David Luban, “Carl Schmitt and the Critique of Lawfare.” *Case Western Reserve Journal of International Law* 43, no. 1/2 (2010): 457-471. <https://search-proquest-com.cfc.idm.oclc.org/docview/867845492?accountid=9867>; Michael Scharf and Elizabeth Andersen. “Is Lawfare Worth Defining? Report of the Cleveland Experts Meeting September 11, 2010*.” *Case Western Reserve Journal of International Law* 43, no. 1/2 (2010): 11-27. <https://search-proquest-com.cfc.idm.oclc.org/docview/868035892?accountid=9867>; Joel P. Trachtman, “Integrating Lawfare and Warfare.” *Boston College International and Comparative Law Review* 39, no. 2 (2016): 267-282. <https://search-proquest-com.cfc.idm.oclc.org/docview/1823083537?accountid=9867>.

(RCMP) in 1992.³⁶ In the CANSOFCOM's latest operating strategy *Beyond the Horizon* the Chief of Defence Staff, General Johnathan Vance, states that, "CANSOFCOM has grown as a lean, agile, and highly capable organization which continues to adapt, respond to, and defend against ever-evolving and complex threats."³⁷ With several decades of experience under its belt, CANSOFCOM's expertise could make them the best-suited and most adaptable force within the CAF to counter the unconventional threats that have emerged into the security environment and which Canada now faces.

The CAF is the mechanism used by the GoC for military response. The traditional force structure of the CAF was build to respond to conventional threats. While unconventional, or irregular, threats have always existed, the rapid evolution, pervasiveness, and persistence of threats below the threshold of armed conflict are not fully addressed within the current CAF conventional force structure.³⁸ This negatively impacts the ability of the conventional military forces to respond to emerging unconventional threats and indicates that the CAF must adapt to be able to continue to defend Canada.³⁹ The DND elaborates in the PFEC on the security environment as a "matrix of competition" to capture the extent of the many threats to national security,

³⁶ Bernd Horn, *We Will Find a Way* National Defence, 2018, 1.

³⁷ Department of National Defence. *Beyond the Horizon: A Strategy for Canada's Special Operations Forces in an Evolving Security Environment*. Ottawa: CANSOFCOM, 2020, 2.

³⁸ Kenneth C. Coons Jr and Glenn M. Harned. "Irregular Warfare is Warfare." *Joint Force Quarterly* 1st Quarter, no. 52 (2009): 97-103, 97; Kiras, James D. "Irregular Warfare: Terrorism and Insurgency." *Understanding Modern Warfare* 224, (2007): 186-207.

³⁹ The CAF can simplistically broken down into the three traditional services of the Land, Air, and Naval forces and special operations forces. <https://horizons.gc.ca/en/about-USA/>; Policy Horizons Canada, *The Next Generation of Emerging Global Challenges: A Horizons 2030 Perspective on Research Opportunities*. Ottawa, ON, CA: Policy Horizons Canada, 2018; Department of National Defence. *CJOC. Pan-domain Force Employment Concept: Prevailing in an Uncertain World*. Canada: National Defence, 2020; Bernd Horn, "The Strategic Utility of Special Operations Forces," *Canadian Military Journal* 14, 4 (Autumn 2014): 66-70, 66.

including unconventional threats.⁴⁰ The document presents the framework necessary to begin the CAF transition, but it will take many years to reach a force fully capable of operating in the new security environment.⁴¹ Yet the immediate threats to national security must be addressed. In 2005, the GoC authorised the creation of a Special Forces Command, broadening the scope of activities from the Joint Task Force 2 CT unit to include additional capabilities to counter other emerging asymmetric threats.⁴² With an agile, responsive, and innovative mission, CANSOFCOM has been evolving in response to the rising demands of the changing security environment at a faster rate than the conventional CAF.⁴³ This is possible through the rapid development and testing of new equipment, a streamlined procurement system, specialized training facilities, and a bottom up approach to implementing and developing new methods and tactics for countering real world threats.⁴⁴ This adaptability makes CANSOFCOM ideally suited to bridge the gap by immediately addressing the politically sensitive threats below the threshold of armed conflict that the current CAF capabilities cannot. The GoC will require assurances that any responses to politically sensitive issues, such as many of those that fall within the grey-zone, will be mitigated as much as possible. CANSOFCOMs

⁴⁰ Department of National Defence. CJOC. *Pan-domain Force Employment Concept: Prevailing in an Uncertain World*. Canada: National Defence, 2020, 34-43.

⁴¹ Ibid., 45, 47.

⁴² The National Defence Act section 16(1) outlines the constitution for the creation and maintenance of a *Special Force*. In 1992, the counter-terrorism mission was shifted from the RCMP to the CAF and the Joint Task Force 2 (JTF2) was created. Post 9/11, a shift was noted in Canadian Defence Policy indicating an increase in the role of SOF and acknowledging for the first time the need to counter asymmetric threats. Lt.-Col Stephen J. Day, *9/11 and Canadian Special Operations Forces*. Chicago: Tannenberg Publishing, 2014, 29-31.

⁴³ Department of National Defence. *Beyond the Horizon: A Strategy for Canada's Special Operations Forces in an Evolving Security Environment*. Ottawa: CANSOFCOM, 2020, 8; Lt.-Col Stephen J. Day, *9/11 and Canadian Special Operations Forces*. Chicago: Tannenberg Publishing, 2014, 37; Bernd Horn, *We Will Find a Way* National Defence, 2018, 48-19.

⁴⁴ Department of National Defence. *Beyond the Horizon: A Strategy for Canada's Special Operations Forces in an Evolving Security Environment*. Ottawa: CANSOFCOM, 2020, 27-31.

experience in CT operations on foreign soil has also allowed them to build mission capabilities that favour strategies such as plausible deniability and non-attribution.⁴⁵

There are many advantages to a military response that leaves little evidence linking the action to the state of the origin. First, the government responsible is often able to avoid scrutiny from a public with a distaste for military action or potential loss of life.⁴⁶

Secondly, the mission is also able to maintain the element of surprise which is key to ensuring the operation is conducted effectively, rapidly, and quietly. Lastly, covert operations limit the risk of retaliation or escalation in a conflict, situations that could pose risks to National Interests and Security. The growth of CANSOFCOM's role from CT to conducting operations in an asymmetric environment positions them as the de facto military response to politically sensitive threats below the threshold of armed conflict.⁴⁷

Given the limitations of international law and politics, conventional military forces are no longer the most suitable option for a response to actions below the threshold of armed conflict. The CAF primarily functions in international roles as part of a deterrent force within an alliance or in support of peace operations working within the UN.⁴⁸ CANSOFCOM's expertise in highly sensitive CT missions and other asymmetric

⁴⁵ Bernd Horn, "The Strategic Utility of Special Operations Forces," *Canadian Military Journal* 14, 4 (Autumn 2014): 66-70, 67.

⁴⁶ Stephen D. Krasner, "Sharing Sovereignty: New Institutions for Collapsed and Failing States." Chap. 36 in *Leashing the Dogs of War: Conflict Management in a Divided World*, edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, 653-678. Washington, DC: United States Institute of Peace Press, 2007, 659-660; JC. Boucher, "Public Opinion and Canadian Defence Policy." In: Juneau, Thomas, Philippe Lagassé, and Srdjan Vucetic. *Canadian Defence Policy in Theory and Practice*. Cham, Switzerland: Palgrave Macmillan, 2019-2020, 170-171.

⁴⁷ Department of National Defence. *Beyond the Horizon: A Strategy for Canada's Special Operations Forces in an Evolving Security Environment*. Ottawa: CANSOFCOM, 2020, 27; Bernd Horn, *We Will Find a Way* National Defence, 2018, 49.

⁴⁸ Nicole Jackson, "Deterrence, Resilience and Hybrid Wars: The Case of Canada and NATO." *Journal of Military and Strategic Studies* 19, no. 4 (2019), 113. JC. Boucher, "Public Opinion and Canadian Defence Policy." In: Juneau, Thomas, Philippe Lagassé, and Srdjan Vucetic. *Canadian Defence Policy in Theory and Practice*. Cham, Switzerland: Palgrave Macmillan, 2019-2020, 162.

threats can be leveraged in fighting other emerging unconventional threats to national security.⁴⁹ The Special Forces ability to operate covertly and discretely, without attribution, provides the GoC with a strong, viable military response to national security threats and situations that are on the periphery of the authority of international law. CANSOFCOM's strengths reduce the political risk to the GoC and decrease the likelihood of retaliation and escalation into an armed conflict. In the absence of other established entities capable of operating in the grey-zone, CANSOFCOM has become the best military option that the CAF can provide to the GoC for politically sensitive military responses. While the CAF is in the process of pivoting away from the conventional conflicts they were structured to fight, the use of CANSOFCOM forces allows the GoC the freedom to fight the conflict they are currently facing.

DAMNED IF YOU DO; DAMNED IF YOU DON'T

It cannot be seen, cannot be felt, cannot be heard, cannot be smelt. It lies behind stars and under hills, and empty holes it fills. It comes first and follows after, ends life, kills laughter.

- J.R.R Tolkien, *The Hobbit: There and Back Again*

There are a number of challenges and pitfalls in the days ahead as the GoC manoeuvres to better prepare to face the new hybrid threats within the current security environment. In the short term, as the conventional forces adapt to better defend

⁴⁹ Bernd Horn, "The Strategic Utility of Special Operations Forces," *Canadian Military Journal* 14, 4 (Autumn 2014): 66-70, 67.

themselves and Canada to the new threats, the reliance upon CANSOFCOM to bridge a capability gap puts them at risk of being overextended. The overuse of non-attributable military responses can also erode the core democratic values of transparency, accountability, and respect for IRBO that the GoC seeks to uphold. Lastly, there is a requirement for an updated National Security Policy (NSP) with an integrated whole of government (WoG) strategy that is clearly defined and emphasized. Without this, the various government departments will be unable to coordinate effective responses to national security threats from below the threshold of armed conflict.

There is an increased demand for CANSOFCOM to provide support to politically sensitive missions due to the increase of threats from the current security environment.⁵⁰ This has necessitated growth within the service of the Special Forces.⁵¹ The characteristics and traits required to generate the unique skillsets of Special Forces personnel have placed a strain on their ability to recruit internally to the CAF. In a sign of the times, the demand has driven CANSOFCOM to change their recruiting process, lifting the prerequisite of prior military service and encouraging all Canadians to apply.⁵² However, if CANSOFCOM grows too much, it may risk losing the agility that allows it to adapt so quickly to new, emerging, and politically sensitive threats; too little, and it risks losing its “value proposition” to the CAF and the GoC.⁵³ The very skills which

⁵⁰ Department of National Defence. *CANSOFCOM's Strategic Plan*. Ottawa: Chief of the Defence Staff, June 2015, 20-22; Department of National Defence. *Beyond the Horizon: A Strategy for Canada's Special Operations Forces in an Evolving Security Environment*. Ottawa: CANSOFCOM, 2020, 6-9, 27.

⁵¹ Bernd Horn, *We Will Find a Way* National Defence, 2018, 48-49.

⁵² Lee Berthiaume, "Special Forces Looks at Recruiting Off the Street Amid Shifting Demands." *The Canadian Press*, 2019.

⁵³ Eric Ouellet, "The Self and the Mirror: Institutional Tensions and Canadian Special Operations Forces." In *Special Operations Forces in the 21st Century: Perspectives from the Social Sciences*, edited by Jessica Glicken Turnley, et al., Taylor & Francis Group, 2017. ProQuest Ebook Central, <https://ebookcentral.proquest.com/lib/cfvlibrary-ebooks/detail.action?docID=4941891>, 185, 190-191;

distinguish the Special Forces from the rest of the CAF also make them extremely exposed to misuse and overuse.⁵⁴ The CAF's PFEC points to an increase and change in conventional capabilities, and a shift from the conventional thought on warfare. One of the objectives of the concept is to enable the conventional force to address many of the unconventional threats to national security, including those that fall below the threshold of armed conflict.⁵⁵ As progress is made, the conventional CAF may be able to take on more of the responsibilities previously assigned to the Special Forces, alleviating some of their burden. Should Special Forces remain overtasked, they may stagnate and lose their true competitive advantage and benefit to the GoC, which is the ability to determine the newly emerging and politically sensitive threats, and develop methods to counter them. As the GoC demands for grey-zone military responses continue to increase, questions may be raised about how far into the shadows the GoC will be willing to go.

States that conduct any military response below the threshold of conflict may do so for a variety of reasons, one of which is to undermine IRBO.⁵⁶ Without a system to govern the grey-zone, states will adapt to the environment to promote their national interests and ensure their national security, with or without the legitimacy provided by the

Department of National Defence. *Beyond the Horizon: A Strategy for Canada's Special Operations Forces in an Evolving Security Environment*. Ottawa: CANSOFCOM, 2020, 4, 32-33.

⁵⁴ James D. Kiras, *Special Operations and Strategy: From World War II to the War on Terrorism*. Florence: Taylor & Francis Group, 2006. Accessed April 29, 2020. ProQuest Ebook Central, xii, 3, 8, 60-61.

⁵⁵ Department of National Defence. *Pan-domain Force Employment Concept: Prevailing in an Uncertain World*. Canada: National Defence, 2020, 34-43.

⁵⁶ The literature is not to argue concepts, but to point out a common thread of exceptionalism to international rules based order. Harold Hongju Koh, "Foreword: On American Exceptionalism. (Symposium on Treaties, Enforcement, and U.S. Sovereignty)." *Stanford Law Review* 55, no. 5 (2003): 1479, 1485; Sandor Fabian, "The Russian Hybrid Warfare Strategy - neither Russian nor Strategy." *Defense & Security Analysis* 35, no. 3 (2019): 308-325, 311-315; Liang Qiao and Xiangsui Wang. *Unrestricted Warfare: China's Master Plan to Destroy America*. Panama City, Panama: Pan American Publishing, 2002; M. Cherif Bassiouni, "Terrorism: The Persistent Dilemma of Legitimacy," *Case Western Reserve Journal of International Law* 36, no. Issues 2 & 3 (2004): 303.

UN.⁵⁷ CANSOFCOM must operate on the periphery to pursue the threat in the shadows, and the GoC may run the risk of succumbing to the temptation to remain there.⁵⁸ These covert actions taken in the defence of national security permit the GoC to obscure their actions from difficult questions about morality and legitimacy.⁵⁹ The perceived moral high ground of states who advocate IRBO but don't follow it, is hypocrisy.⁶⁰ The GoC may feel morally justified as CANSOFCOM brings threats from the shadows to light and that through this attribution, transgressors will be held accountable. The Canadian public is generally content with the secrecy surrounding matters of national security and defence, providing the GoC a certain latitude in providing a military response.⁶¹ However concerns over secrecy and the securitization of issues diminishes the likelihood for accountability through public debate over what is a threat to national security, and what is not.⁶² In seeking legitimacy outside of the UN and without public debate, it is questionable whether the GoC is truly upholding the Canadian values and supporting IRBO. Actions within the grey-zone by the GoC, whether taken altruistically or not, can contribute to the weakening of IRBO.⁶³ The GoC must preserve Canadian values in order

⁵⁷ Tim Dunne and Brian C. Schmidt. "Chapter 7: Realism." Baylis, John, and Steve Smith, the *Globalization of World Politics* 3, (2004), 101.

⁵⁸ M. Cherif Bassiouni, "Terrorism: The Persistent Dilemma of Legitimacy," *Case Western Reserve Journal of International Law* 36, no. Issues 2 & 3 (2004), 301.

⁵⁹ Tim Dunne and Brian C. Schmidt. "Chapter 7: Realism." Baylis, John, and Steve Smith, the *Globalization of World Politics* 3, (2004), 100.

⁶⁰ M. Cherif Bassiouni, "Terrorism: The Persistent Dilemma of Legitimacy," *Case Western Reserve Journal of International Law* 36, no. Issues 2 & 3 (2004), 301-303.

⁶¹ Brian Bow, "Parties and Partisanship in Canadian Defence Policy." *International Journal* 64, no. 1 (03, 2009): 67-88, 71-72.

⁶² McDonald, Matt. "Constructivisms." *Chap. 5 in Security Studies: An Introduction. 2nd ed.*, edited by Paul D. Williams, 63-76. Abingdon, Oxon: Routledge, 2013, 74; Lagassé, Philippe. *Accountability for National Defence: Ministerial Responsibility, Military Command and Parliamentary Oversight*. Vol. no.4, March 2010. Montreal, QC: IRPP, 2010, 18-19.

⁶³ Stephen D. Krasner, "The Persistence of State Sovereignty." *International Politics and Institutions in Time* (2017): 45; Pá Dunay, "Kosovo 1999 and Crimea 2014: Similarities and Differences." *Connections: The Quarterly Journal* 14, no. 4 (Fall, 2015): 57-68. <https://search-proquest-com.cfc.idm.oclc.org/docview/1776596480?accountid=9867>; Mats Berdal, "The United Nations,

to maintain its credibility and reputation within the international community.⁶⁴ One method to increase international legitimacy may be to lobby the UN to underscore the importance of addressing the threats posed by both state and non-state actors taking actions below the threshold of conflict. Change is possible: 9/11 led to a watershed moment for the UN and reactionary changes were quickly implemented by the UNSC, if somewhat rashly, with the UNGA following suit.⁶⁵ The GoC is pushing for changes to international law and within NATO, a broader definition of hybrid warfare has been incorporated into their understanding of collective defence.⁶⁶ Canada has seen success working with NATO to make changes to international law regarding cyber activities with the production of the Tallinn Manual.⁶⁷ Despite these advances, the sheer immensity of possible actions that may need to be addressed and the required deliberation to reach consensus over definitions will make progress slow. Meanwhile, the GoC will continue to do what it feels is necessary in the interests of national security. Closer to home, the GoC is attempting to increase public awareness of the threats, notably for cyber security.⁶⁸ But a single action in one field is not sufficient to address the myriad threats. A greater

Multilateralism, and International Order.” *Chap. 12 in Justifying War? From Humanitarian Intervention to Counterterrorism*, edited by Gilles Andréani and Pierre Hassner, 179-196. New York: Palgrave Macmillan, 2008, 187-188.

⁶⁴ Joseph S. Nye, “Soft Power and Public Diplomacy Revisited.” *The Hague Journal of Diplomacy* 14, no. 1-2 (2019): 7-20, 13.

⁶⁵ Nicole Jackson, “Deterrence, Resilience and Hybrid Wars: The Case of Canada and NATO.” *Journal of Military and Strategic Studies* 19, no. 4 (2019), 115; Kent Roach, “The United Nations Responds: Security Council Listing and Legislation.” Chap. 2 in *The 9/11 Effect: Comparative Counter-Terrorism*. Cambridge: Cambridge University Press, 2011, 73-76.

⁶⁶ NATO, “Commitment to enhance resilience,” Warsaw, July 2016. Online: https://www.nato.int/cps/en/natohq/official_texts_133180.htm; Nicole Jackson, “Deterrence, Resilience and Hybrid Wars: The Case of Canada and NATO.” *Journal of Military and Strategic Studies* 19, no. 4 (2019), 121-122.

⁶⁷ Nicole Jackson, “Deterrence, Resilience and Hybrid Wars: The Case of Canada and NATO.” *Journal of Military and Strategic Studies* 19, no. 4 (2019), 121-122.

⁶⁸ Nicole Jackson, “Deterrence, Resilience and Hybrid Wars: The Case of Canada and NATO.” *Journal of Military and Strategic Studies* 19, no. 4 (2019), 122-123.

awareness is needed across Canadian society and within the Government itself to generate discussion, integration, and a way forward for Canada. Asymmetric threats that can easily cross Canadian borders and actions that don't discriminate between combatants and civilians require a collective response. This could be formalised through an updated National Security Strategy and ensuing policy changes, with the inclusion of a WoG, or perhaps a whole of society, approach to the national security of Canada.

By virtue of geography and a close security relationship with the US, what does exist in terms of Canadian Security policy has followed closely to align with that of the US.⁶⁹ This security arrangement has shaped how Canadians view defence and how the military forces are employed, with the CAF primarily focused on forward defence of Canada.⁷⁰ Within the GoC, it is understood that the security environment has changed and actions below the threshold of conflict threaten Canadian security at home. Manipulation of personal data, finances, and political interference threatens to undermine the safety of Canadian values and the Canadian way of life. Canadian's can no longer depend on geographic boundaries to insulate them.⁷¹ In recent years, there has been a flurry of policies and strategies outlining and implementing measures to address some of these types of threats.⁷² Individual departments within the National Security and Defence

⁶⁹ Kim Nossal, "The Imperatives of Canada's Strategic Geography." In: Juneau, Thomas, Philippe Lagassé, and Srdjan Vucetic. *Canadian Defence Policy in Theory and Practice*. Cham, Switzerland: Palgrave Macmillan, 2019-2020, 12-13, 19-20.

⁷⁰ The CAF can be called to provide domestic support to Canadians with the invocation of the Emergencies Act.

⁷¹ Department of National Defence. *Strong, Secure, Engaged: Canada's Defence Policy*. Ottawa: Government of Canada, 2017, 14, 49; Kim Nossal, "The Imperatives of Canada's Strategic Geography." In: Juneau, Thomas, Philippe Lagassé, and Srdjan Vucetic. *Canadian Defence Policy in Theory and Practice*. Cham, Switzerland: Palgrave Macmillan, 2019-2020, 19-21.

⁷² Department of National Defence. *Strong, Secure, Engaged: Canada's Defence Policy*. Ottawa: Government of Canada, 2017; Policy Horizons Canada. *The Next Generation of Emerging Global Challenges: A Horizons 2030 Perspective On Research Opportunities*. Ottawa, ON, CA: Policy Horizons

apparatus have their own roles and responsibilities. An overarching governance is required to ensure that effort done by different departments is not at cross purposes with each others. Canada does not have an excellent track record for formalising government strategy for the defence of Canada.⁷³ A holistic view and understanding to govern these efforts is required to ensure that individual departments efforts are integrated and informed by each other. This WoG approach across departments of national security will ensure that Canada is capable of addressing the threats in the security environment. CANSOFCOM's experiences countering terrorist activities and other asymmetric threats have shown how close political-military coordination can be leveraged to mutual advantage.⁷⁴ The GoC can ensure integration between national defence and national security through an updated integrated National Security Strategy and Policy.⁷⁵ Education and public debate can be used to generate a better understanding of the security environment and the threats, and can in turn shape a strategy based on the values of Canadians. These efforts may produce a whole of society approach to national security, with the Canadian public helping to provide support to the GoC in their own defence. A strong strategy then issued from the GoC would ensure that the departments responsible for national security adopt a unified approach with Canadians, together working to ensure the security of Canada and to support IRBO.

Canada, 2018; Public Safety Canada, *National Cyber Security Strategy: Canada's Vision for Security and Prosperity in the Digital Age*. Last accessed 01 May 2020, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-cbr-scrt-strtg/index-en.aspx>.

⁷³ Lindsay Rodman, "You've Got It All Backwards: Canada's National Defence Strategy." In: Juneau, Thomas, Philippe Lagassé, and Srdjan Vucetic. *Canadian Defence Policy in Theory and Practice*. Cham, Switzerland: Palgrave Macmillan, 2019-2020, 273-277.

⁷⁴ Lt.-Col Stephen J. Day, *9/11 and Canadian Special Operations Forces*. Chicago: Tannenberg Publishing, 2014, 31-33;

⁷⁵ Nicole Jackson, "Deterrence, Resilience and Hybrid Wars: The Case of Canada and NATO." *Journal of Military and Strategic Studies* 19, no. 4 (2019), 124-125.

There is no indication that threats from below the threshold of armed conflict are lessening.⁷⁶ The GoC and the CAF both recognise the changing nature of the security environment, and the threats that this will pose to the national security of Canada. CANSOFCOM is agile and capable of addressing the most pressing of the threats from below the threshold of conflict, but they must be used cautiously. The GoC must ensure that they do not misuse the Special Forces. While there currently exists a requirement to operate with discretion and outside of UN legitimacy, care must be exercised to ensure this approach does not become a bad habit. Caught in the tension between supporting IRBO and defending national security, the GoC needs to continue to advocate for change in the UN to address the threats of the new security environment. In order to protect Canadian citizens, values, and interests, the GoC must do more to develop and unify the approach to counter the threats. New debate and direction will ensure that the GoC applies a holistic approach to combatting threats to national security. With all of their decisions and deeds, the GoC must endeavour to uphold and support IRBO.

CONCLUSION

With the current structure of the UN unable to adequately address the new threats within the security environment, Canada has had to rely on military responses that may work along the edge of what is acceptable under international law. While working within this grey-zone does question the legitimacy of IRBO, it also appears to be necessary. The GoC is faced with a lack of options from the UN and as a result, the increased use of CANSOFCOM to ensure national security seems somewhat inevitable. However, with

⁷⁶ D. Michael Day, and Bernd Horn. "Canadian Special Operations Command: The Maturation of a National Capability." *Canadian Military Journal* 10, no. 4 (Autumn 2010): 69-74, 70.

more and more threats emerging that cannot be addressed through the deliberations of the UNSC, it leads one to question the definition of the word conventional in a security environment dominated by the unconventional. If unconventional threats are the dominant threat, perhaps this makes them the new conventional threat. Along this same line of reasoning, where the conventional CAF was once the primary military response, the Special Forces are now becoming the new normal. Through the *Pan-domain Force Employment Concept*, the CAF appears to be attempting to pivot away from solely conventional operations to include providing responses to unconventional operations. In the vastness of the realm of unconventional threats, how does the CAF determine which of the responsibilities of the Special Forces to reallocate to the conventional forces? Perhaps CANSOFCOM sees its future role continuing much as it does now. Emphasis may be placed on their ability, over that of the conventional CAF, to deal with matters that are *especially* sensitive in nature, where actions are *especially* blurred, or where close liaison with other government departments needs to be *especially* tight. A re-evaluation of the responsibilities within the CAF to address the unconventional threats is required to determine the delineation of roles and responsibilities. If not, CANSOFCOM risks losing their claim to the realm of *special* military response, instead becoming merely an *elite* version of what the CAF is doing. For CANSOFCOM to maintain its core value proposition of providing unique military options of high strategic value to both the CAF and the GoC, it is imperative that they continue to lean forward to meet the future security environment and not get tied up in the urgency of the now. This is all the more important, because if CANSOFCOM is not looking ahead to counter new threats to

national security, then no one within the CAF is. The end result is that this will leave all of Canada vulnerable.

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