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NATIONAL SECURITY POLICY DEVELOPMENT AND IMPLEMENTATION

MARITIME SECURITY POLICY ON A CUSP

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ABSTRACT

The terrorist threat has caused nations to carefully review and improve their national security arrangements. This paper examines the development and implementation of the maritime security dimension of national security policy for Canada.

There are conditions that make this a decisive time for the future of maritime security policy, both its development and implementation. There are opportunities to improve maritime security in conjunction with the United States and to continue to improve interdepartmental coordination and cooperation on maritime security policy. In both cases there are decisions to be made which could dramatically affect the future of Canadian maritime security. Thus maritime security policy is on a cusp.

NATIONAL SECURITY POLICY

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INTRODUCTION

In the minds of many people, the events of 11 September 2001 "changed the world", some would add "forever". People around the world watched in horror as apparently inconceivable, and certainly highly improbable, acts of terror rocked the security of the United States.

For Canadians these events were uncomfortably close to home. Everyone remembers where he or she was that day. Some Canadians shared directly in the tragedy, some Canadians hosted the thousands of grounded air travelers, and most Canadians had relatives or friends who were more or less directly touched by the events. "Many people and nations suddenly came to realize that without national security, nothing else matters…"[1]

In response to the crisis, the Canadian Government established the Ad Hoc Cabinet Committee on Public Security and Anti-Terrorism.[2] This committee was the focus for "rapid implementation of a range of national security initiatives"[3]. Chaired by Deputy Prime Minister[4], John Manley, this committee has coordinated the response,

[1] Macnamara and FitzGerald, pg 6
[2] The committee was established on 1 October 2001.
[3] See The Government's response to the report of the Standing Senate Committee on National Security and Defence, October 2002.
[4] Manley was initially appointed as chairman of this committee while Minister of Foreign Affairs. He has continued the role while taking on the appointment as Deputy Prime Minister, 15 January 2002, and

which has included the creation of laws and plans for new spending. Under this umbrella, a committee led by Transport Minister, David Collenette, was created to look specifically at maritime security[5]. As a result of this committee's work the government this year announced plans to spend $172M on various aspects of maritime security[6], with $20M in new annual funding[7].

The United States has responded strongly to the threat of terrorism, both at home and abroad. Canada has had to recognize that it is "directly involved in the defence of the American homeland."[8] At the end of last year the creation of a bi-national planning group was announced.[9] This group, co-located with (but not part of) NORAD and comprising 30 Canadians and 30 Americans[10], will undertake contingency planning in light of potential threats to the two countries. It will have a particular concern, at least initially, for maritime security. This planning group will "coordinate joint maritime surveillance, intelligence sharing and threat assessment. It will also conduct cross-border military exercises and coordinate civilian agencies."[11]

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shifting to his appointment as Minister of Finance, 2 June 2002. See for example John Manley biography under PCO's Ministers at PCO website http://www.pco-bcp.gc.ca .

[5] The Interdepartmental Marine Security Working Group (IMSWG), chaired by Transport Canada, was formed 11 October 2001. See Transport Canada website http://www.tc.gc.ca/majorissues/transportationsecurity for a backgrounder on actions taken in response to September 11, 2001. Other Departments have similar sites; the website http://canada.gc.ca/wire/2001/09/110901-US_e.html gives access to these other sites.

[6] Transport Canada news release dated 22 January 2003

[7] Avis (March 2003) notes the additional $20 million new recurring funding.

[8] Sokolsky, p. 15

[9] John McCallum, Minister of National Defence, and Bill Graham, Minister of Foreign Affairs, made the announcement jointly on 9 December 2002.

[10] Williams (2003) and Avis (March 2003). Although the original indication was for 15 Canadians initially with more to follow, Canada has decided to send 30 Canadians to the planning group this year. Canada's contingent is planned to include military and civilian members. The 30 Americans will be double-hatted members of the U.S. Northern Command (NORTHCOM).

[11] John McCallum, Minster of National Defence, quoted in the Halifax Herald, Tuesday 10 December 2002, under headline "U.S. troops could cross into Canada"

Other nations have responded to the terrorist threat in a similar way to Canada. National security has received urgent and special attention. In some countries special bodies of government, like a national security council, already existed to give guidance to this effort. Some countries have formed or reformed bodies into national security councils in response to the terrorist threat. For example, Australia now has a national security council comprised of senior government ministers[12], while Austria has combined various committees into a national security council that includes senior ministers, other government members and other advisors[13]. In both cases the head of government heads the council. (In passing, note that Australia is isolated by water from its neighbours and on the other side of the world from its closest allies, and Austria is isolated by legislation and choice as a neutral or "non-allied" nation. Both have good need to give national security special attention even without a terrorist threat.)

Should Canada also have some form of national security council, or other government body, to oversee the development and implementation of security policy? Should the Ad Hoc Cabinet Committee on Public Security and Anti-Terrorism continue in this role, perhaps with a more comprehensive mandate? Recent House and Senate Committee reports within Canada have dealt in some way or another with security, and they all recognize the need to give close attention to various aspects of national security.

[12] Australia's National Security Council members are the Prime Minister, Deputy Prime Minister, Treasurer, Minister for Foreign Affairs, Minster for Defence, Attorney General, and Minister for Immigration and Multicultural and Indigenous Affairs. Other Ministers are invited as required.
[13] Austria's National Security Council members are the Chancellor, Vice-Chancellor, Defence Minister, Interior Minister, Justice Minister and 10 MPs. Advisory members are invited as required. See http://www.austria.gv.at/e/ .

The most recent recommends the creation of a permanent Cabinet Committee on National Security[14].

How will national security policy, and maritime security policy in particular, be developed and implemented?

[14] Recommendation 10 of the Report of the Standing Committee on Foreign Affairs and International Trade - Partners in North America: Advancing Canada's Relations with the United States and Mexico, Bernard Patry, MP, Chair, December 2002

AIM

This paper shows that Canadian maritime security policy development and implementation is on a cusp, that is, at a point where it could go in one of two or more quite different directions. Our experience with maritime security policy, as a part of national security policy, provides valuable lessons about effective development and implementation of security policy and the complex nature of the decisions required. Maritime security policy would benefit from the supporting framework of a national security policy. Above all, however, this paper argues maritime security policy needs a government authority that can continue to review and guide key decisions in the development and implementation of such a policy. Such a permanent body is needed to determine the course off the current cusp for maritime security policy and to provide ongoing direction to the complex area of national security policy as a whole. Indeed national security policy as whole is perhaps at a crossroads, but for maritime security policy the confluence of key factors affecting it is especially striking.

There are many factors affecting the future of maritime security policy. Obviously, there is the perceived terrorist threat and government response to it, both here and in the United States. Maritime security policy discussion will intertwine with considerations of homeland defence and continental defence. The recently announced bi-national Joint Planning Group with the United States will have maritime contingency planning as a major part of its work and its future will undoubtedly be bound to the future of NORAD[15], the agreement for which is due for renewal in 2006.

[15] The bi-national Joint Planning Group will report directly to NDHQ in Canada and to NORTHCOM in the U.S. The Permanent Joint Board on Defense (PJBD) will be an advisory council.

Perhaps less clear, there are factors affecting maritime security policy that relate to the ability of government to follow through effectively with the implementation of its intentions in this area. The terrorist events of September 11, 2001 give the need for national security a sense of urgency and immediacy. However, the emotions may fade over time, the leadership may flag in a sense of false security, or the logic of being prepared may not suffice when the costs become clear. There are Cabinet committees and other working groups in place now to deal with the response to the threat of terrorism. These forums for discussing and working out policy need to continue. In the area of maritime operations there has been a steady growth in interdepartmental coordination and cooperation. This interdepartmental activity for implementing policy must continue.

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Colonel Maurice Pope, writing on organization fo mo m

individual departments. As well, no matter how well departments may coordinate, cooperate, communicate and integrate with each other, this does not necessarily make for a coherent, well-balanced or complete (maritime) security policy.

The main part of this paper is in two sections. The first section will deal with national security policy, with a focus on the development of maritime policy as a part of this bigger picture. Here the complex of factors and issues that affect maritime security policy will be succinctly highlighted. The second section will deal with maritime security policy, with a focus on the implementation of that policy. Here we rely on Pope's observation that implementation and development are closely linked, and the implicit policy reflected in the actions taken. The paper will then analyse and discuss the arguments made to solidify the case that maritime security policy is on a cusp and that a body overseeing national security policy is crucial to the way ahead.

NATIONAL SECURITY POLICY

It is not possible to point to a single document, or even several documents, which contain a statement of Canada's national security policy. "It is now widely acknowledged, both inside and outside of government in Canada, that there is no national security framework or clear and distinct national security policy as such."[18] There are arguably bits and pieces of a national security policy in various other policy statements – such as defence policy or foreign policy - or in government pronouncements on funding priorities. At best these provide an incomplete picture of national security policy.

The term national security itself is not well defined. It can cover domestic or international security. It can cover security for individuals or security for society as a whole. National security is seldom defined.[19] It can mean quite different things to different people or nations; U.S. national security, described in a well-defined policy and strategy with an historical focus on security issues around the world, is quite different from what Canada might define as its national security.

The following definition of national security may be as good a working definition as any:

> National Security is the preservation of a way of life acceptable to the Canadian people and compatible with the needs and legitimate aspirations of others. It includes freedom from military attack or coercion, freedom from

[18] Macnamara and FitzGerald, pg 7
[19] Macnamara and FitzGerald, pg 7

internal subversion, and freedom from the erosion of the political, economic, and social values which are essential to the quality of life in Canada.[20]

This definition of national security is open to debate and interpretation (as would be others definitions). However it is defined, national security should be a prime concern of government. As John McCallum, Minister of National Defence has said, "I can't think of a responsibility of government that is more important than that of protecting and saving the lives of our citizens."[21]

In a very simple sense, national security policy is a description of what the nation will do to preserve its security. National security policy will cover a wide range of responsibilities of many parts of all levels of government and their agencies. How then does government ensure our nation's security? Bland suggests national security may be a government orphan.[22] No one is specifically responsible for it (in its entirety) and so it may not receive the routine consideration it should. For the moment we have an ad hoc cabinet committee overseeing government initiatives in security and counter-terrorism. But the fact that this committee is "ad hoc" does not bode well for the continuance of a Cabinet committee to provide oversight and direction on national security. Furthermore, ten years ago the current Government reduced the number of Cabinet Committees, doing away with such committees as the Committee on Foreign Affairs and Defence.[23]

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[20] Macnamara and FitzGerald, p. 8. They credit this definition to Major-General L.V. Johnson when he was Commandant of the National Defence College in 1980. They further state this was derived from a discussion of national security in the opening chapter of Huntington's *The Soldier and the State* (1957)
[21] "U.S. troops could cross into Canada", The Halifax Herald, Tuesday 10 December 2002
[22] Bland, p. 4
[23] Savoie, p. 126. In 1993 Jean Chrétien abolished several Cabinet committees including the committees for Foreign Affairs and Defence and for Priorities and Planning.

The Literature

There has been a dearth of literature on Canadian national security policy itself and even less on the process by which it is defined[24]. It is no surprise that there is little written when there is no explicit target to critique. By contrast, there has been plenty of discussion about defence policy and foreign policy, as separate issues[25]. In these two policy areas there is both explicit policy (somewhat dated) and specific actions that reflect implicit or pragmatic policy - which may differ from the explicit policy.

Delvoie observes how difficult it has been, since the end of the Cold War, to devise and implement coherent international security policy – given the absence of a clear threat. The result, he believes, has been "a panoply of security policies and positions" that raise questions about "process, purpose, content and consistency"[26] in policy development and implementation.

Delvoie believes that defence policy ("with the exception of its domestic content"[27]) should flow from foreign policy. However, he notes difficulties for defence policy that arise when, as recently, Canada's foreign policy has an emphasis on human security. A national security policy, on the other hand, should encompass defence policy and foreign policy (- as well as domestic or internal security issues). One would not flow from the other, although one would expect coherence and a relation between the two.

[24] Boulden, p. 5
[25] Boulden, p. 5
[26] Delvoie, Curious Ambiguities, pp. 1-2
[27] Ibid, p. 2

Since the events of 2001, there has been more written about national security[28] and there have been several government committee reports[29]. These discuss both what the policy should be and how to produce the policy. Otherwise, there remains a tendency to focus on either defence policy or foreign policy, separately, although the relationship is well discussed. The relation between other areas of government in national security is not well explored.

Before 2001 there were some who argued for a national security forum[30] and some who had concerns[31]. While a national security forum along the lines of the U.S. national security council may not be appropriate for Canada[32], there certainly seemed a need for some oversight to deal with the common ground between defence and foreign affairs, such as the conditions for engaging in peacekeeping[33]. Politicians may prefer the flexibility of not being restricted by explicit policy declarations or institutions[34], however they do make policy decisions (even if it is to do nothing). When these policy decisions are complex and span the interests of government and its agencies, as is the case with national security, it is hard to imagine how this can be given vision and direction without some coordinating authority. Since 2001, the chorus has been singing the same tune: there is a need for a national security forum – whether that is a National Security Council or Board or Permanent Cabinet Committee.

[28] See for example Granatstein, Macnamara and Fitz-Gerald, Maloney (December 2001) and Sands
[29] See Senate February 2002, House of Commons, SCONDVA Report May 2002 and SCONFAIT Report December 2002, Canada Government Response October 2002
[30] See for example Bland, Selbie, and Bashow
[31] See Legault referenced in Bashow.
[32] See Williams.
[33] See Boulden.
[34] Williams (2000), p. 34

Maritime Security Issues

Maritime security issues are part of the broader national security picture, and must be considered as part of the bigger picture. These issues are so closely intertwined that it is difficult to discuss them in isolation. To keep the scope manageable, this paper will focus on domestic maritime security and defence issues, and will consider maritime defence as a specific component of maritime security. It is fully acknowledged that in a discussion of policy itself, rather than its development or implementation, a more complete treatment would be necessary.

The intent in the following is not to focus on the issues themselves, but to gain an appreciation of the issues that must be considered in development of a maritime security policy, the interrelationship between them and the relationship to broader national security issues.[35] This complexity and interrelatedness of the issues is a good argument for a national security forum.

Homeland Defence

Homeland defence has always been a part of national security considerations, and there has been an awareness of asymmetric threats since the last world war[36]. Maloney has reviewed the past history of homeland defence for Canada. His most salient finding for this paper is that political will is required to effect the changes on how the Canadian Forces handle homeland defence. By extension, political will is required to effect any changes necessary in the way government and its departments handle maritime security. Change cannot come from within a department due to the importance and involvement of other government departments and non-government agencies.

[35] Short discussions of some of these issues is in the DND *Strategic Assessment 2002*., especially pp 89-93.
[36] Maloney, p. 1

Maloney also concludes that command and control structures must remain flexible, although they should not be ad hoc for then they are too personality dependent. Many threats to the homeland, especially terrorist threats, rely on speed and surprise to achieve their objective. Without effective policy it is very difficult to respond in a timely manner to such threats and so there is a need to plan and exercise regularly.

In situations where time is of the essence, it is not possible to make up effective policy on the fly, let alone execute it. It is a little late to develop policy on how to keep illegal immigrants from coming ashore when they have already landed – except perhaps for the next time.

Relationship with the United States

Whether we like it or not, our national security is closely bound up with that of the United States, and vice versa. There are numerous bi-national and other agreements that have been exercised and already link us closely with the United States. Canadian and US Navies have very close working relations, and increasing interoperability. Building on these "mature working arrangements" and "bi-nationally approved defence arrangements"[37], there are currently some significant opportunities for further co-operation with the United States in the area of maritime security.

The Bi-National Planning Group

The new bi-national Joint Planning Group described in the introduction has an initial two years to do its work. It is expected it will need to continue beyond that, but it is not clear in what form. Its future will possibly be tied up with that of NORAD, as the Joint Planning Group could be folded into an expanded NORAD, which includes

[37] Granatstein, p.7

maritime and land assets[38]. On the other hand, there may be other options such as a separate joint command for maritime surveillance[39] or a USCG lead in the U.S. and a DND lead in Canada[40].

Given the length and vulnerability of coastlines around the continent, improved maritime surveillance will be of particular interest to the planning group.[41] Maritime surveillance, and the domain awareness derived from it and other intelligence, is an essential ingredient to any maritime security. It makes sense to join with the United States to do this effectively and efficiently. Canada will contribute to securing the approaches to the continent as a whole.

The Future of NORAD

NORAD has changed emphasis in its roles over the years. A quarter century after its inception, the "A" in NORAD changed from "Air" to "Aerospace" to reflect a change in emphasis. Now almost another quarter century later it may be time to change the roles and name again, so that NORAD may simply become North American Defence. The renewal of the NORAD agreement is due in 2006 and this is a natural opportunity to make significant change. However, ballistic missile defence may be the defining piece of these negotiations and Canada's approach to that could change everything[42].

NORAD exemplifies the surveillance and response characteristics required for air security. It is worth briefly comparing the requirements for air and maritime security. Air security and defence require very quick response times while maritime events tend to

[38] Granatstein, p. 1
[39] CASR, December 2002
[40] Avis (March 2003)
[41] CASR, December 2002
[42] Avis (March 2003)

happen over a longer time scale. Air defence has been built in response to a well-defined military threat while maritime defence has a not so well defined threat. The detection and tracking of air threats is generally much easier than for maritime surface threats and the underwater problem is so complicated by the environment it will remain extremely challenging indefinitely. While there are differences, both require large, complex systems of surveillance and a constant watch in order to be effective. We can thus expect that NORAD is a good example of what is required (technically) of a system for maritime security.

There is still a very challenging threat, however likely or unlikely it may be, that would require good coordination between both maritime and air security assets. This is the cruise missile threat. For this threat there are serious concerns about both detection of the launch vessel before launch and reaction time after launch. In the past the missile threat would have been submarine launched, but there has been speculation about launch by terrorists from

security concerns, the more we lose our sovereignty.[43] Many writers are not very sympathetic to this argument and turn it on its head, quite forcefully arguing that Canada has no choice but to participate in continental security to strengthen its own sovereignty, its ability to make its own decisions[44].

The discussion to most Canadians may appear rather academic, for how can a soft concept like sovereignty trump the hard reality of security? We should be quite happy that the fire department would come onto our property to help put out a fire. Little fires we can, perhaps, handle ourselves but we need to share the cost and responsibility with our neighbours for the big fires. Canada must strike a balance between the needs of security and the exercise of sovereignty.

In the mid-1980s Americans renewed their interest in maritime security and the Arctic, because of the potential threat of Soviet submarines using the Arctic water to transit to positions from which to launch cruise missiles. In Canada this again[45] raised fears about Canadian sovereignty in the Arctic.[46] Canada had no capability to do anything about the use of these routes – by either the Soviets or Americans. The Americans would take things into their own hands to ensure defence of their territory from such a threat. Canada looked at acquiring a nuclear submarine fleet to give it this capability, but dropped the idea just before the demise of the Soviet Union removed that threat. While concerns about submarine transit may have abated, there may well be future economic and sovereignty concerns in the use of northern waters. Canada still has little or no capability to do anything about the use of these routes.

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[43] See House SCONFAIT Report 2002, Chapter 3
[44] See Granatstein, Sands
[45] Recall the discussion over the transit of the Northwest Passage by the U.S. icebreaker Manhattan in 1969.
[46] Sokolsky, p 17

The threat to U.S. national security giving rise to concerns about Arctic sovereignty may have faded, but there are many other such day-to-day concerns. Sovereignty challenges to use of the fisheries and other maritime resources will continue to raise security issues – with Americans as much as with other countries.

Summary

In this section specific examples have been cited to illustrate the complex and interconnected nature of national security issues, and more particularly maritime security. Maritime security policy cannot be developed in isolation from consideration of the broader issues of homeland or domestic security, continental security, international security, and our relationship with the United States. The importance of the United States should be clear. It is not only important to consider their requirements but to be actively engaged with them in the determination of our common national security interests – as we have been in NORAD and in Naval affairs and as we will be in the Joint Planning Group. There will be a need to look carefully at competing interests – specifically the balance between security and sovereignty.

This section has also highlighted several areas where decisions will soon be taken which will significantly affect the future for maritime defence policy. The new Joint Planning Group formally has a short two-year life span, and its future is not known. It may disappear after finishing its work. Or it may evolve, either with NORAD or separately. In any case, maritime security will be greatly affected by decisions that are made regarding its future and the future of NORAD. It is hard to know how debates about sovereignty may affect decisions about maritime security, but it is likely they will.

It does appear clear that the threat of terrorism will, at least for a while, continue to demand attention for homeland security and its maritime dimension.

There are significant opportunities for maritime security. Canada can take advantage of such opportunities as the Joint Planning Group and upcoming renewal of NORAD, to provide a solid foundation for maritime security policy development and implementation. The opportunities may, however, be lost, if action is not taken.

MARITIME SECURITY POLICY

As for national security policy, there is no single document that lays out maritime security policy.[47] There have been recent statements about government spending priorities on maritime security that provide some insight, but the policy behind this has not been formally stated. The work behind recent maritime security plans could provide a basis on which to build a maritime security strategy, and steps are being taken in this direction.[48]

There are numerous government departments that have at least some responsibility for aspects of maritime security. The implementation of maritime security policy, and its on-going revision, requires close and continuing cooperation of these departments.

The intent in this section is to focus more on the implementation of security policy. Thus this section examines three examples of the joint work of departments in providing for maritime security.

The Government's Fleets

Several government departments provide maritime security and other marine services. It is essential - especially with limited resources - for these departments to work together in a cooperative and coordinated manner. One good example of interdepartmental coordination also provides some good lessons for maritime security

[47] While there is no official policy document, Crickard and Haydon's booklet *Why Canada Needs Maritime Forces* is an excellent little primer on the subject.
[48] Avis (March 2003)

policy development and implementation. The example has to do with the government's fleets of ships.

In 1990, Gordon Osbaldeston was commissioned to study the management and utilization of federal government marine fleets[49]. He was to examine "fleet management policies, practices and operations, including resources involved" and to assess management alternatives including options for consolidation, if warranted[50]. He considered several options, but felt the consolidation of the fleets was not a viable option. His key recommendation was for the creation of an Interdepartmental Program Coordination and Review Committee (IPCRC), a senior-level interdepartmental committee comprising fleet operating departments plus major users[51].

The IPCRC was to be a forum – a market place – where all suppliers and users could table their requirements. It was the expectation that the IPCRC would facilitate allocation of unmet demand to unused or available ship capacity.

Thus IPCRC was established in mid-1991 primarily to help government run its business better. Osbaldeston, however, also recommended that the key departments "examine the provisions for coordination, communication, and information systems"[52]. This recommendation gave IPCRC scope to serve a broader purpose. Departments with maritime responsibilities were led to cooperate and coordinate in those areas that supported their operations, such as surveillance and communications. Specifically

[49] Honourable Robert de Cotret, then President of the Treasury Board, commissioned the study in May 1990.
[50] Osbaldeston, *All the Ships that Sail*, 1990
[51] IPCRC chairmanship rotated between the three departments with the largest fleets, the Departments of Defence, Fisheries and Oceans and Transport (Coast Guard). Other members included the RCMP, Revenue (Customs), Public Works and Government Services, Natural Resources, and Environment, with Treasury Board providing oversight.
[52] Osbaldeston, 1990, p. 63

IPCRC struck five sub-committees[53] to examine how to better cooperate and coordinate their activities in these areas[54].

The IPCRC was active from its inception until the end of 2001. It provided a useful forum for discussions of maritime operations and particularly maritime surveillance. The regional work of IPCRC, closest to operations, remained strong throughout the period. However, co-ordination from the national perspective gradually withered and three weeks short of 11 September 2001, the national work associated with IPCRC had folded.[55]

The work of IPCRC is generally regarded as a success.[56] IPCRC was successful in documenting the responsibilities of the various players across the government and encouraging interdepartmental co-operation.[57] The work of IPCRC certainly set the groundwork from which government could coordinate its response to terrorism in the area of maritime security. Indeed, the work of IPCRC was rolled over into a new committee to look into maritime security.

The success of IPCRC was, however, limited. The terms of reference for IPCRC were narrow and it did not go far enough in many respects[58]. While IPCRC provided valuable guidance for coordination of operations, it had neither the authority nor the resources to make broad policy decisions affecting maritime security. Member departments did what they had to do to meet their own objectives first. Osbaldeston could recommend more involvement by DND to support "sovereignty, fisheries

[53] These sub-committees looked at surveillance, communications, maritime concept of operations, hydrographic operations, and vessel design requirements
[54] IPCRC Interdepartmental Concept of Maritime Operations, 1995
[55] Communication with Capt(N) Peter Avis, DMPOR
[56] Communication with Capt(N) Peter Avis, DMPOR and see for example Baltes, and Johnston
[57] Communication with Capt(N) Peter Avis, DMPOR
[58] Johnston, p. 6 and p. 17

management, marine SAR and environmental surveillance"[59], but this was not going to happen from within DND, especially at a time of cost cutting. DND scrapped the Tracker fleet with apparent disregard for the impact on other departments, on the overall government capability in maritime security, or on the overall net cost to government[60]. It is not surprising that the national focus of IPCRC work, lacking the central vision, authority and resources, disappeared.

Response to Terrorism

The threat from terrorism is now very clear. "The possibility that terrorists might try to infiltrate into Canada through its coastal waters to prepare attacks within North America has added more impetus to efforts to ensure better offshore surveillance."[61] But even before the events of 2001, the threat was recognized and action recommended.[62] It was also considered that the maritime dimension would be more challenging than in other areas.[63]

As described in the introduction, the Interdepartmental Marine Security Working Group (IMSWG) was created to review all aspects of marine and port security. It will be a forum to identify and continue action in support of anti-terrorism in the maritime realm and international marine security obligations. Part of its proposed mandate[64] will be to develop national policy recommendations for presentation to Cabinet, in addition to

[59] Osbaldeston, 1990, p. 61
[60] See Johnston, p. 10 and Canada. House of Commons, 1990 pp. 50-51
[61] SCONDVA, May 2002, Chapter 5 Defence of Canada, C. Surveillance of Coastal and Other Areas
[62] See for example Sliwinsky p. 7, House, SCONDVA Report 1990, pg 14
[63] SCONDVA Report 1990 p. 13
[64] IMSWG Draft Charter, 16 January 2003

facilitating communication, cooperation and coordination between member departments[65].

The IMSWG has a powerful motivation - to respond to terrorism. It also has a single, identifiable champion heading its work, in the person of the Transport Minister. Unlike the IPCRC, the IMSWG will specifically look at maritime security policy, both its development and its implementation. Furthermore, it will report recommendations through the Minister of Transport back to the parent Ad Hoc Cabinet Committee on Public Security and Anti-Terrorism (PSAT) ("or its equivalent").

The IMSWG has reviewed marine security roles and responsibilities[66]. It has also reviewed the identifiable gaps in maritime security, as perceived by member departments. This rather long, expensive "wish" list was pared to a manageable amount.[67] The result was a commitment of new money from the government for initiatives in seven main areas[68].

The backgrounder[69] to the news release describes in more detail the specific projects to which money was committed. This kind of government announcement may be about as close as Canada will get to an explicit maritime security policy. It is worth noting then that the seven areas mentioned are, very briefly:

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[65] IMSWG member departments include the Chair: Transport Canada, Members: Canada Customs and Revenue Agency, Canadian Food Inspection Agency, Canadian Security and Intelligence Service, Citizenship and Immigration Canada, Department of Fisheries and Oceans, Department of Foreign Affairs and International Trade, Department of Justice, Department of National Defence, Office of Critical Infrastructure Protection and Emergency Preparedness Canada, Royal Canadian Mounted Police, Solicitor General Canada and Ex-Officio: Finance Canada, Privy Council Office, and Treasury Board Secretariat. Representation is at the Director General Level.

[66] "Maritime Security Roles and Responsibilities" is an undated (circa January 2003) draft document obtained from DND/DMPOR.

[67] Avis

[68] Transport Canada news release dated 22 January 2003.

[69] Transport Canada Backgrounder "Highlights of New Marine Security Initiatives". See http://www.tc.gc.ca/mediaroom/releases.asp .

1) increased surveillance and tracking,

2) passenger and crew screening,

3) container screening,

4) emergency response teams,

5) enhanced collaboration and coordination among government departments,

6) port security, and

7) international security requirements.

The first initiative described in this backgrounder is "increasing surveillance and tracking of marine traffic, including 'near real-time' identification and tracking of vessels in Canadian waters". This is a remarkably clear statement of policy intent that force planners can take away and work to achieve, although it is still open to interpretation. It may be very difficult technically to achieve and it may be much more expensive to achieve than realized. If it is, then it must be possible for the collective of departments to return to Cabinet and say just that. Cabinet will then need to clarify just how far toward meeting this stated aim to go and how much to spend.

Maritime surveillance is a very important piece of maritime security. Without adequate surveillance and intelligence it will not be possible to respond in a timely manner. It is an important piece for DND, and in the past it has been argued that DND should take the lead role in surveillance.[70]

It is ironic that part of the "new" spending for this surveillance initiative is an expansion of DFO's surveillance capability. The resulting increase of contractor hours

[70] See for example Sliwinsky

for fisheries patrol will restore the hours lost by a reduction in AURORA flying hours for fisheries, due to DND cutbacks and other factors. The provision of this service by contractor may or may not be the best overall for Canadian maritime security needs.

The fifth initiative should be able to build federally on the work of IPCRC, but this must be expanded to include other levels of government. "Effective coordination is paramount for the success of all marine security activities."[71] The last initiative recognizes the need to also work within an international context, through the International Maritime Organization.

The work done by the IMSWG in defining a plan of action has the foundation of a maritime security strategy; it remains to write a strategy based on this plan[73]. The IMSWG, in analyzing maritime security gaps and developing a plan of action, has broken the world into four zones: ports, the 200-mile limit, international waters and foreign ports. As you move outward the need tends to become more informational, while as you move in closer it is more reactive. Maritime security policy cannot just focus on the domestic aspects.

The IMSWG has a five-year plan, but with another five-year plan to follow, it is expecting its work will need to continue for some time.

[71] Transport Canada Backgrounder "Highlights of New Marine Security Initiatives". See http://www.tc.gc.ca/mediaroom/releases.asp .
[72] See for example Sliwinsky
[73] Avis (March 2003). Transport Canada has contracted to distil the plan from the work that went into a Memorandum to Cabinet on Maritime Security in December 2002. DND is encouraging the writing of a maritime security strategy based on this plan.

The Australian Coastwatch[74]

The final example of departmental coordination for maritime security comes from Australia. Coastwatch provides Australia's "offshore and coastal surveillance and response services"[75] to several government agencies. Coastwatch is run by the Australian Customs Service and headed by a seconded Rear Admiral from the Australian Defence Force.

Australia "experimented with combinations of civil agencies, each dealing with separate aspects of coastal surveillance" before "problems for information integration, coordination of actions and overall response time" led to placing the whole under the Customs Service as a division responsible for monitoring coastlines in the 1980s.[76] (Another division is responsible for monitoring ports.)

To fulfil its mandate Coastwatch employs both civilian contractors and government assets - including Defence resources from the RAN and RAAF and intelligence. Current fleet levels are a result of a federal government review in the late 1990s. The number and complexity of tasks required by Coastwatch had increased significantly. Government responded with new resources including a national surveillance centre to analyse all incoming information, integrate that information and make plans for necessary response.

A recent review of Coastwatch looked at alternatives to current Customs oversight including: an independent agency, Defence, and the Coast Guard. The arguments for and against having Defence responsible for this service are informative for

[74] The report on a recent review of Coastwatch cited in the bibliography is the basis for this discussion. That source is fully acknowledged.
[75] Australia, pp. 1-2
[76] Australia

Canada as it considers its defence policy and the relation to homeland defence and maritime security. In the end the review concluded there was no need to change the oversight.

The review of Coastwatch concluded it is "functioning well and using its resources appropriately"[77]. One major recommendation, however, was that "[t]here needs … to be a clear statement from the Government, in the form of a publicly released charter, setting out what the Government regards as its expectations for Coastwatch. Such a charter would not only inform the public of Coastwatch's intended role, but provide a clear basis for the assessment of Coastwatch's performance."[78]

The point with Coastwatch is not so much the specific model used to provide surveillance. Instead the important observations are the effectiveness and efficiency of one focal point for the service, the cooperation of agencies with different interests to make it work, and the apparent direct involvement and interest by the government in giving it the resources to make it work.

Summary

This section has examined three models for departmental implementation and coordination of (parts of) maritime security policy. In a sense they represent different stages of maturity in interdepartmental cooperation.

The IPCRC was an effective body working within the framework laid out for it. It engendered departmental coordination and cooperation and provided a good forum to discuss a major component of maritime security, namely maritime surveillance. It was not as effective as it could have been because there was no one single lead, and no single

[77] Australia (2001), p. viii
[78] Australia (2001), p. viii

vision. Neither did IPCRC have the authority or the resources to make broad policy decisions affecting maritime security.

The relatively new IMSWG has taken good first steps but is yet to prove itself. It can benefit by building on the work of IPCRC and other agencies. For the IMSWG there is a proper identifiable leadership and the political will behind it to do something about maritime security. Furthermore IMSWG has an explicit mandate to examine maritime security policy and to raise recommendations in this area to a higher body that is more broadly concerned with (at least some aspects of) national security.

Coastwatch is a mature organization for implementing maritime policy and operations. It is not mandated to develop policy, but Government sees Coastwatch as a key part of its maritime security policy. Coastwatch has raised the issue of resources to government and received the support to improve capability. It remains to clarify the government expectations of the agency and so have a means to assess the performance of Coastwatch.

ANALYSIS AND DISCUSSION

There are many lessons for the development and implementation of maritime security policy that can be gleaned from the discussion in the two previous sections.

Maritime security policy development cannot be looked at it in isolation. There are other national, bi-national and international considerations, which must be part of the policy development.

Maritime security policy is multi-faceted and requires the contributions from many government departments. Because of this, high-level direction is needed, to adjudicate between departments and provide a guiding vision and focus. This requires constant oversight. It needs a strong impetus to make anything happen and this must come from government itself. It will not happen from within the departments responsible for implementing the policy. The example of IPCRC suggests that it takes time to get departments to work together. Departments are timid and will not venture out of their area of responsibility to develop policy unless led to do so.

Maritime security policy implementation needs coordination at all levels. It takes time to get policy right and government cannot always be developing policy only in reaction and never in anticipation.

Some aspects of maritime security are highly technical or complex. Policy makers and decision makers must have expert advice on how this affects policy development and implementation. Because the Australian government had a firm understanding of the role of Coastwatch in implementing its maritime security policy, it could see the need to meet the technical capability demands. Coastwatch was able to go

back to government with its requirements to meet the demands of government and get a fair hearing. Surveillance systems can be very complex and expensive. It requires a definite political will to make such systems a reality. It also takes a coordinated effort of several agencies. The NORAD surveillance and warning system is a good example where the political will was there to build it in the face of a nuclear threat. Another recent international example is the International Monitoring System required to support verification for the Comprehensive Nuclear-Test-Ban Treaty. This large, complex, worldwide system uses four independent, state-of-the-art surveillance technologies and is being created with contributions from some 80 UN nations at an annual cost of about US$ 85 Million.

All of the foregoing stresses the demands on maritime security policy development and implementation. It is hard to see how some of these demands can be satisfied without a national security forum with some authority. This forum would not only provide a way to bring and discuss together the various aspects of policy that cross responsibilities, but also would allow government to give clear direction to departments that must jointly implement the policy.

The work of the Ad Hoc Cabinet Committee on Public Security and Anti-Terrorism (PSAT), and its sub-committees, has been an effective tool in the development and implementation of national security policy and maritime security policy. This tool has been fairly focused in response to crisis, but the need for it has not diminished for the broader and continuing concerns of national security. This committee has demonstrated how effectively government can work, but it is telling that this is an “ad hoc” committee, put in place in response to a crisis, rather than a deliberate effort in planning and good

government. With the experiences of IPCRC and the continuation of the IMSWG there is a basis on which to build and carry out sound maritime security policy. It would be a significant loss if the IMSWG forum folded, perhaps seen only as a means to respond to the events of 11 September 2001. It should be seen as a way to ensure the security of the nation in the maritime domain.

The shape of the cusp on which maritime security policy now sits is a result of the work and experience of government bodies in maritime security. Building on the work of the constrained but moderately effective IPCRC, maritime security could continue to mature under the empowered, focused and funded IMSWG with broader national security oversight given by the PSAT cabinet committee. This will only happen if the IMSWG and PSAT continue - in some form - with similar authorities and resources. The IMSWG needs more than a five-year mandate and the PSAT needs to be more than an "ad hoc" response. Even still, Canada would have a ways to go to achieve the maturity of government understanding and interdepartmental coordination underpinning the Australian Coastwatch system for maritime surveillance and response. This will only happen if a government oversight body - perhaps an expanded PSAT or such national security policy authority with access to supporting staff - provides coherent (even single-minded) guidance and direction to all departments involved in maritime security policy development and implementation. Canada is at a point where it could take steps, off the cusp, in this direction. Canada could, on the other hand, throw away its experience and come down off the cusp having reverted to leaving Departments to act on their own piece of maritime security, with little or no concern for the overall security effectiveness.

The height of the cusp is a result of the timing of key national, bi-national and international decisions. The future of the bi-national planning group with its current two-year mandate, and the future of NORAD with its renewal due in 2006 are key decisions for the future of maritime security policy. They will determine the extent to which Canada and the U.S. will work together, and this will in turn determine the resources that can be brought to bear on maritime security.

The way off the cusp is not easily predictable. The course from the cusp depends on the will of the government to provide strong guidance, direction and oversight to interdepartmental coordination and cooperation, as a whole. The course from the cusp also depends critically on the government's approach to cooperation with the United States in providing national security.

CONCLUSIONS

Canada needs a forum to consistently and thoughtfully develop national security policy. It cannot continue to be done overnight by multiple departments simply in response to crisis. The tentative steps to national security policy building exemplified by decisions made for maritime security are fragile and could leave us well short of what is required.

The lack of any strong indications from government and past reluctance would suggest that a National Security Council is unlikely. But the need for a forum for discussion and a body with authority seem essential. There are major decisions to be made regarding our security coming up. These decisions bear intimately on our relationship to the US and go to the heart of Canadian concerns for sovereignty. Security is too important not to be given due consideration.

The example of maritime security has shown the importance of doing our national security planning the right way. Experience in this area in the past would indicate that a body like a National Security Council is really essential to having real authority and effective decision-making. Some Departments may have to move in directions they may not like – DND included – and this cannot be left to the ad hoc, reactive process by which national security policy and strategy is developed and implemented now.

Finally, it is clear that the conditions for moving ahead in the area of maritime security are favourable. There are significant opportunities, because of the bi-national and interdepartmental conditions, to set maritime security policy development and implementation on a solid footing. But there are key decisions to be made. They cannot

be made in isolation of other decisions and the results will have a decisive impact. Maritime security policy is indeed on a cusp.

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