

**CANADA-US MILITARY INTEROPERABILITY:
AT WHAT COST SOVEREIGNTY?**

by

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DALHOUSIE UNIVERSITY
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TABLE OF CONTENTS

| | |
|---|-------|
| LIST OF TABLES | ix |
| LIST OF FIGURES | x |
| ABSTRACT | xi |
| LIST OF ABBREVIATIONS USED | xii |
| GLOSSARY | xvii |
| ACKNOWLEDGEMENTS | xviii |
| CHAPTER 1 INTRODUCTION | 1 |
| CHAPTER 2 CANADIAN INTEROPERABILITY POLICY 1938-2001 | 21 |
| Introduction | 21 |
| 1938-1951 | 21 |
| Canadian Interoperability Policy 1938-1951 | 34 |
| 1951-1968 | 39 |
| Canadian Interoperability Policy 1951-1968 | 48 |
| 1968-2001 | 56 |
| Canadian Interoperability Policy 1968-2001 | 69 |
| Summary | 80 |
| CHAPTER 3 METHODOLOGY | 89 |
| 2001-2010 Interoperability Related Sovereignty Challenges | 89 |

| | |
|--------------------------------------|-----|
| Methodology | 93 |
| Krasner | 96 |
| Walt | 98 |
| Keohane and Nye | 100 |
| Middlemiss | 103 |
| Middlemiss and Stairs | 106 |
| Williams | 108 |
| Bow | 111 |
| McDonough | 122 |
| Stein and Lang | 123 |
| Definitions and Hypotheses | 125 |
| External Sovereignty | 127 |
| Internal Sovereignty | 129 |
| CHAPTER 4 THE RESPONSE TO 9/11 | 136 |
| Introduction | 136 |
| Background | 138 |
| The Initial Canadian Response | 141 |
| The US Planning Effort | 143 |
| The Canadian Planning Effort | 148 |

| | |
|--|-----|
| Evaluation and Findings | 155 |
| CHAPTER 5 REJECTION FROM ISAF 2001-2..... | 158 |
| Introduction..... | 158 |
| Background..... | 159 |
| Canada Rejected from ISAF | 162 |
| Kandahar as Alternate..... | 169 |
| Evaluation and Findings | 171 |
| CHAPTER 6 CANADIAN DETAINEE POLICY..... | 175 |
| Introduction..... | 175 |
| Detainee Background..... | 177 |
| A Canadian Policy Reversal?..... | 193 |
| Detainees Within the Geneva Convention..... | 195 |
| Canadian Compliance with the Geneva Convention | 203 |
| US Government Pressure | 214 |
| Evaluation and Findings | 222 |
| CHAPTER 7 OPERATION IRAQI FREEDOM | 226 |
| Introduction..... | 226 |
| Background..... | 226 |
| The Operation Iraqi Freedom Controversy..... | 233 |

| | |
|---|-----|
| Canadian Government Direction | 236 |
| Planning for Iraq | 256 |
| Planning for ISAF Kabul | 267 |
| Evaluation and Findings | 275 |
| CHAPTER 8 TASK FORCE 151 | 282 |
| Introduction..... | 282 |
| TF 151 as “Trap” | 284 |
| Task Force 151 Doing the “Impossible”..... | 291 |
| Evaluation and Findings | 301 |
| CHAPTER 9 THE RETURN TO KANDAHAR 2005-6 | 306 |
| Introduction..... | 306 |
| Retaliation | 309 |
| General Hillier | 323 |
| Bureaucratic Delay..... | 325 |
| Stature | 330 |
| NATO | 336 |
| Evaluation and Findings | 355 |
| NATO | 356 |
| Retaliation | 359 |

| | |
|--|-----|
| Stature | 362 |
| Bureaucratic Delay..... | 363 |
| General Hillier | 366 |
| CHAPTER 10 REVIEW AND EVALUATION | 369 |
| Introduction..... | 369 |
| Review | 369 |
| Evaluation | 377 |
| CHAPTER 11 CONCLUSION..... | 387 |
| Areas for Further Research | 393 |
| BIBLIOGRAPHY | 399 |
| APPENDIX A Hypotheses and sub-hypotheses..... | 440 |
| APPENDIX B Table 10-1 Summary of findings from all case studies..... | 441 |

LIST OF TABLES

| | | |
|------------|--|-----|
| Table 2-1 | Canada-US Issues and Disputes 1938-1951 | 27 |
| Table 2-2 | Canada-US Issues and Disputes 1951-1968 | 41 |
| Table 2-3 | Canada-US Issues and Disputes 1968-2001 | 60 |
| Table 3-1 | Canada-US Issues and Disputes 2001-2010 | 89 |
| Table 3-2 | Canada-US Issues and Disputes 2001-2010 (Reduced) | 132 |
| Table 4-1 | Case Study One: Canada's Response to 9/11 | 157 |
| Table 5-1 | Case Study Two: Rejection from ISAF | 171 |
| Table 6-1 | Case Study Three: Detainee Policy | 224 |
| Table 7-1 | Case Study Four: Operation Iraqi Freedom | 276 |
| Table 8-1 | Case Study Five: Task Force 151 | 302 |
| Table 9-1 | Case Study Six: Kandahar 2005 | 368 |
| Table 10-1 | Summary of findings from all case studies | 370 |
| Table 10-1 | Summary of findings from all case studies, as Appendix B | 441 |

LIST OF FIGURES

| | |
|---|-----|
| Figure 8-1 Chart of CTF 150 and CTF 151 Areas of Responsibility | 298 |
| Figure 9-1 NATO ISAF Expansion Plan for Afghanistan..... | 338 |
| Figure 9-2 NATO ISAF PRT Locations Afghanistan | 340 |

ABSTRACT

This study examines whether Canada's military's interoperability with the United States affects Canadian sovereignty. The literature dealing with this subject is highly polarized arguing that such interoperability either significantly reduces our sovereignty or that it is necessary to maintain it. Successive Canadian governments, for example, have traditionally supported the military view that high levels of interoperability with our allies are needed for operations to proceed safely and effectively and that this poses no cost to Canadian sovereignty. The interoperability critics strongly disagree, arguing that increased interoperability, especially if it is with the United States, will diminish our foreign policy independence, our ability to refuse US military adventures, and our domestic sovereignty.

In a limited sense this division in the literature allows one to comprehend the broad contours of the issue. Otherwise, recent works are marked by shifting definitions and unclear methodologies. These shortcomings have led to a reliance on conjecture, with the critics predicting damaging "future implications" as a result of Canada's interoperability policies while governments promise outright gains. As a result, the Canadian public that underwrites the financial costs of such multi-billion dollar investments as the new F-35 fighter have little to guide them in assessing the widely claimed interoperability and sovereignty benefits or costs of the purchase.

This thesis set about correcting these shortcomings by examining Canada's interoperability history, defining the terms, developing clear hypotheses, and then testing them against recent issues and events. These included Canada's response to 9/11 and our decisions to participate, or not, in the 2003 invasion of Iraq and the war in Afghanistan. These produced six case studies within which events were assessed against the hypotheses that test for sovereignty gains or losses.

The subsequent evaluation concluded that Canadian sovereignty was rarely at risk from Canada's military interoperability policy and Canada was normally able to enjoy an independent foreign policy. The only area where there were successive sovereignty costs was when Canada became overly dependent on US capabilities. This thesis also argued that the methodology would be useful in gauging the sovereignty implications of future cooperative projects.

LIST OF ABBREVIATIONS USED

| | |
|--------------|---|
| 3-D | Defence, Diplomacy and Development |
| ABCA | America, Britain, Canada, Australia |
| <i>AP I</i> | <i>Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I, (1977))</i> |
| ADM | Assistant Deputy Minister |
| ATP-1 | Allied Technical Publication-1 |
| AUSCANUKUS | Australia, Canada, United Kingdom and the United States |
| AUSCANUKUSNZ | Australia, Canada, United Kingdom, the United States, New Zealand. |
| BMD | Ballistic Missile Defence |
| CA-JTFSWA | Canada-Joint Task Force South West Asia |
| CCEB | Combined Communications and Electronics Board |
| CDS | Chief of the Defence Staff |
| CSE | Communications Security Establishment |
| CENTCOM | Central Command (US Joint Command for South West Asia) |
| CF | Canadian Forces |
| CFLCC HQ | Coalition Forces Land Component Commander Headquarters |

| | |
|---------------|---|
| CIA | Central Intelligence Agency |
| CIDA | Canadian International Development Agency |
| CMS | Chief of the Maritime Staff |
| CSIS | Canadian Security Intelligence Service |
| CTF | Commander Task Force |
| CTG | Commander Task Group |
| CUSFTA | Canada-US Free Trade Agreement |
| DCM | Deputy Chief of Mission |
| DFAIT | Department of Foreign Affairs and International Trade |
| DM | Deputy Minister |
| DND | Department of National Defence |
| DOD | Department Of Defense (US) |
| DPSA | Defence Production Sharing Arrangement |
| ELINT | Electronic Intelligence |
| ESDP | European Security and Defence Policy |
| FSB | Forward Support Base |
| GOC | Government of Canada |
| <i>GW III</i> | <i>Geneva Convention (III) Relative to the Treatment of Prisoners of War (1949)</i> |
| ICRC | International Committee of the Red Cross |

| | |
|----------|---|
| ISAF | International Security and Assistance Force |
| ITGA | Interim Transitional Government of Afghanistan |
| JAG | Judge Advocate General |
| JCS | Joint Chiefs of Staff (US) |
| JSSC | Joint Staff Steering Committee |
| JTF2 | Joint Task Force 2 |
| LOAC | Law of Armed Conflict |
| MND | Minister of National Defence |
| NAFTA | North American Free Trade Agreement |
| NATO | North Atlantic Treaty Organization |
| NECBAT | Netherland-Canadian Battalion |
| NGO | Nongovernmental Organization |
| NMD | National Missile Defense |
| NORAD | North American Aerospace Defense Command |
| NORTHCOM | Northern Command (US Joint Command for North America) |
| OEF | Operation Enduring Freedom |
| OIF | Operation Iraqi Freedom |
| ORBAT | Order of Battle |
| PA | Public Affairs |

| | |
|----------|---|
| PCO | Privy Council Office |
| PJBD | Permanent Joint Board on Defence |
| PM | Prime Minister |
| POW | Prisoners of War |
| PPCLI | Princess Patricia's Canadian Light Infantry |
| PRT | Provincial Reconstruction Team |
| RCAF | Royal Canadian Air Force |
| RCN | Royal Canadian Navy |
| RMA | Revolution in Military Affairs |
| RUSI | Royal United Services Institute |
| SCONDVA | Standing Committee on Defence and Veterans Affairs |
| SIGINT | Signals Intelligence |
| SOD | Standard Operational Doctrine |
| SOUTHCOM | Southern Command (US Joint Command for South and Central America) |
| STANAG | Standardization Agreement (NATO) |
| TF | Task Force |
| TG | Task Group |
| UNSCR | United Nations' Security Council Resolution |
| USG | US Government |

USN

United States Navy

WMD

Weapons of Mass Destruction

WRT

With Regard To

GLOSSARY

| | |
|-------------------|--|
| Démarche | “a request or intercession with a foreign official, e.g., a request for support of a policy, or a protest about the host government's policy or actions.” (US Foreign Service Institute) While a request, these are very formal and the process is tightly controlled by the US Department of State. Thus, every US request for Canadian military support would be communicated through the US Department of State and they would use a démarche to pass that request. Frequently, the démarche will be preceded by informal discussions with the receiving state to ensure that the request would not be unwelcome. |
| Op Con | Operational Control. “The authority delegated to a commander to direct forces assigned so that the commander may accomplish specific missions or tasks which are usually limited by function, time, or location; to deploy units concerned; and to retain or assign tactical control to those units. It does not include authority to assign separate employment of components of the units concerned. Neither does it, of itself, include an all administrative or logistic control.” (NATO) Thus, when Canada passes Op Con of individual units to a US or NATO commander there are quite strict limits on that commander’s ability to alter the original task for which those units were sent. Canada can also withdraw them quite abruptly if conditions change. |
| Operational Level | military operations conducted over a wide area that would involve an entire province or a major body of water (i.e. the Persian Gulf) and would involve task groups or task forces. |
| Strategic Level | military operations at the national or international level employing all the elements of a country’s power (i.e. military, industrial, economic, diplomatic etc.). |
| Tactical Level | military operations conducted at a local level (i.e. around a village or harbour) often using only single ships, battalions, or aircraft. |

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EJL

CHAPTER ONE: INTRODUCTION

This dissertation examines whether Canada's military's interoperability with the United States affects Canadian sovereignty. The literature dealing with this subject is highly polarized arguing that such interoperability either significantly reduces our sovereignty or that it is necessary to maintain it. Successive Canadian governments, for example, have traditionally supported the military view that high levels of interoperability with our allies are needed for operations to proceed safely and effectively and that this poses no cost to Canadian independence. The interoperability critics strongly disagree, arguing that increased interoperability, especially if it is with the United States, will diminish our international independence, our ability to refuse US military adventures, and our domestic sovereignty.

In a limited sense this division in the literature allows one to comprehend the broad contours of the issue. Otherwise, the most recent Canadian analyses of the topic have been marked by shifting definitions, a regular failure to develop testable hypotheses, and only limited efforts to examine the government documents and to question the officials that actually make Canadian interoperability policy. These shortcomings have led to a reliance on conjecture, with the critics predicting damaging "future implications" as a result of our interoperability policies while governments promise outright gains. As a result, the Canadian public that underwrites the financial costs of such multi-billion dollar investments as the new F-35 fighter have little to guide them in assessing the widely claimed interoperability and sovereignty benefits or costs of the purchase.

There is a need, therefore, to examine Canada's interoperability history, define the

terms, develop hypotheses, and then test them against recent issues and events. This would include the Canadian response to 9/11 and our decisions to participate, or not, in the 2003 invasion of Iraq and the war in Afghanistan. Six case studies will flow from these events and each will be assessed against the hypotheses that test for sovereignty gains or losses. These will be totaled and a final broad assessment made of the sovereignty costs of our military interoperability policies and cooperative choices. Ultimately one should also see concrete examples of the costs and benefits of our interoperability policies and whether mitigating techniques are available to counter the former. This data could, one hopes, be useful in gauging the sovereignty implications of future interoperability projects.

To outline why the military thinks interoperability is necessary while also hinting at the embedded dangers, this chapter will begin with two brief historical examples. This will be followed by a closer look at the main themes within the Canadian interoperability debate. It will conclude with a roadmap for the rest of the dissertation.

The first sustained multinational interoperability effort occurred as the result of a major wartime defeat. Between 25 February and 1 March 1942 a force of five cruisers and nine destroyers from the British, American, Australian and Dutch navies joined together under the latter's temporary command. Their purpose was to repel a Japanese invasion force of forty-one cargo ships escorted by four cruisers and fourteen destroyers aimed at Java. The opposing naval forces appeared to be initially well-matched with the Japanese slight numerical advantage offset by their limited freedom of action as a result

of the need to escort the transports.¹ However, after six days of battle all five allied cruisers and five of the nine destroyers were sunk with the remaining four American destroyers, almost out of ammunition, forced to escape to Australia. In return, the allies only significantly damaged one Japanese destroyer and could only claim to have sunk one unarmed Japanese cargo ship.² The Japanese invasion force was delayed by a single day and conquered Java a week later.

Despite the one-sided results, all reports acknowledge the Dutch, British, Australian and American crews fought bravely and the ships were led by competent and determined commanders. While some reports seek to explain part of the allies' defeat on the superior Japanese Long Lance torpedo, only three allied ships were lost to this weapon. A few others credit superior Japanese airpower, and indeed the Japanese were particularly effective in coordinating aircraft support to their ships.

The extent of coordination, or not, is likely the key factor in explaining the lopsided results. The allied forces also had aircraft in theatre, but their efforts were never integrated with those of the ships.³ Meanwhile the Japanese forces were receiving

¹ Theodore Roscoe, *United States Destroyer Operations in World War 2* (Annapolis: USNI, 1953), 103. He describes the forces involved as "almost matched in size and weight." See also Hermon G. Gill, *The Royal Australian Navy 1939-1942*. Canberra: Australian War Memorial, 1957. Note particularly the charts at pages 604-5 which make the numerical equality case well.

² Hermon G. Gill, *Royal Australian Navy 1939-1942* (Canberra: Australian War Memorial, 1957), 621. This covers the occasionally contested results.

³ The Allied coordination of ship and aircraft had a host of problems and complicating factors. O'Hara suggests that the Allied calls for air support were rejected due to a "British influence" that had decreed air and naval forces would fight separately and follow separate operational programmes. See Vincent P. O'Hara, "Battle of the Java Sea: 27 February 1942," http://www.microworks.net/PACIFIC/battles/java_se.htm, (accessed 15 Oct 2009), 5. Dear and Foot also report that the force commander had put his ships' reconnaissance aircraft ashore as he predicted a night action. See their B. Dear and M.R.D. Foot, "Battle of Java Sea - the Oxford Companion of World War 2," *Encyclopedia.com* (2001), <http://www.encyclopedia.com/doc/10129-JavaSeabattleof.html>, (accessed 10 Jun

continuous and effective support from their aircraft.⁴ Here and in almost every other aspect of effective military cooperation and coordination, what one terms “interoperability” today, the allied forces failed. Prior to the actual battle the allied fleet units had never exercised together and had only met for a single one hour conference prior to sailing that night into battle.⁵

They shared no common procedures for even basic fleet maneuvering let alone for conducting complex ship-air coordination or executing a multi-ship night attack. The Japanese, meanwhile, had long-practiced these operations. Hermon Gill suggests the allied forces were only capable of following each other single file or ‘line ahead’ maneuvering.⁶ Communications were fraught with the Commanding Officer of one ship reporting that “There were no common flag signals or signal books available, nor were there any tactical plans save of the most rudimentary nature.”⁷

Until an American liaison officer was assigned to the Flagship, communications with the Dutch Task Group Commander were described as “farical” by one of the

2009), p. 1 of 2. Other allied shore-based aircraft such as Catalinas and Flying Fortress’ made regular attacks on the Japanese but to little effect. Moreover, their infrequent reports on the Japanese shipping never matched the near-continuous reconnaissance and reporting efforts put out by the Japanese aircraft to their own ships. See O’Hara , 1. David Thomas underlines this pointing out that the critical first Flying Fortress sighting of the Japanese invasion force never got to the Allied ships. See his David A. Thomas, *Battle of the Java Sea* (London: Andre Deutsch Ltd., 1968), 161. In addition Allied fighter support to the ships had become so complete a failure Thomas reports subsequent promises to provide it at a pre-battle conference were met by “gales of scornful laughter” from the allied ships’ captains who were long-tired of such failed promises. See his 166.

⁴ Thomas, *Battle of the Java Sea*, 168.

⁵ Gill, *Royal Australian Navy 1939-1942*, 556.

⁶ O’Hara, 1.

⁷ H.E. Eccles, Commander. "Report of Action - USS John D. Edwards." United States Navy, 1942, <http://www.ibiblio.org/hyperwar/USN/ships/logs/DD/dd216-Bawean.html>, (accessed 10 Apr 2010), 1.

Captains.⁸ Even with this liaison officer, communications remained problematic. At the bitter end of this saga, the critically needed American destroyers departed the area out of torpedoes, unable it would seem, to replenish them from the nearby Dutch naval dockyard.⁹

It is also clear the allies did not share what is now termed a “common operational picture” that sets out for the force where each of their own units are located and where the enemy might be. Indeed the battle of the Java Sea was marked by frequent allied failures in this area with HMS Jupiter being sunk by a minefield laid by the Dutch.¹⁰ The Jupiter knew nothing of this and initially reported she had been attacked by a submarine – and no enemy submarines were in her vicinity.¹¹ Another allied ship steamed through the survivors and debris of the Dutch destroyer Kortenaer unaware that she had been sunk.¹² A US destroyer’s after action report covering the end of the most violent of the battles stated that “Darkness set in and we followed the main body, endeavoring to regain station, and having not the slightest idea as to his [the force commander’s] plans and still only a vague idea of what the enemy was doing.”¹³

Michael Pugh argues this particular battle played a key role in encouraging the allied nations to fundamentally rework their coordination procedures and establish common codes amongst the Australian, Canadian, British, American, and New Zealand

⁸ Ibid., 2.

⁹ Roscoe, *United States Destroyer Operations in World War 2*, 105-6. See also Thomas, *Battle of the Java Sea*, 207.

¹⁰ Gill, *Royal Australian Navy 1939-1942*, 614. See also Roscoe, *United States Destroyer Operations in World War 2*, 106.

¹¹ Thomas, *Battle of the Java Sea*, 208.

¹² Gill, 614.

¹³ Eccles, 3.

(or “USCANUKUSNZ”) militaries.¹⁴ More significantly yet, a permanent Combined Communications Board was created soon after to guide this allied effort.¹⁵ The need for it was regularly reinforced. A year after the disaster off Java, the allied ships and land forces of the Sicily invasion force mistook for German bombers a force of over one hundred and forty-four transport aircraft loaded with American paratroopers sent to reinforce them.¹⁶ Over twenty-three were shot down and thirty-seven badly damaged. This spurred a separate reform of ship-air coordination methods. By June 1944, allied procedures had advanced sufficiently to allow the execution of the immensely complex landings in Normandy. At the war’s end the Combined Communications Board had also moved beyond its initial AUSCANUKUSNZ partners and had issued over two million copies of its allied communications manuals to twelve other cooperating nations.¹⁷

World War II had brought fundamental change to the entire notion of military cooperation. *Ad hoc* cooperative arrangements of the past were replaced by sustained efforts overseen by permanent organizations. Further, there were few upper limits on what data could be shared with the Australians, British, Canadians, Americans and occasionally the New Zealanders exchanging the most highly secret code breaking and communications intelligence material. Finally, the need for coordination continued into

¹⁴ Michael Pugh, *Maritime Security and Peacekeeping: A Framework for United Nations Operations* (New York: St. Martins Press, 1994), 180. New Zealand was for a period excluded from the group as a result of her 1985 decision to close her ports to U.S. nuclear powered vessels.

¹⁵ Ibid.

¹⁶ Rick Atkinson, *The Day of Battle: The War in Sicily and Italy 1943-1944* (New York: Henry Holt and Co., 2007), 107-12.

¹⁷ U.S. Department of Defence, "Introduction to the CCEB," *Combined Communications-Electronics Board* (2010), <http://jcs.dtic.mil/j6/cceb/publicwebintro.pdf>, (accessed January 6 2010), 1.

peacetime with, for example, the Combined Communications Board still active today.¹⁸ It still leads the interoperability effort for the AUSCANUKUSNZ group and is an active partner with the mirror-image NATO Consultation, Command and Control Board.

NATO has also significantly expanded the interoperability function within its unique Standardization Organization. This system involves scores of NATO and national boards, conferences, and agencies who seek agreement on everything from common terminology to the most complex technical standards. The technical effort involves over twenty thousand officials and it has produced over thirteen hundred NATO Standardization Agreements or STANAGS.¹⁹ These agreements bind all NATO allies to minimum interoperability standards. They cover an immense range including standards for the provision of safe drinking water to other nations, ammunition interchangeability, air-to-air refueling, and parallel software development for satellite-based tactical data systems.²⁰ NATO has thus moved beyond simply enhancing communications into logistic, doctrinal, and industrial interoperability.

When the author commanded the ships of seven NATO nations in the Persian Gulf in 2002 as a part of the international counter-terrorist effort, the Canadian Forces were the direct beneficiary of that process. Electronic communications proceeded

¹⁸ It is now named the Combined Communications-Electronic Board.

¹⁹ National Institute for Strategic Studies Ukraine, "NATO Standardization Organization," *Introduction to NATO*, <http://www.db.niss.gov.ua/docs/nato/nato/sco69.html>, (accessed 19 Apr 2010), 2-3.

²⁰ STANAG 2885 covers standards for potable water in the field, STANAG 3971 addresses Air-to -Air Refueling, STANAG 4172 covers small arms ammunition interoperability, and STANAG 5516 deals with the electronic standards for Link 16. NATO provides a partial list at North Atlantic Treaty Organization NATO, "Standardization Agreements/Accords De Normalization," *e-library STANAGS* (2010), <http://www.nato.int/cps/en/natolive/stanag.htm>, (accessed 18 Mar 2010), noting a longer but unofficial list is at Wikipedia. "STANAG." <http://en.wikipedia.org/wiki/STANAG> (accessed April 19, 2010).

rapidly between the ships via voice, teletype, email and web-based formats all of which were automatically enciphered with very high-grade codes. Units could control, land, and refuel each other's helicopters without ever having to examine the potential for differing language, procedures, fuel standards, or hose and landing area deck fittings interfering. As a great many other non-NATO nations militaries also voluntarily ascribe to NATO STANAGs and tactical publications, Canadian ships were able to refuel instantly from the Japanese Navy's tankers and include their ships in the 'common operational picture.'²¹ That picture exchanged each ship's radar plot and then combined it into a common master picture with an assessment of who was friendly or not via a near-instantaneous encrypted data link. As the ships of this Canadian-led multi-national group were included in the same data link net with tens of others in the region, they were able to see ship and aircraft movements in high precision from their position off Oman to the northern areas of Iraq some seven hundred miles away. An additional benefit denied the forces in the Java Sea was that the vast majority of the ships' Captains in the group had participated at least once in NATO's standing naval groups or had been part of one of the alliance's major exercises. Thus some sixty years of NATO procedural interoperability has engendered a cultural interoperability of unstated but no less strong mutual understanding that guides how one does business during coalition warfare.

Until now only a very positive view of military cooperation and interoperability has been offered. There are problems, however, and these go beyond Sir John Slessor's

²¹ Indeed some 60 navies rely on NATO publications for communications and basic tactics.

“...war without allies is bad enough –with allies it is hell!”²² The Franco-British military staff talks of 1906-1914 provide one of the frequently cited examples of cooperation’s potential dangers.

These talks, conducted frequently in secret at the senior military officer level, are often blamed for leading Britain into the Great War: “By 1914, although there were no treaty obligations, the military staff talks between the British and the French had, without the knowledge of many Cabinet ministers, virtually committed Britain to go to the aid of France in a war with Germany.”²³ The formal agreement, named after the two general officers involved in these talks, is similarly described: “20 Jul [1911] The Dubail-Wilson Agreement: without authorization, the Anglo-French military conference settles the details of military cooperation – [General] Henry Wilson pledges a 150,000 man BEF, to be ready for actions on the thirteenth day of mobilization.”²⁴

These brief summaries introduce many elements of the contemporary military interoperability critique. One involves the risk that low-level military cooperation today can lead to unintended strategic commitments downstream. These critiques also regularly suggest the possibility of military officials pushing the interoperability agenda without the assent of their political superiors. Moreover, the smaller nation in such a cooperative team is frequently portrayed as a servant who contributes much but

²² Sir John Cotesworth Slessor, *A Strategy for the West*. New York: Morrow, 1954, 2. This was not, however, Sir John’s personal view and he made clear that this was a facetious viewpoint he did not hold.

²³ Norman McCord and William A. Purdue, "British History 1815-1914," (Oxford: Oxford Univ. Press, 2007), <http://lib.myilibrary.com.ezproxy.library.dal.ca/browse/navigation.asp?IS=116422>, (accessed 21 April 2010), 443.

²⁴ "Background, 1904 to Aug.02, 1914," *The Opening Campaign on the Western Front August-September, 1914*, <http://cnparm.home.texas.net/Wars/Marne/Marne01.htm>, (accessed 21 Mar 2010), pages covering “1911.”

ultimately has little say in how that contribution is employed. The French generals, for example, considered the British Army leadership inferior and confidently expected British officers would follow French direction: “While the French devised grand strategy, the British would doggedly hold their positions.”²⁵ Finally, the French-British military staff talks of 1906-1914 provide regular reminders of the extreme difficulty associated in analyzing military interoperability decisions.

The suggestion that the British military staff made these arrangements with the French without cabinet or other political authority provides a good example. The just-cited short summaries also support the popular view that an unchecked military-led interoperability effort can lead the country to war. However, several detailed analyses indicate that a more complex process was actually at work. Barbara Tuchman, A.J.P. Taylor, and, especially, John Charmley make clear that the decision to hold staff talks in 1906 was made by the Liberal foreign secretary, Sir Edward Grey, and not the military.²⁶ As the Liberal party was deeply divided between an “imperialist” faction ready to make preparations for war and a “sternly pacifist” faction committed to non-intervention, Grey

²⁵ Patricia E. Prestwich, "French Attitudes Towards Britain, 1911-1914," (PhD, Stanford Univ, 1973), 299-300. As cited in Elizabeth Greenhalgh, "Victory through Coalitions – Britain and France During the First World War," (Cambridge: Cambridge Univ. Press, 2005), http://assets.cambridge.org/052185/3842/excerpt05218532842_excerpt.htm (accessed 26 Mar 2010), 8. British views of French general officers were equally qualified with Field Marshal Sir John French providing “*au fond*, they are a low lot, and one always has to remember the class these French generals come from.” See Prestwich, 8, citing Phillip Magnus. *Kitchener: Portrait of an Imperialist* (London: John Murray, 1958), 306.

²⁶ A.J.P. Taylor, *The Struggle for Mastery in Europe 1848-1918* (Oxford: Oxford Univ. Press, 1977), 437. Earlier and very tentative military negotiations between the French and British aimed at preparing a combined response to German attack had, in fact, been authorized by the preceding Conservative government in 1905. See Barbara Tuchman, *The Guns of August* (New York: MacMillan, 1962), 45. She makes clear that this earlier authorization came from Lord Esher and Sir Edward Clarke of the War Office Reconstitution Committee for and the Committee of Imperial Defence. See also John Charmley, *Splendid Isolation? Britain, the Balance of Power and the Origins of the First World War* (London: Hodder and Stoughton, 1999), 333.

and his party leader deliberately chose not to inform the rest of cabinet of the details of those talks.²⁷ This deception continued until 1911 when the substance of those talks was presented at a special meeting of the Committee on Imperial Defence. Again, the majority of cabinet was not informed of the meeting, and ministers who might oppose such talks were excluded from it.²⁸ This deception was soon discovered, and Tuchman reports that General Wilson, the military officer who led the staff talks, quickly sensed he was being cast as the “villain of the proceedings” by those excluded and opposed to military cooperation with France.²⁹ There is, as a result, the very strong suggestion that General Wilson became the scapegoat for a Liberal party now facing a cabinet split over the results of the staff talks and the secret manner in which they had developed.

Equally difficult to establish are the actual results or effects of the talks. Did, for example, the staff talks actually promise and then result in Britain joining France in a war with Germany? While the military talks produced a series of detailed technical agreements covering, for example, the size of the British military commitment to Europe, the French ports British troops would use, and the trains and accommodations billets which would be made available, the key elements of that contribution were intentionally never made clear.³⁰ The most central of these involved the conditions that would cause Britain to actually dispatch the force and thus assist France against Germany. Tuchman

²⁷ Tuchman, *The Guns of August*, 52., uses the term “sternly pacifist” to describe the Liberal “radical” wing. See also Charmley, *Splendid Isolation? Britain, the Balance of Power and the Origins of the First World War*, 333.

²⁸ See Charmley 367-7 where he also points out as many as fifteen of the twenty in Cabinet were likely opposed. See also Tuchman, 52-3 and especially John P. MacKintosh, “The Role of the Committee of Imperial Defence before 1914,” *The English Historical Review*, 77, no. 304 (1962), 490-503.

²⁹ Tuchman, *The Guns of August*, 52.

³⁰ *Ibid.*, 55.

describes a key letter in 1912 to the French Ambassador that purported to set out those conditions as a “masterpiece of ellipsis.”³¹ The letter actually declared both nations were free to decide “whether or not to assist each other by armed force” in any future scenario. However, many in Britain and France felt a firm commitment had still been made. This included the British Foreign Secretary who declared in August 1914 that “We have led France to rely on us.”³² Yet A.J.P. Taylor argues that the French “never acted on the confident assumption that Great Britain would support them in a continental war, whatever the cause.”³³ After the war Marshal Joffre seemed to confirm this stating “there was no commitment” from Britain and that the staff talks were “only studies” of embarkation and billeting options.³⁴

Thus confusion over the strategic implications of the staff talks was almost guaranteed. Given the deep divisions in the British Liberal party over any continental intervention, a formal alliance with France that might spell out the details was never an option. The alternative chosen – informal low level technical staff talks – appeared ideal. This option supported France and potentially deterred Germany without requiring wider and, therefore, riskier cabinet or parliamentary discussion or review. Moreover, Tuchman makes clear the political leadership then ceased to provide any regular annual review of what their military and naval staffs were up to after initially authorizing cooperation with the French: “While the military prearranged the lines of battle,

³¹ Ibid., 53.

³² Charmley, *Splendid Isolation? Britain, the Balance of Power and the Origins of the First World War*, 394.

³³ Taylor, *The Struggle for Mastery in Europe 1848-1918*, 481.

³⁴ Colonel Robert A. Doughty, "France at War - French Strategy and Doctrine: 1914," <http://www.worldwar1.com/france/jpff1914.htm>, (accessed 26 Mar 2010), 4.

England's political leaders, pulling the blanket of 'no commitment' over their heads, resolutely refrained from watching them."³⁵

The Liberal leadership, ably assisted by the military, then wrapped whatever work was being done in great secrecy, and Tuchman, MacKintosh, and Charmley's analyses all infer that this was more to deceive their political opponents than foil the Germans.³⁶

Winston Churchill accurately described the ultimately confusing result as "we have all the obligations of an alliance without its advantages and above all without its precise definitions."³⁷

Ninety-four years after the First World War, the current Canadian debate over our military's high levels of interoperability with the United States repeats many of the same criticisms. The danger of informal military-to-military cooperation leading to unintended strategic consequences has been argued recently by Danford Middlemiss and Denis Stairs. They warn that Canada's efforts to maintain close military interoperability with the United States involves the risk that "we may be dealing here with a heavy train rolling downgrade without brakes" wherein interoperability may be progressing to unspecified higher levels of military integration.³⁸ Bruce Campbell takes this one step further arguing that Canada's current interoperability policies, in conjunction with other elements of "deep integration," will eventually lead to "a kind of de facto political association or

³⁵ Tuchman, 47, 55.

³⁶ See particularly Tuchman, 55, "The fact that Wilson and his staff were in constant communications with the French had to be concealed." See also MacKintosh, 497-98, and Charmley p. 367.

³⁷ Randolph S. Churchill, *Winston S. Churchill, Volume II 1901-1914, Young Statesman* (Boston: Houghton Mifflin Co., 1967), 578.

³⁸ Danford W. Middlemiss and Denis Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," in *The Canadian Forces and Interoperability: Panacea or Perdition?* ed. Ann Griffiths (Halifax: Centre for Foreign Policy Studies, 2002), 31.

union (though with no political representation)” with the United States.³⁹

The charge that the policy of cooperation is being advanced by military officials without formal government sanction is also repeated. Thus Andy Knight argues that “Interoperability is presented almost as a *fait accompli* by the Canadian military establishment. But we ought to be sceptical and critical of this process of formulating foreign and defence policy by stealth.”⁴⁰ Middlemiss and Stairs make the same “stealth” accusation as does Ann Denholm Crosby in describing the development for the interoperability components of Canada’s NORAD agreements.

Much as Great Britain was viewed in 1911 by some as a decidedly junior partner who should take French direction, Canada today is frequently seen as the junior, if not subservient partner to the US. For example, in 2002, NDP MP Lorne Nystrom argued closer military ties with the United States have the potential for “all the shots being called by the Americans and having Canadian troops under American command, it certainly

³⁹ Bruce Campbell, "The Case against Continental Deep Integration," paper presented at the Conference: Options for Canada US Economic Relations in the 21st Century, Center for Trade Policy and Law, Univ of Ottawa, 4 Nov 2005, p. 1. In a separate article Campbell suggests the danger is assimilation not full political integration: “This path promises even deeper integration (read:assimilation).” See his: "From Deep Integration to Reclaiming Sovereignty: Managing Canada-U.S. Economic Relations under NAFTA," (Ottawa: Canadian Center for Policy Alternatives, 2003). For a detailed explanations of “deep integration” see Ricardo and Yasmine Shamsie Grinspun, *Whose Canada: Continental Integration, Fortress North America, and the Corporate Agenda* (Montreal: McGill-Queens Univ. Press and Canadian Centre for Policy Alternatives, 2007). This collects the majority of those works critical of deep integration and catalogues the wide range of meanings of “deep integration.” The editors’ introductory chapter does this particularly well.

⁴⁰ Andy W. Knight, "Interoperability: The Next Stage in Canada-US Integration?," in *The Canadian Forces and Interoperability: Panacea or Perdition?* ed. Ann Griffiths (Halifax: Centre for Foreign Policy Studies, 2002), 148. See also Middlemiss and Stairs p. 37 in this volume and Ann Denholm Crosby, "Defining the Debate: A Response to Danford Middlemiss and Denis Stairs," in *The Canadian Forces and Interoperability: Panacea or Perdition?* ed. Ann Griffiths (Halifax: Centre for Foreign Policy Studies, 2002), 100.

diminishes our sovereignty.”⁴¹

In fact, the great disparity in military and most other elements of national power between Canada and the United States has created a longstanding concern over the degree to which Canada is able to maintain its sovereignty and to act independently when it cooperates with the US. This level of concern can preoccupy, with Brian Bow and Patrick Lennox suggesting “Not many countries have spent as much time as Canada has arguing about whether and to what extent they can pursue an ‘independent’ foreign policy.”⁴² Any large scale cooperative venture with the US necessarily provokes an examination of the potential cost to Canadian independence and sovereignty.

Canada’s military interoperability has frequently been at the centre of this concern. Lloyd Axworthy argues one inescapable cost is foreign policy independence. He suggests the quest for greater interoperability with the US brings with it higher levels of military-to-military integration, and that, in turn, represents “one of the weak links as a country to assert a more independent foreign policy.”⁴³ Michael Byers claims the same policies also threaten Canadian sovereignty. In his view, closer Canada-US military cooperation involves a “delegation” of sovereignty to the United States with the “very real possibility that Canada’s standing in the international community would suffer.”⁴⁴ He has also argued that an expansion of NORAD roles and wider Canada-US

⁴¹ "Closer Ties with U.S. Military Threat to Sovereignty, Report Says," *CBC News*, 26 Apr 2002, http://www.cbc.ca/stories/2002/04/26/northommand_020426, (accessed 14 Nov 2005).

⁴² Brian J. Bow and Patrick Lennox, *An Independent Foreign Policy for Canada?: Challenges and Choices for the Future* (Toronto: University of Toronto Press, 2008), xv.

⁴³ Lloyd Axworthy, "Dollars, Yes – War No," *Winnipeg Free Press*, 6 Oct 2002, B4.

⁴⁴ Michael Byers, "Canadian Armed Forces under U.S. Command," (Vancouver: Liu Centre for the Study of Global Issues, 2002), 6-8. In his view this delegation arises from plans to expand NORAD to cover both land and maritime activities and from “closer military cooperation” generally. See his page 1, first para.

interoperability generally could result in pressure to reduce the greater equality enjoyed by Canadian servicewomen and serving gays and lesbians over their American equivalents.⁴⁵ Canada's ability to conduct independent military activities may also be at risk according to Denis Stairs. Close cooperation with the US military brings with it increasing dependence on their systems. This, he argues, creates conditions where it could be "very difficult for us to refuse to participate in a US operation that we found inconvenient or regarded as ill-advised."⁴⁶ Alternatively, this same dependence could make it difficult to respond to a United Nations request "unless the Americans happen to share the Canadian view."⁴⁷

Canada's involvement in the US-led war in Afghanistan has heightened these concerns while contributing other potential sovereignty problems. In 2003 there were indications that the US may have been seeking to have both the Mexican and Canadian ambassadors to the United Nations removed for their reported opposition to American efforts against Iraq.⁴⁸ Richard Williams then argues Canada was coerced by the United States into dropping its support for the Geneva Conventions in Afghanistan.⁴⁹ Equally problematic for some was the potential that the Canadian defence and foreign policy establishment's long-established close cooperation with their American equivalents

⁴⁵ Byers, "Canadian Armed Forces under U.S. Command," 20, 21.

⁴⁶ Denis Stairs, "Is Canada Doomed to Be a Military Puppet?," *Canadian Speeches*, 15, no. 5 (2001), 37.

⁴⁷ Ibid.

⁴⁸ Maggie Farley, "Mexico's Envoy to the UN Leaves, with Defiance," *Los Angeles Times*, 22 Nov 2003, at <http://www.commondreams.org/headlines03/1122-12.htm> accessed 23 Nov 2011. Paul Heinbecker, "Getting Back in the Game: Where Does Canada Stand in the Game." Paper presented at the CIC Luncheon Union Club, Halifax NS, 11 Mar 2011.

⁴⁹ Richard Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, Maritime Security Occasional Paper. Halifax: Centre for Foreign Policy Studies, Dalhousie University, 2004, 72-3, 84, 94-5.

would result in Canadian officials being co-opted to the latter's advantage throughout the 2003-6 period. Janice Gross Stein and Eugene Lang are very direct in claiming that Canadian military officials are "more concerned about their relationships with their American counterparts than they are with their own political masters in Ottawa."⁵⁰ Lloyd Axworthy repeats the accusation asserting there is "a strong predilection by many senior officers, supported by their civilian mouthpieces, to become too absorbed into the American military orbit."⁵¹

Given that Lang was recently chief of staff to two defence ministers and Axworthy was one of Canada's most prominent foreign affairs ministers, there is a need to take such accusations seriously and examine them in company with the more traditional claims of lost independence and reduced sovereignty. To achieve this Chapter Two will establish the extent to which the recent critiques represent new concerns or whether they conform to the historical patterns of Canada-US cooperation marked as it is with regular challenges to Canadian sovereignty.

The third chapter will then outline the research methodology and fully develop the definitions, hypotheses, criteria and case study selection. At this point, however, the reader is owed a statement on the study's objective, a preliminary description of the key terms, some sense of the scope of the investigation, and an outlining of the main elements under investigation. Therefore, the thesis objective will be to assess the extent to which Canada-US military interoperability affects Canadian sovereignty. It will not stray

⁵⁰ Janice Gross Stein and Eugene J. Lang, *The Unexpected War: Canada in Kandahar* (Toronto: Viking Canada, 2007), 13, 14. They add "The occupants of the South Tower of NDHQ have always been preoccupied, almost obsessed, with their relationship with the U.S. military."

⁵¹ Axworthy, "Dollars, yes," B4.

beyond these boundaries by, for example, assessing the sovereignty impact of Canada's other cooperative ties such as those with NATO or the independence costs of recent continental counterterrorism improvements. As will be soon be clear, there is plenty of material within the purely military Canada-US cooperative arrangements especially in light of recent commitments to Afghanistan and the Persian Gulf. This study will, however, rely initially on NATO for its definition of "interoperability" as "the ability of systems, units, or forces, to provide services to and accept services from other systems, units, or forces and to use the services so exchanged to enable them to work effectively together."⁵² Within Chapter Three that definition's suitability will be re-examined to ensure it does not bias the analysis.

"Sovereignty" will be considered to have both an external and an internal component with "external sovereignty" defined as a state's "liberty of action outside its borders in the intercourse with other States."⁵³ Internal sovereignty is defined as "internal independence with regard to the liberty of action of a State inside its borders."⁵⁴ Again, the chapter outlining the research methodology will establish the extent to which these definitions enjoy broad support within the within international law and international relations theory. There will also be no attempt to develop new theories or types of sovereignty as this study will argue much of the current Canadian literature on interoperability suffers from all too regular attempts to devise new and often highly

⁵²NATO. *NATO C3 Technical Architecture – Chapter 2 NATO Interoperability Constructs*. 2009, <http://194.780.153/website/book.asp?menuid.>, (accessed 16 Jan 2011).

⁵³ L. Oppenheim, *International Law – a Treatise*. Edited by H. Lauterpacht. 8th ed. Vol. 1. London: Longman, 1974, 286-89.

⁵⁴ *Ibid.*

selective types of sovereignty. Rather than offering new theory, the thesis will challenge the prevailing narrative that Canada-US interoperability undermines Canadian sovereignty.

To achieve this, the third chapter will ensure that the specific concerns raised by the critics have some direct connection to Canadian sovereignty. This is best done by rewriting the just-provided Canadian critiques of that policy as hypotheses. The preliminary ones argue:

Canada's external sovereignty is violated:

- when the Canadian government alters its support for international agreements as it sensed US opposition to them;
- when the Canadian government adopts, rejects or modifies domestic policies as a result of US pressure;
- when the Canadian government adopts, rejects or modifies personnel policies as a result of US pressure;
- when the Canadian government commits to US-led military coalitions despite the presence of disincentives; and,
- when Canada is prevented from joining non-US-led military coalitions because of its close interoperability ties with the US.

Canada's internal sovereignty is violated:

- when Canadian officials advance military projects with the US without government support; and,
- Canadian officials support the position of the US government over the Canadian position.

Then Chapter Three will comb the international relations literature to ensure each of the

hypotheses is supported with clear criteria for assessing the extent to which Canadian sovereignty was at risk.

These hypotheses will then be applied in six separate case studies drawn from the 2001-2006 period with each case assigned its own chapter. This will assess the extent to which the available evidence supports, or not, the sovereignty-testing hypotheses.

Chapter Four will examine Canada's response to the 11 September 2001 attacks. Chapter Five will deal with the abortive mission to the International Security Force in Kabul in 2002, with Chapter Six covering Canada's deployment to Kandahar in 2003. Chapter Seven will examine the sovereignty elements within Canada's decision to reject participation in Operation Iraqi Freedom. Chapter Eight will deal with the Canadian leadership of the coalition naval Task Force 151. The last case study, Chapter Nine, will deal with Canada's return to Kandahar in 2005.

All cases involve claims of lost or reduced sovereignty, and these will be probed and assessed. Chapter Ten will collect each case study's findings, evaluate their overall impact, and establish trends. In addition to demonstrating that much of the current Canadian interoperability narrative is wrong, it will seek to explain how and why it came to dominate the recent analyses of Canada-US military cooperation. The eleventh chapter concludes the dissertation and suggests potentially more profitable avenues of policy analysis.

CHAPTER TWO: CANADIAN INTEROPERABILITY POLICY

1938-2001

Introduction

This chapter will provide the background needed to understand some of the interoperability choices made during the period 2001-2010. It will not, however, seek to provide a history of Canadian interoperability. For this one would not go too far wrong by consulting Danford Middlemiss and Denis Stairs' "The Canadian Forces and the Doctrine of Interoperability: the Issues."¹ Relying on them for the *grandes lignes* of Canadian policy, the chapter will explain the key terminology and show in more detail the cooperative choices of the individual services, the hierarchies within our security relationships (CAN-US, AUSCANUKUS, and NATO), and the role Canadian politicians played in setting the policies.

This chapter will progress via three parts covering the immediate post-war era, the height of the Cold War, and finally the 1968-2001 period. Each stage will provide specific examples of the sovereignty costs of close military cooperation and from this a summary will determine the trends that are likely to carry over into the 2001-2010 period that is the focus of this dissertation.

1938-1951

Canada-US interoperability policy and the concern that that policy might impact

¹ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues."

Canadian sovereignty begins in 1938.² Prior to then, the Canadian military had focused its cooperative efforts exclusively on Great Britain with little to no effort being spent on establishing ties with the United States military.³ In addition, Canada's very modest defence spending and its low technical thresholds did not require anything approaching an interoperability policy, with R.J. Sutherland arguing that advanced levels of cooperation were unnecessary at that early, more rudimentary level of military evolution.⁴

This changed in the 1930s, when the United States government, faced with the rising power of Japan and Germany in the mid 1930s, concluded that its security was tied to that of North America overall. President Roosevelt's declaration that his government would not "stand idly by" if Canada was attacked underlined that strategy. Canada, sensing the same deterioration in international security then immediately assured the United States that it would do its part to make itself "immune" from attack. These declarations did not, however, bind the two states to coordinate defence. That would await their Ogdensburg agreement of 1940 creating the Permanent Joint Board of Defence (PJBD) and the 1941 Hyde Park declaration covering shared defence production. These were groundbreaking in their direction and scope according to Middlemiss and

² Canada's prior military cooperation with the United Kingdom was also marked by sovereignty challenges. The most contentious of these involved Britain's desire that Canada contribute to the maintenance of the Royal Navy in 1911, while many in Canada preferred to create a national navy instead (or do nothing at all). See C. P. Stacey, *Canada and the Age of Conflict: A History of Canadian External Policies*. Toronto: Macmillan of Canada, 1977, 125-37.

³ This is somewhat curious given the significant military support the US gave Canada during the Great War set against Britain's declining ability here. In addition to both bailing Canada out financially in 1915 and providing much needed reinforcements to our forces on the Western Front in 1918, the United States alone had answered our call for ship and aircraft protection off our coasts. She had also given Canadian industry access to her very profitable military equipment contracts and provided critical training services to Canadian military aviation throughout the war. See J. L. Granatstein, *Yankee Go Home? Canadians and Anti-Americanism*, 1st ed. (Toronto: HarperCollins, 1996), 69, 71-72.

⁴ R.J. Sutherland, "Canada's Long Term Strategic Situation," *International Journal*, 17, no. 3 (1962), 220.

Stairs' review: "Taken together they had the cumulative effect of tying both the military establishments and the defence industries of the two states into a seemingly irrevocable web of closely coordinated interconnectedness."⁵ From a Canadian point of view these initiatives also underlined that the British government was now incapable of rendering any useful military assistance and financially destitute as well.⁶

With its own territorial defence assured, Canada was soon providing Britain troops, war material, and financial loans at levels not significantly below that of the United States.⁷ As during the Great War, Canada did not initially gain much from its outsized contribution. It did not, for example, get access to the innermost British-American councils that directed the war, and Canada was excluded from the critical Yalta conference. Yet Middlemiss and Sokolsky argue that Canada successfully translated her immense wartime contributions into an "active role in Allied diplomacy" nevertheless while also underlining she was now an independent "international player."⁸

This was soon apparent after the war with Canada playing a significant, if discreet, role in setting up the UN even if she was not able to secure a permanent seat on the Security Council. Throughout the immediate post war period one also sees a

⁵ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 16.

⁶ This is covered in considerable detail in Paul M. Kennedy, *The Rise and Fall of British Naval Mastery* (London: Penguin, 2001). See particularly his pages 281-98.

⁷ This continued after the war with Canada pledging the UK a loan of some \$1.25 billion (equivalent to 10 percent of GDP) and forgiving her war debt. Granatstein, *Yankee Go Home? Canadians and Anti-Americanism*, 90.

⁸ Danford W. Middlemiss and Joel J. Sokolsky, *Canadian Defence: Decisions and Determinants* (Toronto: Harcourt Brace Jovanovich, 1989), 16.

sustained Canadian effort made to gain the maximum possible international influence.⁹ This was largely successful with John Holmes noting Canada enjoyed membership in an “informal directorate of three” that set the post-war economic arrangements, designed the NATO alliance, and established the UN Atomic Energy Commission.¹⁰ Adam Chapnick notes that Canada, in a significant break from her isolationist policies of the thirties, had adopted a foreign policy in which “...the goals of the Canadian approach to international engagement shifted from avoiding commitments to maximizing opportunities for them.”¹¹ This was an entirely successful effort and the 1941-1951 period is frequently referred to as the “golden age” of Canadian diplomacy.¹²

In Canada, this increasing focus on multilateral organizations had the additional benefit of providing a much-needed offset to American power. The need for one has been nicely outlined by Charles Doran: “For Canada, the search for a counter-weight to the American presence and to declining British visibility became almost a fixation.”¹³ Yet one must not overlook the fact that many Canadians also accepted that military cooperation with the United States was inevitable in view of the increasing Soviet danger and our successful cooperative arrangements during World War II. Nevertheless, careful

⁹ James George Eayrs, *In Defence of Canada: Peacemaking and Deterrence*, Studies in the Structure of Power: Decision-Making in Canada, (Toronto: University of Toronto Press, 1972), 152-58.

¹⁰ John W. Holmes, *Life with Uncle: The Canadian-American Relationship*, Bissell Lectures (Toronto: University of Toronto Press, 1981), 16, 18, 22.

¹¹ Adam Chapnick, in *An Independent Foreign Policy for Canada?: Challenges and Choices for the Future* ed. Brian J. Bow and Patrick Lennox (Toronto: Univ of Toronto Press, 2008), 36. John Holmes is of the same view “One can identify two deliberate postwar decisions of the Canadian government: to use our status to gain a voice in world affairs rather than to protect us from entanglements; and to seek our security in collective agreements rather than in splendid isolation.” See his *Life with Uncle*, 22-23.

¹² Noting Charles Doran argues, instead, that the 1945-56 period marks the high point of Canadian diplomatic status and influence. See his *Forgotten Partnership: U.S.-Canada Relations Today* (Baltimore: Johns Hopkins University Press, 1984), 33.

¹³ *Ibid*, 32.

handling of that cooperation was still required, and Frank Underhill credits Mackenzie King for his political skills in reorienting Canada away from Britain and towards the US “without ever arousing that anti-American fever to which we are so susceptible in Canada.”¹⁴

However, in private, government officials up to and including Mackenzie King were deeply worried over that relation’s long term effect on Canadian sovereignty and independence.¹⁵ As was the diplomatic and political style of the time, they kept these concerns private. Most of these centered on the huge US military presence in Canada built up during the war that risked becoming permanent as the United States began its preparations to counter the rising Soviet threat. There were, for example, some thirty-three thousand American servicemen and civilian defence contractors in the Canadian North in 1943 and they significantly outnumbered the Canadians there.¹⁶ Other US sponsored initiatives like the American-funded CANOL pipeline that linked the Mackenzie delta to Whitehorse, or the near-permanent US Air Force use of numerous Canadian airbases all presented significant sovereignty challenges for the Canadian government. In some cases the challenge was quite clear and was then quickly and amicably addressed by the two governments.¹⁷ At other times there are very strong suggestions Canada was pressured or coerced into submitting to an American proposal.

The building of the Alaskan Highway provides a good example. This was a

¹⁴ Frank H. Underhill, *In Search of Canadian Liberalism* (Toronto: Macmillan of Canada, 1960), 136.

¹⁵ Eayrs, *In Defence of Canada: Peacemaking and Deterrence*, 344-56.

¹⁶ *Ibid.*, 349.

¹⁷ For example, in 1946 Canada successfully took responsibility for the Alaska Highway and the CANOL pipeline was shut down in 1945.

United States Army initiative to link Alaska to the American heartland in response to the rising power of Japan. By necessity it passed through British Columbia and the Yukon. There was a direct sovereignty challenge implicit in that routing and in the fact that the US proposal involved her financing and operating it without Canadian assistance.¹⁸ The Canadian government then successfully and politely rebuffed the proposal when it was first raised in the 1930s. A significant sovereignty challenge had, it seems, been overcome. In fact, one could loosely argue our government had enhanced its sovereignty via its refusal, and Keohane and Nye unambiguously credit the outcome as a Canadian victory in their landmark study on interdependence.¹⁹

By 1942 Canada and the United States, now both at war against Japan, agreed to the highway's construction with those same authors suggesting that this time Canada had freely assented and overcome her initial objections as the "war changed its objectives." This positive outlook would again lead one to assume Canada suffered no sovereignty costs as it had agreed to the construction. This view is, however, not fully shared, and Mahant and Mount claim "Considerable pressure" was applied on the Canadian government by the President's office and Congress suggesting, instead, a potential sovereignty loss for Canada.²⁰

There is no intention here to further probe this issue or the other Canadian-United States defence cooperation conflicts that occurred in this period. Rather, they are

¹⁸ Eayrs, *In Defence of Canada: Peacemaking and Deterrence*, 350.

¹⁹ Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little, Brown, 1977), 181.

²⁰ Edelgard E. Mahant and Graeme S. Mount, *An Introduction to Canadian-American Relations* (Agincourt: Methuen Publications, 1984), 147.

summarized in table 2-1.

Table 2-1 Canada-US Issues and Disputes 1938-1951

| Issue | Outcome | Possible Effect on Canadian Sovereignty ²¹ | Canadian officials advancing US interests? | Refs ²² |
|--|-----------------|---|--|---|
| 1938. Alaska Highway. US requests Canada's assent. | Canada rejects. | Gain | | Eayrs. ²³ |
| 1942. Alaska Highway. US pressures Canada. | Canada accedes. | Loss | | Ibid. |
| 1946. Alaska Highway Agreement passes highway to Canada. | US accedes. | Gain | | Ibid. |
| 1946. US military presence in Arctic. Canada requests removal. | US agrees. | Gain | | Ibid. |
| 1949. NATO article II. Canada requests commitment to promotion of democracy and development. US objects. | US relents. | Gain | | Holmes, <i>Life With Uncle</i> , p. 30-1. |

The table above will be joined by two others covering the remainder of the 1951-1968 and the 1968 to 2001 period. The intention here was to array the issues and disputes in table form following the broad approach used by Keohane and Nye and more recently Brian Bow.²⁴ The only modification made has been to add a column that records whether there is a potential sovereignty gain or loss and whether Canadian officials may have been involved.

²¹ This would include the ability, or not, to craft an independent foreign policy. In the next section to this chapter more precise criteria will be offered

²² The entries to these tables were extracted from either Keohane and Nye's *Power and Interdependence*, (Chapter 7) and/or the tables at page 246-276 within Brian J. Bow, "The Missing Link: Bargaining Norms, Transgovernmental Networks, and Canada-US Relations," (PhD, Cornell Univ, 2003). Where I needed to include additional material from others, a specific entry is made in the "refs" column. The keen reader will note that Keohane and Nye as well as Brian Bow include other issues and disputes in their analyses that I did not. The omissions likely reflect the fact that those I excluded had little to do with military interoperability or even military cooperation. Similarly issues that involve no potential effect on Canadian sovereignty were excluded. For example, Keohane and Nye cite as an issue the Canadian government's successful call for the US to overturn its decision to terminate the BOMARC programme. The US government relented in this case but the effect on Canadian sovereignty was zero.

²³ Eayrs, *In Defence of Canada: Peacemaking and Deterrence*, 349-52.

²⁴ Keohane and Nye, *Power and Interdependence: World Politics in Transition*, 166-218; Bow, "The Missing Link: Bargaining Norms, Transgovernmental Networks, and Canada-US Relations," 246-76.

There will be no attempt initially to assess the validity of such claims or weigh the merits of competing ones. As the case of the British-French staff talks of 1911 revealed, one would be forced to do considerable digging to establish which of the two competing points of view have merit, and even then one is unlikely to arrive at definitive final answer. Similarly, if there is a suggestion that Canadian officials abetted US interests at a cost to Canada's sovereignty that will be also be noted but not deeply probed.

Dramatically increased Canadian-United States wartime cooperation was not the only interoperability issue facing Canada during the period 1938-1951, although it was arguably the most significant. War had brought huge changes to the scope, the actors and the management of international military interoperability. The fielding of million-man armies employing advanced radio and radar technologies and fleets of hundreds of vessels and thousands of aircraft required mammoth levels of coordination. As the introduction to this dissertation demonstrated, when the allies failed to coordinate, disaster followed with the Battle of the Java Sea providing a particularly salutary example. This then saw the Australian, Canadian, British, and American governments (or "AUSCANUKUS" group) commit themselves to advanced levels of interoperability with dedicated permanent staffs to manage the processes. Further, this group, reinforced by their often spectacular intelligence successes in fully breaking the codes of the Japanese and Germans and initial successes in opening Russian ones, resolved to continue their association after hostilities.²⁵

²⁵ For a good overview of Canada's role and contributions to this group see H.A. Skaarup, Major, "An Intelligence Advantage: Collective Security Benefits Gained by Canada through the Sharing of Military Intelligence with the United States of America," (MA, Royal Military College of Canada, 1997), 25-72.

Permanent, formal bodies devoted to interoperability management were not the only change. This “four eyes” group quickly recognized the need for significant specialization within its efforts. This produced first, an intelligence sharing association and then a separate military communications organization, the just-described Combined Communications and Electronics Board or CCEB.²⁶

The national makeup of this group, however, was slow to change. Since the initial forming of the AUSCANUKUS group during World War II, only New Zealand has been added to it. However, in 1984 she was excluded for some twenty-five years as a result of a major falling out with the United States over what the latter viewed as a critical defence cooperation issue. That year New Zealand announced a policy that barred nuclear armed and nuclear powered vessels from her ports. This effectively excluded the US Navy and led to the American government cancelling her defence treaty, intelligence sharing and all military cooperation with her.

While this inner circle was kept intentionally small, the AUSCANUKUS nations saw the need to expand its coordination function beyond themselves in select areas. As

Richard Aldrich argues the re-emergence of a "global sigint network" occurred on 22 February 1946 with Britain organizing a Commonwealth conference on the topic that brought Australia, New Zealand, and Canada into the UKUSA intelligence exchange under British leadership. See Richard J. Aldrich, *GCHQ: The Uncensored Story of Britain's Most Secret Intelligence Agency* (London: Harper Press, 2010), 93-95. As the British led negotiations with the Americans on this topic with the Australians, Canadians and New Zealanders agreeing that she could represent them the author admits this sometimes equated to "'colonial' treatment."

²⁶ US Department of Defense. *Publication 1: Organization, Roles and Responsibilities*. Combined Communications and Electronics Board, 2010, https://community.apan.org/.../CCEB_5F00_Pub_5F00_1_5F00_P41, (accessed 11 Aug 2011), 41. Many subgroups formed to manage army, naval, and broad technical cooperation. Examples of other AUSCANUKUSNZ groups include the ABCA (America, Britain, Canada, Australia) Armies organization, the parallel Air Standardization Coordination Committee, and the Technical Cooperation Panel devoted to science and technology writ large.

has been noted, this group had the immediate task of supplying codes and procedural manuals to the twelve other nations supporting the allied efforts against Germany and Japan in 1945. The inner core of AUSCANUKUS states still found cause, however, to meet separately and share some data only amongst themselves.

While not referred to as such at the time, a multi-level security architecture had been born, and that architecture would remain a central element of Canada's interoperability relationships. Within that hierarchy, it was understood that at the highest, or 'national' level, a state had certain secrets and communications codes it would share with no one. Material at this level would be marked "SECRET - For Canadian Eyes Only" for example. The US equivalent was "NOFORN" for "no foreign eyes" or "no foreign distribution." A state might then make informal arrangements to share data bilaterally with a single ally as Canada does with the United States creating a classification termed "SECRET - CANUS Eyes Only." Such bilateral associations, however, were normally informal and no permanent staffs guided them. A notable exception is North American Aerospace Defence Command, where cooperation occurs in a narrow sector but is sufficiently intense to require a permanent organization covered by a formal agreement. Next in the hierarchy were the "AUSCANUKUS eyes only" exchanges, and these were both formal and frequently directed by permanent staff. Below this level in the hierarchy were those dedicated to improving cooperation with the immediate allies of this group, such as those that joined the allied effort against Germany including the Free French or Netherlands' government in exile. Later, this larger grouping would reform around NATO, and it would also create an extremely effective

system that directed the doctrinal, tactical, communications, logistic, R&D, and industrial interoperability efforts of the new allies using classifications like “NATO SECRET.” Finally, there exists the ‘rest of the world’ grouping. Data, tactical manuals and codes are shared with carefully selected members of this group by states within the USCANUKUS or NATO groups. This is normally done bilaterally, informally, and no organization coordinates this although both the AUSCANUKUS and NATO members expect to be told in advance of any of their group who plans to release data to a non-member state. Japan, for example, is regularly given access to up-to-date NATO material under the classification “NATO SECRET – Releasable to Japan.” Outside of the WARSAW pact, there were no significant competitors to these groupings although the United Nations has attempted to set very basic standards for the land units nations offer up for peacekeeping.

From the beginning Canada was near the privileged top of this interoperability pyramid. This is a significant advantage as both the quality and breadth of the material declines as one progresses down the hierarchy. While there might be some suspicion that, for example, a British-American bilateral link might be denying Canada critical data, this has never been proven. In fact, Canada frequently got the better of both relationships, with Brooke Claxton, the Defence Minister from 1946 to 1954, claiming his chief defence scientist “knew more British secrets than any American and knew more American secrets than anyone from the British Isles.”²⁷ Moreover, such a bilateral link will frequently be informal, likely episodic, and probably focused on a single issue area or defence sector such as warship nuclear propulsion – an exchange only enjoyed by the

²⁷ Eayrs, *In Defence of Canada: Peacemaking and Deterrence*, 49.

US and UK navies given only they operate nuclear submarines. The formal, day-to-day exchange of the most sensitive intelligence and military procedures occurs at the AUSCANUKUS level.²⁸

The closed membership of this group is not simply the result of cultural prejudices centering on what a French officer has called “*Le Club Anglo-Saxon*.” A long history of burden sharing and successful risk management of the most sensitive intelligence and defence procedures underpins that organization. While there is no suggestion that the burdens are equal, there is a broad understanding that defence loads will be shared. New Zealand’s unwillingness to carry the burden of USN nuclear vessel visits appears to have exceeded the limits of that understanding.

AUSCANUKUS exchanges are also supported by a common risk management process. This involves an extremely rigorous procedure for ensuring the reliability of those officials permitted access to its secrets - the term “vetting” is often used - and an agreed range of sanctions for those individuals who then violate its secrets. NATO, on the other hand, has, after some sixty years, still not agreed on a common vetting process for its officials.²⁹ Without such a process, establishing trust in a data sharing situation will be “seriously hampered” according to one Canadian intelligence professional.³⁰

In his massive study of British and AUSCANUKUS intelligence cooperation, James Aldrich argues the lack of trust was acute, particularly after a series of spy

²⁸ Paul Cellucci, "The Relationship: A US Perspective," *International Journal*, LX, no. 2 (2005), 513.

²⁹ Lieutenant-Colonel L.H.Rémillard, "Making New Friends, Trusting New Friends - the Challenges of Coalition Intelligence Sharing in Afghanistan." Canadian Forces College, 2009, 55.

³⁰ Ibid.

scandals within NATO's Brussels headquarters during the 1960s.³¹ As a result the AUSCANUKUS community agreed to only provide its most sensitive material, that derived from the interception of foreign communications, to NATO during times of crisis. They did so during the Middle East war of 1967 through a laborious process that passed the basics of their communications intelligence while all the while removing any information that might reveal that source. However, day-to-day cooperation between the two groups was nonexistent in this area, with Aldrich assessing "there was never any intention to supply NATO with a broad range of SIGINT [signals intelligence] under normal peacetime conditions."

Canada's entry into this interoperability matrix was entirely consonant with the government's policy of being actively engaged internationally and of remaining within the western collective security umbrella. Canada's participation in NATO's extensive military standardization and communications interoperability agreements also supported successive Canadian governments' devotion to the multilateral approach. John Holmes has argued we came to define ourselves this way: "Our national identity is to be found in our internationalism."³²

More practically, Canada benefitted significantly from its access to the intelligence produced by the AUCANUKUSNZ group and to a lesser extent, NATO.

³¹ Aldrich, *GCHQ: The Uncensored Story of Britain's Most Secret Intelligence Agency*, 255-57.

³² John W. Holmes, *The Better Part of Valour: Essays on Canadian Diplomacy*, Carleton Library, No. 49 (Toronto: McClelland and Stewart, 1970), 2. He adds "We have never fought a war on our own, and we think of ourselves rather as participants in alliances or international operations. Our debates have been over whom, if anybody we should be allied with." Similarly Kim Nossal holds that multilateralism was "the cardinal organizing principle of Canadian foreign policy for half a century." Kim Richard Nossal, "Canada and the United States in a Hyperpower Era," in *The Canadian Forces and Interoperability: Panacea or Perdition?* ed. Ann Griffiths (Halifax: Centre for Foreign Policy Studies, 2002), 180.

Barry Cooper has argued that Canada is viewed as a “net recipient” of intelligence.³³ Paul Robinson agrees and states that Canada has only been able to parlay its modest Communications Security Establishment’s electronic intelligence contribution for the broader intelligence material held by its allies.³⁴ In fact, Canada’s long-standing ability to remain actively engaged in the world without having to shoulder the cost of a national foreign intelligence service says much about its satisfaction with these groups’ and particularly the AUSCANUKUS group’s products.

Canadian Interoperability Policy 1938-1951

Despite the apparent importance of the Canada-United States security relationship and the rising credibility of NATO as significant interoperability player, there was a surprising lack of coherence in the actual interoperability programmes of Canada’s armed forces throughout this period. Most of the disconnects involved a residual clinging to the UK model and a resistance to heartedly adopting the US as the basis for cooperation. In that regard, one would think that the 1947 PJBD Joint Statement encouraging the two militaries to adopt “common designs and standards in arms, equipment, organization, methods of training, and new developments, etc” was sufficiently clear.³⁵ The Royal Canadian Air Force certainly understood the new orientation and dedicated itself to

³³ Barry Cooper. "CFIS - a Foreign Intelligence Service for Canada." CDFAI, 2007, <http://www.cdfai.org/PDF/CFIS.pdf>, (accessed 11 Nov 2011), 2, 41.

³⁴ Paul Robinson, "The Viability of a Canadian Foreign Intelligence Service," *International Journal*, LXIV, no. 3 (2009), 708-09.

³⁵ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 14.

American aircraft, their spare parts, and their procedures.³⁶ Yet this dedication was balanced with a necessary scepticism with John Eayrs lauding the post-war RCAF for skilfully “capitalizing on (but not capitulating to) air power doctrine sedulously propagated in the United States.”³⁷ The Army and Navy were less ready to drop their reliance on British equipment and procedures despite the government’s new focus on the US and the often woeful support they received from British military suppliers during the war.³⁸

The Canadian Navy appeared particularly tied to the Royal Navy model, often to the point of being obtuse. This went beyond the selection of British ship designs and naval aircraft and the continued use of Royal Navy training facilities and procedures immediately after the war. It also included an internal culture based on a “slavish conformity to the traditions of the Royal Navy and its outdated code of discipline” in James Eayrs’ view.³⁹ He, and he was joined by many political leaders, argued that the RCN’s mutinies and the frankly appalling treatment of French Canadians flowed from this flawed “cultural milieu.” This included the Navy’s astounding 1943 proposal to send Quebecois recruits to the Free French navy if they failed English training, a plan that incited the particular fury of the Prime Minister, and its immediate rejection.⁴⁰ The Navy

³⁶ The reasons for this are well covered in a detailed DND aide-memoire cited in Eayrs, *In Defence of Canada: Peacemaking and Deterrence*, 104-5.

³⁷ *Ibid.*, 122.

³⁸ Danford W. Middlemiss, "A Pattern of Cooperation: The Cases of the Canadian-American Defence Production and Development Sharing Arrangements, 1958-1963," (PhD, University of Toronto, 1975), 71-2, 394-5. See also Eayrs, *In Defence of Canada: Peacemaking and Deterrence*, 125. Further, see Desmond Morton, *A Military History of Canada*, 3rd ed. (Toronto: McClelland & Stewart, 1992), 177.

³⁹ Eayrs, *In Defence of Canada: Peacemaking and Deterrence*, 124. See also Morton, *A Military History of Canada*, 228-29.

⁴⁰ Eayrs, *In Defence of Canada: Peacemaking and Deterrence*, 131.

was then exceedingly slow to correct those attitudes, and a series of government commissions took a hand at addressing its post-war culture and its “lackadaisical” efforts to improve its woeful naval French language training.

Nor was this the only failing. The long standing reliance on the Royal Navy for training and doctrine, while immensely helpful in first establishing the Canadian Navy, also removed the need for it to develop its own strategy or provide a convincing naval rationale for itself. This was little problem during the war when Canada necessarily complied with broad lines of allied strategy and here its role, mission, and worth were clear to all. In the first years after the war, however, only the RCAF consistently demonstrated an ability to independently re-craft the strategies of others to meet Canada’s unique situation, explain it convincingly to politicians, and relate that strategy to the needs and abilities of Canadian industry. The RCN’s long reliance on unalloyed British strategic thought and the education and training system that produced it left the RCN without a Canadian strategic viewpoint or the wherewithal to develop one.⁴¹ This failure, tied to the increasing complaints of individual MPs, defence ministers, and the Prime Minister himself over the Navy’s backward approach to discipline and the needs of its Quebecers forced change.

The Navy, its peacetime reputation in serious doubt and now operating under an attentive defence minister, Brooke Claxton, who was fully ready to provide it needed

⁴¹ This occurred in Australia also and the process was superbly outlined at Rear-Admiral James Goldrick, PhD, (RAN), "From Fleets to Navies: The Evolution of Dominion Fleets into Independent Services," paper presented at the Maritime Historical Conference, Ottawa, 5 May 2010.

direction, was in no position to resist.⁴² By 1949, Vice Admiral Grant, originally a thoroughly committed anglophile, ordered the reorientation of the Navy's habitability, tactical doctrine, supply system, ship design, and communications to US Navy standards.⁴³ In Korea, the Canadian ships were locked into a USN task group and supplied by them. In 1951 an entirely Canadian designed warship, HMCS St Laurent, was launched with the majority of its systems US-made.⁴⁴

Granatstein has argued the Army was slowest to turn away from its British practices in the post-war period.⁴⁵ Saddled with an immense stock of British pattern wartime equipment, there was little to support a call for new US designs even to meet the demands of the Korean War. Even then, Canada's Army fought in Korea within the Commonwealth division but with ever-increasing criticism from the men over their British rations and equipment.⁴⁶

The Canadian Army leadership, however, was divided on the issue of interoperability with General Foulkes, the chairman of the Chiefs of Staff Committee, favouring the American model while the commander of the Canadian Army, General Simonds, remained committed to the British Army. The dispute came to a head in 1951 with the decision to station Canadian forces in Europe under NATO forcing Canada to choose whether its forces would operate in the British or American sector. Only a

⁴² Capt (N) Wilfred G.D. Lund, "Vice-Admiral Harold Grant: Father of the Post-War Royal Canadian Navy," in *Warrior Chiefs: Perspectives on Senior Canadian Military Leaders* ed. Bernd Horn and Stephen John Harris (Toronto: Dundurn Press, 2001), 197, 206.

⁴³ *Ibid.*, 197-98.

⁴⁴ *Ibid.*, 200, 08.

⁴⁵ J. L. Granatstein, "The End of British Influence on the Canadian Army," *The Dispatch (CDFAI)*, Spring(2009), 7-9.

⁴⁶ *Ibid.*, 8.

compromise engineered by the Department of External Affairs resolved the dispute by attaching the Air Force contribution to the American sector in southern Germany with our army joining the British Army of the Rhine in the north.⁴⁷ Under Simonds, the Army also revived three traditional regiments, formed the Regiment of Canadian Guards on a solidly British model, and selected a British battle tank over any US model. A series of General Simonds' public statements covering everything from the need for peacetime conscription to what he considered the folly of selecting the Americans over the British as military partners then played a large part in his forced early retirement in 1956.⁴⁸

The Navy's initial and the Army's steady clinging to British practice was most certainly a divergence from stated government direction and its emerging interoperability policy. That policy's focus on Canada-United States cooperation with a parallel track supporting NATO reflected strategic reality. NATO also offered a politically necessary counterweight to US dominance. That some elements in the Army and Navy were not fully supportive of the orientation reflects the certain effect of tradition. What may also be a factor is the recurring hesitancy of political leadership to direct a military service to line itself up more fully behind the government's stated interoperability priorities. The Navy only received clear direction after its policies produced a very public discontent the politicians could not ignore. General Simonds was only corrected when he made public his disagreement with clear government policies.

⁴⁷ Morton, *A Military History of Canada*, 237.

⁴⁸ *Ibid.*, 227. Mackenzie King reportedly referred to the Army's peacetime conscription proposal as "perfectly outrageous." See also Lieutenant-Colonel R. Jarymowycz, "General Guy Simonds: The Commander as Tragic Hero." In *Warrior Chiefs: Perspectives on Senior Canadian Military Leaders* edited by Bernd Horn and Stephen John Harris, Toronto: Dundurn Press, 2001, 128-29.

Yet one must be cautious in demanding the complete dropping of the British model despite Britain's obvious military and financial weaknesses. The United States Army's initial military performance in the Korean War inspired neither confidence nor emulation. Here, the British-made Centurion tank also performed superbly. In addition, there is also very much the suggestion that within government the Commonwealth connection still offered as much as counterweight to the United States as a still-forming NATO might later provide. Mackenzie King relied heavily on the Commonwealth for this according to John Holmes: "Mackenzie King used our defence ties with the US to quash suggestions for Commonwealth defence strategies, and then shamelessly pleaded in reverse when there was talk of activity in continental defence."⁴⁹ One could well imagine anglophile military and naval officers arguing that continued cooperation with Britain served the same offsetting role. However, the long term value of Britain as a competing military model and counterweight was declining rapidly.

1951-1968

This period begins with a confident Canada exerting significant influence worldwide in security matters.⁵⁰ Within the North American continent, Canada enjoyed a formal equality with the United States in security matters according to many influential Canadian defence voices:

Canada's eagerness to play a full role in partnership with the United States in continental defence from August 1940 - with the signing of the Ogdensburg

⁴⁹ Holmes, *Life with Uncle: The Canadian-American Relationship*, 23.

⁵⁰ One must note, however, that all the following claims as to that significant influence were made by Canadians – a point I owe to Joel Sokolsky.

Agreement - through the Second World War and through the Cold War gave Canada equal status with the United States on the Permanent Joint Board of Defence (PJBD), North American Aerospace Defence Command (NORAD), and a plethora of defence production and technology sharing and testing agreements.⁵¹

Moreover, the Permanent Joint Board on Defence was influential, the Defense Production Sharing Agreement provided Canada a very favourable right of access to US defence contracts, and the North American Air Defence Command took over all of North American air defence with a four-star American as its head assisted by a three-star Canadian deputy. This was the “zenith” of Canada-US interoperability in Middlemiss and Stairs’ view.⁵²

Canada’s influence also extended beyond North America, and for the first part of this period she continued to be part of the close inner circle of key states who set the West’s security agenda.⁵³ For example, John Holmes has noted that Canada was part of the three power discussions on controlling the atom and enjoyed “considerable influence” therein. We were not passive participants, and Canada enjoyed a reputation in the United States on these critical matters as “intelligent, co-operative, somewhat willful, and not readily subject to dictation” in his view.⁵⁴ Similarly, Lester Pearson, our Minister of External Affairs in 1954, claimed that Canada was part of an inner circle with the United States, the UK, and France which set the parameters of debate on the Alliance’s nuclear

⁵¹ David J. Bercuson et al., "A Report Prepared by the Canadian Defence and Foreign Affairs Institute for the Canadian Council of Chief Executives," ed. CDFAI (2003), 2. Bercuson was joined by John Ferris, J.L. Granatstein, Rob Huebert and Jim Keeley in authoring this report.

⁵² Middlemiss and Stairs, “The Canadian Forces and the Doctrine of Interoperability: The Issues,” 15.

⁵³ Holmes, *Life with Uncle: The Canadian-American Relationship*, 22.

⁵⁴ *Ibid.*, 16-18, 22.

strategy prior to the full NATO meetings.⁵⁵ Such influence was underwritten by a full Canadian Army brigade of some sixty-eight hundred personnel and twelve RCAF squadrons in Europe with the some of the most advanced aircraft in the NATO alliance. Our Navy also took the lead in the anti-submarine warfare effort that would ensure Europe was reinforced in wartime.

Those same military capabilities backed up our foreign policy success in containing the Suez crisis. This incident also signalled the very end of any lingering Canadian interest in British strategic leadership. In fact, the peacekeeping model that emerged from Suez permitted Canada to demonstrate worldwide military leadership in a niche role that was to become increasingly important.

As table 2-2 shows, greater Canadian engagement in North American and international security issues brought with it greater possibility of disagreement with the United States.

Table 2-2 Canada-US Issues and Disputes 1951-1968

| Issue | Outcome | Possible Effect on Canadian Sovereignty? | Canadian officials advancing US interests? | Refs ⁵⁶ |
|--|---|--|--|----------------------|
| 1951-52. US desires Goose Bay lease, Canada requests consultation on nuclear strategy. | Canada grants lease. US agrees informally re consulting. | Loss Gain | | Eayrs. ⁵⁷ |

⁵⁵ James George Eayrs, *In Defence of Canada: Growing up Allied*, Studies in the Structure of Power: Decision-Making in Canada (Toronto: Univ of Toronto Press, 1980), 266.

⁵⁶ Again, all the entries to this table were extracted from either Keohane and Nye's *Power and Interdependence*, (Chapter 7) and/or the tables at page 246-276 within Bow, "The Missing Link: Bargaining Norms, Transgovernmental Networks, and Canada-US Relations." Where I have relied heavily on other sources these are listed in this column.

⁵⁷ Eayrs, *In Defence of Canada: Peacemaking and Deterrence*, 353.

| Issue | Outcome | Possible Effect on Canadian Sovereignty? | Canadian officials advancing US interests? | Refs ⁵⁸ |
|--|--|--|---|---|
| 1950-54. US Senate hearings target Canadians. Canada protests. | Diplomat dies, others fired. US accedes to our request to not publicize. | Loss Gain | | |
| 1950-53. Korea. Canada requests restraint. | Little effect on US policy. | Neutral | | Holmes. ⁵⁹ Stairs. ⁶⁰ |
| 1953. Gouzenko Interview. US pressure for access. | Canada assents. | Loss | | |
| 1953. Defence Production Sharing Arrangements. | US grants Canada access to its military market. Canada agrees to focus on niche areas. US officials assist Canada evading US "Buy American" legislation. | Gain Loss Gain | -US officials advance Canadian interests | Middlemiss. ⁶¹ |
| 1954-55. Quemoy and Matsu. | US requests Canadian military assistance – denied. | Gain | | |
| 1958. NORAD agreement. | Prime Minister signed agreement but Government rushed into signing it. | Gain Loss | "a <i>fait accompli</i> : a deal essentially worked out by the two countries' senior military brass." McKenna. ⁶² | "One might even argue that Canada's decision to integrate its defence policy with that of the United States is itself a sovereign and cost-effective decision." McKenna. ⁶³ |

⁵⁸ Again, all the entries to this table were extracted from either Keohane and Nye's *Power and Interdependence*, (Chapter 7) and/or the tables at page 246-276 within Bow, "The Missing Link: Bargaining Norms, Transgovernmental Networks, and Canada-US Relations." Where I have relied heavily on other sources these are listed in this column.

⁵⁹ Holmes, *Life with Uncle: The Canadian-American Relationship*, 20.

⁶⁰ Denis Stairs, *The Diplomacy of Constraint: Canada, the Korean War, and the United States* (Toronto: University of Toronto Press, 1974).

⁶¹ See particularly pages 435-36 of Middlemiss, "A Pattern of Co-Operation."

⁶² Peter McKenna, "Security Integration: Reality Check," *Chronicle Herald*, 9 Feb 2011, A11. General Foulkes, Canada's senior military officer, admitted to "stampeding" the new Conservative government into signing the agreement. See Joseph T. Jockel, *No Boundaries Upstairs: Canada, the United States, and the Origins of North American Air Defence, 1945-1958* (Vancouver: University of British Columbia Press, 1987), 103-06.

⁶³ McKenna, "Security Integration: Reality Check," A11.

| Issue | Outcome | Possible Effect on Canadian Sovereignty? | Canadian officials advancing US interests? | Refs ⁶⁴ |
|--|---|--|--|---|
| 1961. Nuclear Weapons Canada delayed accepting them. US pressed Canada to accept them. | Diefenbaker refuses. US publicly criticizes Canadian response. That contributes to defeat of Canada govt. | Gain Loss | | US Govt helps "to topple the Canadian Government." Granatstein. ⁶⁵ "the ultimate example of blatant American interference with Canada's sovereign right to determine its own policy." Ghent-Mallet. ⁶⁶ |
| 1962. Cuban Missile Crisis. US expects our support. Canadian govt. expects to have been consulted and also senses US response is reckless. | US consultation inadequate. Canadian military follows US alert measures "without government authority." | Loss Loss | Unauthorized alerts "an indication of the increasing closeness of the RCN and RCAF with their US counterparts." Granatstein. ⁶⁷ "Dyer [Atlantic Naval Commander] took his orders from the United States Navy and not from Ottawa." "...suggested the allegiance of the Canadian military (in times of perceived crisis at least) lay with the US military and not the desires of the democratically elected government in Canada." "an act of military sedition" Charbonneau and Cox. ⁶⁸ | ".. the single greatest breach of proper civil-military relations in Canadian history." Granatstein. ⁶⁹ "...resulted in Canada's complete loss of sovereign control over its defence forces." Charbonneau and Cox. ⁷⁰ |

⁶⁴ Again, all the entries to this table were extracted from either Keohane and Nye's *Power and Interdependence*, (Chapter 7) and/or the tables at page 246-276 within Bow, "The Missing Link: Bargaining Norms, Transgovernmental Networks, and Canada-US Relations." Where I have relied heavily on other sources these are listed in this column.

⁶⁵ J. L. Granatstein. "A Friendly Agreement in Advance - Canada-US Defence Relations Past, Present and Future." In *The Border Papers*: C.D. Howe Institute, 2002, 6.

⁶⁶ Jocelyn Ghent-Mallet, "Deploying Nuclear Weapons, 1962-63," in *Canadian Foreign Policy: Selected Cases* ed. Don Munton and John J. Kirton (Scarborough, Ont.: Prentice-Hall Canada, 1992), 110.

⁶⁷ Granatstein. "A Friendly Agreement in Advance - Canada-US Defence Relations Past, Present and Future." 5.

⁶⁸ Bruno Charbonneau and Wayne S. Cox, "Global Order, US Hegemony and Military Integration: The Canadian-American Defence Relationship," *International Political Sociology*, 2 (2008), 308-10.

⁶⁹ Granatstein. "A Friendly Agreement in Advance - Canada-US Defence Relations Past, Present and Future." 6.

⁷⁰ Charbonneau and Cox, "Global Order, US Hegemony and Military Integration: The Canadian-American Defence Relationship."

| Issue | Outcome | Possible Effect on Canadian Sovereignty? | Canadian officials advancing US interests? | Refs ⁷¹ |
|--|--|--|--|--------------------|
| 1965-73. Vietnam War. US requests our diplomatic support and a more pro-US stance within our International Control Commission's work. Canada seeks greater US restraint. | Canada does not support US diplomatically or alter its ICC outlook. US does not alter its policies in Vietnam. | Gain Neutral | | |

While many of these represent serious confrontations, one must keep in mind Canada's overriding commitment to the western democracies and her impressive contributions to their collective defence. Moreover, such early disagreements as occurred over the conduct of the Korean War or the predations of the US Senate committees against Canadian diplomats were subsequently managed in the discrete and courteous manner expected of international diplomacy. Canada's more successful foreign policy activities vis-à-vis the United States were, in John Holmes view "not achieved by making speeches at them."⁷² This style excluded the public, the media, and most parliamentarians and Congressmen. As a result most disagreements and many of the conflicts were contained and quickly ended. At the same time, the US, who critically needed Canada's territory and whole-hearted cooperation to meet the Russian manned bomber threat, was necessarily attentive to carefully voiced Canadian concerns. There was now talk of Canada and the United States sharing some form of a "special relationship."

⁷¹ Again, all the entries to this table were extracted from either Keohane and Nye's *Power and Interdependence*, (Chapter 7) and/or the tables at page 246-276 within Bow, "The Missing Link: Bargaining Norms, Transgovernmental Networks, and Canada-US Relations." Where I have relied heavily on other sources these are listed in this column.

⁷² Holmes, *Life with Uncle: The Canadian-American Relationship*, 85.

By the early 1960s the discrete approach was no longer the automatic Canadian or American government response to disagreements. A wide range of factors contributed and these would include a more energetic media reinforced by a new readiness by both governments to engage their own and each other's publics in these debates. During their 1962 disagreement on nuclear weapons policy, Canada and the United States regularly resorted to public announcements and press releases to advance their points of view. If it would advance their case, there was also no hesitation in revealing the defence details of hitherto secret negotiations.⁷³ Within this very public dispute, the US government felt Canada was not keeping a critical defence agreement and was then trying to bend the facts to justify it.⁷⁴ With a minority government and a divided Cabinet, Diefenbaker, under extreme political pressure, attempted to portray the issue as one of US domination.

This fear of domination was shared by an increasingly vocal and growing public constituency concerned over the extremely high levels of American ownership of Canadian industries and media. Domination in these areas was seen as both an immediate sovereignty issue and part of a progression where American control over key Canadian industries would necessarily lead to American control of both our foreign and defence policies. In the minds of some, such domination was well underway and frequently assisted by non-elected Canadian government officials and uniformed officers all too ready to serve US interests. Thus one must consider the recurring allegations that

⁷³ Jocelyn Ghent-Mallet, "Deploying Nuclear Weapons, 1962-63." In *Canadian Foreign Policy: Selected Cases* edited by Don Munton and John J. Kirton, Scarborough, Ont.: Prentice-Hall Canada, 1992, 108-11.

⁷⁴ Brian Bow provides "the Kennedy administration lost all patience with his [Diefenbaker's] doubletalk and delays and began to look for ways to force the issue." Brian J. Bow, "Defence Dilemmas: Continental Defence Cooperation, from BOMARC to BMD," *Canadian Foreign Policy Journal* 15, no. 1 (2009), 46.

Prime Minister Diefenbaker was rushed into signing the NORAD agreement by the Canadian military. Further suggestions of divided loyalties arose when the Canadian military then chose to match American readiness states during the Cuban missile crisis despite the known opposition of the Prime Minister.

Both issues are fascinating for the robust, one-sided and longstanding nature of their allegations of military disloyalty. McKenna's claim of Diefenbaker being presented with a NORAD Agreement "*fait accompli*" by the Canadian military only presents one side of a complex issue. On one hand, that allegation is well supported with General Foulkes' (the head of the Canadian military), acknowledgement that he had initially "stampeded" the Diefenbaker government in quickly bringing the agreement forward soon after they took office.⁷⁵ However, McKenna does not acknowledge that the previous Liberal government had considered it at length, intended to approve it, and, given the upcoming federal election, postponed signing it until after.⁷⁶ The surprise 1957 Conservative election victory intervened and the Diefenbaker government quickly signed it with Foulkes' urging. In his own memoirs Diefenbaker fully acknowledges the Canadian military's subsequent desire for haste, but he then supports the pace, logic and informality of the NORAD Agreement process itself.⁷⁷

In a less one-sided manner, Jack Granatstein refers to the apparently unauthorized

⁷⁵ Jockel, *No Boundaries Upstairs: Canada, the United States, and the Origins of North American Air Defence, 1945-1958*, 104.

⁷⁶ Patricia I. McMahon, *Essence of Indecision - Diefenbaker's Nuclear Policy, 1957-1963* (Montreal: McGill-Queens Univ Press, 2009), 20-24.

⁷⁷ John G. Diefenbaker, *One Canada - Memoires of the Right Honourable John G. Diefenbaker* (Toronto: McMillan, 1977), 20-25. Joseph Jockel argues he was still "stampeded." See his Jockel, *No Boundaries Upstairs: Canada, the United States, and the Origins of North American Air Defence, 1945-1958*, 103-06.

Canadian alerts during the Cuban Missile Crisis as the “the single greatest breach of proper civil-military relations in Canadian history.”⁷⁸ Often forgotten is the fact that the Defence Minister “covertly” authorized those higher alert levels with the full knowledge Diefenbaker was opposed to them.⁷⁹ It was thus more a ‘cabinet crisis’ than a civil-military one. This has an unpleasant similarity to the 1906-1914 Franco-British military staff talks where the military became the scapegoat for the problems that originated in a divided British cabinet.

The nuclear weapons and Cuban Missile Crisis certainly marked the most difficult of periods for Canadian-US relations. With Lester Pearson’s election in 1963 the relationship rapidly recovered. That good relations ‘reset’ so quickly arguably benefitted from those same extensive informal ties between Canadian and American officials that had been so problematic for the Diefenbaker government. Indeed Peter Haydon assessed that these bureaucratic links were “largely immune to discord at the higher level” and the involved officials continued, uninterrupted, to manage the day-to-day military relationship.⁸⁰ These “transnational” networks of officials and agencies also extended

⁷⁸ Granatstein. "A Friendly Agreement in Advance - Canada-US Defence Relations Past, Present and Future." 6.

⁷⁹ Joseph T. Jockel, "Five Lessons from the History of North American Aerospace Defence," *International Journal*, LXV, no. 4 (2010), 1022. A detailed account of this decision chain is to be found in Peter T. Haydon, *The 1962 Cuban Missile Crisis: Canadian Involvement Reconsidered* (Toronto: Canadian Institute of Strategic Studies, 1993), 124-42. As a sidenote, see the last page where, later, Cabinet provided the somewhat curious direction to the military to proceed with these extensive higher alert measures “discretely.” This resulted, in the words of the author, with the view that “The accepted definition of ‘discretely’ now seemed to imply ‘not in Ottawa.’” A detailed review of the cabinet discussions is also in Robert W. Reford, *Canada and Three Crises*, Contemporary Affairs Series (Lindsay, ON: The Canadian Institute of International Affairs, 1968), 173-203.

⁸⁰ Haydon, *The 1962 Cuban Missile Crisis: Canadian Involvement Reconsidered*, 184. The ability of the bureaucracy to insulate itself from political crises is covered in detail in Middlemiss, "A Pattern of Co-Operation," 400-32.

well beyond the defence realm as Keohane and Nye have demonstrated.⁸¹ Established to manage the extensive continental military and economic response in wartime, many of these transnational links between both nations' government officials remained active and, in many cases, expanded in the post-war period.⁸²

Certainly, the 1959 Canada-US Defence Production Sharing Arrangements (DPSA) restarted the wartime industrial cooperative effort and appeared to function quite well despite the occasional serious Canada-US security dispute. The DPSA also provides an intriguing counterpoint to the charge such links lead to the divided or compromised loyalty of Canadian officials at the hands of the larger US bureaucracy. In his detailed tracing of the DPSA, Middlemiss reveals that the only occasion where officials knowingly sidestepped their own government's policies involved Americans.⁸³ This occurred when their officials sought to assist Canadian manufacturers in getting exemptions to US "Buy American" legislation.

Canadian Interoperability Policy 1951-1968

During the period 1951-1968 Canadian military interoperability was far more tightly aligned with the Canadian government's 1947 direction to develop "common designs and standards in arms, equipment, organization, methods of training, and new developments" with the US.⁸⁴ Diefenbaker's supporters likely felt that the military was

⁸¹ Keohane and Nye, *Power and Interdependence: World Politics in Transition*, 33-35, 169-92.

⁸² Middlemiss takes care to point out that not all bureaucratic links remained active and that the wartime Canada-US economic collaboration networks had gone dormant after 1945. Many of these networks were not reestablished until the Korean War. Middlemiss, "A Pattern of Co-Operation," 401-2.

⁸³ *Ibid.*, 436.

⁸⁴ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 14.

over-focused on maintaining close ties with the US military and was unresponsive or indifferent to the temporary alterations to the framework desired by the government of the day.

The fact that defence officials continued to maintain close, mutually supporting ties during this and other temporary political upsets fits well with Keohane and Nye's and Middlemiss' characterization of issue management via transgovernmental bureaucratic networks. Continued close bureaucratic cooperation was reinforced, if not dictated, by the intentionally informal nature of the bilateral defence arrangements. No treaty, and certainly no joint Canada-US staff, guided the defence relationship. The Permanent Joint Board on Defence was in no way 'Permanent' and normally only met for two to four days a year. What guidance it provided was normally in the form of "recommendations" to the Canadian and American governments.

The only permanent institution with a Canada-United States defence mandate was NORAD and Anessa Kimball takes care to point out NORAD still relied on a series of largely informal mechanisms and had completely escaped any treaty framework.⁸⁵ While having permanent bilateral staff, their responsibilities were tactical in nature with the politico-strategic management limited to the five year renewals of the agreement.⁸⁶ In

⁸⁵ Anessa L. Kimball, "Understanding the Institutionalization of US-Canadian Military Technical Cooperation from 1950-2005 with Some Transatlantic Comparisons," paper presented at the Annual Meeting of the International Studies Association, (Canada) Montréal, 16 -19 Mar 2011, http://citation.allacademic.com/meta/p_mla_apa_research_citation/5/0/1/8/1/pages501816/p501816-2.php, (accessed 25 Oct 2011), 1-2.

⁸⁶ James Fergusson, "Beneath the Radar: Change and Transformation in the Canada-US North American Defence Relationship," (Calgary: CDFAI, 2009), 4. He points out the internal NORAD leadership "managed and drove the defence relationship as the attention of the senior national decision makers was largely focused elsewhere." I will shortly argue senior attention was indeed focused elsewhere - in NATO.

fact, Roger Swanson argues most of the Canada-US defence relationship was conducted by officials operating without higher level guidance.⁸⁷

He has also argued that this low key and largely informal approach had the overriding benefit of creating “an illusion of minimum involvement” - a significant political factor given increasing public concerns in Canada over US domination.⁸⁸

Holmes was more blunt: “Canadians were not eager to create more precise institutions. There was the traditional fear of mortgaging our political sovereignty.”⁸⁹ From an American viewpoint, the lack of more formal, treaty-like arrangements allowed the US government and military to evade Senate oversight in Kimball’s opinion.⁹⁰ The obvious downside to the informal approach was that its management fell to lower level defence and foreign officials who were unlikely to get frequent political direction.⁹¹

The low key approach to Canada-United States defence cooperation would contrast quite vividly with Canada’s readiness to not only sign the Washington Treaty creating NATO but to have a lead hand in crafting its more formal arrangements. This saw Canada seeking to expand the Treaty into the political and economic areas while contributing significantly in the early years to its steadily expanding headquarters’ staff.

⁸⁷ Roger Frank Swanson, "An Analytical Assessment of the United States-Canadian Defense Issue Area," *International Organization*, 28, no. 4 (1974), 782-83.

⁸⁸ ———, "An Analytical Study of the United States/Canadian Defence Relationship as a Structure, Response, and Process: Problems and Potentialities," (PhD, The American University, 1969), 367. At times Canadian fears of formal arrangements with the US were extreme. John Holmes provides “After having authorized secret talks by officials about a possible free trade arrangement with the US, King abruptly cancelled them because he concluded, with some advice from beyond this sphere of our sorrows, that we would thereby lose our souls and be gobbled up by the Americans, who, he said, had never forsaken their aspiration for a united continent.” Holmes, *Life with Uncle: The Canadian-American Relationship*, 48.

⁸⁹ Holmes, *Life with Uncle: The Canadian-American Relationship*, 47.

⁹⁰ Kimball, "Understanding the Institutionalization of US-Canadian Military Technical Cooperation from 1950-2005 with Some Transatlantic Comparisons," 7.

⁹¹ Swanson, "An Analytical Assessment of the United States-Canadian Defense Issue Area," 782-83.

Significantly, Canada was represented by both a full time Ambassador and a Lieutenant-General or Vice-Admiral and these met formally with their NATO counterparts on a weekly basis to deal with the strategic issues of the day. More critically, Canadian ministers of defence and foreign affairs each attended NATO “Ministerial” meetings twice a year and would have received quite extensive briefings on the issues both in Canada and in Brussels. As a result, NATO soon became “the most important external influence on Canadian defence policy decision making” in the view of Middlemiss and Sokolsky.⁹² Others would soon share that view.

The entire arrangement had other benefits for Canada’s political leadership. NATO was solidly within the multilateral pattern that now guided Canadian foreign policy. Joined with ten other modest sized states, Canada was also less visibly a ‘junior partner’ to America. Roger Swanson extends this further, arguing that NATO membership, with that in the UN, underlined that Canada now had an international function and was not simply a regional subordinate. Without that function, Swanson argues “Canada’s existence as a sovereign, independent nation comes into question.”⁹³ As was shown, Canada also enjoyed a leadership position amongst the top three or four NATO allies in the early years.

Fully supported by the political leadership, NATO was no less attractive to Canadian military officers and foreign affairs officials. NATO provided the Canadian military a defined mission and a defined force structure with Middlemiss and Sokolsky

⁹² Middlemiss and Sokolsky, *Canadian Defence: Decisions and Determinants*, 161.

⁹³ This might be somewhat overstating the case as my later criteria will show. Swanson, "An Analytical Study of the United States/Canadian Defence Relationship as a Structure, Response, and Process: Problems and Potentialities," 409-10.

arguing that without NATO participation, “it was unlikely that Canada’s sailors would have had much of a navy at all” or the Army its armoured units.⁹⁴ Publicly announced annual NATO targets for desired national defence spending levels also provided a public rationale as well as an external standard for adequate defence spending. Such externally assigned and very public ‘targets’ could never have been acceptable in a Canada-US defence framework. Finally, NATO quickly and energetically took control of the interoperability agenda with its allied publications and equipment standards. The military benefits of these standards in terms of increased coordination, better communications, and improved logistics ensured ready Canadian allegiance to them, and in many sectors Canada provided critical leadership.

One might have expected the increasingly large role NATO played in guiding Canadian defence activities would present opportunities for conflict between its standards and those coming from Canadian-American defence arrangements like NORAD. Such conflicts as did occur were minor to the point of being inconsequential. The reasons for this relatively positive outcome are many and worth stating. At the strategic level, the United States had successfully isolated the management of the defence of North America from the European Allies. North American defence issues were conducted by a separate entity named the Canada-US Regional Planning Group which nominally reported to NATO but did not involve it in its deliberations. Second, the US clearly dominated both

⁹⁴ Middlemiss and Sokolsky, *Canadian Defence: Decisions and Determinants*, 160-61. Here Middlemiss and Sokolsky elaborate on the congruence of benefits NATO provided both Canadian political leaders and the defence and foreign policy bureaucracy. Maloney explains in more detail the process whereby the Canadian military’s capabilities were included in NATO strategic planning. See Sean M. Maloney, "General Charles Foulkes: A Primer on How to Be CDS," in *Warrior Chiefs: Perspectives on Senior Canadian Leaders* ed. Bernd Horn and Stephen John Harris (Toronto: Dundurn Press, 2001), 226-27.

NATO and the Canada-US arrangements. Via the preponderance and sophistication of its military and the size and technological maturity of its industries it was able to set much of the alliance's tactical and technological standards. The US was, however, also generous initially in sharing the most sophisticated elements of its massive investments in defence research in order to improve interoperability and advance the capabilities of the smaller allies. While it might appear that the US defense industry would lose its monopoly status with the wide release of those standards, intra-NATO arms sales would seem to have overwhelmingly benefited US companies.⁹⁵

The three Canadian services also managed potential conflicts between NATO and Canada-US standards with apparent aplomb. This must have been most difficult in the Air Force with its extensive NORAD interoperability commitments. Jim Fergusson has argued that the Canadian and American integration was so complete and so successful that it generated in its officers a sense they were "North American personnel" rather than specifically Canadian or American.⁹⁶ Fergusson also acknowledges this closeness rested in a large part on common cultural bonds and in that sense, a like level of integration was not possible with fourteen NATO allies.⁹⁷ Those bonds and a lack of other competing

⁹⁵ Non-US procedures and technologies were certainly accepted into NATO and, at times, these coexisted with ones of American origin occasionally forcing allies to choose one over the other. An example of this surfaced in the late 1960s with both the United Kingdom and the United States advancing separate and competing electronic data links. Canada had a tough choice to make. While one would expect Canada to automatically select the US version for ease of its North American operations, her ultimate decision was made on the technological superiority of the US link. This is not surprising, as Sutherland argues Canada was one of the most technologically advanced of allies and could, therefore, choose wisely.

⁹⁶ Fergusson, "Beneath the Radar: Change and Transformation in the Canada-US North American Defence Relationship," 4.

⁹⁷ The high level of North American Air Defence integration is humorously outlined in this report provided by Eayrs and Golding: "A year later another hydrogen bomber crashed, this time in northern Greenland. Our Department of Transport Air Traffic Control Centre in Moncton gave the show away. Golding [US Acting Sec of Def for Public Affairs] comments: 'Despite an agreement between two governments that

allies also allowed the US to extend to allowed Canadian officers in NORAD access to their “no foreign eyes” material.⁹⁸ This would have been impossible to manage within a NATO construct.⁹⁹ Yet in spite of these fundamentally different operational environments, one is unable to divine any conflicts or problems as the RCAF took up both duties in the late 1950s. Certainly some small benefit likely occurred from the basing of the Canadian Air Force with the US-led Fourth Tactical Air Force that ran the NATO air defence effort in South Germany as the UK coordinated the activities of the Second Tactical Air Force with the Netherlands and Belgium as its partners in the north.

Geographic separation also appears to have had a hand in the Canadian naval approach to interoperability management. While significantly less developed than the North American Air Defence arrangements, the Navy did have extensive day-to-day links and shared procedures with the United States Navy to maintain a sustained surveillance effort off the North American Atlantic coast.¹⁰⁰ These procedures became increasingly important with the need to monitor and track Russia’s ballistic missile submarines when they took up station in the Atlantic in the 1960s. The Atlantic was also the scene for

nothing would be said yet, despite total silence in Denmark, at Thule, at Plattsburgh, throughout the State Department and throughout the Pentagon, the news of the crash popped out. It had not occurred to us to ask Moncton, New Brunswick, to keep still; indeed, we had been unaware that there was a Moncton, New Brunswick.” See James George Eayrs, *Diplomacy and Its Discontents*, Canadian University Paperbooks (Toronto: Univ of Toronto Press, 1971), 29. He has cited Phil G. Golding, *Confirm or Deny: Informing the People on National Security* (New York: Harper & Row, 1970).

⁹⁸ Fergusson, "Beneath the Radar: Change and Transformation in the Canada-US North American Defence Relationship," 5.

⁹⁹ Joseph Jockel outlines our unique position in NORAD with: “It remains true that NORAD brings the Canadian military more deeply within the US defence establishment than any other ally. The United States quite simply would not entrust such responsibilities to the military of any other close ally, not even Britain.” Joseph T. Jockel, "NORAD: Interoperability at "the Zenith"," in *The Canadian Forces and Interoperability: Panacea or Perdition?* ed. Ann Griffiths (Halifax: Centre for Foreign Policy Studies, 2002), 128.

¹⁰⁰ Haydon, *The 1962 Cuban Missile Crisis: Canadian Involvement Reconsidered*, 78-84.

regular large scale NATO naval exercises. A less integrated but still effective set of joint procedures guided maritime surveillance activities in the Pacific and there the Canadian Navy also developed extensive direct links with the USN. Here Canada relied heavily on advanced American procedures. While they also remained current on NATO-provide tactics, these were often relegated to less advanced exercises. However, regular exchanges between Canada's east and west coast fleets allowed Canadian crews to be expert in both NATO and USN procedures and thus cherry-pick the best of both for their own use.

There was no substantial Canadian Army engagement with the US Army on North American defence issues although an exchange officer programme was beginning to be developed. The Army was, first and foremost, structured, trained and equipped to operate with the British Army of the Rhine in NATO's north European defence.¹⁰¹ As has been described, the location of the Army in the North entirely suited the pro-British outlook of Canada's army commander, General Simonds. However, by the late 1960s defence cuts forced a major drawdown of Canada's NATO assets. General Jean V. Allard, the first Chief of Defence Staff, then ordered the relocation of what remained, and the Canadian army moved to southern Germany and the American sector. General Allard's biographer claims that move reflected the CDS' personal desire that the shift south would make it "possible to reduce, if not eliminate completely, the last influences of the British Army on our own."¹⁰²

¹⁰¹ Maloney, "General Charles Foulkes: A Primer on How to Be CDS," 226.

¹⁰² Serge Bernier, "Hail to the Artist! The Art of Command and General Jean V. Allard," in *Warrior Chiefs - Perspectives on Senior Canadian Military Leaders* ed. Bernd Horn and Stephen John Harris (Toronto:

The enduring pro-British trend in the Army, along with the separate cooperative inclinations of the Air Force and Navy, demonstrate the considerable independence the three services enjoyed in making their various interoperability choices in the 1950s and 1960s. As has been shown, there is little evidence of any direct engagement by Canada's political leaders or, in fact, much public discussion of those choices. Even Hellyer's 1966 far-reaching unification initiative had little intended or practical impact on the services' interoperability policies. Indeed, the new Land Forces Command, Air Command and Maritime Command continued to set their interoperability priorities in consultation with their like army, air force or naval equivalents in NATO and the United States and not with each other.

1968-2001

The lack of direct political engagement in cooperative security choices ended with the Trudeau government's 1970 foreign policy review. That review closely conformed to Trudeau's own earlier views as to the extent to which NATO was dominating Canadian policy, having claimed that Canada has "no foreign policy of any importance except that which flowed from NATO."¹⁰³ He insisted national interests would, henceforth, have the

Dundurn Press, 2001), 288. Here, General Allard may have been optimistic as Lieutenant Colonel Jarymowycz argues Simonds' and his pro-British outlook's influence on Canadian army doctrine likely "shaped" the Canadian army officer corps up to the 1990s. Roman Jarymowycz, Lieutenant-Colonel, "General Guy Simonds: The Commander as Tragic Hero," in *Warrior Chiefs: Perspectives on Senior Canadian Military Leaders* ed. Bernd Horn and Stephen John Harris (Toronto: Dundurn Press, 2001), 129. Granatstein agrees; see his Granatstein, "The End of British Influence on the Canadian Army."

¹⁰³ Pierre Trudeau. *The Relation of Defence Policy to Foreign Policy*. DFAIT, (DEA 69/8), Speech, 12 Apr 1969, <http://cos.canadiana.ca/ooe.19690412ES.pdf?expires=1319760000&signature=b18643242ff1d832a730ffdf e5c91313d2ea8fa4&key=1>, (accessed 25 Oct 2011), 4.

lead role.¹⁰⁴ Sovereignty protection then became the first defence priority leading continental defence, NATO, and international peacekeeping in the follow-on defence white paper *Defence in the 70s*.¹⁰⁵ In addition, Canada's military commitment to NATO's European-based forces was halved and many equipment modernization plans terminated.

Unlike the very public review of its NATO policy, the Trudeau government's overhaul of Canada-US relations was done indirectly. The six pamphlets that comprised *Foreign Policy for Canadians* barely acknowledged Canadian-American relations.¹⁰⁶ Yet changes were demanded, and a series of high profile Canadian programmes were introduced that quickly made that relationship more problematic. A new "Third Option" trade policy had as its goal the redirection of Canadian import and export patterns towards Europe and Asia and away from its heavy dependence on American flows. The Foreign Investment Review Agency was created to limit the increasing ownership of Canadian firms by outside, largely American, investors while the National Energy Programme similarly hazarded large US investments in Alberta's oil industries. Canada's continued commitment of aircraft to meet NORAD's manned bomber threat was critiqued and the government vowed to only supply that organization funding for "the control of Canadian airspace."¹⁰⁷

¹⁰⁴ Ibid., 2.

¹⁰⁵ Canada. *Defence in the 70s*. DND. Ottawa: Information Canada, 1971.

¹⁰⁶ Canada. *Foreign Policy for Canadians*. DEA. Ottawa: Queen's Printer, 1970. This omission is commented upon in some detail by Denis Stairs, "Reviewing Foreign Policy, 1968-70," in *Canadian Foreign Policy: Selected Cases* ed. Don Munton and John J. Kirton (Scarborough, Ont.: Prentice-Hall Canada, 1992), 193, 197.

¹⁰⁷ Canada. *Defence in the 70s*, 30.

There is no evidence these activities were designed with a specific aim of reducing Canada's military cooperation with NATO or the United States. Rather they reflected a need to respond to a host of pressures often unrelated to defence and interoperability. These would include the need to deal with extreme national unity challenges, a "spiraling and almost uncontrolled" growth in federal spending, high inflation, and increased public pressure over US cultural and economic domination.¹⁰⁸ At this same moment, rising European military capabilities set against falling Canadian defence spending had resulted in Canada no longer being seen as critical to European defence. Not surprisingly, there was an attending sense that Canada no longer enjoyed its earlier valued position as one of the Alliance's three or four lead or agenda-setting nations. Meanwhile, the American file was complicated by the increasing unpopularity of the Vietnam War with local protests over the fact that the once-valued Defence Production Sharing Agreement was now feeding that conflict with Canadian-made weapons.¹⁰⁹

Unsurprisingly, Trudeau's aggressive pursuit of changes to both NATO and the US relationship provoked a reaction. Cuts to Canadian forces based in Europe resulted in the Defence Minister, Leo Cadieux, receiving "the toughest talk I have ever heard in an international meeting" according to the US Ambassador.¹¹⁰ The Belgian Ambassador burst into tears. Others attacked Canada directly for unloading her share of the defence

¹⁰⁸ Bruce Thordarson, *Trudeau and Foreign Policy: A Study in Decision-Making* (Toronto: Oxford University Press, 1972), 20. See also Stairs, "Reviewing Foreign Policy, 1968-70," 193.

¹⁰⁹ Thordarson, *Trudeau and Foreign Policy: A Study in Decision-Making*, 23.

¹¹⁰ *Ibid.*, 141.

burden on them. Cadieux, shaken, threatened resignation.¹¹¹ Later, Chancellor Helmut Schmidt is reported to have confronted Prime Minister Trudeau with “No tanks, no trade” referring here to Canada’s unwillingness to replace the now thirty-year old Centurion tanks dedicated to the defence of Germany.¹¹² Where Trudeau saw no linkage between cuts to NATO and enlarging Canadian-European trade, others clearly did.

The United States’ reaction was also harsh, in part motivated by a severe recession exacerbated by a significant trade deficit. These financial problems were directly linked to the actions of allies like Canada seen to be shirking their defence duties and passing the burden to America.¹¹³ As part of what has been termed the Nixon Doctrine, the United States placed a ten percent import surcharge on all imported goods including those from Canada. This quickly signaled Canada that it could no longer expect privileged treatment and particularly unique exemptions in the trade areas. Trudeau’s subsequent appeal to Kissinger later reversed that surcharge, but the relationship had changed. During his 1972 visit to Ottawa, President Nixon made clear that the assumed special relationship between them was dead.¹¹⁴

Middlemiss and Sokolsky argue the very direct linkage that Canada’s allies like Germany made between our trading privileges and our military contribution, and the utter failure of the Third Option, all combined to force a reversal of many of Trudeau’s initial

¹¹¹ J. L. Granatstein and Robert Bothwell, "Pierre Trudeau on His Foreign Policy - a Conversation in 1988," *International Journal*, LXVI, no. 1 (2010), 175.

¹¹² Edna Keeble, "Rethinking the 1971 White Paper and Trudeau's Impact on Canadian Defense Policy," *American Review of Canadian Studies* Winter(1997), 11.

¹¹³ Middlemiss and Sokolsky, *Canadian Defence: Decisions and Determinants*, 37-39.

¹¹⁴ Canada., "1968 - 1984: The Trudeau Years," In *Canada and the World: A History*. (Ottawa: DFAIT, 2011), <http://www.international.gc.ca/history-histoire/world-monde/1968-1984.aspx?lang=eng&view=d>, (accessed 20 Oct 2011), 2.

moves against NATO and the Canada-US military relationship.¹¹⁵ The turnaround was quick and quite complete in Kim Nossal's view: "Trudeau spent the rest of his long tenure as prime minister ignoring, contradicting, or reversing the main tenets of the white paper. By 1984, he would have discovered, by turns, the utility of Canada's military alignments, the usefulness of peacekeeping, and the helpfulness of helpful fixing."¹¹⁶

Shortly thereafter the newly elected Mulroney government publicly set out to rebuild and then enhance Canadian-American relations. In relatively quick order an agreement was reached that would have the US address their part of the acid rain problem and limit direct American challenges to Canada's claim on the North West Passage. This was followed by the Free Trade Agreement with the United States, followed by a North American Free Trade Agreement when Mexico also joined. Canada's economy was ever more tied to America's.

Table 2-3 Canada-US Issues and Disputes 1968-2001

| Issue | Outcome | Possible Effect on Canadian Sovereignty | Canadian officials advancing US interests? | Refs ¹¹⁷ |
|---|--|---|--|--|
| 1968-72. US objects to Canadian unilateral cuts to NATO Europe. | Canada slightly modifies plan but significant reductions are still made. | Gain | | Holmes, ¹¹⁸ Middlemiss and Sokolsky. ¹¹⁹ |

¹¹⁵ Middlemiss and Sokolsky, *Canadian Defence: Decisions and Determinants*, 38-41.

¹¹⁶ Kim Richard Nossal, *The Politics of Canadian Foreign Policy*, 2nd ed. (Scarborough, Ont.: Prentice-Hall Canada, 1989), 167.

¹¹⁷ These entries rely heavily on pages 246-276 from Bow, "The Missing Link: Bargaining Norms, Transgovernmental Networks, and Canada-US Relations." As before, columns covering sovereignty costs and the actions of Canadian officials were added.

¹¹⁸ Holmes, *Life with Uncle: The Canadian-American Relationship*, 57.

¹¹⁹ Middlemiss and Sokolsky, *Canadian Defence: Decisions and Determinants*, 33-37.

| Issue | Outcome | Possible Effect on Canadian Sovereignty | Canadian officials advancing US interests? | Refs ¹²⁰ |
|--|--|---|--|---|
| 1968-72. Missile Defence opposed by Canada. | US continues programme (briefly). | Loss | | |
| 1971. Amchitka nuclear test opposed by Canada. | US continues with test. | Loss | | |
| 1983-84. Cruise Missile Tests. US presses for use of Canadian territory. | Canada pressured to grant permission and does so. | Loss | | Bow. ¹²¹ |
| 1983-88 Northwest Passage. | US does not recognize Canadian claim and challenges our control with the USCG Polar Sea. Later US agrees to ask for (guaranteed) permission. | Loss Neutral/Gain | | |
| 1983. PM Trudeau Peace Initiative. | US does not support, did not change policies and ridiculed effort. | Loss | | |
| 1985. Strategic Defense Initiative (SDI). US desires Canadian participation. | Canada declines but allow Canadian firms to participate. | Gain | | Middlemiss and Sokolsky. ¹²² |
| 1990-1991 Gulf War I. US requests Canadian participation. Has UNSCR backing. | Canada agrees. | Neutral | | Williams. ¹²³ |

¹²⁰ These entries rely heavily on pages 246-276 from Bow, "The Missing Link: Bargaining Norms, Transgovernmental Networks, and Canada-US Relations." As before, columns covering sovereignty costs and the actions of Canadian officials were added.

¹²¹ Bow, "Defence Dilemmas: Continental Defence Cooperation, from BOMARC to BMD," 43.

¹²² Middlemiss and Sokolsky, *Canadian Defence: Decisions and Determinants*, 103-3.

¹²³ Richard Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, Maritime Security Occasional Paper (Halifax: Centre for Foreign Policy Studies, Dalhousie University, 2004), 38.

| Issue | Outcome | Possible Effect on Canadian Sovereignty | Canadian officials advancing US interests? | Refs ¹²⁴ |
|--|---|---|---|--|
| 1996-97 Land Mine Treaty. | US pushes Canada for US exemption. Canada denies. | Gain | | Axworthy. ¹²⁵ |
| 1996. NORAD Renewal. | Suggestion the Canadian military did so with inadequate political engagement. | Loss | Crosby: "The NORAD Command is the essence of interoperability and its programs have come to us with a considerable degree of stealth." (re the 1996 NORAD agreement) ¹²⁶ | |
| 1999 Parliamentary Committee reviews NATO Nuclear Policy. US informally advised Canada this was not helpful. | Canada continued review in any case. | Gain | | Axworthy. ¹²⁷ |
| 1970-99. US consistently seeks increased Canadian defence spending. | Canada rarely responds positively and never meets US expectations. | Gain | | Sands: "The state of Canadian defense expenditure for its [the Cold War] duration marked one of the US greatest diplomatic failures of the period." ¹²⁸ |

Even with these overall improvements in the Canada-US relationship under Mulroney, table 2-3 shows disputes and sovereignty challenges continued and their frequency may actually have increased during the 1990s. At the same time, however, Canada was providing the United States with critical support during operations in Bosnia, Kosovo, and the first war in Iraq. In addition, the Canadian Navy began regularly sending its ships to sail within US carrier battle groups deploying to the Persian Gulf

¹²⁴ These entries rely heavily on pages 246-276 from Bow, "The Missing Link: Bargaining Norms, Transgovernmental Networks, and Canada-US Relations." As before, columns covering sovereignty costs and the actions of Canadian officials were added.

¹²⁵ Lloyd Axworthy, "Liberals at the Border: We Stand on Guard for Whom?," *The 6th Annual Keith Davey Lecture, Victoria Univ, Toronto, 11 Mar (2002)*, <http://ligi.cjhosting.ca/admin/Information/54/020411theDaveyLecture.pdf> (accessed 13 Nov 2005), 5.

¹²⁶ Crosby, "Defining the Debate: A Response to Danford Middlemiss and Denis Stairs," 99-100.

¹²⁷ Axworthy, "Liberals at the Border: We Stand on Guard for Whom?," 5.

¹²⁸ Christopher Sands, "An Independent Security Policy for Canada in the Age of Sacred Terror?," in *An Independent Foreign Policy for Canada?: Challenges and Choices for the Future* ed. Brian J. Bow and Patrick Lennox (Toronto: University of Toronto Press, 2008), 109.

during the 1990s. As seen earlier, disputes at the strategic level of the Canada-US relationship, such as those over the Anti-Personnel Land Mine Treaty and Ballistic Missile Defense did not seem to have resulted in even the most minor setback to direct Canada-US military cooperation, which continued to accelerate.

Those contacts also largely escaped the fallout from a series of American strategic reviews and assessments coming out in the late 1990s. There was, for example, increasing American concern as to the extent to which her alliances were now overly constraining American power and limiting her military actions. America's allies have always used NATO's consensus procedures as a check on US power, but with NATO's expansion, decision-making delay and often outright stalemate occurred all too frequently.¹²⁹ The NATO bombing campaign in Kosovo provided further evidence. NATO's rule by consensus approach gave Canada and every other NATO ally not just the right of consultation but the right of veto. The most public of these involved President Chirac's announcement that France had vetoed several US-selected bombing targets during the Kosovo campaign.¹³⁰ Several other nations vetoed targets that their own aircraft had no possibility of reaching to the dismay of General Naumann, the retired

¹²⁹ Nevertheless, a significant number of high ranking American officials continued to argue the value of seeking consensus in spite of the difficulty and attendant operational delays involved in gaining it. In 1999 both the US Secretary of Defense and the Chairman of the Joint Chiefs of Staff argued before Congress that "building consensus generally leads to sounder decisions" and that "the NATO alliance is also our greatest strength." US Senate Armed Services Committee *Joint Statement on the Kosovo after-Action Review Presented by Secretary of Defense William S. Cohen and General Henry H. Shelton, Chairman of the Joint Chiefs of Staff (Operation Allied Force)*, 14 Oct 1999, 3.

¹³⁰ However, the most vexatious veto is attributed to the Dutch government who forbade an attack on one of Milosevic's palaces because it contained a Rembrandt. This pushed NATO's German Chief of the Military Committee, General Naumann, to counter in exasperation "It isn't a good Rembrandt." See Benjamin S. Lambeth, "NATO's Air War for Kosovo - a Strategic and Operational Assessment," (Rand Corporation, 2001), http://www.rand.org/pubs/monograph_reports/MR1365.html, (accessed 25 Oct 2011), 36.

German Chairman of NATO's Military Committee.¹³¹

These limitations on military action and the slow pace of consensus decision-making chafed most heavily on those who saw American actions delayed or vetoed by nations that had the least ability to contribute militarily and who shared little or none of the operational risk.¹³² Unsurprisingly, the International Institute of Strategic Studies predicted that because of the constraints NATO had placed on it, Kosovo would be “the last war fought by US forces under NATO rules.”¹³³

American criticism of its European allies was made easier by the latter's perceived unwillingness to spend adequately for defence or to restructure their undeployable Cold War conscript-based militaries. Those European forces were also critiqued for their failure to adopt the latest developments within network centric warfare and other aspects of the broader US-led revolution in military affairs. Indeed, there were some European air forces that were sufficiently backward from an interoperability point of view they could not be included in the Kosovo air campaign.

Canada, despite some significant interoperability shortcomings with its own

¹³¹ Nicholas Fiorenza, *Defence News*, 30 May 2005, <http://global.factiva.com.ezproxy.library.dal.ca> (accessed 30 Jun 2005), 1 of 2. The difficulties did not end there. There were also widespread media reports of a “NATO Spy” leaking the Alliance's bombing targets and routing details for its aircraft. As a result, NATO's air campaign operated on two Air Tasking Orders – a widely distributed NATO one accompanied by a far more restricted ‘US eyes only’ one. The latter fact was confirmed by the American Commander of those forces. See Michael Short, General, “Address by the Commander, Allied Air Forces Southern Europe” (paper presented at the AFA Air Warfare Symposium, 25 Feb 2000), <http://www.afa.org/aef/pub/short200.asp>, (accessed 7 Apr 2011), 4.

¹³² On the other hand, those allies who most objected to bombing targets likely carried greater political risk from doubtful public opinion and longstanding ties to Serbia. This would include both France and Greece.

¹³³ Douglas T. Stuart, “NATO and the Wider World: From Regional Collective Defence to Global Coalitions of the Willing,” *Australian Journal of International Affairs*, 58, no. 1 (2004), 37.; citing “Strategic Survey 2001-2.” London: International Institute for Strategic Studies, 2003. See also Robert Kagan, “Power and Weakness,” *Policy Review*, Jun (2002), 20.

aircraft, was one of the few NATO air forces that could and would take on the more dangerous bombing missions and do so in a sustained manner during the Kosovo air campaign.¹³⁴ As a result of this and the increasingly regular deployments of very capable frigates to US carrier battle group deployments, Canada escaped many of the US' criticisms. The escape was not total and Canada's military spending levels were consistently critiqued by the US government who assessed that Canada was spending one half of what she should during the 1980s.¹³⁵ Christopher Sands, an expert US observer of Canadian defence trends, reports the problem continued well into the 2000s and that:

It was up to the United States to make up the difference where Canada fell short, and although U.S. governments upbraided Canadian governments during this period, this only compounded the problem: Canadian politicians could reap the domestic political benefits of alliance membership 'on the cheap,' and also gain politically by being seen to resist U.S. pressure.¹³⁶

Reaching over all of these events, however, was a broader concern that the Canada-US relationship had undergone a fundamental change during this period. Viewed from the Canadian side, one saw occasional departures from 'quiet diplomacy' in the early 1960s. By the end of that decade a significant number of Canadian politicians and officials had abandoned this outright in favour of what Hampson and Oliver have termed "pulpit diplomacy."¹³⁷ Rather than work quietly to gain the support of one's allies,

¹³⁴ Samuel Walker, Lt. Col. USAF. "Interoperability at the Speed of Sound - Modernizing the CF-18 Hornet." Maxwell AFB Fellows Program, 2001, <http://dodreports.com/pdf/ada393987.pdf>, (accessed 21 Oct 2011), 28-32.

¹³⁵ Middlemiss and Sokolsky, *Canadian Defence: Decisions and Determinants*, 42-45.

¹³⁶ Sands, "An Independent Security Policy for Canada in the Age of Sacred Terror?," 107. He also points out that US Deputy Secretary of Defense John Hamre remarked that such steady US pressure on Canada to spend more must make the US unique in history for wanting a stronger military power on its border. See his page 114.

¹³⁷ Fen Hampson and Dean Oliver, "Pulpit Diplomacy: A Critical Assessment of the Axworthy Doctrine," *International Journal*, 53, no. 3 (1998).

Peyton Lyon senses Canada had turned to publicly celebrating our difficulties and differences with them.¹³⁸ Charles Doran concludes that Canadian foreign policy now had “a tougher edge.” Canada, it seems, had become less of a quiet ally focused on the common good and began to pursue her foreign dealings based on her own interests with “a greater assertiveness.”¹³⁹ Doran also notes the government was increasingly finding the media an “attractive instrument” to advance those interests, the fallout from BOMARC- nuclear weapons debacle’s occasionally unwise use of same notwithstanding.

At the same time, changes in the United States view of the relationship were also in play. The Soviet ICBM had eclipsed the threat posed by their bombers, and Canadian geography became less valued and American restraint less automatic.¹⁴⁰ Faced with ever-increasing trade deficits, the US government and Congress were also rapidly losing interest in subsidizing her allies via the trade preferences she once extended to them for their security cooperation.¹⁴¹ This directly attacked Canada’s privileged access under the DPSA to American markets. Finally, America’s military involvement in Vietnam was already causing friction with her allies, and this included Canada.

By the 1970s going into the 1980s there was increasing evidence that the entire structure of the Canada-US relationship was under stress as a result of significant changes in both countries. In the 1950s and early 1960s “transnational” teams of Canadian and American officials could be relied on to ‘fix’ or bury problems that threatened the

¹³⁸ Peyton V. Lyon, *The Policy Question; a Critical Appraisal of Canada's Role in World Affairs* (Toronto: McClelland and Stewart, 1963), 93, 103.

¹³⁹ Doran, *Forgotten Partnership: U.S.-Canada Relations Today*, 175.

¹⁴⁰ Middlemiss, "A Pattern of Co-Operation," 470-2

¹⁴¹ Ibid.

relationship. Canada benefited significantly from their abilities, but their power was being steadily attenuated with John Holmes issuing the first warning that: “One of the causes of our present discontents, however, is that the freedom of the nice American bureaucrats to be helpful is increasingly limited by the restrictive and protective measures of Congress.”¹⁴² Brian Bow then argues that by the 1980s these transnational networks had “broke down” in most areas save that of defence.¹⁴³ The once-powerful but informal boards and agencies that coordinated the work of those officials at the strategic level, such as the Permanent Joint Board on Defence or the Military Cooperative Committee went into a parallel decline.¹⁴⁴

In Canada, Kim Nossal has argued the ability to contain issues within a small number of unified officials in one department had passed:

..the nature of foreign policy issues addressed by the Canadian government has changed. No longer is the dominant focus on the diplomatic/security issue area, dominated by 'high politics' and attendant questions of war and peace, and dominated by one department - External Affairs - as it has tended to be in the 1940s, 1950s, and 1960s. Rather, focus in the 1970s has shifted to other, diverse issue areas: international trade and finance; developmental assistance; culture; communications; environment; civil aviation; maritime and mineral resources; and energy.¹⁴⁵

Here not just other departments, but other levels of government and a wide range of

¹⁴² Holmes, *Life with Uncle: The Canadian-American Relationship*, 45-7. He also provides “.. but the White House by then had lost or mislaid its power to dispose.”

¹⁴³ Brian J. Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations* (Vancouver: UBC Press, 2009), 35, 148.

¹⁴⁴ Fergusson, "Beneath the Radar: Change and Transformation in the Canada-US North American Defence Relationship," 8. Holmes, *Life with Uncle: The Canadian-American Relationship*, 45. He notes the PJBD decline in influence was closely tied to the increasing restrictions being placed on the foreign policy independence of the President.

¹⁴⁵ Kim Richard Nossal, "Allison through the (Ottawa) Looking Glass: Bureaucratic Politics and Foreign Policy in a Parliamentary System," *Canadian Public Administration*, 22, no. 4 (1979), 617.

interest groups could now be expected to publicly state their positions on Canada-US relations and demand a place at the negotiating table. None were willing to defer and have key issues managed by the foreign affairs bureaucracy.

Like changes were underway in the United States. Up to the 1950s a US President and his government officials could expect considerable latitude in the shaping of defence and foreign policy. By the 1970s that independence was under attack by a post-Vietnam Congress “more assertive politically,” and “less inclined to defer to an ‘imperial’ Presidency” in the view of Michael Mastanduno.¹⁴⁶ Moreover, Congress has progressively mustered significant resources to ensure it could be directly and expertly involved in foreign and defence policy decision-making. An attentive and occasionally strident media also became a critical player ready with its own views, positions, and prescriptions on foreign policy issues. In addition, interest groups increasingly joined with Congress to affect foreign policy choices and, occasionally, influence the legislation dealing with it directly. Joseph Nye then argues that legislation derived under these conditions was frequently undiplomatic and unilateral in character as a result.¹⁴⁷ In his view this has allowed the Republican right, with its fixation on the dangers of a new international order, to vector legislation and shape US actions in that unilateral style.

In partial response Canada progressively turned away from the informal approach to managing the US relationship and placed more emphasis on formal agreements and

¹⁴⁶ Michael Mastanduno, "The United States Political System and International Leadership: A "Decidedly Inferior" Form of Government?," in *American Foreign Policy: Theoretical Essays* ed. G. John Ikenberry (New York: Longman, 2002), 241.

¹⁴⁷ Joseph S. Nye, *The Paradox of American Power: Why the World's Only Superpower Can't Go It Alone* (New York: Oxford University Press, 2002), 133-35.

direct engagement with US political leaders and Congress.¹⁴⁸ The latter effort was most visible during the Mulroney-Reagan years although this personality alignment must be viewed as a pleasant coincidence that would have no long term ability to improve an increasingly problematic relationship. Equally, attempts to improve Canada's position and restrain US unilateral actions via the Canada-US Free Trade and North American Free Trade agreements proved doubtful with many disputes evading their apparently ironclad legal arrangements.

Canadian Interoperability Policy 1968-2001

These and earlier changes all brought significant pressures on DND and its ability to advance interoperability with the US military. Most were surprisingly easily overcome. For example, the 1971 Defence White Paper's focus on sovereignty appeared problematic given the department's twenty-year long focus on large-scale operations under NATO or NORAD leadership. While the Navy dutifully increased the amount of patrols devoted to sovereignty missions and press releases for the newly acquired CP-140 Aurora stressed its potential for pollution detection, little else in defence changed. New equipment purchases - CF-18 fighters, destroyers, Leopard tanks, frigates, the CP-140 itself - overridingly responded to the broader warfare needs outlined by NATO and NORAD.

Here, cooperative efforts remained silo-ed within each service. Thus the Navy continued to focus on its ability to talk to other allied navies, as the Air Force focused on

¹⁴⁸ Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 23.

allied air forces and the Army, other armies. There was no sustained effort to improve each of those services' ability to talk to each other in a joint manner and so allow a composite Canadian force to work together, be it at home or overseas, despite significant US moves in that direction. There was no work whatsoever to ensure the Navy and Air Force might be able to talk to Canadian Coast Guard ships or aircraft on sovereignty missions.

Undoubtedly single service traditions and intransigence played a role in this limited support to the government's desire for a focus on national sovereignty missions. In addition, DND did not receive much direction from the Trudeau government's defence policy document. This completely lacked implementation guidance as to what a higher priority on sovereignty might entail, with Bruce Thordarson noting that from the start the department "had difficulty determining what this meant."¹⁴⁹ Equally problematic was a failure to adjust defence budget levels in the face of high inflation resulting in a steady decrease in defence purchasing power over the 1969-72 period.¹⁵⁰ As a result, there was little interest in taking on new unfunded responsibilities. The government itself then quickly discovered that a direct confrontation with NATO could provoke economic retaliation. Thus Canada, while espousing a national sovereignty focus, chose not to abrogate any of its prior commitments to maintaining NATO and NORAD's interoperability standards. Indeed, the Trudeau government eventually reaffirmed its devotion to both organizations and, when threatened, bought tanks and began modernizing the rest of its conventional weapons. In turn, the Canadian Navy, Army and

¹⁴⁹ Thordarson, *Trudeau and Foreign Policy: A Study in Decision-Making*, 140.

¹⁵⁰ Middlemiss and Sokolsky, *Canadian Defence: Decisions and Determinants*, 35-37.

Air Force then ensured they remained fully interoperable with those it was most likely to operate with in war – their single service counterparts in other nations.

This ‘service-to-service’ focus continued well past the Trudeau era and normally the ally of greatest interoperability interest was the United States. Moreover this occurred despite the just-discussed apparent reduction in the amity of Canada-US relations, the declining importance of the defence sector in that relationship, and the weakening of the role of transnational officials. Canada-US interoperability steadily increased in almost every area despite these adverse trends.

The Navy and the Air Force devoted the most energy to the interoperability effort. In fact the 1990s saw the Navy accelerate its efforts to prepare and send ships to American Carrier Battle Groups deploying to the Persian Gulf. The preparation required was elaborate in part because the communications complexity and standards of those Battle Groups were amongst the highest in the world. Canadian ships in them were also frequently placed in charge of other USN ships tasked to the sanctions-enforcing mission against Iraq. These demands resulted in Canadian ships deploying with the carriers having to dedicate some six months to the war-gaming, legal reviews, rules of engagement testing and exercises prior to sailing. The heavy training load and the high levels of technical communications interoperability precluded other nations following that example. The Canadian Navy did, and in return was given access to the most advanced US communications systems and procedures.

NORAD provided an even greater benefit in terms of the day-to-day interoperability exercising and testing needed to maintain high standards. This familiarity

with US procedures resulted in Canadian CF-18s being one of the few air forces in NATO able to operate effectively with US aircraft during 1991 Gulf War and the 1999 Kosovo campaign in ground attack missions.¹⁵¹ However, technical interoperability shortcomings in communications, data links, air-to-air refuelling, and precision guided munitions regularly hazarded these cooperative gains and, frequently, the aircraft and their crews as well. The Air Force successfully addressed these through the admittedly last minute in-conflict purchases of some equipment and, more successfully, in a major mid-life upgrade for the CF-18.¹⁵² This process also demonstrated the high cost of maintaining the same technological pace as the US and that that pace is unremitting.

Up to the 1990s land forces worldwide had a less demanding interoperability requirement. In addition, the Canadian Army's departure from Germany in 1993 removed some of the impetus to maintain pace with NATO interoperability developments. The Army's heavy commitment to UN peacekeeping, while providing valuable tactical experience, did not advance the interoperability agenda. One suspects interoperability downward towards the frequently less advanced peacekeeping forces they worked with was more critical. Higher interoperability standards were less important given the absence of US units from most peacekeeping operations.

However change was underway. The earlier move by our Army to southern Germany with the US Army, more Canadian officers going to liaison positions within

¹⁵¹ Walker. "Interoperability at the Speed of Sound - Modernizing the CF-18 Hornet." 28-32. See also David L. Bashaw, Lt. Col. et al, "Mission Ready: Canada's Role in the Kosovo Air Campaign," *Canadian Military Journal*, Spring(2000), 59.

¹⁵² Walker. "Interoperability at the Speed of Sound - Modernizing the CF-18 Hornet." 16-32. This covers the various interoperability shortcomings in fine detail including the need to purchase the Link 4A digital data link during the 1st Gulf War.

that army, the dominant US leadership of the SFOR in Bosnia, and the US Army's rapid rise in tactical and operational acumen since Vietnam resulted in a better Canadian appreciation of it. Granatstein and Lt. Col. Hope, a recent combat commander in Afghanistan, both argue that sometime in the 1990s the British Army ceased to serve as the model as the US Army became one.¹⁵³ The US model, unlike most others, did, however, demand a high commitment to advanced technical interoperability.

The US pace in developing and fielding advanced communications and weapons systems within what has been termed 'the revolution in military affairs' (RMA), had the potential for dramatically improving interoperability within NATO and the broader western alliance. This was, however, unevenly realised at best. The American global positioning system dramatically improved the ability of individual units to know where they and their friends were. The application of digital communication technology, satellite transmission, and internet protocols contributed to improve communication speed and allow higher data loads. Precision guided munitions reduced both own aircraft losses and collateral damage. To harness all this to maximum effect the US forces also insisted on the near total coordination of its air, land and sea forces in one "joint" whole. While the benefits of that 'revolution' were theoretically available to all, it was soon clear they would be enjoyed only by those allies who could both pay the steep financial costs and who could demonstrate their trustworthiness: "For those allies that want to operate closely with the US in prominent positions, even in high threat environments, the level of interoperability (technical, operational, and political/cultural) will have to be high,

¹⁵³ Granatstein, "The End of British Influence on the Canadian Army," 7-9.

possibly bordering on seamless.”¹⁵⁴

The aspect of trust was probably the most vexatious recognizing that some allies always enjoyed a more complete exchange with the US than others. This chapter has shown that the AUSCANUKUS nations typically had the least limitation placed on them by US rules and that their combined air forces and naval units could normally exchange all the tactical and intelligence data needed to conduct combined operations up to the 1980s. NATO nations, in turn, might get lower grade intelligence information but would still enjoy a very complete exchange of tactical data if at slower rate.

However, the rapid pace of RMA and the United States military's insistence on applying all of its elements during operations proved increasingly difficult for the NATO allies. Part of the problem was due to the American approach and part due to the problems of its allies. For example, the smaller allies could simply not afford the expensive satellite communications and advanced data links required to remain connected. In part this was due to their just-discussed failure to reorient their defence budgets away from their Cold War priorities and focus on new, deployable technology. Land forces presented the largest problem here given their size and, therefore, larger costs to modernize. Also problematic was the reluctance of many allies to depart from their traditional single service approaches and adopt the joint method of warfare.¹⁵⁵ Canada was also slow in this regard. Another contributing factor was a natural but inefficient tendency of the European allies to focus on national industrial champions to deliver the

¹⁵⁴ Kenneth Gause et al., "US Navy Interoperability with Its High-End Allies," (2000), <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ada468332.pdf&Location=U2&doc=GetTRDoc.pdf>, (accessed 21 Oct 2011), 6.

¹⁵⁵ Ibid., 11.

new technology instead of pooling resources to tackle the most complex and expensive elements of the RMA.

America, with forces increasingly carrying the heaviest burden in the wars of the 1990s, did not consider it could lower its technical standards, and thus the safety of its forces, to meet the pace of the slowest allies. It is difficult to critique that logic given the lower military budgets and small troop contributions of the European allies. Other elements of the US response to this increasing interoperability challenge were less easy to defend. Where NATO traditionally conducted most tactical operations using radio voice networks the US now focused on net-centric warfare concepts that allowed operations to be controlled using heavily encrypted e-mails, websites, and on-line chat circuits. These dramatically increased the speed and precision of American war fighting, but the massive amounts of data now being transferred defied the traditional multilevel security management approaches. That is, there was no way of separating these volumes of material into an electronic packet that would only go to US eyes, a slightly less sensitive package that would go to the AUSCANUKUS group, with a final, much-reduced packet releasable to NATO. Instead, all material on these new Internet-protocol based nets, even the most mundane, became "NOFORN" or "US eyes only." For the allies all that remained were the wide-area data links (Link 11 and Link 16) that carry the positioning data on friendly and enemy units but little else and the traditional slow voice radio nets. These nets were very much secondary to the NOFORN nets that carried the most critical war-fighting data.

The second new American-introduced complication was the International Trade in

Arms or ITAR. During earlier periods of technological change in NATO the US military was surprisingly generous in releasing the detailed technical standards that would allow other allies to adapt or build compatible systems. This process was made significantly more difficult with the US Congress' tightening of the ITAR rules in 1999.¹⁵⁶

Congressional motives centered on a concern that advanced technologies the US shared with its allies were finding their way illicitly to such potential adversaries as Iran, Iraq, and China. To counter this all America's allies had significant limits placed on much of the US-made technology they purchased. Canada, to its surprise, lost the exemption it had enjoyed as a result of Defence Production Sharing Agreement.

Canada was, however, unique amongst the allies in developing work-arounds to some of these restrictions and, after significant effort, achieved a unique exemption to the ITAR rules two years later.¹⁵⁷ Stricter Canadian export controls played a key role here as did the integrated nature of the North American defence industrial base. The NORAD relationship and our increasing support to US naval battle groups may also have been a factor, but even in these areas there were increasing difficulties for Canadians.

Fergusson, for example, assesses that an increasing US reliance on a more precise legal approach to international issues was behind the initial loss of Canada's 1999 ITAR exemption and, more critically, to a significant tightening of its foreign disclosure rules.

¹⁵⁶ Kenneth Epps, "US Imposes Improvements to Canadian Export Controls," 23, no. 1 (2002), <http://www.ploughshares.ca/content/us-imposes-improvements-canadian-export-controls>, (accessed 22 Oct 2011), 1.

¹⁵⁷ US. *Guidance on Itar Exemption Effective May 30, 2001 - Exports to Canada*. Dept of State, 2001, http://www.pmdtc.state.gov/licensing/documents/exports_canada.pdf, (accessed 29 Oct 2011). See also Art Eggleton, "Crucial Changes in Canada-US Security Relations," *Canadian Speeches* 15, no. 5 (2001), <http://proquest.umi.com.ezproxy.library.dal.ca/pqdlink?index=3&sid=1&srchmode=3&vi>, (accessed 28 Jul 2011), 3.

These rules governed the release of US defence documents and electronic information to allied officers working with them. This is soon seen in a post-1999 tightening of American “no foreign eyes” rules in NORAD and with it the loss of privileged Canadian access to US space-related data.¹⁵⁸ At sea, the movement of US war-fighting communications to the “no foreign eyes” SIPRNET had initially seriously complicated the sending of a Canadian frigate to a US Carrier Battle Group until both nations progressed a gateway solution. This involved allowing the AUSCANUKUS Coalition Wide Area Network (COWAN) to serve as a battle group’s local electronic chat network while also allowing COWAN users to send and receive emails to holders of SIPRNET accounts. While the UK and Australia had access to the same system, their decisions to not join semi-permanent US formations like Carrier Battle Groups meant they had little rationale to fit this equipment widely or long opportunities to become proficient in its use. This would have unpleasant consequences when they later entered into war alongside the US in Iraq. Canada, meanwhile, was also putting a high priority on maintaining high quality links to NATO systems. This gave Canadian ships a unique two-way upward capability to US systems and a simultaneous downward capability to NATO. The technological term for this was the “gateway” function.

By 1999 Canada was also starting to address its relative backward posture on

¹⁵⁸ Fergusson, "Beneath the Radar: Change and Transformation in the Canada-US North American Defence Relationship," 11-12. Separately, Fergusson traces the application of tighter US releaseability rules to Canada’s 1985 decision to forgo participation in the Strategic Defense Initiative “However, very quickly Canadian military officers in NORAD and elsewhere were excluded from US discussions and working groups dealing with future aerospace defence issues, which even extended into the air defence sector.” See James Fergusson, "Canada and Ballistic Missile Defence: What We Know, Don’t Know and Can’t Know!," *Breakfast on the Hill Seminar Series* 4 Nov (2004), <http://old.fedcan.ca/english/pdf/fromold/breakfast-fergusson1104.pdf>, (accessed 22 Oct 2011).

Joint warfare. Here one has to suspect the motivation was as much the result of the need to stay interoperable with US forces as any sudden realization of the benefits of Canadian inter-service cooperation. Certainly the US Center for Naval Analyses was making it clear that failures in this area were affecting interoperability, arguing that the “level of jointness among key US allies is lower, thus making it more difficult for them to be incorporated into US-led operations.”¹⁵⁹

The Canadian response was spelt out most clearly in *Strategy 2020*, a purely DND document signed by the Deputy Minister and Chief of Defence Staff and not the Minister of National Defence. The document was also the first Canadian public document that put high priority on both jointness and interoperability. The latter was heavily focused on America and the strengthening of “our military relationship with the US military to ensure Canadian and US forces are inter-operable.” This goal is stressed four times within the strategy’s five year “targets,” objectives,” “attributes” and “competencies.”¹⁶⁰ NATO gets a single initial nod and is then not referred to again.¹⁶¹

This document was not a public relations exercise. In their review of it Middlemiss and Stairs carefully traced the extent to which this new priority actually guided defence behaviour, and they discovered substantial carry-over into the department’s follow-on budgeting and planning documents.¹⁶² The priority DND was assigning to it was very real and “the concept of interoperability is now seamlessly,

¹⁵⁹ Gause et al., "US Navy Interoperability with Its High-End Allies," 11.

¹⁶⁰ Canada. *Shaping the Future of the Canadian Forces - a Strategy for 2020*. DND. Ottawa, 1999. The attributes are on p. 9, the competencies p. 12 and the objectives and five year targets on p. 16.

¹⁶¹ *Ibid.*, 5.

¹⁶² Middlemiss and Stairs, “The Canadian Forces and the Doctrine of Interoperability: The Issues,” 22-31.

consistently, and centrally woven into both the thinking and the fabric of the defence establishment” in their view.

They also concluded that much of the motivation behind the strategy reflected a realization within the Canadian military that it will never be provided the funds for a “go it alone” independent capability. Others have shared this view with Nossal arguing that the “Canadian forces have been downsized to the point” that its “capabilities are virtually meaningless unless they are add-on to the operations of others.”¹⁶³ Separately, Grant Dawson concluded “close military co-operation was unavoidable because Canadians wanted the CF engaged globally but were unwilling to pay for a large military.”¹⁶⁴ Middlemiss and Stairs agreed and concluded that absent a “sudden and uncharacteristic impulse on the part of Ottawa to increase Canadian defence spending dramatically, interoperability with the Americans is the only game in town.”¹⁶⁵

This assessment was not the only area of concern. The fact that it was not signed by the Minister fed the concerns of an expanding community of Canadian critics attuned to the danger of potential North American integration. Writers like Bruce Campbell have suggested expanding military interoperability was a precursor or preparatory step to full political integration.¹⁶⁶ Other critics, some in loose alliance with those fearing continental integration, saw the lack of political involvement in the Strategy 2020 process

¹⁶³ Nossal, "Canada and the United States in a Hyperpower Era," 175.

¹⁶⁴ Grant Dawson, "'A Special Case': Canada, Operation Apollo, and Multilateralism." In *Canada among Nations 2003: Coping with the American Colossus* edited by David Carment, Fen Osler Hampson and Norman Hillmer, Toronto: Oxford University Press, 2003, 194.

¹⁶⁵ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 27, 30, 31.

¹⁶⁶ Campbell, "The Case against Continental Deep Integration," 1,2.

as a sign the military were advancing their interoperability agenda via “stealth.”¹⁶⁷ This latter view gained wide support and one will see in the analysis of the 2001-2008 period that follows a sustained concern over the defence bureaucracy’s motivations and loyalties as it concerned cooperation with the United States. This was not the only interoperability challenge.

Summary

Certainly, the overriding theme from this review is that Canada has always sought a protector and then broadly aligned its military cooperative policies to it. Thus Canada relied on the British Empire from 1867 to the early 1940s for its defence before turning to the US. Much later, NATO somewhat diluted Canada’s absolute reliance on the United States for both its security and its interoperability guidance.

There is also a close alignment between Canada consistently seeking a cooperative solution to defence needs and her equally persistent unwillingness to spend significant sums on her own military. Close military cooperation has been more attractive to Canadian politicians than a potentially more expensive independent security policy. The extremely successful WW II cooperation between Canada and the US then paved the way for extensive defence ties during the Cold War. However, greater Canadian-American military cooperation also brought greater opportunities for friction and for potential sovereignty challenges. Swanson argues the entire post-1942 period of

¹⁶⁷ Knight, "Interoperability: The Next Stage in Canada-US Integration?," 147. Crosby, "Defining the Debate: A Response to Danford Middlemiss and Denis Stairs," 97. Middlemiss and Stairs are more discrete in this regard but the suggestion of stealth is quite strong at their page 37.

high Canada-US cooperation “is precisely that period in which Canada became most concerned about a possible loss of national identity, erosion of Canadian sovereignty, and more remotely, possible United States absorptions.”¹⁶⁸ The tables for the periods 1938-1951, 1951-1968, and 1968-2001 then showed a steady increase in the number of claims of lost sovereignty or constricted independence.

This review has also shown most claims were imprecise and often disputed with occasionally simultaneous claims of sovereignty gained and lost issuing from the same incident. For example, Peter McKenna, the chair of the department of political science at UPEI, writing for the Chronicle-Herald, traced the origins of the 1958 NORAD agreement to “a deal essentially worked out by the two countries’ senior military brass” that they then presented to government as a “*fait accompli*.”¹⁶⁹ Yet he also acknowledged that “Canada’s decision to integrate its defence policy with that of the United States is itself a sovereign and cost-effective decision.” Claims of sovereignty gained or lost are rarely straightforward and they must all be probed.

Further compounding any search for clear sovereignty losses is the often nuanced conduct of the Canadian government. Rarely did it ever wholly join or completely reject any US-suggested cooperative military project. The Strategic Defence Initiative issue is a good example and here the government’s policy neither fully supported the Defence Department’s strong desire to join the project or the DFAIT Disarmament Ambassador’s

¹⁶⁸ Swanson, "An Analytical Study of the United States/Canadian Defence Relationship as a Structure, Response, and Process: Problems and Potentialities," 467-68.

¹⁶⁹ McKenna, "Security Integration: Reality Check," A11. He also argues that the Canadian military leadership and the defence industries serve “as the chief lobbyists for American strategic interests in North America.” Earlier, I made clear that Diefenbaker himself disputed any suggestion he was rushed into the NORAD decision.

urging to completely reject it. Instead the Mulroney government chose to offer a “polite no” to government participation while allowing Canadian firms to do so.¹⁷⁰

Simultaneously the government then fully backed a series of NORAD related air defence improvements including allowing the US Air Force enhanced access to Canadian Forward Operating Bases in the North. David McDonough has recently suggested that the Canadian government regularly follows this careful middle ground approach as it simultaneously seeks to balance its competing needs for both security (gained through close defence cooperation) and sovereignty (protected by distancing itself from the US). This compelling argument will be examined more closely in the next chapter.

This brief review has also shown that sovereignty challenges, Canada-US disputes, and the overall tenor of intergovernmental relations at the time had but a loose connection to interoperability direction or progress. Thus the Canadian Navy and Army continued to favour UK cooperation into the 1950s despite the fact that the US was unquestionably our principal ally from 1942 onwards. The final shift to a US-focused interoperability policy only took hold in the late 1950s although, again, each service converted at what they considered an appropriate pace. Canada-US interoperability then continued to expand despite the crises it provoked for the Diefenbaker government and despite the efforts of the Trudeau government to downgrade the priority given to our US and NATO military links.

Outside the latter two intervals, Canadian political involvement in military

¹⁷⁰ David McDonough, "Ambivalent Ally: Culture, Cybernetics, and the Evolution of Canadian Grand Strategy," (PhD, Dalhousie University, 2011), 200-02.

cooperation decisions and interoperability issues was negligible. While this might appear reasonable in earlier periods when the level of military cooperation with other states was rudimentary, this disassociation becomes increasingly difficult to comprehend.

Interoperability enhancements were taking an ever greater share of the defence budget, and some earlier cooperative choices had proven politically costly. In addition, an increasingly vocal succession of critics sought to make Canada's military interoperability an ongoing public issue by linking it first to the US domination of the Canadian economy and culture and then to the fears of an American-led continental integration effort.

Despite this, the political class continued to abstain up to 1999 when it left the defence bureaucracy to promulgate long range interoperability policy via *Strategy 2020*.

Certainly, when clear political direction on a military cooperation issue was provided, the military complied. The best example is the Navy's long overdue dropping of Royal Navy policies and its rapid reorientation to US Navy standards. Significantly, only public uproar over the Navy's policies provoked the needed political engagement that forced the change. Similarly, only General Simonds' public denunciation of the government's pro-US interoperability policies produced action, and he was dismissed. Even then the evidence is strong that much of the Army still clung to British ways.

When political direction was less than clear or divided, the Canadian military was safe to wait out the unwelcome direction or listen selectively. When the Diefenbaker Cabinet was divided on a response to the Cuban Missile Crisis, the military followed the chain of command and sided with the Defence Minister and his pro-American response over that of the Prime Minister. The Trudeau government's 1971 White Paper's effort to

refocus more on national sovereignty and less on NATO and the US produced no lasting effect. Suspected military intransigence was then rewarded when that same government became reacquainted with the value of alliance ties and had to embark on a conventional allied-focused rearmament programme.

Certainly there was consistent Canadian high level political involvement in NATO as a result of the regularly scheduled NATO ministerial meetings that provided a *de facto* endorsement of alliance interoperability policies and standards. Such engagement was not, however, the case for most of the business of the Canada-US relationship, where Swanson argues that most dealings at “the core of the relationship are processed entirely by lower-level action officers who receive no higher level guidelines”, a view Jim Fergusson and Danford Middlemiss have echoed.¹⁷¹ This low political profile matched the desired informality of Canada-US defence relations in contrast to the more formal treaty-based NATO alliance.

Benefits of the informal approach to US relations have long been recognized by smaller states. In her study of Australian, Brazilian, Canadian and Mexican bilateral approaches, Annette Baker Fox found all of them tried to avoid creating formal institutions to manage their relations with the United States. In Fox’s view this results from the smaller states’ not unnatural concerns that formal arrangements “might bind them in the future.”¹⁷² As was shown, Canadian politicians also appreciated the lower

¹⁷¹ Swanson, "An Analytical Assessment of the United States-Canadian Defense Issue Area," 782-83. See also Fergusson, "Beneath the Radar: Change and Transformation in the Canada-US North American Defence Relationship," 4. See Middlemiss, "A Pattern of Co-Operation," 404-06.

¹⁷² Annette Baker Fox, *The Politics of Attraction: Four Middle Powers and the United States* (New York: Columbia University Press, 1977), 291. See also her p. 295-96 and 298.

visibility of informal relationships while American governments used this to evade Senate oversight. There were mutual benefits as well with Anessa Kimball arguing “Those agreements allow executives (especially, American ones) the proper mix of flexibility and commitment thus permitting a certain continuity in the US-Canadian foreign policy relationship despite occasional tensions and disagreements.”¹⁷³ On the other hand informal arrangements bring problems of imprecision:

..the informal nature of the relationship has made it virtually impossible to define - on the bases of the agreements establishing the joint organizational units - the exact responsibilities of the contracting parties in terms of United States-Canadian expectations regarding both possible joint responses to crisis situations and to daily, non-crisis issues of defense interaction.¹⁷⁴

Swanson then goes on to argue that dashed American expectations of support during the Cuban Missile Crisis and unmet Canadian hopes of close consultation are the necessary result of the lack of precision in the relationship.¹⁷⁵

As has been shown, this informal approach relied heavily on transnational networks of defence and foreign policy officials. However, this raised other sovereignty problems related to the danger that Canadian officials would be overwhelmed or seduced by the larger US military bureaucracy. The rushed signing of the 1958 NORAD agreement and the Cuban Missile Crisis suggested to many that senior elements of the Canadian military were more in tune with the wishes of their American equivalents than

¹⁷³ Kimball, "Understanding the Institutionalization of US-Canadian Military Technical Cooperation from 1950-2005 with Some Transatlantic Comparisons," 7.

¹⁷⁴ Swanson, "An Analytical Study of the United States/Canadian Defence Relationship as a Structure, Response, and Process: Problems and Potentialities," 488-89.

¹⁷⁵ In the introduction I noted that Winston Churchill had also remarked on the danger of imprecise informal defence arrangements in 1914.

their Canadian political leaders. Yet the just cited analyses by Jockel, Haydon, and Reford, along with John Diefenbaker's own account, have failed to establish a case of disloyalty or even divided loyalty suggesting, again, the need to rigorously examine sovereignty and penetration claims.¹⁷⁶ This review also revealed a continuation of these assertions now focusing on the 1996 NORAD agreement and Strategy 2020.

At the same time, Canada, its politicians, and the foreign affairs and defence departments have benefited from our position near the top of the worldwide interoperability and intelligence sharing hierarchy that our close relationship with America provides. The top forum internationally was the AUSCANUKUS community, then NATO, and finally the 'rest of the world' including the very weak UN-based military cooperative effort. Canada's privileged engagement in these forums also directly reflected the government's heavy postwar commitment to multilateralism.

While NATO's increasing role in setting interoperability standards had the potential to compete with Canada's primary focus on US cooperation no problems surfaced. Initially Canada was adept at managing what few differences emerged, assisted by a determined US effort to pass on the latest of its technology to NATO. However, a divergence in those standards started to appear in the late 1990s with the US military's wholesale adoption of the revolution in military affairs and her NATO allies' parallel inability to maintain the attending technological and financial pace. The US' use of NOFORN SIPRNET communications, the increasing ITAR restrictions it imposed on the export of its technology to its allies, and its dissatisfaction with NATO wartime decision

¹⁷⁶ Their arguments were arrayed earlier in the 1951-1968 section of this chapter.

making during the Kosovo air campaign signalled a troubled future for NATO-based interoperability. The AUSCANUKUS community suffered the least under these changes with Canada showing the greatest ability to successfully adapt.

The Canadian military's success rested on two pillars. The first involved an increasing recognition that interoperability with the US was, in Joel Sokolsky's view, the "logical defence posture for a Canadian national security policy based on continued global engagement."¹⁷⁷ As seen, this view was solidly endorsed by Kim Nossal, Grant Dawson, Danford Middlemiss and Denis Stairs who all took pains to point out that our interoperability policy also stemmed from a continued unwillingness to spend the large sums needed for an independent capability.¹⁷⁸ It was thus a financially attractive policy for Canadian politicians.

Second, advanced Canada-US interoperability benefited from strong US support. This went beyond the maintenance of the AUSCANUKUS relationship and beyond the basic interoperability goal of ensuring effective military cooperation in war. Sokolsky has argued that the American military fully recognized that the cooperative effort itself opens further options for extending US influence into other militaries.¹⁷⁹ As in Canada, advancing interoperability also enjoyed US support in that it gained a more competent potential force contributor for its alliances and coalitions with no significant financial

¹⁷⁷ J.J. Sokolsky, "Sailing in Concert: The Politics and Strategy of Canada-US Naval Interoperability." *Choices*, 8, no. 2 (2002) IRPP, www.irpp.org/choices/archive/vol8no2.pdf (accessed 1 May 2012): 12

¹⁷⁸ Nossal, "Canada and the United States in a Hyperpower Era," 175. Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 22-31. Dawson, "'A Special Case': Canada, Operation Apollo, and Multilateralism," 194.

¹⁷⁹ Sokolsky, "Sailing in Concert: The Politics and Strategy of Canada-US Naval Interoperability," 8,

costs.¹⁸⁰ Sokolsky then argues the US is also unlikely to surrender a significant amount of control over strategy in such an exchange making it a particularly good bargain. In part, the US understands and partially exploits the Canadian dilemma of wanting to be global engaged while not wanting to pay for it.

For these reasons, and in spite of the regular allegations of co-opted Canadian officials and the increasing defects in the political structures that managed the relationship, Canadian interoperability with the United States military has continued and possibly accelerated during the 1990s. As will be shown in the next chapter, that trajectory continued after the 9/11 attacks driven largely by the need to coordinate Canada's efforts to assist the United States both in North America and overseas.

¹⁸⁰ My thanks to Dean Sokolsky for pointing these elements out during my thesis defence.

CHAPTER THREE: METHODOLOGY

The last chapter ended in 2001 with the Canadian military continuing its pursuit of ever greater interoperability with the United States. Past trends also strongly suggested that greater Canada-US military cooperation would bring with it the possibility of friction and sovereignty challenges. After very briefly outlining the scope of the challenges Canada would face in the 2001-2010 period, this chapter will focus on devising a methodology that will assess those sovereignty costs.

2001-2010 Interoperability Related Sovereignty Challenges

Interoperability issues during the first decade of this century were dominated by the 11 September 2001 attacks on the US and their long aftermath. This brought increasing American pressure to join their counter-terrorist effort in North America and abroad. Not surprisingly, this raised suspicions in Canada, and military cooperation and interoperability were frequently the targets of media and academic attack. Table 3-1 presents many of these.

Table 3-1 Canada-US Issues and Disputes 2001-2010

| Issue | Outcome | Possible Effect on Canadian Sovereignty? | Canadian officials advancing US interests? | Refs |
|--------------------------|--|--|--|--|
| 9/11- Canadian response. | Canadian forces automatically assigned to US response to 9/11. Alleged that no Canada political decision was required. | Loss | | “Canadian air defense and naval forces were automatically a part of the American response to September 11 itself.” Charbonneau and Cox. ¹ |

¹ Charbonneau and Cox, "Global Order, US Hegemony and Military Integration: The Canadian-American Defence Relationship," 313.

| Issue | Outcome | Possible Effect on Canadian Sovereignty? | Canadian officials advancing US interests? | Refs |
|--|---|--|--|--|
| 2001. Operation Apollo. | Canada's role predetermined by Canada-US integration. | Loss | | Canada role "determined by the already integrated nature of Canadian and US military forces." Charbonneau and Cox. ² |
| 2001. UK attempts to form coalition for ISAF Kabul. | Canada excluded. | Loss | | Incident "provides a case in point" where our ability to operate "seamlessly" with the US makes it more difficult to operate with non-US coalitions. Middlemiss and Stairs. ³ |
| 2002. US signals Afghanistan coalition must follow its rules for detainees. | Canada appears to reverse its stand on Geneva Convention. Canada govt claims it successfully convinced US to apply Geneva rules. | Loss Gain | | "This reversal cannot be easily explained by factors other than overt American pressure." Williams. ⁴ |
| 2002. Canada blocks US exception for its peacekeepers from International Criminal Court. | US get no blanket exemption. US displeasure with Canada's UN Ambassador. | Gain Loss | | Possible coercion with suggestion that US officials would not support future Canada nominees in UN as a result. Jones and Kilgour. ⁵ |
| 2003. Canada involvement with US Iraq War planning. | Military presses for more Canadian involvement. Minister of National Defence refuses. | Loss Gain | The military leadership "were implicitly assuming we would be going with the Americans [to Iraq]" Minister of Def McCallum. ⁶ | |
| 2003. War in Iraq. Canada declines to participate. Cdn Navy provides indirect support to Iraq war. | Canada successfully remains out of OIF. US removes Can access to Iraq intel and Canada senses it is being eased out of AUSCANUKUS relationship. | Gain Loss | Canada officials "exaggerated at every step the negative reaction in Washington if Ottawa were to pursue a different path." Stein and Lang. ⁷ | Decision "proved to the world we are a proud, independent nation." Chrétien. ⁸ "decision resulted in an important decrease in the quantity and quality of US intelligence passed to Canada." Lt. Col. Rémillard. ⁹ |

² Ibid., 311-13.

³ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 9.

⁴ Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 95.

⁵ David T. Jones and David Kilgour, *Uneasy Neighbo(u)rs: Canada, the USA and the Dynamics of State, Industry and Culture* (Mississauga, Ont.: J. Wiley & Sons Canada, 2007), 232-33.

⁶ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 59.

⁷ Ibid., 263.

⁸ Jean Chrétien, *My Years as Prime Minister* (Toronto: A.A. Knopf Canada, 2007), 318.

⁹ Rémillard, "Making New Friends, Trusting New Friends - the Challenges of Coalition Intelligence Sharing in Afghanistan," 55.

| Issue | Outcome | Possible Effect on Canadian Sovereignty? | Canadian officials advancing US interests? | Refs |
|--|--|--|---|--|
| 2003. Canadian naval Task Force 151 remains in Persian Gulf. | Force is seen to be assisting US Iraq War. Defence officials seen to be manoeuvring govt to join Iraq War. | Loss Loss | “The south tower created a trap for the government by urging that Canada lead 151.” Stein and Lang. ¹⁰ | Canada Foreign Affairs officials state ships will be “discreetly useful” to US. Wikileaks. ¹¹ |
| 2005. Canada rejects NMD. | US President requests Canada involvement. Withheld. Canada now excluded from future NMD decisions. | Gain Loss | | “Canada would in effect give up its sovereignty – its seat at the table – to decide what to do about a missile that might be coming toward Canada.” Amb. Celluci. ¹² |
| 2005. NATO, US desire Canada to establish PRT in Kandahar. | Canada complies, with suggestion that it was done to offset US displeasure over Canada decision to not participate in Iraq War or NMD. | Loss | | To offset OIF and NMD. “There was no question, every time we talked about the Afghanistan mission it gave us cover for not going to Iraq.” Minister of Foreign Affairs Graham. ¹³ |
| 2006. NORAD expansion into maritime warning. | Perception that this was part of a larger US integrationist project. | Loss | | Closer Canada-US cooperation here involves a “delegation” of our sovereignty to the United States. Byers. ¹⁴ |
| 2010. US asks Canada to consider 2009 decision to withdraw from Afghanistan in 2011. | Canada indicates withdrawal from combat role will occur in 2011. | Loss/Gain | | |

As before, there has been no effort to investigate the validity of these claims - that is the main work of this analysis that will occur in the following six case studies. What

¹⁰ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 90.

¹¹ US. *Canada Won't Join Military Action against Iraq without Another UNSC Resolution*. Dept of State, 2003, <http://wikileaks.ch/cable/2003/03/03OTTAWA747.html>, (accessed 13 May 2011), 3.

¹² Patrick Lennox, *At Home and Abroad: The Canada-US Relationship and Canada's Place in the World* (Vancouver: UBC Press, 2009), 87-88.

¹³ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 65. Heritage Minister Sheila Copps' similar views are outlined on p. 67-68.

¹⁴ Byers, "Canadian Armed Forces under U.S. Command," 6-8. This delegation, in his view, arises both from expanding NORAD to cover both land and maritime activities and from “closer military cooperation” generally with the United States.

is of note, is that the patterns set in the previous chapter repeat. For example, a claim of sovereignty loss is often accompanied by another suggesting a sovereignty gain. In 2005 our decision to reject a US invitation to join their National Missile Defense/Ballistic Missile Defense programme is both championed as victory for Canadian sovereignty by those who resented undue US pressure as it is rated a loss by others who felt Canada left the defence of North America entirely in the hands of the United States. At other times the government itself seemed to have engineered a response calculated to produce a divided sovereignty result. As an example, in 2003 the Canadian government appeared to boldly protect Canadian foreign policy independence by rejecting participation in Operation Iraqi Freedom (OIF) while secretly offering the US help from Canadian ships and aircraft in theatre according to a recently Wikileaks US diplomatic cable.¹⁵

This and the earlier tables also suggested that Canadian sovereignty appears at risk from a broad range of potential threats. In the past it was claimed our sovereignty was endangered when the American government threatened sanctions to get our compliance, Canadian officials worked in collusion with their US counterparts, or prior low-level defence agreements ‘chain-ganged’ Canada into a later military commitment. The only new violations offered up by the 2001-2010 period is the suggestion that our close military ties with the US have made us an unattractive coalition partner for others and that the American government has made attempts to get Canadian foreign policy officials fired for working against US foreign policy interests.

¹⁵ US. *Canada Won't Join Military Action against Iraq without Another UNSC Resolution*. 3. The Canadian government also kept its exchange officers within US units going to Iraq in place.

Methodology

The broad range of these apparent ‘violations’ forces one to examine the definition of sovereignty in play and determine whether it was accompanied by any criteria. In Canada this can be a problem as many seem ready to ascribe a host of Canadian-US relationship problems to some form of attack on our sovereignty. Thus Garner Etsell, executive member of the Canadian Federation of Agriculture and a turkey farmer, warns that “As we begin to rely more on imports... there comes a point where a country that cannot support itself, from a food perspective, loses some of its sovereignty.”¹⁶ A resulting “food sovereignty” movement is in full support.¹⁷ Canadians also appear to have a remarkably low tolerance for such sovereignty violations with John Ibbitson declaring the Mulroney-Reagan sing-along at the St. Patrick’s Day Quebec Summit of 1985 as “a boot-licking embarrassment that demeaned Canada and ultimately compromised its sovereignty.”¹⁸ Prime Minister Harper has recently taken the sovereignty debate in a new direction with “enlightened sovereignty” which is actually a tempering of the more usual Canadian approach of using sovereignty purely in support of self-interest.¹⁹

Those involved in the debate of Canada’s military interoperability policies have also been busy devising new forms of sovereignty or redefining the term to make their

¹⁶ Jessica Leeder, "A Warning to Canada: Start Growing," *Globe and Mail*, 8 Feb 2011, A4.

¹⁷ ———, "Food Power to the People," *Globe and Mail*, 18 Apr 2011 A5.

¹⁸ John Ibbitson, "A Moment in Time - March 17, 1985 Mulroney Hosts Shamrock Summit in Quebec," *Globe and Mail*, 17 Mar 2011, A2. Mulroney’s apparent success in convincing the US President to recognize our Northwest Passage rights would appear to pale in comparison to this outrage.

¹⁹ "Enlightened Sovereignty Harper's Expressive Phrase," *Globe and Mail*, 30 Jan 2011, A20.

case. Thus, Michael Byers claimed “at issue here is not Canada’s legal sovereignty, but its *practical* sovereignty” as he examines elements of NORAD.²⁰ Richard Williams’ recent analysis of Canadian naval interoperability relied on a new and very broad definition for sovereignty in stating “In the simplest terms, sovereignty is about the government’s ability to choose between a set of options and to employ its resources in pursuit of those options.”²¹ Finally Stephen Staples has created “democratic sovereignty” and defined it as “the ability of its citizens to exercise their democratic rights.”²²

The latter form of sovereignty can only be realized, its author makes clear, when “our foreign and defence policies are open to public participation.”²³ As with the definition of sovereignty issuing from the Canadian Federation of Agriculture, one has a real difficulty disassociating sovereignty from personal or institutional agenda. Stephen Staples’ sovereignty seems tightly connected to his unhappiness with the pro-interoperability policies of the elected Conservative government and its unwillingness to discuss them with him or his institute via public hearings.

The view taken within this analysis is that many of these purely Canadian definitions of sovereignty were constructed to assist a particular interest group or advance

²⁰ Byers, "Canadian Armed Forces under U.S. Command," 8.

²¹ Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 22-24. I also disagree with his attending assertion that there is much disagreement in the literature on the meaning of sovereignty. I will soon demonstrate both international law and the study of international relations are quite united on the definition of sovereignty.

²² Steven Staples, "Fortress North America: The Drive Towards Military and Security Integration and Its Impact on Canadian Democratic Sovereignty," in *Whose Canada: Continental Integration, Fortress North America, and the Corporate Agenda* ed. Ricardo Grinspun and Yasmine Shamsie (Montreal: McGill-Queens Univ Press and Canadian Centre for Policy Alternatives, 2007).

²³ “Democratic Sovereignty” is introduced in the title and then fully explained as “The assertion of Canadian sovereignty means reaffirming the ability of its citizens to exercise their democratic rights. As Canadians we must demand that our foreign and defence policies be open to public participation.” See his 157 and 176.

a very specific argument. Further, it seems strange to create a unique Canadian meaning for the condition of sovereignty which one hundred and eighty-six nations identically and resolutely claim in both international law and within international organizations. A special ‘Canadian’ sovereignty is meaningless here. Finally, both international law and the international relations literature have consistently agreed on what defines “sovereignty” and that application is universal.

In the 16th century Jean Bodin first divided sovereignty into external and internal components.²⁴ This division progressively became commonplace in law up to today with Oppenheim’s *International Law* providing:

Inasmuch as it excludes dependence upon any other authority, and in particular from the authority of another State, sovereignty is *independence*. It is external independence with regard to the liberty of action outside its borders in the intercourse with other States which the State enjoys. It is internal independence with regard to the liberty of action of a State inside its borders.²⁵

Hedley Bull’s separation of sovereignty into “internal” and “external” components very closely follows this legal interpretation as does the more recent work of Fowler and Bunck who also chose to separate sovereignty into two distinct categories they term “internal supremacy” and “external independence.”²⁶

²⁴ Ingrid Detter Delupis, *International Law and the Independent State* (Epping: Gower Press, 1974), 3. I owe this observation to Michael Fowler and Julie Marie Bunck, *Law, Power, and the Sovereign State: The Evolution and Application of the Concept of Sovereignty* (University Park, Pa.: Pennsylvania State University Press, 1995), 36-37.

²⁵ L. Oppenheim, *International Law – a Treatise*, ed. H Lauterpacht, 8th ed., vol. 1 (London: Longman, 1974), 286-89. He adds “In consequence of its external independence a State can, unless restricted by treaty, manage its international affairs according to discretion; in particular it can enter into alliances and conclude other treaties, send and receive diplomatic envoys, acquire and cede territory, make war and peace.”

²⁶ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (London: Macmillan, 1977), 8-9. See also Fowler and Bunck, *Law, Power, and the Sovereign State: The Evolution and Application of the*

Krasner

In 1999 Stephen Krasner added significantly to the understanding of the nature of internal and external sovereignty with his *Sovereignty – Organized Hypocrisy*. Given that there is significant latitude within Oppenheim’s claim that sovereignty involves “liberty of action” within and beyond a state’s borders, Krasner set out to provide precise criteria. These outline that internal sovereignty is reduced when a state cedes control to other states of the “domestic political structures” that make and interpret domestic law.²⁷ Internal sovereignty is also forfeit when the policies and personnel selections of the state’s domestic institutions are subject to external influence.

Krasner then argues that a state’s external sovereignty is reduced when a state is not able to enter into agreements with other states free from coercion or imposition.²⁸ Finally, external sovereignty is lost when a state is not recognized by others and thus is unable to join international organizations, be accepted as a juridical equal, or have its diplomats enjoy diplomatic immunity.²⁹ These criteria will be central to my analysis, but Krasner’s value extends beyond this.

Concept of Sovereignty, 36-37, 47-50. The Fowler and Bunck thesis is that “sovereign status requires internal supremacy and external independence in addition to people, territory and a government.”

²⁷ Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999), 36-37, 205-05. Krasner refers to this as “Westphalian Sovereignty” which is defined as “the exclusion of external sources of authority both *de jure* and *de facto*” within a state’s boundaries. As can be seen I have chosen to use the more common “internal sovereignty” over his “Westphalian Sovereignty.”

²⁸ Krasner also calls for the further division of sovereignty into “domestic sovereignty” and “interdependence sovereignty” but as these only reflect a state’s internal capacity to control its territory and its borders and do not involve the challenges of other states, they receive little attention in his work. I will not consider them further.

²⁹ Krasner, *Sovereignty: Organized Hypocrisy*, 14-20. This he refers to as “International Legal Sovereignty” which he defines as “recognition” and the ability to enter into agreements “free from

His title's use of the term *Hypocrisy* refers to the fact that states frequently violate their own and others sovereignty all the while claiming that sovereignty is inviolate.³⁰ This is his second major contribution, and he illustrates it with the example of early post-war Western Europe where concern over the weak condition of their developing democratic institutions led their leaders to create a rigorous pan-European human rights regime with the full intent of binding their own hands, and, more critically, those of their successors.³¹ This action, according to Krasner's framework, resulted in a loss of internal sovereignty; that is, the right of a state to make rules for its own territory without external interference. This was certainly the case, as the resulting European Human Rights Court and Commission now have the authority to dictate domestic law in all the participating states. On the other hand, the ability to accept that pan-European regime reflects a state exercising its "external sovereignty" or that authority to enter into international agreements free from external coercion. This recognition of the frequent duality in sovereignty issues does much to explain the large number of Canada-US cases that displayed simultaneous sovereignty gains and losses.

Krasner's third contribution is his detailed elaboration on the process of coercion, and this effort provides very necessary additional criteria for assessing when internal or external sovereignty is at risk. He defines coercion as the process where sanctions are

coercion." Again, I have used the more common "external sovereignty" in lieu of his "international legal sovereignty."

³⁰ Ibid., 67-70.

³¹ Stephen D. Krasner, "Abiding Sovereignty," *International Political Science Review*, 22, no. 3 (2001), 237. See also his Krasner, *Sovereignty: Organized Hypocrisy*, 24.

threatened in order to force the subordinate state to amend its policies or behavior.³² Sanctions must specifically threaten to leave the recipient “worse off” if it does not comply. He is also dogmatic in stating “bargaining” and “free choices” are not sovereignty violations as no coercion is involved. Significantly, he finds that coercion is not “common” largely because the threat of sanctions must be credible and the act of applying credible sanctions is costly.³³

Walt

While Krasner provides a long series of examples of coercion in play, he does not spend a great deal of time on how external powers influence the officials of subordinate states other than to suggest sovereignty is violated when an exterior power works to “influence domestic political structures” or interferes in the personnel selection of the victim state. Stephen Walt’s work offers some support here. His analysis centers on the many attempts by the United States, the U.S.S.R, and Egypt to form and maintain alliances in the Middle East and the parallel efforts by Israel to influence its US ally. Within that analysis the process whereby the domestic authorities of the target state are manipulated by outside powers is termed “penetration.”³⁴ Within Walt’s analysis, foreign liaison officers or host nation agents of divided loyalty are the agents of

³² Krasner, *Sovereignty: Organized Hypocrisy*, 26-27, 36-37. Krasner deals with both coercion and imposition. Imposition is the more severe form of external interference in the sovereignty of another state. I will not spend time on it as it involves a subordinate state being “so weak” that it must accept the direct interference of the larger state in its domestic affairs “or else be eliminated.” No Canadian critic of close Canada-US relations has suggested we have reached this state.

³³ ———, *Sovereignty: Organized Hypocrisy*, 37.

³⁴ Stephen M. Walt, *The Origins of Alliances*, Cornell Studies in Security Affairs. (Ithaca: Cornell University Press, 1987), 46.

penetration. It could also involve penetration via propaganda and lobbying efforts. Foreign aid is another potential mechanism of influence and it too is studied. At the end of the day, however, the results are likely to be poor in his view: “I conclude that neither foreign aid nor political penetration is by itself a powerful cause for alignment. Even more important, neither is it an effective way to gain leverage except under very unusual conditions.”³⁵ Further, Walt could find no evidence of any significant policy change resulting from these mechanisms. In fact, political penetration was likely to produce a “hostile backlash.”³⁶

He is not, however, completely dismissive of penetration arguing it might be effective if the two nations already had a significant commonality of interests. It can certainly be effective if it is done via channels that the host nation considers legitimate, such as are exercised by lobbyists and by homegrown ethnic support groups. Moreover, penetration within “legitimate” avenues appears to offer the smaller power as much potential access as the dominant one, with Walt citing the success of Israeli lobbyists operating within the US Congress. They are not alone, and Annette Baker Fox specifically commends our officials as “Canadians know better than those from other countries how and where to penetrate” the US government system.³⁷ On the other hand, the head of the Canadian Security and Intelligence Service has recently suggested several states were actively recruiting Canadian officials and elected officials as agents of

³⁵ Ibid., 5.

³⁶ Ibid., 260.

³⁷ Fox, *The Politics of Attraction: Four Middle Powers and the United States*, 294.

influence.³⁸

However, Walt urges caution when assessing indications of penetration. He cites, for example, the danger of ascribing a penetration motive to a state based on the large number of its foreign liaison and exchange officers operating in another country. He argues these “widespread contacts between two states... are as likely to be the result of common interests and a close alliance as they are to be the cause of them.”³⁹ On the other hand, this analysis will argue that penetration to manipulate another state’s domestic authority remains a violation of its sovereignty in accordance with Krasner’s criteria even though it may have involved legal methods or two already closely aligned states.⁴⁰

Keohane and Nye

Keohane and Nye’s theory of complex interdependence provides a significantly more benign view on the role of officials working in conjunction with those of other states. Within their arguments the massive interpenetration of trade and culture in Canada and the United States is seen to have created a bi-national structure where conflict is widely recognized as mutually injurious. To remove potential sources of

³⁸ Sarah Boesveld, "Government Infiltrated by Spies, CSIS Boss Says," *Globe and Mail Update*, 22 Jun 2010, <http://www.theglobeandmail.com/news/national/fadden-raises-espionage-alarm/article1614071/>, (accessed 1 Nov 2011). Fadden was concerned that as a result of such penetration “All of a sudden, decisions aren't taken on the basis of the public good but on the basis of another country's preoccupations.” See Joe Belanger, "Opinion: Applaud CSIS Boss Fadden, Don't Kick Him to the Curb," *Herald Tribune* 2010, <http://www.dailyheraldtribune.com/ArticleDisplay.aspx?e=2656174&archive=true>, (accessed 1 Nov 2011).

³⁹ Walt, *The Origins of Alliances*, 47.

⁴⁰ Curiously, Walt does not consider the efforts of a state to manipulate another’s public opinion and elite attitudes by legal means as “a direct threat to the independence of a state.” See his *The Origins of Alliances*, 48. While not a “direct threat,” I certainly classify this type of act as a violation of sovereignty if the intent of the manipulation is to alter elements of a state’s domestic political structure. This precisely follows Krasner’s criteria.

conflict they argue that the management of the Canadian-American relationship passed to “transnational” networks involving hundreds of officials devoted to maintaining the system.⁴¹ Those officials operated within a diplomatic culture devoted to cooperative, non-coercive behaviour that would not link issues. Other transnational groups outside government would combine with those officials in maintaining a productive relationship by ‘blocking’ coercive, retaliatory, and other action dangerous to the long term relationship. As a result, Keohane and Nye were able to conclude that the Canada-US relationship is marked by its “prohibition of overt linkage of issues” and for all of these reasons Canada was able to progressively win more disputes than it lost when negotiating or disagreeing with the US in the 1960s.⁴²

Keohane and Nye’s work partly explains the dominant and largely successful role of defence officials evident during this review, and by inference, the corresponding modest role of the political leaders. The ability of military interoperability projects to continue and even expand in the face of short term political disagreements between governments and increasing public critique is also more easily understood under this transnational bureaucratic structure.

However, other elements of complex interdependence then limit its use in this analysis. Written in 1977 it predates some of the more problematic changes that overtook the Canada-US relationship that this review has already pointed out. As a result its very positive outlook with regard to the further diminution of defence as an intergovernmental

⁴¹ Keohane and Nye, *Power and Interdependence: World Politics in Transition*, 169, 206-9.

⁴² *Ibid.*, 170, 192.

priority, and the continued equality of results of the two states in dealing with conflicts is now doubtful, as are its views on an enduring cooperative diplomatic culture.⁴³

Of specific concern is the very benign view Keohane and Nye have on sovereignty. Under complex interdependence and its embedded view of a shared culture that forsakes issue linkage, the only sovereignty implications considered are those that are freely negotiated away.⁴⁴ While Keohane and Nye had acknowledged the danger of the US government using transnational coalitions to penetrate smaller states in their earlier writing, this unsavoury activity receives little of their attention in their major work on interdependence.⁴⁵ In fact, penetration, after being quickly introduced, is then largely discounted in *Power and Interdependence* because the penetrative capacity of a more powerful US bureaucracy failed to produce any US advantage in the disputes they analysed.⁴⁶ Finally, their treatment of the Alaska Highway dispute displays an overly benign view of American conduct, denying pressure was employed, and suggesting, instead, that Canada freely agreed to the highway in 1942.⁴⁷

⁴³ This trend was first identified by Brian Bow.

⁴⁴ Keohane is the most direct in this regard declaring that states “sacrifice operational sovereignty - legal freedom of action - in order to secure policy changes from others, or influence over their policies.” See his *Sovereignty*, p. 8-9. See Robert O. Keohane, "Sovereignty, Interdependence and International Institutions (Working Paper No. 1)," ed. Harvard Univ Center for International Affairs (Cambridge 1991), 8-9.

⁴⁵ Robert O. Keohane and Joseph S. Nye, "Transgovernmental Relations and the International Organisations," *World Politics*, 26, no. 1 (1974), 47. Here they provide “Transgovernmental coalitions may be employed by subunits of powerful states such as the United States as means by which to penetrate weaker governments.”

⁴⁶ Keohane and Nye, *Power and Interdependence: World Politics in Transition*, 179, 192.

⁴⁷ *Ibid.*, 181.

Middlemiss

Danford Middlemiss' examination of the Defence Production Sharing Arrangements fills in many of these gaps while also providing a less idealized view of the role of transnational officials. He does, however, support Keohane and Nye's broad thrust arguing that both sides consistently abided by norms that viewed the agreement as "a cooperative endeavour with benefits accruing to both countries" and eschewed overt threats and issue linkages.⁴⁸ Middlemiss also makes an important distinction between explicit external linkages that cross issue areas (say trade and defence) and implicit internal linkages which occur within a single issue area (such as defence, where he cites the example of Canada "threatening" a withholding of defence cooperation to get defence industrial sharing). As with all others, Middlemiss found explicit external linkages to be "extremely" rare. On the other hand, internal linkages were common and, in his view, "an integral and necessary feature" of the cooperative process in part because they permitted an early identification of tradeoffs, and this speeded up negotiations.⁴⁹ Significantly, the ability of the transnational defence economic teams to limit political involvement from such negotiations was the key in reducing controversy, publicity and spill-over into other issue areas. Within this relationship the political leadership was ultimately reduced to "endorsing or ratifying bureaucratic decisions and actions after the preparatory groundwork had been completed by those lower level administrators."⁵⁰ To be fair, Middlemiss also points out that the equally problematic participation of other

⁴⁸ Middlemiss, "A Pattern of Co-Operation," 418-19. See also his 442-48.

⁴⁹ Ibid., 444-45.

⁵⁰ Ibid., 405-06. Underlined text in the original.

government departments and the defence industries was also restricted by the bureaucrats in the Canadian Defence Production Department and US Department of Defense, the co-managers of the DPSA.⁵¹ Again, the reduction in actors reduced controversy and enhanced cooperation.

He then establishes criteria to determine the extent to which the actions of these powerful bureaucracies ran counter to government direction. In part, the fear was of bureaucrats making policy, but a greater concern involved a fear that the two bureaucracies were abetting continental integration outside of any Canadian political will to do so. To gauge this, Middlemiss devised three criteria that would assess whether those officials:

- intentionally operated independently of higher political control;
- took active measures to evade such control; and,
- progressed activities in contravention of their own nation's policies.⁵²

He ultimately concluded that in the case of the DPSA Canadian officials had operated with the tacit approval of Cabinet and that their actions had conformed with government objectives.⁵³ This view was only marred by regular, successful attempts to insulate their bureaucratic activities from the potentially conflict-prone engagement of their political leaders although even here Middlemiss assesses they did so in the belief that this

⁵¹ Ibid., 439, 47.

⁵² Ibid., 452-60.

⁵³ Ibid. He concluded "this study has revealed no evidence that DDP [Canadian Department of Defence Production] and DoD [U.S. Department of Defence] production sharing activities ran counter to the official policy of either country." He also found US officials came closest to defying their own government's policy by supporting the defence production sharing agreement over those agencies in the US government who wanted their competing trade policies to triumph. These trade policies would have reduced Canadian access to the United States defence market and the trade surplus Canada enjoyed. See his 435-36.

“fulfilled the objectives of their governments.”⁵⁴

This aspect of ‘tacit approval’ is an intriguing one and is likely linked to the just-outlined tendencies of the bureaucratic officials to limit political engagement and, one suspects, partly in the longstanding Canadian political desire for informal and therefore low profile arrangements with the United States. Middlemiss, allied with Swanson who conducted his own parallel examination of Canada-US defence relations, then devoted a very helpful amount of time to the often-complex process of the bureaucrat and politician interchanges that supported the informal approach. Thus an initiative like the DPSA will proceed via a “pre-process” stage of bureaucratic research and informal exchanges, early political briefings with the gaining of tacit approval, and exploratory negotiations with the US via bureaucrats. This is followed by the “process” phase with formal negotiations and final political decision or agreement on the policy. The “post-process” phase involves bureaucratic implementation of the new policy.⁵⁵ This type of complexity is inherent in most government decision-making processes and this must be considered if one is to get past simple charges of disloyal officials or inattentive ministers. Moreover, the complexity of the process of getting ‘tacit’ approval and its inherent looseness

⁵⁴ Ibid., 461. Here and in the “pre-process” stage of negotiations (described in the next paragraph) there is considerable scope for the exercise of bureaucratic power. The most obvious is the ability to set the agenda. In addition, Bachrach and Baratz argue (admittedly using a local government setting) that power is exercised in two ways - the ability to influence decision making directly and, more relevant to this discussion, in “limiting the scope” of others to have input to those decisions. Within the DPSA this involved the trans-national teams of bureaucrats attempting to insulate the politicians from some elements of the arrangements. See Peter Bachrach and Morton S. Baratz, "Two Faces of Power," *American Political Science Review*, 56, no. 4 (1962), 948.

⁵⁵ These stages are well covered in Swanson, "An Analytical Study of the United States/Canadian Defence Relationship as a Structure, Response, and Process: Problems and Potentialities," 789-91; and Middlemiss, "A Pattern of Co-Operation," 398-08, 458-60. See also R.J. Van Loon and M.S. Whittington, *The Canadian Political System: Environment, Structure and Process* (Toronto: McGraw-Hill, 1971), 9, 12-13, 336-42. (With thanks to Middlemiss for this steer).

underscores the need for something like Middlemiss' three criteria. This need is further reinforced by the frequency of claims that the Canadian bureaucracy has operated without government approval in matters of military cooperation.

Middlemiss and Stairs

In 2002, Middlemiss, now joined by Denis Stairs, brought the issue of defence officials operating by "stealth" in advancing Canada-US interoperability to national prominence in a major paper published within the IRPP's *Policy Matters*.⁵⁶ This highlighted the Defence Department's increasing focus on interoperability as outlined within *Strategy 2020* and the fact that it "had no formal government approval" or cabinet endorsement.⁵⁷ Their work also drew the first links between Canada's military interoperability and its foreign policy independence.

It also contained a solid description of the technical issues as well as a significant modification to the accepted definition of interoperability that subsequently enjoyed wide Canadian academic support. Thus they argued interoperability is best viewed as "a continuum between basic compatibility at the low end (where systems and forces can operate, as it were, "side by side" without interfering with one another's functioning) to complete integration at the high end."⁵⁸ "This improves on the provisional definition

⁵⁶ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 37.

⁵⁷ *Ibid.*, 1.

⁵⁸ *Ibid.*, 6. Here they cite Anthony W. Faughn, *Interoperability: Is It Achievable?* (Boston, Mass: Programme on Information Resources Policy, Harvard Univ, 2001), 5.

provided in Chapter Two and will be incorporated into this analysis.⁵⁹

Their paper also raised the possibility that the Canadian military's unique ability to operate "seamlessly" with the US may "make it more difficult for Ottawa to refuse requests to contribute to American-led operations, or alternatively to participate in operations in which the Americans are not involved."⁶⁰ They then argue that Canada's rejection from the UK-led ISAF force in 2001 and our choice of the "second-best" option of joining US forces in Kandahar in 2002 "provides a case in point" of the problem.⁶¹ Later, they suggest that these tight Canada-US military links will also complicate the apparent desire of Prime Minister Chrétien to avoid Operation Iraqi Freedom to the point where he may find that "his capacities for abstention are more limited than he currently appears to assume."⁶² Both these assertions needed to be probed.

Middlemiss and Stairs' work provoked nineteen other interoperability proponents and critics to add their views on the impact of interoperability on Canada's defence and foreign policy. There was certainly no unanimity except in the support many gave to

⁵⁹ The NATO definition of interoperability is "The ability of systems, units, or forces, to provide services to and accept services from other systems, units, or forces and to use the services so exchanged to enable them to work effectively together." This is excessively narrow in that it all too conveniently does not include the potential for forces to integrate in order to work "more effectively together." David Mutimer is more blunt arguing that definition is misleadingly "anodyne" and derived, in part, to obscure the extent to which interoperability may involve working very closely with US forces up to and including full integration with their units. See his David Mutimer, "Interoperating within Niches of Security: A Response to Middlemiss and Stairs," in *The Canadian Forces and Interoperability: Panacea or Perdition?* ed. Ann Griffiths (Halifax: Centre for Foreign Policy Studies, 2002), 167. The Stairs and Middlemiss definition includes this integration possibility.

⁶⁰ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 9.

⁶¹ The authors do not explain how or why we were rejected except to point out our interoperability ties may result in us being perceived as less than "an independent player." See their 32 where they also admit they are relying on "anecdotal and other evidence" to arrive at this conclusion. I offer further rationales when I fully develop this hypothesis in the next section.

⁶² *Ibid.*, 36.

Middlemiss and Stairs' definition and the fact that Andy Knight and Ann Denholm Crosby joined the authors in claiming that the interoperability project is indeed proceeding by stealth, directed by military officials operating without Canadian political assent.⁶³

Williams

Where Middlemiss and Stairs examined interoperability's impact on the broad thrusts of Canadian foreign and defence policy, Williams' *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty* had a tighter focus. Using case studies of two Canadian naval deployments to the Persian Gulf region (1991-2 and 2001-3) he sought to "explicitly define the concepts of interoperability, sovereignty and the connection between the two."⁶⁴

He then developed a detailed list of hypotheses to establish the link between interoperability and his very broad definition of sovereignty. The central hypotheses all focused on the concept that "technical and behavioural interoperability creates disproportionate pressure on the Canadian government" to follow US dictates. This might take the form of pressure to align government policy with the US, being 'chain ganged' into US-led expeditionary operations, or being excluded from non-US led coalitions. Other hypotheses examined the extent to which our lower level pro-US interoperability ties made it harder for the Canadian government to exercise command of

⁶³ Crosby, "Defining the Debate: A Response to Danford Middlemiss and Denis Stairs," 97. See also Knight, "Interoperability: The Next Stage in Canada-US Integration?," 147. Middlemiss and Stairs also seem to suggest this at their p. 37.

⁶⁴ Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 2.

its armed forces or resulted in Canadian military leaders advancing “policies aligned with American interests and contrary to the interests determined by the Canadian political leadership.”⁶⁵ A final single hypothesis tests the extent to which our close interoperability and integration with US forces makes the Canadian government an unattractive interlocutor.⁶⁶ With the exception of the latter, these were well-argued and carefully supported with examples. Where data is lacking the author admits this upfront and closes that avenue of investigation.

Many of these hypotheses necessarily flow from Middlemiss and Stairs’ earlier work, but their later work was careful to not link interoperability issues directly to sovereignty. Williams does, and he does so by establishing his own broad definition of sovereignty that is also provided *sans* criteria. That definition’s sweep allowed him to propose the problematic hypothesis that links a Canadian sovereignty loss to an external organization rejecting your offer to serve as an interlocutor.

The danger of these type of loose ‘made in Canada’ definitions is soon apparent. One would have no difficulty recognizing direct American coercion that forces Canada to participate in US military coalitions (or to reject those of others) as a sovereignty violation following Oppenheim’s definition and Krasner’s ‘no coercion’ criteria. Also sovereignty costs might well be involved if the Canadian military had configured its doctrine or its command and control equipment to the point where it could only ‘interoperate’ with US forces. For the military to have devised such a system without

⁶⁵ Ibid., 30.

⁶⁶ Ibid., 27-29.

clear government assent would have been a clear case of Stephen Walt's penetration. However, no broadly accepted sovereignty definition or criteria comes close to suggesting that sovereignty is violated when another state rejects one's offer of 'honest broker' services or force contributions. Sovereignty can only ensure that Canada has the freedom to offer services – it cannot make others take them. This analysis does recognize, however, that a prevailing trend where other states consistently avoid Canadian contributions because we are seen as too closely allied with the US would limit Canadian foreign policy options if not our sovereignty. It will be on guard for this for its potential impact on foreclosing Canadian foreign policy options if not for any impact on our sovereignty.

Ultimately Williams determined that Canada has not had its interlocutor role rejected by other states. A lack of data also prevented testing of the hypotheses that probed the potential of our defence officials to serve US interests or the extent to which Canada's pro-US interoperability foreclosed it joining non-US coalitions. He also found no evidence of it provoking sovereignty costs as a result of Canada being chain-ganged to US military adventures, or losing command and control of its military. While noting not all hypotheses could be fully evaluated, he concluded that the assertion that "interoperability at lower levels causes a detrimental impact upon the exercise of national sovereignty at the highest levels, is found to be without merit."⁶⁷ He did, however, assess as "high" the likelihood the US "pressured" or "coerced" Canada to reverse its stand on

⁶⁷ Ibid., 108.

according al-Qaeda and Taliban detainees prisoner of war status.⁶⁸ It was the sole sovereignty challenge identified in his work.

This analysis will incorporate three of his hypotheses but only after they have been made congruent with the Oppenheim's definitions of internal and external sovereignty and incorporate Krasner's and Middlemiss' criteria. Further, the scope will be expanded beyond naval examples and an attempt made to fill the data void Williams experienced in investigating disloyalty among officials. The latter task became significantly easier with the very recent arrival of works like Stein and Lang's *Unexpected War* with its cataloguing of defence and foreign policy officials' overly close relations with the United States. Finally, the intent will be to fully probe Williams' claim of direct US coercion in regards to Canada's detainee policy.

Bow

The significant role attributed to coercion in Williams' analysis is problematic from a theoretical and historical perspective. Keohane and Nye's concept of complex interdependence and its supporting diplomatic culture should have eliminated the potential for it. Canadian and American writers are also in broad agreement that the relationship has operated under long-standing norms that foreclose the use of coercion and issue linkage since the 1940s.⁶⁹

⁶⁸ Ibid., 72-3, 84, 94-5. He refers to the "apparently coerced nature of the policy" and states "This reversal cannot be easily explained by factors other than overt American pressure."

⁶⁹ See Kal J. Holsti and Thomas Allen Levy, "Bilateral Institutions and Transgovernmental Relations between Canada and the United States," *International Organization*, 28, no. 4 (1974). See also Keohane and Nye, *Power and Interdependence: World Politics in Transition*, 172., and Middlemiss, "A Pattern of

Of this group, Bow has addressed the role coercion plays in Canada-US relations in the most detail outlining how coercion can take any of three broad forms. The first is outright coercion and involves the ‘direct coercive linkages’ that follow precisely the form established by Krasner’s version. For both Krasner and Bow coercion signals that if the target state does not change its policy it will later suffer sanctions and be “worse off” in some area. The second form of coercion Bow describes is “direct retaliation” and it is also rare in Canada-US relations.⁷⁰ This form of retaliation is “revenge” oriented and “made in response to the target’s unacceptable policy, and to send a signal that future provocations will draw more of the same.” The punishment will be “immediate,” “direct,” “readily observed” and “unmistakeably negative.” “Grudges” are the final form of retaliation and are opposite to direct retaliation in every way except intent. While still imposed to signal displeasure with the target’s policy choice, the linkage between issues will be “indirect” and “diffuse.” It will not be visible to the target state as an active policy and reflect more of a “malevolent inaction” or “resentful disinterest” where the United States’ officials simply do not bother to attend to Canadian requests or issues.⁷¹

Bow then suggests that many of the post-1970 changes to the pattern and structure of the Canada-US relationship will make grudge retaliation the more likely US response.

Co-Operation," 443. See also Fox, *The Politics of Attraction: Four Middle Powers and the United States*, 291-96. and Brian J. Bow, "Rethinking Retaliation in Canada-U.S. Relations," in *An Independent Foreign Policy for Canada? Challenges and Choices for the Future* ed. Brian J Bow and Patrick Lennox (Toronto: University of Toronto Press, 2008), 63. See also his Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 17, 42, 69. Bow takes pains, however, to emphasize that while shared norms foreclosed coercion in the early Cold War period, by the 1970s the US’ disinclination to resort to coercion then was more due to the difficulties of orchestrating sanctions without also simultaneously damaging US interests. That norm was, in effect, no longer operative except, perhaps, in defence relations.

⁷⁰ Bow, "Rethinking Retaliation in Canada-U.S. Relations," 67-69, 78.

⁷¹ *Ibid.*, 72-74, 77.

That is, our still tightly integrated economies, the increasing number of players competing in US foreign policy decision-making, the shift from informal negotiation to the legal procedures within the CUSFTA and NAFTA, and the termination or displacement of the transnational bureaucratic networks have all made using hard coercive linkages more difficult leaving soft or “grudge” linkages as the only option.⁷² Bow then outlines how the Chrétien and Martin governments’ decisions to reject participation in the US-led war on Iraq and their National Missile Defense (NMD) programmes provoked this type of grudge retaliation.⁷³ Direct coercive linkages appear to have been considered in Washington but were soon dismissed for their mutually punishing effect.⁷⁴

Bow’s analysis was very convincingly argued and illustrated, but it raises significant questions for this research effort. The first involves determining which of Bow’s three linkages constitutes a violation of sovereignty. It was clear that the first form, “direct coercive linkage” precisely matches Krasner’s criteria for coercion. However, it is doubtful that the second form, “direct retaliation,” can be considered a sovereignty loss. Krasner does not include retaliation explicitly in his sovereignty typology, and all his supporting terminology and examples rely on the mechanism of sanctions where “one ruler threatens to impose sanctions on another if the target ruler

⁷² Ibid., 75-76.

⁷³ This analysis uses the US’ “National Missile Defense (NMD)” terminology over the Canadian preference for “Ballistic Missile Defense (BMD).”

⁷⁴ Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 138. See also his 142-3, 147 and 151 and 160.

does not alter his or her policies.”⁷⁵ Retaliation, on the other hand, could occur without the necessary preceding threat that gives the target state the option of changing policy or suffering the sanction. Similarly, Bow’s final form, “grudge linkage,” or “grudge retaliation” fails to qualify as a sovereignty cost under most circumstances. Bow’s characterization of the likely American government thinking in 2003 and 2005 after Canada’s rejection of the request for a contribution to Operation Iraqi Freedom (OIF) or participation in their NMD project reinforces this. With these actions US senior officials assessed that the Canadian government was indifferent to the bilateral relationship and had chosen, instead, to respond to local political pressures. The Bush government then concluded “why should the United States do things any differently” and they, too, decided to ignore the partnership.⁷⁶ Bow also found no evidence that the Canadian government experienced direct coercion in either the OIF or the NMD case and that it made its decisions freely.

The second attending question involves whether the defence relationship conforms to the new rules Bow has outlined for the larger Canadian-American partnership. On one hand, he argues that the defence relations indeed provides a “major exception” to the new pattern in that the transnational defence officials networks continue to be “extensive and robust.”⁷⁷ The continuing upward trend in our interoperability ties over the last two decades, despite negative trends elsewhere in the relationship, suggest they do remain effective and should, therefore, play some role in reducing conflicts and

⁷⁵ Krasner, *Sovereignty: Organized Hypocrisy*, 26.

⁷⁶ Bow, "Rethinking Retaliation in Canada-U.S. Relations," 77.

⁷⁷ ———, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 148.

foiling negative US responses be they either direct or ‘grudge’ oriented. On the other hand, Bow ultimately finds these officials’ overall results in managing recent disputes were probably “mixed.” That is their presence also created expectations of Canadian cooperation in Iraq that were never fulfilled. Later, however, they were able to “settle things down” in Washington’s defense community with the arranging of such offsets as a greater Canadian commitment to Afghanistan.⁷⁸ What is intriguing, however, is the opposing view by Stein and Lang that these cross-border defence ties were all too effective during Canada’s Afghanistan experience with allegedly significant ill-effect on the ability of the Canadian government to direct its military.⁷⁹

An additional complication in establishing the extent to which defence relations constitute an exception is the fact that defence provides an ideal arena for linkages, retaliation and grudges of all forms. In that only a single department is normally involved there is none of the fragmentation problem the US government experiences in establishing cross-departmental sanctions.⁸⁰ Further, there are no powerful interest groups in this field that might lobby against coercive activities. In addition defence ties remain largely informal and free of the NAFTA-like legal machinery that restricts hard linkages but encourages grudge retaliation. Finally, defence and intelligence provide few of the interdependency ties that restrict hard linkages. While a US threat to tighten border restrictions brings immediate pain to both Canadian and US firms, defence

⁷⁸ Ibid.

⁷⁹ Stein and Lang, *The Unexpected War: Canada in Kandahar*. For example, at p.13-14 they assess “Indeed, Canada’s generals and admirals tend to be more concerned about their relationships with their American counterparts than they are with their own political masters in Ottawa...”

⁸⁰ I accept there will be defence issues that necessarily involve the Department of State and, perhaps, the intelligence agencies.

interdependence may be getting weaker and Canadian vulnerability greater as there is little a diminished Canadian military can effectively withhold from the US. In addition, the US has established parallel US-only structures such as NORTHCOM beside the once-essential NORAD allowing it to now take independent action in areas that were once shared.⁸¹ Finally, in matters of intelligence, Canada is a taker not a net contributor to the AUSCANUKUS intelligence system with a particularly “heavy dependence” on US-supplied material, according to Barry Cooper and Paul Robinson.⁸²

Further, Secretary of Defense Rumsfeld and his associates were not shy in applying direct threats and direct coercive linkages elsewhere. Thus, Paul Wolfowitz, the soon to be Assistant Secretary of Defense, provided this outline of future American defence relations “...your friends will be protected and taken care of, that your enemies will be punished, and those who refuse to support you will live to regret having done so.”⁸³ The Secretary of Defense was equally ready to remind allies of US power claiming in 2003 that he successfully threatened the Belgian government with the withholding of NATO headquarter funds - if he could not move the headquarters altogether to another country - when a Belgian lawsuit named General Franks for war crimes for his part in the war on Iraq.⁸⁴ This was based on an earlier Belgian law that gave their courts universal

⁸¹ As was noted in Chapter Three, the removal of Canadians from some shared NORAD functions had been underway prior to this. See also James Fergusson, "Canada and Ballistic Missile Defence: What We Know, Don't Know and Can't Know!," *Breakfast on the Hill Seminar Series* 4 Nov (2004), <http://old.fedcan.ca/english/pdf/fromold/breakfast-fergusson1104.pdf>, (accessed 22 Oct 2011).

⁸² Cooper. "CFIS - a Foreign Intelligence Service for Canada." 2, 41. See also Robinson, "The Viability of a Canadian Foreign Intelligence Service," 708-09.

⁸³ Paul Wolfowitz, "Remembering the Future " *The National Interest* Spring no. 59 (2000), <http://nationalinterest.org/article/remembering-the-future-855>, (accessed 11 Nov 2011), 41. Bow classifies this type of threat as non-consequential posturing by officials.

⁸⁴ Donald Rumsfeld, *Known and Unknown: A Memoir* (New York: Sentinel, 2011), 587-98.

jurisdiction for these crimes. Rumsfeld reported their government repealed the law two months after his threats. The incoming Roh government in South Korea, elected on an ‘independence from America’ plank, also received and then responded to direct US pressure. March 2003 was particularly fraught, bringing significantly increased North Korean nuclear efforts, an aggressive US stand against this with a parallel request for a significant South Korea commitment to the building US coalition against Iraq. Faced with a requirement to gain some control over a very bellicose US policy to North Korea and the overriding need to respond to both Secretary of Defense Rumsfeld’s and the resident US Ambassador’s public questioning of the need for the US to maintain ground troops in Korea, the Roh government reversed its posture and offered the US what was to become the third largest troop contribution to the Iraq war on 2 April 2003.⁸⁵

Similar charges, as yet unproven, of direct coercive linkages executed within the Canada-US defence sphere figure prominently in the 2001-2010 period. There is the somewhat confusing allegation that the United States’ government would veto a Canadian contribution to Kandahar in 2002 unless the government altered its stand on applying the Geneva Convention to al Qaeda.⁸⁶ Similarly, there is the hint that access to AUSCANUKUS intelligence would be reduced if Canada did not sign up for OIF. As has been noted, US diplomatic cables provided by Wiki-leaks demonstrated that the

⁸⁵ Daniel F. Baltrusaitis, *Coalition Politics and the Iraq War: Determinants of Choice* (Boulder: First Forum Press, 2010), 58-59, 221.

⁸⁶ Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 72-73.

highest levels of our government felt that sanction had been enforced.⁸⁷

It would appear from other Wikileaks of US embassy cables, however, that such direct coercion is not a common US response. Rather a slightly more subtle approach that hints that unless the targeted country adjusts its policy, their “relationship” with the United States will suffer. Thus Norway was encouraged to purchase the US-made F-35 over the Swedish Grippen via a two-pronged approach. The public case demonstrated via detailed briefings that the F-35 was the best choice. This was matched with a private communication that makes clear to the Norwegian government that its final choice “will have an impact on the relationship.” That private line was reported as being “much more forceful” made than the public one in the US embassy’s cable. After the Norwegian government made its choice it also signalled privately to the US Embassy that it would be “very helpful” if the American government could publicly “confirm there was no USG political pressure to buy the plane.”⁸⁸ Italy and Germany are similarly encouraged not to prosecute local CIA teams implicated in often brutal rendition activities in those countries. In Berlin, the US Deputy Chief of Mission (DCM) advised the German Deputy National Security Advisor that any effort to raise an international arrest warrant against the CIA agents “would have a negative impact on our relationship.”⁸⁹ The US official’s subsequent effort to qualify the message as non-threatening probably fell wide

⁸⁷ US. *Canada Won't Join Military Action against Iraq without Another UNSC Resolution*. 3. See also Rémillard, "Making New Friends, Trusting New Friends - the Challenges of Coalition Intelligence Sharing in Afghanistan," 55.

⁸⁸ US. *Norway Chooses F-35*. State, (Oslo 000629), Oslo Embassy Cable 2008, <http://www.wikileaks.ch/cable/2008/11/08OSLO629.html>, (accessed 6 Jan 2011).

⁸⁹ ———. *Al-Masri Case - Chancellery Aware of USG Concerns*. State, (Berlin 000242), 2007, <http://www.wikileaks.ch/calble/2007/02/07BERLIN242.html> (accessed 10 Feb 2011), 1.

of the mark with the DCM stating to his German counterpart “our intention was not to threaten Germany, but rather to urge that the German Government weigh carefully at every step of the way the implications for relations with the US.” One media commentator termed this as “the thinnest of veiled threats.”⁹⁰ The Deputy Chief of Mission also pointed out to the German official the “repercussions” to Italy-US relations under similar circumstances in Rome a year earlier.

These cases all constitute what is essentially the threat of a grudge linkage, and for many allies of the United States this must be considered a serious threat indeed. The US military controls all the key technology and tactics, owns most of the key combat enablers (stealth aircraft, cruise missiles, long range bombers, refuelling aircraft and large carriers), dominates NATO, and can switch off the flow of the most sensitive space-based intelligence in a heartbeat. Moreover, a single person, the Secretary of Defense, can inflict that pain for months before the victim’s complaints are heard, perhaps, by sympathetic ears in the Department of State or White House. Further, other allies face the same threat and they are unlikely to break ranks and support the victim or surreptitiously pass forbidden US data to him.

To date there is no direct evidence that Canada received such a warning prior to its decision on not joining the US-led Operation Iraqi Freedom or their National Missile Defense project. Nevertheless, it is clear that the Canadian public had a fear of direct US retaliation regularly fed by the media, and that our politicians were attuned to the dangers

⁹⁰ William Fisher, "Bush, Obama, Wiki and the CIA " *Bill Fisher's Diary - at Daily Kos: State of the Nation* (2011), <http://www.dailykos.com/story/2011/2/7/941971/-Bill-Fishers-Diary> (accessed 7 Feb), 3.

of something like a sustained grudge linkage. Moreover, both the Canadian government and especially its military are aware of the danger of damaged defence relations and likely needed no specific mention of it. There are, as a result, suggestions that our refusal to join NMD and OIF led to a Canadian recognition that a substantial Canadian effort in Afghanistan's dangerous southern provinces was needed to reset a damaged relationship.⁹¹

While the analysis has not considered a grudge retaliation as a sovereignty cost, the threatening of same is likely another matter. This is based on the fact that when a state threatens a worsening of relations and the victim risks losing benefits he once enjoyed, one edges very closely towards Krasner's definition of coercion. That is the victim state is placed in a position where it can "acquiesce or resist, but it is always worse off than in the status quo ante."⁹² While it could well argue that the victim state has the obvious option of being less dependent on the demanding state, the Krasner definition and criteria for a sovereignty loss is fully met.⁹³ This analysis will, therefore, accept as a sovereignty violation any demand for a policy change backed up with a threat that the

⁹¹ Stein and Lang provide "the foreign policy and defence establishment in Ottawa felt a renewed sense of urgency to do something significant to offset the negative consequences that they feared. Afghanistan seemed a logical place to start." The authors take pain to point out that their assessment was that the relationship had suffered little or no damage. Stein and Lang, *The Unexpected War: Canada in Kandahar*, 177." See also Lennox, *At Home and Abroad: The Canada-US Relationship and Canada's Place in the World*, 89.

⁹² Krasner, *Sovereignty: Organized Hypocrisy*, 36.

⁹³ This approach is also fully supported by David Baldwin's analyses of "positive sanctions" or rewards. In deciding whether a threat to withhold benefits is a negative sanction or a positive one he focuses on the victim state's expectations much as Krasner does. Thus a reward will result in a "positive improvement in [nation] B's value position relative to his baseline of expectations. Negative sanctions are actual or threatened deprivations relative to the same baseline." Thus, the United States threatening of a worsening of relations with a weaker state wherein it will see a reduction in benefits is in every way a "threatened deprivation" and thus a negative sanction. See David A. Baldwin, "The Power of Positive Sanctions " *World Politics*, 24, no. 1 (1971), 23-24.

relationship will suffer.

This study will not, however, include as a violation a Canadian response based on the generalized fear of retaliation. This is in spite of the fact that this does occur with Pauline Jewett, a former Liberal MP, claiming Canadian leaders have responded “a sufficient number of times” to an unstated and non-specific fear of potential American retaliation.⁹⁴ Canadian policies were occasionally affected, but more frequently “the threat of retaliation has conditioned governmental attitudes into general timidity.” This is undoubtedly true, but including a Canadian fear or retaliation would stretch the Krasner’s and Bow’s definition of coercion unreasonably far while also opening the door to the entry of unrestrained conjecture.

Bow’s contribution does not end with his treatment of coercion. Joined with Patrick Lennox, the two argue that Canadian foreign policy literature has for too long been embroiled in a debate over the independent status or not of Canada’s foreign policy.⁹⁵ This focus on independence, they argue is “a recipe for confusing substance with style, and optics with effects.”⁹⁶ As a result they call for a movement away from independence towards discussions of more substantial Canadian foreign policy concerns that might include her interests, obligations and capabilities. One test of this analysis will be to see how much it can also assist in their goal of “moving beyond the ‘independence’ debate.”

⁹⁴ Pauline Jewett, "The Menace Is the Message," in *An Independent Foreign Policy for Canada?* ed. Stephen Clarkson (Toronto: McClelland and Stewart, 1968), 52. Pauline Jewett also left the Liberal Party in 1970 to join the New Democratic Party.

⁹⁵ Bow and Lennox, *An Independent Foreign Policy for Canada?: Challenges and Choices for the Future*, xvi.

⁹⁶ *Ibid.*, 225-29.

McDonough

A significantly less coercion-based interpretation of how Canada manages her relations with the United States has recently been provided by David McDonough.⁹⁷ Rather than Canada responding directly to every US pressure and provocation, he suggests past governments have followed a conscious process that attempts to balance Canada's need for both security and sovereignty. As the two vectors compete, Canada could theoretically be driven to alternately "bandwagon" with the United States for protection and then forsake her in an effort to underline Canadian independence.

He argues these are not ill-formed, haphazard responses. Rather, they are sufficiently clear for them to be considered Standard Operational Doctrines (SOD) with that seeking strong Canada-US cooperation called "continental soft-bandwagoning" and the opposing one which attempts to keep the US at arm's length, and at lower level of cooperation, termed "defensive weak multilateralism."⁹⁸ Using examples such as the recently cited case of Canada's balanced approach to the Strategic Defense Initiative, McDonough then makes clear that Canadian governments systematically avoid dramatic lurches between each doctrine and seek, instead, a "Goldilocks" zone between the two. If applied judiciously, that strategy can forestall the need to make large side payments to overcome either an upset US government or provoked Canadian nationalists.

McDonough also argues that Canada has had a long history of applying this "Goldilocks Grand Strategy" incrementally, consistently, and largely successfully to

⁹⁷ McDonough, "Ambivalent Ally: Culture, Cybernetics, and the Evolution of Canadian Grand Strategy," 28.

⁹⁸ Ibid.

always remaining in safe middle band between the two.⁹⁹ Much of the prior chapter offers some support for this as there has been a rarely broken and consistently positive trend in Canada-US interoperability over the 1938-2001 period. If one were to apply McDonough's approach here, one would link the lack of cooperative reversals to a lack of wild swings between the two doctrines as the Canadian government seemed able to successfully stay in the 'Goldilocks' range. This then introduces the possibility that one might expect serious problems in the Canada-US relationship if Canada over-applies one doctrine at the expense of the other. There are indications that may well have occurred in Canada-US defence relations in the 2003-2005 period with the resulting need for significant and provocative side payments. The following case studies will certainly evaluate this.

Stein and Lang

In so doing this analysis will make heavy use of a series of recent documents that deal with the dominant Canadian security issues of the 2001-2010 period as seen from the highest political levels. Jean Chrétien's *My Years as Prime Minister*, his Chief of Staff, Eddie Goldenberg's, *The Way it Works*, and most significantly, Eugene Lang, (Chief of Staff to two defence ministers) and Janice Gross Stein's *The Unexpected War* all provide rich detail on the extent to which the Canadian government made its major foreign policy decisions free or not of American pressure. In addition, the latter work provides regular examples of cases where, in the authors' view, Canadian military officials were "more

⁹⁹ Ibid., 221, 321-2.

concerned about their relationships with their American counterparts than they are with their own political masters in Ottawa,” and, as a result, ignored political direction and gave tainted advice.¹⁰⁰

Stein and Lang’s associated charge that Canadian officials “exaggerated at every step the negative reaction in Washington if Ottawa were to pursue a different path, if Canada were not onside” provides a final element in a needed review of how one assesses sovereignty costs.¹⁰¹ There is significant data on the extent to which Canadian political leaders and the bureaucracy may be moderating their responses to a US challenge, dispute or problem because they fear the consequences of an adverse American reaction. It would be difficult, however, to classify a Canadian fear of US sanctions as a sovereignty violation in that it presumes a US intention they may not have formed or a retaliatory capability that they may not be capable of effectively deploying. This analysis will, however, include as penetration and, therefore, a sovereignty loss if the bureaucracy presses the case for guarding against retaliation when there is no evidence of such US intent or if the Canadian political leadership has signalled that it has assessed the threat and has discounted it.

The Stein and Lang book also relies heavily on interviews with a wide range of political, foreign affairs and defence officials who were ready to provide the background for their decisions. This study was also able to interview key defence and foreign policy officials who were equally forthcoming. Moreover, the staff at DND’s Directorate of

¹⁰⁰ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 13-14. They also provide at page 264: “The advice that Canada’s political leaders received from officials in National Defence was persistently wrong and consistently immune to correction when the evidence didn’t fit.”

¹⁰¹ *Ibid.*, 263.

History and Heritage has been generous in sharing large parts of the interviews they have conducted as part of their ongoing Afghanistan History project. As just seen, the recent release of the Wikileaks US diplomatic cables also provides decidedly unique data on US reactions to the security decisions of its closest allies as the wars in Afghanistan and Iraq progressed. It also provided a glimpse of the extent to which the United States considered pressuring or coercing them. Finally, the federal government's access to information process can sometimes provide key documents to back up these more recent sources.

This is all a vast amount of data and as a result there was an early and strident call to limit the scope of my efforts. So while the 2001-2010 period provides intriguing potential sovereignty issues involving NORAD, the International Criminal Court and, especially, National Missile Defense, this analysis will focus on Canada's decision-making for the wars in Afghanistan and Iraq.

Definitions and Hypotheses

To do this widely accepted definitions are required, and this review has demonstrated the enduring value of Oppenheim's division of sovereignty into two defined components:

Internal Sovereignty: It is internal independence with regard to the liberty of action of a State inside its borders.¹⁰²

¹⁰² Oppenheim, *International Law – a Treatise*, 286-89.

External Sovereignty: It is external independence with regard to the liberty of action outside its borders in the intercourse with other States which the State enjoys.¹⁰³

The definition for interoperability is that provided by NATO:

The ability of systems, units, or forces, to provide services to and accept services from other systems, units, or forces and to use the services so exchanged to enable them to work effectively together.¹⁰⁴

This definition, is however, biased toward the interoperability supporters and will, therefore, be qualified with the view that interoperability should be viewed as:

..a continuum between basic compatibility at the low end (where systems and forces can operate, as it were, “side by side” without interfering with one another’s functioning) to compete integration at the high end.¹⁰⁵

The preliminary hypotheses presented in the first chapter have proven more durable. They are closely matched to these definitions and were effectively deployed within Richard Williams’ earlier work on naval interoperability. They do, however, have to be buttressed by Krasner’s and Middlemiss’ supporting criteria and the following paragraphs provide this.

¹⁰³ Ibid.

¹⁰⁴ NATO. *NATO C3 Technical Architecture – Chapter 2 NATO Interoperability Constructs*. 2009, <http://194.780.153/website/book.asp?menuid.>, (accessed 16 Jan 2011). Obvious, but not stated here, is the key point that NATO’s aim is to ensure the “systems, units, or forces” of one NATO state can work with those of another. This is made clearer in the NATO Glossary where “force interoperability” is defined as “The ability of the forces of two or more nations to train, exercise, and operate effectively together in the execution of assigned missions and tasks.” North Atlantic Treaty Organization NATO, "NATO Glossary of Terms and Definitions, AAP 6," In. (NATO Standardization Organization, <http://www.nato.int/docu/stanag/aap6/aap6html>, (accessed 12 Apr 2011), 2-F-6..

¹⁰⁵ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 6.

External Sovereignty

The first of two broad hypotheses assumes: *increased military interoperability with the US diminishes Canada's external sovereignty*. This diminishment occurs when the state is not able to enter into agreements with other states free from coercion.¹⁰⁶ The sub-hypotheses below probe several variations of coercion.

Sub-hypothesis 1A argues that: *we should see the Canadian government enter into agreements the US supports despite the presence of disincentives*. Alternatively: *we should see the government abandon or not support agreements it initially endorsed as it later sensed US opposition to them*.¹⁰⁷ In this case Canada is coerced into compliance as a result of the US threat of sanctions that would limit future military interoperability or cooperation. It will be probed by examining Williams' assertion that close cooperation in Afghanistan would be forfeit unless Canada modified its stand with regard to the provisions of the Geneva Convention applying to detainees. These allegations, if proven, would meet the criteria for coercion and would thus represent a sovereignty loss. As with all hypotheses, however, the mirror image will also be probed. This will involve probing the Canadian government's claim that it successfully pressured the US government to accept a fuller use of the Geneva Conventions in this theatre. On the surface, such a result would not increase Canadian sovereignty as no theoretical work posits such gains. It would, however, be considered a significant gain in foreign policy independence, and because of that would be tentatively recorded as a sovereignty gain.

¹⁰⁶ Krasner, *Sovereignty: Organized Hypocrisy*, 27.

¹⁰⁷ The broad outline of this hypothesis as well as two others owes much to Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 27.

The second sub-hypothesis, 1B, argues that: we should see the Canadian government commit to US-led or US-supported military coalitions despite the presence of disincentives.¹⁰⁸ This could involve direct coercion that suggests interoperability and cooperation gains will be forfeit if Canada declines participation in a particular US coalition. Alternatively, our interoperability policies may have caused Canada to rely on US systems or US formations in lieu of developing an independent capability. This, in turn, could result in American expectations that result in pressure to join US coalitions and forgo those led by others.¹⁰⁹

The third sub-hypothesis, 1C, is tightly tied to it and argues that: *we should see instances where Canada is prevented from joining non-US led coalitions.*¹¹⁰ This hypothesis investigates cases where US coercion or our reliance on US systems or formations precludes joining non-US coalitions. It will also be tested against cases where the Canadian military is perceived as so closely integrated militarily with the US that it was seen as an unattractive ally because Canada is perceived as a less “than independent player.” As noted earlier, caution is required here as there is nothing in sovereignty theory that suggests a state loses sovereignty when others refuse its contributions. The large role of perceptions here is also problematic.

¹⁰⁸ Ibid.

¹⁰⁹ Michael Byers has provided a more extreme view of the potentially entangling nature of technical interoperability in his discussion of U.S. research into the Co-operative Engagement Capability (CEC). He argues “Yet plugging into a CEC system would mean that Canadian missiles could be launched and guided by a U.S. commander or even in times of crisis, by a U.S. computer alone. See Michael Byers, “High Price of Getting Too Cozy,” *Globe and Mail*, 7 Dec 2004, A19. See also Mark Tunnicliffe, “The Revolution in Military Affairs and the Canadian Navy in the 21st Century,” *Maritime Affairs*, 2, no. 2 (2000), 5.

¹¹⁰ Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 28.

Both of sub-hypotheses 1B and 1C will be tested against the Middlemiss and Stairs claim that in late 2001 the Europeans found Canada unfit for ISAF duties as a result of its close interoperability with the US as that same affinity drew it to the US-dominated Kandahar option. This case study will also evaluate three later claims that non-US states sought out Canadian military contributions motivated in part as a result of their high-end US links. As a rejection by the Europeans would have difficulty constituting a sovereignty violation under most circumstances, so too would this attractiveness have difficulty being considered a sovereignty gain. If proven, however, either should suggest a significant impact on Canadian foreign policy independence.

Internal Sovereignty

The second broad hypothesis argues that: *our military interoperability with the US diminishes Canada's domestic sovereignty*. Stephen Krasner has argued this sovereignty is lost when:

- competing “transnational authority structures” interfere with a state’s domestic authority structures;¹¹¹ and,
- the policies and personnel selections of the state’s domestic institutions are subject to external influence.

These criteria include the possibility that internal sovereignty can be lost via US coercion or through the actions of disloyal Canadian officials who have been “penetrated” to the point where they are serving America’s interests at the cost of Canada’s.

The first sub-hypothesis, 2A, posits that: *we should see evidence of officials*

¹¹¹ Krasner, *Sovereignty: Organized Hypocrisy*, 20, 36. He elaborates “Westphalian sovereignty is violated when external actors influence or determine domestic authority structures.”

advancing military interoperability and integration projects without government support.

Following Middlemiss' criteria, this would involve Canadian and American military officials initiating or advancing cooperative or integrative endeavours that were not authorized by the Canadian government or contrary to its declared policies, executed in areas beyond their assigned mandate, and marked by efforts to evade political control.¹¹²

This sub-hypothesis would be operationalized by defence officials creating long term plans or procedures that essentially committed Canada to a later American military response much as it was alleged the 1911 UK-French military staff talks dragged Britain into the Great War. Another qualifying activity of a shorter time horizon would involve military staff developing and presenting to government military options that irrevocably led to the integration of Canadian units into the larger US effort. The former will be tested by examining Charbonneau and Cox's allegation that Canada's immediate post 9/11 commitments to Operation Enduring Freedom (OEF) were "automatically a part of the American response" and that its roles were "determined by the already integrated nature of Canadian and US military forces."¹¹³ These preordained responses did not, they claim, even require "any prior political approval" from the Canadian government. A separate case study will probe Stein and Lang's assertion that the military created the Task Force 151 option in late 2002 as a "trap" that would make it impossible to then reject a US invitation to join OIF.¹¹⁴

¹¹² Middlemiss, "A Pattern of Co-Operation," 452-60.

¹¹³ Charbonneau and Cox, "Global Order, US Hegemony and Military Integration: The Canadian-American Defence Relationship," 312-13.

¹¹⁴ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 83, 90. At p. 83 they claim the military felt "taking on TF 151 would 'help' the politicians make the 'right' decision" with regard to joining the fuller

Sub-hypothesis 2B is closely related. For Canadian internal sovereignty to be at risk: *we should see evidence of domestic officials supporting the position of the US government or military over that of the Canadian government.* This assumes that Canadian officials, who have worked for decades in close cooperation with their US military counterparts, would act first to protect the interoperability, cooperative or integration gains of that relationship or fulfill what they perceive to be Canada's responsibilities to the relationship or agreement. If there is conflict with the Canadian government of the day, the alliance or US viewpoint will triumph.

Again, Middlemiss' three criteria would have to be filled. That is the acts would have to be unauthorized, conducted in areas beyond mandate, and political control evaded. The specific allegations here involve defence officials providing advice to government that was consistently oriented to protecting the Canada-US military relationship; exaggerating the negative consequences of not cooperating with the US; and, resisting the Canadian political leadership's direction in these matters.¹¹⁵ These will be examined in two separate case studies, the first of which will examine the extent to which the Canadian defence and foreign policy bureaucracy favoured joining the US-led OIF mission in Iraq in 2003 over the Canadian political leadership's inclination to participate

war against Iraq. At p. 90 they assert "The south tower created a trap for the government by urging that Canada lead 151."

¹¹⁵ Ibid. See also their 262 where they assert: "The Canada-U.S. relationship framed every major recommendation that Canada's military leadership made to their minister." At 263 it is also claimed that: "The advice, often phrased as Cassandra-like warnings, was consistently wrong. Senior military officers and civilian officials in the Department of National Defence and Foreign Affairs exaggerated at every step the negative reaction in Washington if Ottawa were to pursue a different path, if Canada were not "onside," and if it were not visibly onside. That refrain echoes at every decision point."

in the NATO-led International Security Assistance Force in Afghanistan.¹¹⁶ The second will investigate a similar divergence involving the military’s apparent desire in 2005 to go to a combat-intensive mission in Kandahar versus more peacekeeping oriented locations in the north-west of Afghanistan. Much of the pro-Kandahar thrust, it is claimed, was to offset “grudge retaliation” that was beginning to dominate Canada-US relations.

This will produce six case studies drawn from discrete events in the 2001-2010 period. These are shown at Table 3-2 and all involve Canada’s participation in the War on Terror. The most central of the hypotheses in play within each case study are also shown, noting that as these issues are examined other potential sovereignty challenges will be added. That, in turn will bring other hypotheses into play.

Table 3-2 Canada-US Issues and Disputes 2001-2010 (Reduced)

| Case Study | Outcome | Central Hypotheses in play | Canadian officials advancing US interests? | Refs |
|----------------------------|--|----------------------------|--|--|
| I. 9/11-Canadian response. | Canadian forces automatically assigned to US response to 9/11. Alleged that no Canada political decision was required. Canada’s role predetermined by Canada-US integration. | 2A 1B | | “Canadian air defense and naval forces were automatically a part of the American response to September 11 itself.” Charbonneau and Cox. ¹¹⁷ -Canada role “determined by the already integrated nature of Canadian and US military forces.” Charbonneau and Cox. ¹¹⁸ |

¹¹⁶ Stein and Lang, *The Unexpected War*, 261 provides: The Canadian military worked “with their friends in Washington to drive policy in the direction they wanted it to go.” (re joining the war in Iraq and NMD).

¹¹⁷ Charbonneau and Cox, "Global Order, US Hegemony and Military Integration: The Canadian-American Defence Relationship," 313.

¹¹⁸ *Ibid.*, 311-13.

| Case Study | Outcome | Central Hypotheses in play | Canadian officials advancing US interests? | Refs |
|---|--|----------------------------|--|---|
| 2. 2001. UK attempts to form coalition for ISAF Kabul. | Canada excluded. | 1B & 1C | | Incident “provides a case in point” where our ability to operate “seamlessly’ with the US makes it more difficult to operate with non-US coalitions. Middlemiss and Stairs ¹¹⁹ |
| 3. 2002 US signals Afghanistan coalition must follow its rules for detainees. | Canada appears to reverse its stand on Geneva Convention. Canada govt claims it successfully convinced US to apply Geneva rules. | 1A | | “This reversal cannot be easily explained by factors other than overt American pressure.” Williams. ¹²⁰ |
| 4. 2003. War in Iraq. Canada declines to participate. | Military presses for more Canadian involvement. Canada successfully remains out of OIF. | 2A 1B 2B | The military leadership “were implicitly assuming we would be going with the Americans [to Iraq]” Minister of Def McCallum. ¹²¹ Canada officials “exaggerated at every step the negative reaction in Washington if Ottawa were to pursue a different path.” Stein and Lang. ¹²² | - Decision “proved to the world we are a proud, independent nation.” Chrétien. ¹²³ |
| 5. 2003. Canadian naval Task Force 151 remains in Persian Gulf. | Force is seen to be assisting US Iraq War. Defence officials seen to be manoeuvring govt to join Iraq War. | 1B 2B | “The south tower created a trap for the government by urging that Canada lead 151.” Stein and Lang. ¹²⁴ | Canada Foreign Affairs officials state ships will be “discreetly useful” to US. Wikileaks. ¹²⁵ |
| 6. 2005. NATO, US desire Canada to establish PRT in Kandahar. | Canada complies, with suggestion that it was done to offset US displeasure over Canada decision to not participate in Iraq War or NMD. | 1B & 2B | In addition, defence bureaucracy urged this deployment to appease US. | To offset OIF and NMD. “There was no question, every time we talked about the Afghanistan mission it gave us cover for not going to Iraq.” Minister of Foreign Affairs Graham. ¹²⁶ |

¹¹⁹ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 9.

¹²⁰ Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 95.

¹²¹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 59.

¹²² Ibid., 263.

¹²³ Chrétien, *My Years as Prime Minister*, 318.

¹²⁴ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 90.

¹²⁵ US. *Canada Won't Join Military Action against Iraq without Another UNSC Resolution*. 3.

¹²⁶ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 65. Heritage Minister Sheila Copps' similar views are outlined on p. 67-68.

This study had hoped to include the additional preliminary hypotheses covering domestic policies and personnel selection. The first probed the extent to which *we should see the Canadian government adopt, reject or modify domestic policies as a result of US pressure*. For this to be operationalized, Canada would be coerced into altering domestic policies as a result of the US threat of sanctions that would limit our military interoperability or cooperation with them. This was extensively probed by Michael Byers' *Canadian Armed Forces Under U.S. Command*. His central question "What implications might the development of a closer military relationship have for Canadian sovereignty?" made clear, however, much of his evaluation would lie in the realm of conjecture. His examination of some seventeen issue areas then concluded there was a potential risk without identifying a single actual case of sovereignty lost. For example, he argued that an expansion of NORAD roles and wider Canada-US interoperability generally could result in pressure to change the Canadian Charter to reduce the greater equality enjoyed by Canadian servicewomen and serving gays and lesbians over their American equivalents.¹²⁷ This has not occurred and there is today no movement in that direction. If anything, the US has softened its attitudes to homosexuals in the military. One must acknowledge, however, that Byers' approach was supported by Lloyd Axworthy who suggests similar, but again, unspecified demands were being placed on Canada by the United States to alter its immigration and refugee laws as part of large push for a more integrated North American defence and security system.¹²⁸ However, his lack of detail and Byers' complete reliance on conjecture produced no leads one could

¹²⁷ Byers, "Canadian Armed Forces under U.S. Command," 20, 21.

¹²⁸ Axworthy, "Liberals at the Border: We Stand on Guard for Whom?," 5.

follow up and this sub-hypothesis was abandoned.

Similarly, it was hoped this analysis could probe the extent to which *we should see the Canadian government adopt, reject or modify personnel policies as a result of US pressures*. This would seek occasions where the United States attempted to interfere in the selection, advancement, demotion or dismissal of Canadian officials. In 2003 there were certainly concerns raised in Mexico and Canada that the US may have been seeking to have both nations' ambassadors to the United Nations removed for their reported opposition to US efforts against Iraq.¹²⁹ While there was some evidence to suggest direct US government pressure was applied to the Mexican government, this was lacking in the Canadian case.¹³⁰ As a result, this hypothesis was also abandoned. As the next chapter will show, however, there was no lack of other challenges.

¹²⁹ Maggie Farley, "Mexico's Envoy to the UN Leaves, with Defiance," and Paul Heinbecker, "Getting Back in the Game: Where Does Canada Stand in the Game."

¹³⁰ See also Paul Heinbecker, *Getting Back in the Game - A Foreign Policy Playbook for Canada*, Toronto: Key Porter Books, 2010, 86-96, 142-50.

CHAPTER FOUR: THE RESPONSE TO 9/11

Introduction

This chapter examines Canada's initial reaction to the 9/11 attacks. Here the intent will be to assess the extent to which prior Canada-US military agreements dictated the Canadian response and foreclosed the government's ability to do otherwise. The result, some claimed, was an automatic integration of Canadian military units with those of the US, assisted, at times, by Canadian officials.

For many prominent Canadians these trends in the government's immediate post 9/11 responses were immensely problematic. Lloyd Axworthy, a former Foreign Minister, suggested that the Canadian government appeared to be "spinning firmly in the US orbit."¹ As this increased security integration with the US progresses, he argued "The only test is how high we jump." Thomas Axworthy agrees and alerts the reader to: "...an emerging trend that has galloped forward at a furious pace since Sept. 11: every incremental decision, on every file -- border security, energy, transportation, and peacekeeping -- has moved us step by step into ever-greater integration with the United States."²

Charbonneau and Cox agree on the emergence of this integrative trend and have argued that Canada's immediate post 9/11 commitments to Operation Enduring Freedom (OEF) were "automatically a part of the American response" and did not require "any

¹ Shawn McCarthy, "Pulled Ever Deeper into US Orbit," *Globe and Mail*, 8 Jan 2002, A6.

² Thomas Axworthy, "Integration by Increment Recent Decisions on the Military, Border Security and the Economy Are All Inching Us Closer to the United States. Are We Aware of What's Happening?," *Globe and Mail*, 17 Jan 2002, A21.

prior political approval” from the Canadian government.³ The mechanisms or, perhaps, standing operating procedures that they claim led to the automatic assignment of Canadian forces are not fully explained. Rather, they argue Canada’s post-9/11 roles were “determined by the already integrated nature of Canadian and US military forces” and the “integrated nature of Canada’s defence systems.”⁴ They also argue that both the NORAD agreement and the NATO treaty dictated "automatic involvement in the American response" and that "no formal political approval" was, therefore, required.⁵

While the mechanisms that underlie Charbonneau and Cox’s automaticity may not be clear, the broad thrust of their allegations certainly corresponds to the mechanism which underlies sub-hypotheses 2A. That mechanism involved *officials advancing military interoperability and integration projects without government support*. Those plans or procedures would essentially commit Canada to a later American military response. This case study appears, therefore, to provide ready material to test the hypothesis.

This chapter will first provide a brief background. Next it will present the initial Canadian response to 9/11 followed by a quick review of the US efforts to develop its own. The final Canadian planning effort will then be described, which will provide most of the material to test the hypotheses. The final sovereignty results will be calculated and presented in the concluding section.

³ Charbonneau and Cox, "Global Order, US Hegemony and Military Integration: The Canadian-American Defence Relationship," 311-13.

⁴ Ibid., 310, 312.

⁵ Charbonneau and Cox, "Global Order, US Hegemony and Military Integration: The Canadian-American Defence Relationship," 311.

Background

A small amount of scene-setting is required in order to outline what elements of the Canadian forces were available, or not, to assist the American response to 9/11 and under what conditions of readiness. One would also have to remove from the available forces those already deployed on relatively long-term missions or those just returning from one. Thus early September 2001 found sixteen hundred Army personnel in Bosnia-Herzegovina with NATO's Stabilization Force or SFOR.⁶ Canada had also assumed command of the Multi-National Division South-West operating in north-west of Bosnia in rotation with Britain and the Netherlands. Another fourteen hundred and fifty personnel, predominantly Army but with a significant Air Force element, had just returned from NATO's Kosovo Force or KFOR.⁷ Here several rotations of CF-18 supported NATO's Operation Allied Force. Moreover, over four hundred and fifty Army personnel had just completed a six-month peacekeeping mission in Ethiopia and Eritrea where they had been integrated into a Royal Netherlands Marine battalion as part of the United Nations Standby High Readiness Brigade.

In addition four Canadian frigates had, in sequence, deployed to the Persian Gulf as part of larger US naval formations from late 2000 to September 2001. Much of their work was to maintain sanctions against Iraq as part of Operation Augmentation. These followed a series of deployments to the Persian Gulf in 1992, 1995, and 1997. As part of

⁶ Canada. *An Honour to Serve: Annual Report of the Chief of Defence Staff 2000 - 2001*. DND, 2001, publications.gc.ca/collections/Collection/D1-15-2001E.pdf, (accessed 22 Dec 2011), app. 1.

⁷ Michael Dewing and Corinne McDonald. *International Deployment of Canadian Forces: Parliament's Role*. Parliament. Ottawa: Library of Parliament - Parliamentary Information and Research Services, 2006, www.parl.gc.ca/Content/LOP/researchpublications/prb0006-e.htm, (accessed 22 Dec 2001), app 2.

our annual recurring commitment to NATO four other warships served with her standing naval forces during the 2000-2001 period in addition to the two hundred aircrew permanently assigned to NATO's airborne early warning and control systems. At home ships and aircraft continued their support to the air defence training, counter drug operations, search and rescue, and fisheries patrols.

Beyond these commitments the Canadian forces would be expected to maintain some portion of what had not been tasked on alert for some new crisis. Here one must note, however, that relatively lightly tasked forces, such as those from the Air Force or Navy, would have an easier time producing a high readiness alert unit than the Army who had been extremely heavily tasked in Bosnia-Herzegovina , Ethiopia-Eritrea, and Kosovo. Nevertheless, the 1994 White Paper called for one infantry battalion to be on high readiness standby to NATO's Immediate Reaction Force or the UN's high readiness brigade.⁸ In addition Canada was expected to be able to deploy a ship or aircraft squadron at three weeks' notice. Larger formations were held at three months notice to move and these would include a naval task group, an Army brigade, and the Air Force fighter wing. Many of these alert forces were also promised to NATO. Separately, NORAD would require small numbers of fighter aircraft at extremely short notice at two or more locations across Canada.

These latter high alert Canadian aircraft are routinely dispatched to NORAD's control without direct Canadian political involvement given the short reaction times

⁸ Canada. Dept. of National Defence., *1994 Defence White Paper* (Ottawa: Canada Communication Group, 1994), 38, 39.

needed to make an intercept. Equally, NATO had provisions for the automatic assignment of forces to it under an older alert system designed to counter a massive Soviet attack on Europe. The system is classified, elements likely exist today, and Canada probably commits aircraft, ships and Army units to it. Thus Charbonneau and Cox may have used this as a basis for their assertions of an automatic assignment process being at work. However, Canadian forces cannot be passed to NATO's command without Canadian government approval and in that regard Charbonneau and Cox err significantly. As declassified NATO documents show, while forces are automatically assigned at the two highest alert levels - Reinforced Alert and General Alert - it requires the unanimous consent of all NATO governments to move to these higher alert levels.⁹ Given that "General Alert" occurs when all-out global war has been declared, and "Reinforced Alert" is the precursor period to it, the Canadian government should also have received significant outside warning.

In the North American context, there have been extremely broad suggestions that the Canadian government was not consulted early enough during the Cuban missile crisis and during the Yom Kippur War of 1973. In both cases the Canadian government was fully aware of the United States' intention to go to a higher alert state and independently

⁹ NATO. *Memorandum for Members of the Military Committee in Permanent Session: Study on Alert Measures in Support of Berlin Contingency Plans*. Military Committee, 1962, www.nato.int/nato_static/.../19621018-DP-MCM-120-62-ENG.pdf, (accessed 22 Dec 2011). This document also shows that the alliance recognized that a surprise Soviet attack might outstrip the Alliance's ability to acquire political approval for the higher alert states. In such a case, certain critical forces would be automatically passed to NATO but the nations who would provide them would have to have specifically given NATO their prior assent for such a call up. This is covered in the discussion of "State Orange" and "State Scarlet" on page 5 and there is no hint whatsoever these or any other NATO alert measure were called into play in the aftermath of 9/11.

chose not to.¹⁰ As has been described, the Defence Minister then personally disregarded the Prime Minister's initial direction on alert measures during the Cuban missile crisis. There have been no controversies over inadequate consultation with regard to NATO alert measures.

The Initial Canadian Response

The Charbonneau and Cox claim that Canada's response was “automatically a part of the American response” was partially correct if one considers only the first two hours of the 9/11 attacks. That is the raising of alert levels and the launching of intercept aircraft largely progressed in accordance with prearranged NORAD procedures.¹¹ The subsequent decision to ground all civilian aircraft also followed an earlier NORAD standard operating procedure. Automatic responses ended after that, and all subsequent Canadian actions operated outside standard procedures and with the direct engagement of the Canadian government. This was confirmed by Lieutenant-General MacDonald, the Vice Chief of the Defence Staff, who claims:

..the binational reporting structure embedded within the NORAD agreement worked well and the Government of Canada was fully engaged in the decisions that NORAD took that morning. I know because I was the acting Chief of Defence Staff at that point. I personally engaged the CDS and the Minister of National Defence, and I spoke with the Prime Minister.¹²

¹⁰ Granatstein, *Yankee Go Home? Canadians and Anti-Americanism*, 130-1. Joseph T. Jockel, "Four US Military Commands: NORTHCOM, NORAD, Spacecom, Stratcom — the Canadian Opportunity," *IRPP Working Paper Series*, no. 3 (2003), www.irpp.org/wp/archive/wp2003-03.pdf, (accessed 22 Dec 2011), 6.

¹¹ Captain (N) Jellinek, E-mail to author, 27 Nov 2011. Capt (N) Jellinek was Command Director in NORAD on 11 Sep 2001. This is further reinforced by Lieutenant-General G. MacDonald, E-mail to author, 16 Jan 2012.

¹² MacDonald.

The 9/11 Commission also noted NORAD's orientation and procedures were entirely unsuited to the task of halting the progress of a terrorist-driven aircraft that took off from within America's borders and declared: "The defense of US airspace on 9/11 was not conducted in accord with pre-existing training and protocols."¹³ The subsequent Noble Eagle plan to use US and Canadian interceptors over US cities was developed as events unfolded and required the assent of Canada.¹⁴ Similarly, David Collenette, the Transport Minister, personally made the decision to accept the two hundred civilian aircraft now barred from landing in the US.¹⁵ The authorization of Prime Minister Chrétien himself was sought when a suspicious airliner approached Canadian airspace and preparations were being made to shoot it down should it be controlled by terrorists.¹⁶

The next day the Deputy Chief of the Defence Staff (DCDS), Vice-Admiral Maddison, with Minister of National Defence approval, placed further ships, aircraft, the Disaster Assistance Response Team, and land units on higher alert.¹⁷ The initial focus centered on being able to provide immediate humanitarian assistance to New York and Washington. Major-General Ross, DND's Director-General International Security Policy, went within days to Washington to see what of that nature was required, with the meeting occurring in the Canadian Embassy as the Pentagon was still smouldering.

¹³ US. *Final Report of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission Report)*. National Commission on Terrorist Attacks Upon the United States, 2004, www.911commission.gov/report/911Report.pdf, (accessed 20 Dec 2011), 31. The report also noted: "America's homeland defenders faced outward. NORAD itself was barely able to retain any alert bases. Its planning scenarios occasionally considered the danger of hijacked aircraft being guided to American targets, but only aircraft that were coming from overseas." See their page 352.

¹⁴ Jellinek.

¹⁵ Chrétien, *My Years as Prime Minister*, 295.

¹⁶ *Ibid.*, 296.

¹⁷ Vice-Admiral Maddison, Interview by Major J.D. McKillip, 25 Feb 2009, part 1, transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada, 1.

There he found that "The reality was that metro New York City had more medical and engineering resources than most of Canada" and little, as a result, was required from Canada in terms of disaster assistance.¹⁸

That same day Canada's Permanent Representative to NATO headquarters in Brussels tentatively approved the invocation of the North Atlantic Charter's Article 5 with the follow-on requirement that the attacks' foreign origins had to be confirmed as coming "from abroad." Simultaneously the Canadian government joined with the remainder of the United Nations' General Assembly in supporting the Security Council's recognition of the United States' "inherent right of individual and collective self-defense." Two days after the attack, Prime Minister Chrétien was the first NATO leader to publicly endorse the invocation of Article 5.¹⁹ By 2 October, NATO, satisfied the attacks on the United States had come from abroad, fully invoked Article 5 and the Canadian government, again, voted in support of that action.²⁰ There is, as a result, a clear trend of Canada's political leadership being directly involved in every major post 9/11 military decision.

The US Planning Effort

Through the remaining parts of September and into early October the United

¹⁸ Major-General Ross, E-mail to author, 20 Apr 2011.

¹⁹ Eddie Goldenberg, *The Way It Works: Inside Ottawa* (Toronto: M&S, 2006), 263.

²⁰ I have relied heavily on Lieut. Col. K. Abbott's chronology of the key diplomatic and legal events that underlay Canada's progression to war. See Kirby Abbott, Lieutenant-Colonel, "'Terrorists: Criminals, Combatants Or ?' The Question of Combatancy (Panel D-2)," in *The Measure of International Law: Effectiveness, Fairness and Validity - Proceedings of the 31st Annual Conference of the Canadian Council on International Law, Ottawa, October 24-26, 2002* ed. Canadian Council on International Law (New York: Kluwer Law International, 2004), 371-2.

States planned its response to the attacks. There appears to have been little involvement of other nations in that initial planning, and only much later was there recognition that allies would actually be needed.²¹ Even then, the need for allies was not fully shared within the administration. Three self-reinforcing factors partially explain both the long time it took to prepare plans and the hesitancy with regard to involving other nations.

Detailed accounts of the US planning efforts have since revealed that the US government took almost a month to produce a coherent plan that would unite the efforts of the many American agencies and their often competing views. The US military had, for example, plans aplenty for dealing with Iraq but none for an Afghanistan contingency. When asked how long it would take to prepare one, Gen. Franks first indicated two months - a politically unacceptable delay given that the American people demanded action. Bob Woodward's account suggests that the CIA's plan for inciting a Northern Alliance rebellion against the Taliban was only integrated with the US military plan on 3 October at Central Command (CENTCOM) Headquarters.²² In his recently released autobiography Rumsfeld himself acknowledges that they still lacked such a plan at the end of September and that the purely military planning effort was still seriously incomplete on 10 Oct.²³ He found this problematic as by this time "State has organized many dozens of nations in support."

Second, the US plan first envisaged a heavy US-Afghanistan Northern Alliance

²¹ This was despite the presence of a large British contingent at CENTCOM headquarters. It is difficult to find any reference to their influence on any part of the planning in either the Woodward or Rumsfeld accounts.

²² Bob Woodward, *Bush at War* (New York: Simon & Schuster, 2003), 193.

²³ Rumsfeld, *Known and Unknown: A Memoir*, 392.

effort supported by US bombing with only minimum use of American ground forces. This was based on the initially sound idea of not duplicating any aspect of the Soviet's 1979 occupation of Afghanistan and specifically not its use of large numbers of casualty-taking, conventional ground forces.²⁴ To ensure that al-Qaeda would not simply re-establish safe havens elsewhere, Secretary of Defense Rumsfeld argued for greater cooperation with Pakistan to deny them refuge and a naval interdiction effort to stop them from fleeing to the Arabian Peninsula or East Africa.²⁵

However, by early October another competing lesson from the Soviet period in Afghanistan had intruded with the realization that their departure in 1989 had left a power vacuum that facilitated the Taliban victory and the entry of al-Qaeda influence.²⁶ The US administration also realized an initial Northern Alliance military victory would be unable to secure southern Afghanistan without considerable American help on the ground. Nation-building would be required, but the President, with Rumsfeld's support, argued repeatedly against employing the US military in this task until it became inevitable.²⁷ They would, however, now start seeking assistance from other nations for this task.

The American process of making use of that support was problematic despite the fact that over eighty nations had offered it, with the National Security Advisor,

²⁴ Woodward, *Bush at War*, 115.

²⁵ Rumsfeld, *Known and Unknown: A Memoir*, 357.

²⁶ Woodward, *Bush at War*, 192.

²⁷ Woodward. 193. Secretary of Defense Rumsfeld's aversion to sending large numbers of US ground forces was also likely reinforced by his broader plans for transforming the US military, in particular the U.S. Army. Here he desired that the latter be "leaner, faster, more efficient and more open to change." See Mark Thompson and Michael Duffy, "Is the Army Stretched Too Thin?," *Time*, 1 Sep 2003.

Condoleezza Rice, suggesting US allies "were clamoring to participate."²⁸ Yet on 3 October, the Chairman of the Joint Chiefs of Staff, Gen. Myers, admitted that he was still trying to find a role for "key allies."²⁹ Certainly, much of the problem came from the slow pace of American planning, and the Secretary of Defense was justified in arguing that one should not, for example, invite allies to send special forces until one's own plans were ready.³⁰ In addition he did not wish to "invent roles," or include allies for "cosmetic purposes" according to Woodward - there had to be a clear need for them.³¹ Woodward, however, also suspected that Rumsfeld's protests were simply "stalling" as he had little inclination to invite the allies at all.³² Others did, and from the very beginning Secretary of State Colin Powell and the National Security Advisor were actively seeking coalition contributions and then having to urge the Secretary of Defense to employ them.³³

Initially the Rumsfeld view triumphed, with Robert Kagan later arguing:

Even after September 11, when the Europeans offered their very limited military capabilities in the fight in Afghanistan, the United States resisted fearing the European cooperation was a ruse to tie America down. The Bush administration viewed NATO's historic decision to aid the United States under Article V less as a boon than as a booby trap.³⁴

The motivations for the Secretary of Defense's aversion to alliance warfare are many and cannot simply be ascribed to a fear of allies limiting US options or to a unilateralist

²⁸ Woodward, *Bush at War*, 179, 203. Rumsfeld notes that over 69 allies joined the US effort in Afghanistan and in the end over 90 states joined the US war on terror. See his Rumsfeld, *Known and Unknown: A Memoir*, 355, 74.

²⁹ Woodward, *Bush at War*, 191.

³⁰ *Ibid.*, 136.

³¹ *Ibid.*, 180.

³² *Ibid.*

³³ *Ibid.*

³⁴ Kagan, "Power and Weakness," 28.

imperative.³⁵ The previous chapter has shown that the ill-disciplined application of vetoes during the Kosovo air campaign by some allies led the International Institute of Strategic Studies to conclude that the Kosovo campaign would be “the last war fought by US forces under NATO rules.”³⁶ Kagan's remarks also suggest the very modest amount most allies brought to the fight was likely to encourage the US to do as much of the fighting as possible by itself. Secretary of Defense Rumsfeld also consistently maintained his position that “The mission must determine the coalition. The coalition ought not to determine the mission.” This outlook came from a warning provided by the Israeli Prime Minister, Benjamin Netanyahu, who cautioned against building any “permanent alliance” as it would restrict American flexibility in the future.³⁷ While not ‘unilateralist’ *per se*, in that the Secretary of Defense would later welcome allies, allied involvement would only be under US rules within an elastic, ‘coalition of the willing’ framework. This approach was far removed from NATO's rules-based structure, consensus-based decision-making, and tolerance of national vetoes.

The end result was that allies were only considered at the end of an already long American planning process and that their initial participation was likely forced on the department responsible for the overall plan - the Department of Defense. Moreover, the

³⁵ Donald Rumsfeld has bristled at the unilateralist charge and points out that he visited over 75 countries during his tour of duty with most devoted to enlisting coalition support. Rumsfeld, *Known and Unknown: A Memoir*, 354-5, 80.

³⁶ International Institute for Strategic Studies, 2002, *Strategic Survey 2001-2* (London: IISS), 2003 (as cited in Stuart, “NATO and the Wider World: From Regional Collective Defence to Global Coalitions of the Willing,” 37.

³⁷ Rumsfeld, *Known and Unknown: A Memoir*, 354. Even with Rumsfeld's explanation one has a great deal of difficulty imagining what insights any Israeli Prime Minister could bring to the conduct of coalition warfare. It is especially confusing when one considers the often fraught relations this particular Prime Minister had with Israel's most consistently supportive ally.

early plan of avoiding a large American land force and relying on the Northern Alliance was then followed by the rapid collapse of the Taliban, further restricting options for employing large allied contributions. While coalition special forces and naval units were eventually welcomed, larger allied contributions were only sought after the US realized that the unwelcome task of nation building had to be started to avoid an immediate Afghanistan power vacuum.³⁸ Throughout this phase, and certainly for a year thereafter, the Secretary of Defense continued to resist the involvement of NATO, choosing instead to personally manage his loose coalition under his “The coalition ought not to determine the mission” doctrine.

The Canadian Planning Effort

The Canadian embassy in Washington was well aware of the slow progress of American planning. The Pentagon was being deluged with offers of assistance from all over the world and it “pushed back” according to Rear-Admiral Mack, our senior attaché in the Embassy.³⁹ As a result, Admiral Mack recommended that the Canadian government hold off its force contributions offers until the Americans were ready. This approach was accepted, but not without considerable angst amongst some mid-level officers in DND who observed a parade of other nations’ leaders going to Washington to offer support while Canada remained silent.⁴⁰

³⁸ One is also left to ponder the extent to which Rumsfeld and Wolfowitz’s ultimate desire to conduct operations against Iraq led them to accept a larger role for allies in Afghanistan in late 2001. I have found no evidence of it during this period, but one must accept that it became operative sometime later in 2002 as they began to withdraw forces from Afghanistan for the campaign against Iraq.

³⁹ Rear-Admiral Mack, Interview by Eric J. Lerhe, 6 Jun 2011, Ottawa, ON, 1.

⁴⁰ Vice-Admiral Forcier, Interview by Eric J. Lerhe, 2 May 2011, Victoria, BC, 1.

However, the Deputy Chief of Defence Staff (DCDS) of the Department of National Defence was conducting a detailed option analysis of potential Canadian contributions throughout September. These studies examined what units were at a relatively short notice to deploy and which of these could be sustained for six months or more in theater. While the 1994 Defence White Paper's readiness tables and early NATO readiness commitments guided this analysis, the actual location and state of preparedness of the potential contribution, or not, also played a role.⁴¹ For example, the West Coast had one frigate, HMCS Vancouver, that was already being prepared for a deployment with a US carrier battle group and another frigate was in the Mediterranean with NATO's Standing Naval Force. In addition, the Atlantic coast fleet could raise a three-ship task group within ten days.⁴² These naval units deployed regularly and had minimal problems sustaining themselves in theatre especially as a supply ship would attend them. Special forces were equally ready to deploy with minimal sustainability issues. While CF-18 fighters could rapidly deploy, the current low stocks of their precision guided munitions indicated significant sustainability problems in the minds of the DCDS staff.⁴³ Two CP-140 Aurora long range maritime patrol aircraft, two CC-130 Hercules tactical airlifters and a CC-150 Airbus strategic airlift aircraft were also available at short notice. The Army, heavily committed to Bosnia-Herzegovina and Kosovo, was stretched to the

⁴¹ Canada. *Operation Apollo: Lessons Learned Staff Action Directive*. DND, (Annex B to 3350-165/A27, dated 30 April 2003), available at Canadian Forces College Library: call number 355.460971 C355 2003, 5.

⁴² *Ibid.*, 6.

⁴³ Forcier, 2.

maximum in the view of Lieutenant-General Jeffery, the head of the Canadian Army.⁴⁴

As a result, he was extremely cautious in offering an initial land contribution to the developing US-led campaign and argued for very careful management of both expectations and Army operational tempo. There would be other calls on the Army. He was also concerned over the hesitancy within DND to commit the immediate funding that would allow him to raise the readiness and sustainability of his forces.⁴⁵ General Jeffery outlined how the deployments to Bosnia had revealed major shortages in such basic equipment as helmets and bulletproof vests with individual soldiers leaving Bosnia having to turn over their sweat-stained kit to a replacement stepping off the aircraft.⁴⁶ To supply the 3rd Battalion Princess Patricia's Canadian Light Infantry, now on alert for a potential move to Afghanistan, all of the Canadian army had to be stripped to provide it with sufficient night vision equipment.⁴⁷

These shortages, along with the Air Force's need for precision guided munitions, had to be assessed in terms of their impact as regards delay and cost. This was the DCDS staff's traditional role in checking the natural exuberance of some of the individual services in offering forces for overseas operations. Here the DCDS staff sought to foreclose the possibility of any unforecast delay in deploying that could be embarrassing to both the military and government. They were also keenly aware that Canadian

⁴⁴ Lieutenant-General Jeffery, Interview by Eric J. Lerhe, 8 Jun 2011, Ottawa, ON, 3.

⁴⁵ Ibid., 4-5. General Jeffery sensed a large part of the hesitancy to spend on raising readiness arose from the not unnatural caution on the Chief of Defence and DCDS's part to make such a move without clear political direction. See page 5 of this interview.

⁴⁶ Ibid., 3.

⁴⁷ Lieutenant-General Jeffrey, Interview by Major J.D. McKillip, 11 August 2009, part 1, transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada, 1.

governments historically have been ill-disposed to paying the full costs of all deployments forcing the department to absorb many of these kinds of sustainability costs out of its baseline budget.⁴⁸ They were also fully aware that any proposal for a Canadian contribution would also have to wind its way to Cabinet where the Department of Finance would pore over these costs with a sharp eye to ensure nothing had been downplayed with regard to cost, perhaps, to make an option appear more attractive. Similarly the Department of Justice would be expected to review the legal underpinnings and Foreign Affairs its international implications, including the willingness of nations in theatre to host our forces.⁴⁹

By the end of September, the DCDS' option analysis concluded that an initial contribution of naval and special forces closely followed by maritime patrol and transport aircraft provided the optimum Canadian contribution. Steps were then taken to assess how acceptable these would be to the Chrétien government and how useful they would be to Washington. Within Canada, the former Chief of Defence Staff, General Henault, has stated that the first step involved briefing the Defence Minister and getting his approval although at times he would personally brief the Prime Minister.⁵⁰ Certainly, Defence Minister Eggleton appeared to fully understand the extent of his considerable authority as evidenced by the following exchange with Commodore Forcier, who briefed him on the special forces' contribution: "It was about a 10 minute meeting and he approved it [the

⁴⁸ During the Afghanistan war the government would often only reimburse DND for 30% of the incremental costs of the operation.

⁴⁹ The extremely complex cross-departmental planning process needed to mount an overseas mission is explained in some detail here as it will be a significant factor in almost every case study that follows.

⁵⁰ General Henault, Interview by Eric J. Lerhe, 7 Jun 2011 Ottawa, ON, 2, 16.

special forces contribution] on the spot. I said 'we will await your directions from the Prime Minister.' He said 'you didn't hear me, Commodore, I said 'approved.' I will deal with the Prime Minister.'"⁵¹

Another process also ensured that whatever option was presented to government would also be welcomed by the Americans. Rear-Admiral Mack describes the process that he recalls using more than once as follows:

....and the way we typically got committed when General Henault was in the chair, as far as my perspective, was I would get a call from General Henault saying "... this is what we are thinking or doing" and he would go talk to the Minister, and he would go talk to the Prime Minister, and then he would call me and say "it's done and this is what we're doing." It was that straightforward when General Henault was in the chair."⁵²

Rear-Admiral Mack, in turn, would warn the Pentagon planning staff of the potential Canadian contribution to assess if it would be valued. When the Canadian government had confirmed that would indeed be their contribution, the US would then formally request that contribution, usually via a diplomatic démarche. On 8 October 2001 Defence Minister Eggleton confirmed that the United States had indeed requested forces and that Canadian naval units, aircraft and special forces would be provided as part of what became "Operation Apollo," the Canadian contribution to the larger American Operation Enduring Freedom.⁵³ This continues the trend seen earlier where Canadian ministers

⁵¹ Forcier, 7.

⁵² Mack, 1, 14.

⁵³ Canada. *Speaking Notes for the Hon. Art Eggleton Minister of National Defence Press Conference: Canadian Military Contributions, October 8*. DND. Ottawa, 2001, <http://www.forces.gc.ca/site/news-nouvelles/news/nouvelles-eng.asp?id=518>, (accessed 20 Dec 2011).

were directly engaged in the planning process.⁵⁴

This process also follows a long tradition in which the United States rarely asks Canada for anything without knowing beforehand that it will be provided. Vice-Admiral Maddison, the Deputy Chief of Defence Staff (DCDS), and therefore the one who would be responsible for coordinating the DND response, confirms this stating: "... the Americans do this in a very interesting way. They will not formally ask you for a contribution until they know what the contribution is actually going to be. Because they do not ever want to be seen to ask a nation for A, B, C, D and E and we can only give B."⁵⁵ Such an approach avoids the obvious risk of embarrassment should one ask for too much or the other respond with too little. It also averts the danger of an unsolicited American request being made public and then interpreted in a sovereignty-conscious Canada as a *diktat*.

At DND's urging, the government also authorized the establishment of a liaison team at US Central Command Headquarters in Tampa, led by Commodore Thiffault accompanied by a Department Of Foreign Affairs-assigned political advisor. The sending of this on-site team more fully recognized the predicted complexity and long-term nature of Canada's military involvement with the US War on Terror. Their arrival in Tampa on 9 October 2001 also occurred at the point where the Americans had completed

⁵⁴ The Minister of Defence reinforced this stating a US request will "initially come from the Central Command Headquarters in Tampa, Florida, where we have approximately 50 of our personnel headed by Commodore Thiffault. It then comes up through the Deputy Chief of the Defence Staff, and the Chief of the Defence Staff, who then contacts me. I in turn dialogue with the Minister of Foreign Affairs and the Prime Minister. That has been done on a fairly frequent basis over the last few months since entering into this campaign." See Testimony, Minister of National Defence Art Eggleton, Standing Committee On National Defence and Veterans Affairs, *Evidence*, Number 040, 1st Session, 37th Parliament, 17 Jan 2002, 1035.

⁵⁵ Vice-Admiral Maddison, Interview by Eric J. Lerhe, 12 August 2011, Halifax, NS, 12.

their broad planning and were ready to discuss the involvement of allied forces in Operation Enduring Freedom.

The increasing complexity, long duration and potential for high costs of participating in that plan also propelled DND to ask the government for more formal written guidance.⁵⁶ The fact that the Canadian Forces would be using wartime rules of engagement against a dangerous enemy was probably also a consideration. The guidance itself was developed in DND in close cooperation with DFAIT and the Privy Council Office and monitored by two teams of lawyers from both departments who, presumably, ensured compliance with the laws of armed conflict.⁵⁷ The final product, referred to as the "Political Guidance and Direction," provided the legal basis for military action, the government's strategic objectives, and the broad authority for the rules of engagement that would follow. It was signed by the Prime Minister on 14 November 2001 and issued to all unit commanders deploying to theatre.

It enjoyed immediate and broad acclaim within the military. The department's subsequent *Lessons Learned* review pronounced that "The level of political guidance and direction provided for OP APOLLO was unprecedented. No other recent operation has received such comprehensive written direction."⁵⁸ The guidance allowed the author and

⁵⁶ While one could argue that the Memorandum to Cabinet which authorized those missions would certainly serve as political direction, the extremely close hold distribution of that document would not include the forces actually involved in operations. Separately, "wartime" rules of engagements in the most basic form authorize our forces to apply deadly force without waiting for the opponent to show immediate hostile intent. In wartime theatres forces are allowed to assume their opponents always harbor hostile intent.

⁵⁷ Canada. *Operation Apollo: Lessons Learned Staff Action Directive*. 4.

⁵⁸ The report goes on to state " No evidence of written guidance has been found in a review of recent operations, and while the guidance provided to OP APOLLO was late, it is the only known formal written guidance provided to any operation in the last decade." Sadly, the report concludes this section on the

others in theatre to precisely gauge the government's intent and its commitment to the task. It was, thus, a superb framework which a commander would return to when he was considering seeking a change to his rules of engagement or asking for more resources.

This document provided further evidence of the extent to which Canadian political approval attended every military step, the comments of such critics as Cox and Charbonneau notwithstanding. That report also eliminated any suggestion that the Canadian contribution was dictated to Canada or provided automatically as part of some previously agreed military plan: "Most importantly, the impact of the US strategic planning process was not appreciated, in that Canada presented a menu of potential commitments before the US planners were able to use them, or indeed before the US plan was formulated."⁵⁹

Evaluation and Findings

Within the first case study, satisfying hypothesis 2A required evidence of "defence officials creating long term plans or procedures that essentially committed Canada to a later American military response" and did so "without government support." Arguments supporting this came primarily from Charbonneau and Cox's claims that both the NORAD agreement and the NATO treaty dictated "automatic involvement" in the American response to 9/11 and, later, Operation Enduring Freedom. Moreover they

superb political guidance received by stating "Governmental central agencies are unlikely to generate the timely political guidance necessary for operational planning within DND. If this kind of guidance is to be produced, DND must take the initiative." Ibid., 4,5.

⁵⁹ Ibid., 10.

claim "no formal political approval" was required for these Canadian contributions.⁶⁰

This case study, however, demonstrated that outside of the first two hours following the 9/11 attacks, when NORAD alert aircraft were immediately launched in accordance with prearranged procedures, none of that organization's remaining automatic responses or plans proved adequate in combating the airborne terror threat in the view of the US 9/11 Commission. *Ad hoc* procedures were then developed and the Canadian government participated in framing them. The evidence also shows the automatic provision of Canadian forces to the US effort ended then.

Several months later, the NATO alert system may have provided a basis for semi - automatically assigning Canadian forces to an American operational commander. However, any potential for this to occur was completely undone by Secretary of Defense Rumsfeld's refusal to accept NATO's initial support, combined with his ongoing efforts to maintain a very loose coalition of the willing structure in direct opposition to the more formal and restricting NATO processes. As America developed its initial concept of operations for Afghanistan, the Secretary of Defense's continued disinterest in integrating allies into US plans renders suspect any further suggestion that the Canadian military worked with its US counterparts to devise plans that would automatically integrate Canadian units into US military projects. As a result hypothesis 1B registers no sovereignty loss.

⁶⁰ Charbonneau and Cox, "Global Order, US Hegemony and Military Integration: The Canadian-American Defence Relationship," 311.

Table 4-1 Case Study One: Canada's Response to 9/11

| Case | Hypothesis | Effect on Sovereignty (Exterior/Interior) | | | | | | | Extent to which Interop was a factor | | | Remarks |
|-----------|---|--|-----|------------|----------|------------|-----|-------------|--------------------------------------|-----|-------------|---|
| | | Loss | | | Zero | Gain | | | Negligible | Med | Significant | |
| | | Significant | Med | Negligible | | Negligible | Med | Significant | | | | |
| 1 9/11 | 2A - Advance Interop with the US 1A - Commit to US Ops | | | | I | | | | X | | | Military actively sought political direction wrt force contributions. US initially rejects NATO's support and made little initial effort to integrate others into their plans |
| | | | | | E | | | | X | | | |

Rather than there being an automatic assignment of Canadian forces into US operations, the evidence is clear that the Canadian government followed a complex process of internally assessing what it could contribute while simultaneously making informal queries to the US to determine what would be most valued. It was also clear that the Minister of National Defence and frequently the Prime Minister were involved at each step of this process. Moreover, this complex, iterative process also resulted in the drafting and final Prime Ministerial approval of the most comprehensive political guidance ever received for a recent Canadian operation. Charboneau and Cox's suggestions that Canada's political leadership was sidestepped by the military's plans, procedures, or actions are, in review, not tenable nor is there any evidence of actions being taken without government approval. Overall, the conditions needed to prove hypothesis 2A were not met, and, as a result, no external sovereignty costs occurred.

CHAPTER FIVE: REJECTION FROM ISAF 2001-2

Introduction

The previous chapter demonstrated that in the months following the September 11 attacks the Canadian government first paused, and then began to accelerate its efforts to deploy forces in support of Operation Enduring Freedom. Ships and aircraft departed quickly but finding a suitable task for the land forces proved problematic. This case study examines why and focuses most closely on the bizarre rejection of the Canadian offer of a well-trained Battalion to the just-forming International Security Assistance Force in Kabul.

In their groundbreaking work on military interoperability Middlemiss and Stairs recognize the value of close ties with the US but also its potential costs. They then specifically charge that the UK's rejection of the Canadian battalion for ISAF and our subsequent choice of the "second-best" option of joining US forces in Kandahar in 2002 "provides a case in point" of the problem where the Canadian military's ability to operate "seamlessly" with the US may "make it more difficult for Ottawa to refuse requests to contribute to American-led operations, or alternatively to participate in operations in which the Americans are not involved."¹

As a result, this analysis derived hypothesis 1C which argues that non-US allies will find us unattractive as partners because such close ties to the US might suggest a dangerous dependence on US systems that would make a Canadian unit over-reliant on US support, easily pressured, and not, therefore, its own master. Canada's rejection from

¹ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 9.

ISAF in late 2001 would appear to provide all the elements to test that hypothesis if one follows Middlemiss and Stairs' arguments. This case study will also provide elements that further test the just-discussed hypothesis 2A that suggests that the Canadian military planners would be inclined to prepare plans that would automatically involve the integration of Canadian units into American ones.

As our battalion ultimately ended up with the American effort in Kandahar, this case study also tests hypothesis 1B which predicts there will be US coercion to avoid Canada joining other coalitions and, instead, join up with their own. Alternatively, it argues that as a result of Canadian units being so reliant on US communications systems and support they could not operate without them.

The extent to which the available evidence supports these hypotheses will begin with a brief review of the background events. Next, the process by which Canada was first invited to the Kabul force and then rejected will be examined. This section will include a review of the various narratives that seek to explain these events. Finally, the extent to which the US then pressured us to proceed to the alternate Kandahar location will be examined. A sovereignty determination will be made in the concluding section.

Background

As has been shown, initial post- 9/11 indicators provided poor evidence in support of either hypothesis. The US planning effort was slow and only grudgingly accepted the need for allies. NATO's support and processes were specifically rejected. Moreover, General Jeffery, the head of the Army, was deeply concerned with the state of the Army

and his ability to sustain another mission given he had over sixteen hundred troops in Bosnia-Herzegovina and Kosovo. He was, however, coming under increasing pressure in the months following 9/11 to provide a significant land contribution directly to Operation Enduring Freedom. That pressure was not coming from either the Canadian or American military.

Rather the 2003 *Apollo Lessons Learned* report notes as a significant factor “the Canadian government’s desire to be seen to be ‘doing something’” and posits that this desire, with the slow US planning response, prevented “a more careful and measured analysis of potential commitments.”² Canadian officials serving in the United States reinforced that view and further outline the extent of political pressure. Wendy Gilmour, the DFAIT-assigned political advisor to the Canadian liaison team at CENTCOM Headquarters, sensed that “there was a tremendous impetus that I felt from Ottawa ‘Where do our ground forces get engaged in the fight?’”³ The Privy Council Office and DFAIT, Gilmour sensed, believed only ‘boots on the ground’ provided the required “political cachet” and added: “And again, when I say “political” I’m thinking in terms of the credit we were building with our Allies and in particular our most important ally, the United States.”⁴

The need for credit was certainly linked in the minds of some to the increasing security restrictions at the Canada-US border where fifty kilometre line-ups had begun to

² Canada. *Operation Apollo: Lessons Learned Staff Action Directive*. 6.

³ Wendy Gilmour, Interview by Major J.D. McKillip, 5 July part 1, transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada, 3.

⁴ Ibid.

form in the immediate aftermath of 9/11. The links of this to Canada's prosperity were also becoming clear to the Embassy staff. One week later the three US car makers were telling the Canadian Embassy that if they ever have this problem again that it could be the end of the Auto Pact because they could not survive unless there is a continuous flow of auto parts across that border in support of "just in time delivery" and competitiveness.⁵

Even though the United States reinforced the border services with the National Guard and Canada began a process that would apply billions to enhancing security, the border problem remained. Globerman and Storer's study of the 9/11 impact on Canada-US trade showed that Canadian exports to the United States fell by 8.6% in the third quarter of 2001 accelerating to 21.4% in the fourth quarter.⁶ Our annual export shortfalls remained depressed with reductions in exports ranging between 18% and 23% annually throughout 2002 to 2004 with the first sign of recovery occurring in 2005 when Canadian exports only fell by 12.2%. Normally, the US represents some 72% of our total international exports and in 2003 those exports were valued at \$260 billion dollars.⁷

By mid-November 2001 Canadian political pressure to be seen to be "doing something" was joined by the first full American realization that nation building and allies were now required. This was precipitated by the rapid success of the Northern

⁵ Mack, 15.

⁶ Stephen Globerman and Paul Storer. "The Impacts of 9/11 on Canada-US Trade." Border Policy Research Institute, 2006, 9.

⁷ Michael Den Tandt, "Canada Wields Bigger Stick in US Than We Know," *Canada.com* 15 Nov 2011, http://www.Canada.com/story_print.html?id=5714944&sponsor= (accessed 16 Nov 2011). A 20% reduction in those exports would represent a loss of \$52 billion. See also the export data from Statistics Canada noting their data goes back no further than 2006: Canada. *Imports, Exports and Trade Balances of Goods on a Balance of Payments Basis by Country or Country Grouping*. Statistics Canada, 2012, <http://www40.statcan.ca/101/cst01/gblec02a-eng.htm>, (accessed 2 Feb 2012).

Alliance in driving the Taliban from the northern half of Afghanistan. On 12 November the Northern Alliance was at the doorsteps of Kabul and Secretary of Defense Rumsfeld now supported Colin Powell's call for US and allied ground support in creating a new Afghan government.⁸

The US Secretary of State then approached UN Secretary General Kofi Annan to seek his support for a multilateral nation building effort. The subsequent UN-brokered 4 December 2001 Bonn conference then provided a widely accepted framework for establishing an interim Afghan government under Hamid Karzai by 22 December. The Bonn Agreement also reinforced the Karzai government with an International Security Assistance Force (ISAF) that would initially protect Kabul but could "be progressively expanded to other urban centers and other areas."⁹

Canada Rejected from ISAF

The United Kingdom quickly offered to lead this force and made rapid preparations to assemble it. Within days, Vice-Admiral Maddison, the DCDS, received a call from his British equivalent shortly thereafter requesting that Canada commit a battalion to the force.¹⁰ The 10 December briefing note for the Defence Minister confirmed that the immediate ready battalion had been offered and that the "UK is

⁸ Woodward, *Bush at War*, 307-09, 14.

⁹ UN. *Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions (Bonn Agreement)*. 4 Dec 2004, <http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>, (accessed 2 Jan 2012). See its Annex 1 for ISAF details.

¹⁰ Maddison, Interview, 5.

'extremely' keen on Canadian participation."¹¹ Defence Minister Eggleton and the Prime Minister quickly gave their assent with the Department of Foreign Affairs in full support.¹² Not only would Canada be getting "boots on the ground," they would be within a UN-mandated force.

The DCDS staff then began a rapid effort to line up commercial strategic airlift contracts for the force. In addition, a senior Canadian officer was sent to join the in-theatre reconnaissance being done by Major-General McCall, the British officer who would lead the force. There it was decided the Canadian battalion area would cover the road from Kabul center to Bagram airport, and General McCall discussed the Canadian battalion's future boundaries with that Canadian liaison officer.¹³

The only concern was raised by General Jeffery, the commander of the Army, who insisted his overstretched soldiers would only be able to sustain this additional commitment for one rotation.¹⁴ When General Henault briefed the government on this restriction he reported it "was not well received" as the political leadership very much wanted to demonstrate the strongest possible support to the United States and thought the

¹¹ Canada. *Briefing Note for the Minister of National Defence - UK Proposal for Cooperation in Afghanistan* DND, (Released under access to information no. A 2006-00382), 10 Dec 2001, 3. The briefing note makes clear Canada is "open" to other options. As a sidenote, it is somewhat unusual for the access to information system to provide a near-complete ministerial briefing note.

¹² Henault, Interview, 4 and Gilmour, 5-6.

¹³ Major J.D. McKillip, *Official Historical Summary of Canadian Forces Operations in South West Asia*, (Working Draft). Ottawa: Directorate of History and Heritage, 2011.

¹⁴ Lieutenant-General Jeffery, Interview by Major J.D. McKillip, 19 Aug 2009, part 2, transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada, 1. He argued:

I mean, no one would've wanted more than me to have that battalion replacement. There's no question about that. But on balance, I felt that the long term sustainability of the Army was a far more important thing. And ... this is an Army that when I had taken over just a matter of less than two years prior, I was concerned would break on my watch.

Army should have been able to produce a replacement.¹⁵ With the ‘one rotation only’ limit in place, the head of the Army then fully supported the mission, and he was reassured by the fact that his battalion would be working under British command.¹⁶ The two armies shared common doctrine and had worked together well in Bosnia. General Jeffery also felt the British military was adept at incorporating smaller, battalion-sized Canadian units and he was able “to integrate more seamlessly” Canadian units with them than with the larger US military.¹⁷ He specifically felt that larger US formations, while extremely well supported, were less inclined to include a small Canadian unit and under Secretary of Defense Rumsfeld that certainly was the perception. It was General Jeffery’s long-range plan, however, to progressively seek out opportunities to work with the US Army.

A week later this plan unravelled in a dramatic manner at the 13-14 December 2001 ISAF force generation conference in London. The preparatory briefing material circulated by the British Ministry of Defence for the meeting suggested all was well, with Canada being shown as one of the nations prepared to offer up a battalion.¹⁸ Commodore Forcier, the DCDS group’s chief planner, led the delegation and later described a bizarre two-day conference that began with Canada being the only nation immediately ready to

¹⁵ General Henault, Interview by Major J.D. McKillip, 10 Jul 2008, part 1, transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada: 1-5.

¹⁶ Lieutenant-General Jeffery, Interview by Major J.D. McKillip, 10 Aug 2009, part 2, transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada, 2-3.

¹⁷ Ibid.

¹⁸ Major J.D. McKillip, *Official Historical Summary of Canadian Forces Operations in South West Asia, (Working Draft)* (Ottawa: Directorate of History and Heritage, 2011).

commit to the force.¹⁹ Other nations, rather than welcoming this, then began to openly question Canada's ability to mount a battalion-sized force so quickly and questioned the Commodore's reassurance that he had sufficient airlift. By the next day the European nations had fully committed their forces and Canada's offer of a battalion was no longer sought or welcomed, although the British felt they could make use of some of Canada's two hundred, always in short supply, field engineers and communicators. This strange turn of events was immediately relayed back to the DCDS and CDS who recommended to the Minister that Canada now decline all involvement with the initial UK-led ISAF as the motives and direction of the force were not at all clear.²⁰ Defence Minister Eggleton agreed.

The decision to withhold the two hundred engineers and communicators now sought was relatively straightforward given this would strip DND's immediate readiness battalion, the third Battalion PPCLI, of these critical elements, rendering it unfit for any other task. Four weeks later Britain's motivation was still no clearer with the Minister of National Defence tentatively suggesting that: "A number of European countries said 'Well, this is a European-led mission; this is a European Union kind of mission.' So I think quite clearly, European politics became part of this decision-making process."²¹

That interpretation was certainly supported by Commodore Forcier, DND's

¹⁹ Forcier, 3-4.

²⁰ Henault, Interview, 5. Soon after the force generation conference the DCDS, Vice-Admiral Maddison, questioned his British counterpart on this strange performance and received neither a clarification nor an apology. He concluded "that we were not being told the whole story" and this guided his recommendation to the CDS to withdraw. Maddison, Interview, 5.

²¹ Daniel Leblanc and Jill Mahoney, "Going to War: Canada Opts for Combat Role," *Globe and Mail* 2002, A1.

representative to the conference and General Jeffery, head of the Army.²² One must also recognize that 2001 was also a particularly energetic period for those in the European Union focused on developing the new European Security and Defence Policy or ESDP. Led by France, with occasionally strong support from Germany, this project hoped to advance the creation of an independent European military capability separate from NATO.²³ In April 2001, a permanent European Union Military Committee was formed followed shortly thereafter with the creation of a permanent European Union Military Staff. At Göteborg in June, the EU political leadership focused on the early generation of deployable forces, an EU exercise plan, and, significantly, agreement on making the EU military capability “quickly operational” by December 2001.²⁴ It would not be surprising, therefore, for France, perhaps joined by other European states, to also argue that ISAF provided a unique additional opportunity to advance ESDP as long as there was no highly visible contributions from non-European contributors who would dilute that effort.²⁵

²² Forcier, 3. See also Jeffery, Interview by Major J.D. McKillip, 11 Aug 2009, part 1, 3; where he suggests that “the British Military themselves were ... caught flat footed by political direction that they may have received, which was essentially to Europeanize the first deployment of ISAF.”

²³ The 'separate from NATO' aspect of ESDP was always denied in European circles using such meaningless phraseology as "separable but not separate" to describe what all recognized was an independent military effort.

²⁴ Robert E. Hunter, *The European Security and Defense Policy: NATO's Companion — or Competitor?* (RAND, 2002), 134. His work also highlights Canada's increasing concern with Defence Minister Eggleton signaling in February 2001 that "Canada would have serious difficulties with anything that weakened NATO's current consultative practices and consensus-based decision-making..." and the target of the concerns was unambiguously the ESDP project. He also predicted with considerable accuracy potential problems in the mounting of the EU-led operations were Canada was at risk of being excluded from their strategic planning even if it was a force contributor. See his page 133.

²⁵ Some caution is needed here as the contribution from non-EU Turkey was welcomed. I suspect the Turkish offer to replace Britain in leading ISAF - and the evidence is strong Britain was looking for an exit (as Canada would two years later) was overpowering. The Turkish Army's Muslim makeup would also have been sufficiently attractive to mask Turkey's weak EU credentials.

There were other interpretations. The Guardian newspaper's Ottawa correspondent reported that "the Canadian military is so poorly funded and equipped that Britain looked elsewhere for help when it was putting together the international peacekeeping."²⁶ The Canadian media made the same claim and they too declined to provide any evidence for it.²⁷ Seven years later General Hillier repeated that accusation suggesting that the UK "shunned" Canada and "did not want us" as part of ISAF largely as a result of its risk-averse conduct in Bosnia.²⁸ Yet both the media and the former Chief of Defence Staff do not seem aware of or do not acknowledge the fact that the British DCDS had specifically asked for a Canadian battalion, that that was followed by a detailed British-led in-theatre reconnaissance of our battalion area, and that the UK had produced a pre-conference agenda package that included the Canadian battalion. Moreover, the next chapters will reveal a series of British and European requests for Canadian forces in this theatre suggesting that whatever doubts there may have been about our Bosnian contribution these enjoyed little currency in 2002, 2003 or 2005.

Another interpretation argues that Canada's contribution was cut down from a battalion to two hundred specialist troops simply because of the limited logistic throughput of Bagram airport serving Kabul. That is, the entire ISAF brigade was allotted a fixed portion of the available airfield cargo handling capacity and each national contribution had to fit within it with the best allotment going to whoever committed

²⁶ Anne McIlroy, "Canada Breaks with Convention: Critics Believe Canada Is Sacrificing Its Values after a Pledge That Its Troops in Afghanistan Will Turn Any Prisoners over to the US," *Guardian UK* 22 Jan 2002, <http://www.guardian.co.uk/world/2002/jan/22/worlddispatch.annemcilroy>, (accessed 28 Nov 2010).

²⁷ Heather Scoffield and Jill Mahoney, "Peril Looms for Coups in Afghan Operation; Canadian Role Will Be 'above and Beyond' Traditional Peacekeeping, Official Says," *Globe and Mail*, 7 Jan 2002, A1.

²⁸ General Rick Hillier, *A Soldier First: Bullets, Bureaucrats and the Politics of War*, 1st ed. (Toronto, ON: Harper Collins Pub, 2009), 159, 242-43.

first.²⁹ This interpretation then suggested that the Canadian battalion was committed late and after the bulk of the capacity had been allocated. This, view, however, is contradicted by Commodore Forcier who reported that Canada was one of the first to commit, so only a limited credibility will be assigned to the airport throughput argument.

A final interpretation on the reasons for Canada's rejection centers on a Canadian suspicion that Britain was fully aware of how taxing the job of leading ISAF would be, and spared Canada from involvement in the first rotation so she might serve as a relief for the British headquarters when it wished to withdraw.³⁰ There is little evidence to support this charge as Turkey seemed to have volunteered quite early to replace Britain's leadership at the next rotation.³¹

In all of this there is no suggestion whatsoever that Canada's too-close interoperability ties to the United States played any role. Rather, the most that might be teased out is the fact that the European desire for a visible, self-identifying mission would have been skewed by having Canada, such an obvious member of the wrong end of the so-called "transatlantic dumbbell," on the team.³² In fact, the thrust of the European Security and Defence Policy project was largely to demonstrate a capability independent of the US, and to a significantly less extent, Canada.

²⁹ Matthew Willis, Email to author citing Brigadier Ben Barry (UK Army Ret'd) RUSI UK, 16 Jan 2012.

³⁰ K. Calder, Interview by Eric J. Lerhe, 8 June 2011, Ottawa, ON, 5-6.

³¹ Leblanc and Mahoney, "Going to War: Canada Opts for Combat Role," A1, A6.

³² I owe the steer to the 'transatlantic dumbbell' analogy to Danford Middlemiss. The concept and its 1960s origins are discussed in greater detail in Kenneth Weisbrode, *The Atlantic Century: Four Generations of Extraordinary Diplomats Who Forged America's Vital Alliance with Europe* (New York: Perseus Books Group, 2009).

Kandahar as Alternate

The Canadian government still wanted a land contribution committed to Operation Enduring Freedom.³³ Wendy Gilmour at CENTCOMHQ also assessed that the Department of Foreign Affairs quickly got over their initial disappointment over the ISAF failure and welcomed the efforts of the Canadian liaison staff at CENTCOM HQ Tampa to integrate Canada's unwanted battalion into the American operations in Kandahar.³⁴ When interviewed on the topic of Canada's rejection from ISAF, Defence Minister Eggleton is reported to have insisted that in this instance "Canada's interest was better served by working with the Americans," although this seems a rather obvious after-the-fact reassessment.³⁵ General Jeffery, on the other hand, had always been looking for an opportunity to work with the American Army, and he fully supported this reorientation. He reported that the rank and file of the Army was invigorated by this new opportunity to work with the world's most capable military while also smarting under earlier peacekeeping slurs provided by the likes of General Sir Hew Pike of the British Army.³⁶ In interview, General Jeffery was quick to point out that these kind of sentiments did not guide the Chief of the Defence Staff or himself.³⁷ Rather, the

³³ Stein and Lang argue that both the government and the military insisted a place he found for the Battalion: "But more important to both the generals and the politicians was the emerging prospect that Canada might be shut out of a ground war in Afghanistan altogether. Canada wanted in. What were a government and a military to do that wanted to impress Washington with their commitment to the War on Terror?" Stein and Lang, *The Unexpected War: Canada in Kandahar*, 16.

³⁴ Gilmour, 5-6.

³⁵ Leblanc and Mahoney, "Going to War: Canada Opts for Combat Role," A6.

³⁶ Jeffery, 6-7. General Pike, while actually serving with our forces in Yugoslavia, provided that the Canadian military had "surrendered any claim to be a war-fighting force...it is really now just a peacekeeping force." As cited in Peter Worthington, "The Case for a Bigger Army," *Toronto Sun*, <http://forums.army.ca/forums/index.php?topic=27.0;wap>, (accessed 12 Mar 2012).

³⁷ Jeffery, Interview by Major J.D. McKillip, 19 Aug 2009, part 1, 1.

Canadian military leadership was strongly encouraged by the ready availability of strong US support in Kandahar in the areas of aviation units for casualty evacuation, intelligence support, transport and logistics, and detainee handling facilities.³⁸

However, the senior US officers in theatre initially had relatively little use for a Canadian battalion contribution. On the ground, the US Army displayed the unwelcoming tendencies General Jeffery had initially been concerned about. The US brigade commander that would receive the PPCLI in Kandahar was not at all happy with having this battalion forced on him, in the mind of the Canadian liaison officer in the Coalition Forces Land Component Command Headquarters in Bahrain who briefed him.³⁹ That US commander only warmed to the idea after extensive briefings on the unit's capabilities and equipment. These would include Coyote reconnaissance vehicles, the Nyala mine-protected vehicles, winter warfare skills and equipment in addition to being parachute trained.⁴⁰ With this initial reticence overcome, planning for the deployment of the Canadian battalion accelerated and they were successfully deployed to Kandahar in early 2002.

³⁸ _____, Interview by Major J.D. McKillip, 11 Aug 2009, part 1, 2. He argued that they “were deploying in as part of an existing Brigade within a national parent structure. So, they wereto deploy as part of the US Army with all of its strategic assets. I didn't see the risk as being particularly high.”

³⁹ Major J.D. McKillip, E-Mail to author, 18 Jun 2012. Major McKillip was a liaison officer at CFLCC HQ Kuwait 2001-2.

⁴⁰ General Jeffery provides an amusing counterpoint to this suggesting a later detailed US request for the Coyote could only have been prepared by a Canadian liaison officer:

There came this message from the Americans that they were interested in Coyote. And that, I found, really intriguing. I thought, the Americans don't have a clue what Coyote is. Someone in Tampa has really tried to make a case that we've got this sort of... new, great capability and... wouldn't it be great to have that to go along?

See his General Jeffery, Interview by Major J.D. McKillip, 11 Aug 2009, part 2, transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada, 2.

Evaluation and Findings

A satisfactory testing of hypothesis 1C would require that the European coalition assembling the ISAF Kabul force reject Canada’s contribution as a result of our overly close interoperability ties with the US military. This is precisely what Middlemiss and Stairs had suggested occurred during Canada's proposed ISAF mission. Operating in parallel, hypothesis 1B would suggest our technological ties to the US military would bind Canada so closely to them we would be unable to work with others and thus Kandahar became the default deployment location for our Army in 2002.

Table 5-1 Case Study Two: Rejection from ISAF

| Case | Hypothesis | Effect on Sovereignty (Exterior/Interior) | | | | | | | Extent to which Interoperability was a factor | | | Remarks |
|--------|--|--|-----|------------|----------|------------|----------|-------------|---|-----|-------------|--|
| | | Loss | | | Zero | Gain | | | Negligible | Med | Significant | |
| | | Significant | Med | Negligible | | Negligible | Med | Significant | | | | |
| 2 ISAF | 1C - Rejected by others 2A - Advance Interop with US 1B - Commit to US Ops | | | | E | | | | X | | | -No evidence of interop being a factor -DND, DFAIT, Army worked to coop with UK not US - US base support critical but US initially spurned our battalion |
| | | | | | | | I | X | | | | |
| | | | | E | | E | | X | | | | |

The evidence suggests otherwise. When Canada’s battalion was turned down after several very specific British requests for it, numerous rationales were offered to explain the sudden rejection. These included a desire for the mission to have a European Union identity, the apparent military unsuitability of a Canadian contribution, potential logistical throughput difficulties at Kabul airport, and a possible UK interest in keeping

Canada out of the first ISAF rotation so she would be able to relieve the British later. None of these reasons has any obvious links to Canada's close military interoperability with the US. As a result hypothesis IC records no sovereignty loss in table 5-1.

This early desire for an EU flagship formation was the most compelling of these rationales. However, the long range potential for this European objective to permanently foreclose Canadian contributions was limited. The next chapters will present a series of cases where Canadian military contributions and Canadian military leadership were actively sought by European states, further weakening the basis for this hypothesis as well as any suggestion that Canadian units were somehow militarily unfit. In fact, this hypothesis' suggestion that close interoperability ties with the US makes Canada an unattractive partner for others may be in need of a serious rethink.

Even with such an interoperability advantage, one must guard against assuming that the Canadian military will, therefore, do anything to get closer to the US militarily. For example, the ISAF case study provides two very strong elements that further rebut hypothesis 2A's claims that Canada's military leadership would be strongly inclined to develop plans that would irreversibly lead to the integration of Canadian units into larger US coalitions all the while hiding this intent from their political leaders. In this case the head of the Canadian Army, the leadership of the Defence Department, and the Department of Foreign Affairs had as their overriding first choice the desire to integrate Canada's immediate readiness battalion into the British-led coalition. This was fully supported by government. When this failed, Canada's political and military leadership offered that same battalion to the US, and there is strong evidence they had to overcome

significant US Army resistance at the operational level to achieve it.

Moreover hypothesis 2A required an effort by the military to advance these integration projects “without government support” either by knowingly going against government policy or by evading political authority. However, the evidence in the ISAF case study suggests the greatest push for ever-larger contributions, and particularly 'boots on the ground' commitments, came from the political leadership often over the objections of senior army figures who were urging restraint. In addition, the change in the Canadian orientation towards cooperating more closely with the US was quickly and specifically endorsed by Defence Minister Eggleton's claim post-ISAF rejection that, now, “Canada's interest was better served by working with the Americans.”⁴¹ As a result, hypothesis 2A shows a modest gain, recognizing the subjective nature of that rating.

The US' initial unwillingness to accept our battalion also argues heavily against hypothesis 1B that suggests Canada will migrate to US operations as a result of US pressure or our dependency on their military systems. The single small element in support of hypothesis 1B was the high value the Canadian military leadership put on the ready availability of US facilities in Kandahar. The provision of American casualty evacuation helicopters was probably a critical element although the ready availability of intelligence, logistics and detention facilities were likely additional positive factors. These should not be overstressed as working with the British in ISAF was the Army's preferred choice even though they recognized the support they would receive in ISAF would be of a lesser type. Therefore hypothesis 1B will both a slight loss and a slight

⁴¹ Leblanc and Mahoney, "Going to War: Canada Opts for Combat Role," A6.

sovereignty gain, recognizing that any positive rating registers more a gain in foreign policy independence than actual sovereignty.

CHAPTER SIX: CANADIAN DETAINEE POLICY

Introduction

This case study will examine allegations that the United States pressured Canada to alter its support for the Geneva Convention dealing with detainees. If that occurred it would constitute a major sovereignty violation. It is also critical that the question be probed because detainee problems, along with casualties, have dominated the public debate in Canada and were arguably key contributors to the erosion of public support for the Afghanistan mission.

While media coverage of detainees was at its highest in the 2006-2009 period, controversy attended this issue from the beginning. This stemmed from a sustained multi-axis attack in early 2002 on the government's initial detainee policy from Members of Parliament, the media, and representatives of the International Red Cross. The most pointed of these criticisms suggested that the Canadian government was not only interpreting the Geneva Conventions incorrectly, it was doing so to curry US favor. The *Globe and Mail's* Marcus Gee claimed the only way the Americans would allow Canadian troops into Kandahar was if Canada fell in with their lower interpretation of the law.¹ This claim was then repeated by the *Guardian*.²

These assertions were not backed up with any analysis until Richard Williams

¹ Marcus Gee, "Brave Troops Sent on a Fool's Errand," *Globe and Mail*, 19 Jan 2002, <http://v1.theglobeandmail.com/servlet/story/LAC.20020119.COGEE/TPStory/?query=afgh...>, (accessed 31 Jan 2011).

² McIlroy, "Canada Breaks with Convention: Critics Believe Canada Is Sacrificing Its Values after a Pledge That Its Troops in Afghanistan Will Turn Any Prisoners over to the US."

probed this issue within his detailed examination of Canadian naval interoperability.³ There he claimed that the likelihood was “high” that the Canadian decision to reverse its stand on according al-Qaeda and Taliban detainees prisoner of war status was prompted by US “pressure.”⁴ His argument then repeated the claim that the deployment of Canadian troops to Afghanistan would be “jeopardized” unless Canada modified its stand with regard to the provisions of the Geneva Convention applying to detainees. It is alleged that Canada succumbed to this “overt American pressure” with a “dramatic policy reversal” that resulted in “the Canadian decision to transfer al Qaeda and Taliban prisoners to US authorities in the face of Geneva Convention obligations.”⁵

This case study then nicely tests hypothesis 1A which states: *We should see the Canadian government enter into agreements the US supports despite the presence of disincentives. Alternatively: we should see the government abandon or not support agreements it initially endorsed as it later sensed US opposition to them.*⁶ In addition, Williams’ claims correspond closely to some of the earlier post-9/11 narrative this analysis has outlined. That is, there are elements within the US administration who are little inclined to seek the participation of allies or fully engage them in major decisions. Yet at the same time, the Canadian government appears increasingly motivated “to be seen to be doing something” in supporting the US government especially if it involves “boots on the ground.”

³ Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*.

⁴ Ibid., 72-3, 84, 94-5. He refers to the “apparently coerced nature of the policy” and states “This reversal cannot be easily explained by factors other than overt American pressure.”

⁵ Ibid., 94-5. This analysis, by the way, will use the more common “al-Qaeda.”

⁶ The broad outline of this hypothesis as well as two others owes much to Ibid., 27.

In order to test these claims this chapter will provide initial background on the Canadian detainee controversy. Then it will step through the critics' claims beginning with the charge that the Canadian government reversed its detainee policy. Next, it will examine the state of international law as it applies to detainees before turning to the extent to which Canada complied with it. Whether the US pressured Canada to follow her interpretations of that law will then be assessed. It will conclude with an evaluation and provide findings on the sovereignty costs of Canada's detainee policy.

The examination of the Geneva Convention as it applies to detainees will be exceedingly detailed as the critics' charges cannot be assessed otherwise. Thankfully the benefits of doing this extend beyond the 2002 Canadian detainee debate. As will be shown, the Law of Armed Conflict (LOAC) itself is ridden with controversy and one would find it difficult to understand the war in Afghanistan or, in fact non-state warfare generally, if one did not look at the law closely.

Detainee Background

The overall detainee issue began innocuously. Almost as soon as US General Franks had completed his planning for Operation Enduring Freedom, Central Command, his headquarters, directed that the Geneva Conventions were to apply to all captured individuals.⁷ This order was issued on 17 October 2001 and under it the traditional interpretation of the Conventions would apply including the use of tribunals to determine

⁷ James R. Schlesinger and et al, "Report of Independent Panel to Review Department of Defense Detention Operations, August 2004 (Schlesinger Report), Reprinted In," in *The Torture Papers: The Road to Abu Ghraib* ed. Karen J. Greenberg and Joshua L. Dratel (Cambridge, New York: Cambridge University Press, 2005), 947.

detainee status in cases of doubt. If a detainee then did not merit Geneva Convention protection it was acknowledged that he could be tried under the US criminal code.

It is safe to assume that the Canadian liaison team in Central Command Headquarters, which included a legal officer, was aware of this order. As coalition detainee policy was proceeding on entirely traditional lines and well within the Geneva Conventions, the Canadian liaison cell in Tampa and NDHQ made provisions to turn over detainees to the Americans. As the United States had the detainee facilities in Kandahar, Canada saw no need to duplicate them, and the still-forming Afghan government was assessed as being manifestly incapable of receiving them.⁸

Likely, the first indications of a developing problem that Canada received involved Secretary of Defense Rumsfeld and General Franks' press briefing at the Pentagon on 11 December 2001.⁹ While this press conference focused on the imminent victory of the Northern Alliance over the Taliban, the fall of Kandahar, and the process of establishing the International Security Assistance Force for Kabul, detainee issues intruded during the question period:

Q: The question that has been raised about if the European nations, particularly Britain, would be the ones who ended up with custody of an al Qaeda leader,

⁸ Gilmour, Interview by Major J.D. McKillip, part transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada, 13.

⁹ It could well be argued that the first sign of the potential problems with the developing US approach to the Geneva Conventions occurred with the issue of President Bush's *Military Order of November 13, 2001*, published in the US Federal Register three days later. Citing al-Qaeda but including all other terrorists it authorized their detention and trial by military commissions that would not be subject to the same judicial principles or rules of evidence of US courts. Significantly, no reference was made to the Geneva Conventions. At the time there appears to have been little media interest over this order either in the United States or Canada. See US. *Military Order of November 13, 2001 - Detention, Treatment, and Trial of Certain Non-Citizens in the War against Terrorism*. President: Federal Register November 16, 2001 (Volume 66, Number 222) <http://www.fas.org/irp/offdocs/eo/mo-111301.htm>, (accessed 10 Jan 2012).

Osama bin Laden or other, that there might be a problem with their turning him over to the United States. Is --

Rumsfeld: There won't be.

Q: There will not be?

Rumsfeld: There will not be. Either a country will indicate that they will turn them over to us, quite apart from whether or not their laws may be different with respect to the death penalty, or they will be positioned in places where they're unlikely to come in contact with someone that we would like to have control over. (Scattered laughter.)¹⁰

This new instruction piqued immediate interest with the Secretary then being asked if those nations in the coalition had “formally agreed to hand them over to the U.S.?” In response the only clarification the Secretary of Defense provided was that he “was not referring to the Afghan forces on the ground” but al-Qaeda. The lack of clarity here seemed to have then pushed the correspondent to ask if turning people over to the US “was a condition of involvement” for coalition membership. This produced yet more wandering leading to this final question:

Q: Has the old U.S. ally Great Britain given an assurance that if it comes into possession of Bin Laden it will turn him over to the United States?

Rumsfeld: When I first heard that this issue was being raised, I checked, and the response we've received is not to worry. And I believe that they have made public statements to that effect. But I have not seen them in writing, so it's not for me to say whether they have or not, but I'm told they have. And I'm told that regardless of whether they have said so publicly, it will not be an issue.¹¹

The suggestion here is that the United Kingdom was ready to sidestep secretly its

¹⁰ ———. *DOD News Briefing - Secretary Rumsfeld and Gen. Myers 11 January 2002*. Department of Defense. Washington, 2001, <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2031>, (accessed 10 Jan 2012).

¹¹ Ibid.

legal responsibilities with regard to not transferring those under threat of the death penalty as part of the cost of coalition membership. As such it is similar to Williams' allegation that Canada was also willing to adjust its principles, secretly, to secure participation in Operation Enduring Freedom. At the very minimum, the import of this press conference could hardly have been missed by the Canadian government. Certainly, the Canadian media began to refer to it. Unfortunately, the government's immediate reaction to it has not been made visible to researchers.¹²

A more sustained Canadian concern with regard to detainees was provoked by the next Pentagon press briefing on 11 January 2002. After outlining that the first twenty captives taken in Afghanistan were sent to a new US detainee facility in Guantanamo Bay, Cuba, Secretary of Defense Rumsfeld announced that: "They will be handled not as prisoners of war, because they're not, but as unlawful combatants. As I understand it, technically, unlawful combatants do not have any rights under the Geneva Convention."¹³ He did acknowledge, however, that the US intention would be to "for the most part treat them in a manner that is reasonably consistent with the Geneva Conventions, to the extent they are appropriate." He was then pressed heavily by the media on why the Geneva Convention was not "officially" applied to them or why they did not merit tribunals. The Defense Secretary's replies varied between insisting that the US "will end up using roughly" international legal standards and that government lawyers were still studying the

¹² I have made three informal and two formal access to information requests for this material.

¹³ US. *DOD News Briefing - Secretary Rumsfeld and Gen. Myers 11 January 2002*. See also "Prisoners' Rights," *Globe and Mail*, 18 Jan 2002, <http://v1.theglobeandmail.com/servlet/story/LAC.20020118.EPOW/TPStory/?query=afgha...>, (accessed 31 Jan 2011).

applicability of the Geneva conventions. The media in Canada and the United Kingdom would soon start asking similar questions.

London's *Daily Telegraph* reported that up until this time the Blair government had chosen not to refer specifically to the Geneva Convention and that "Britain had avoided saying anything that might be seen as interfering in America's determined drive to smash the terrorist network."¹⁴ This would confirm for some the earlier Rumsfeld suggestion that an accommodation with the British had been quietly achieved. However things had changed with the British media reporting that Rumsfeld's 11 January press release had provoked significant concerns within the Prime Minister's own party as to the harsh treatment detainees might suffer at the hands of American interrogators. Others suggested that the plan to keep detainees outside the Geneva Convention was to specifically provide interrogators greater freedom of action as it would remove the detainees' right to provide only name, rank, birth date and serial number. While now calling for the US to treat detainees in accordance with the Geneva Convention, the Blair government apparently still "took care to counter any inference that this marked an Anglo-US rift."¹⁵

¹⁴ Andy McSmith and Anton La Guardia, "Blair Wants Detainees Held in Line with POW Convention " *The Telegraph*, 17 Feb 2002, <http://wv.telegraph.co.uk/news/worldnews/asia/afghanistan/1381817/Blair-wants-detal>, (accessed 14 Oct 2011).

¹⁵ Ibid. UK government documents declassified in 2010 show all of the earlier *Telegraph's* allegations to be well founded. The *Guardian* reported that recently released government documents revealed that "the diplomats, civil servants and government lawyers were anxious to find ways to remain, in the words of Tony Blair, 'standing shoulder to shoulder' with the US." This support was also provided in the face of increasing evidence that British citizens were amongst those detained, with British documents acknowledging that "we have raised no objection in principle to the transfer of UK nationals." Within the documents the Prime Minister had also written of the need to verify the torture claims and, if proven, "make it clear to the US any such action would be totally unacceptable." See Ian Cobain and Richard Norton-Taylor, "Torture Warnings Pushed Aside for Britain to Join US in 'War on Terror'," *The Guardian*,

Similar concerns were now being raised in Canada where the situation was perhaps even more complex. This began on 15 January 2002 with a DND spokesperson providing the official Canadian position on detainees. Sub-Lieutenant LeDrew stated that all those “captured or detained will be afforded humane treatments, according to the standards that are applicable to POWs, and that's according to international law.”¹⁶ Daniel Leblanc of the *Globe and Mail* then predicted a "looming dispute with the United States over the treatment of prisoners" as the latter were not referring to their detainees as "POW" but "unlawful combatants." Signalling another potentially significant difference from the US position, S/Lt. LeDrew said Canada's policy would be that: “If there is any doubt as to whether or not they are entitled to that treatment, they will be treated as such until a special tribunal, or a properly constituted tribunal, has determined that this person is or isn't a POW.”¹⁷

S/Lt. LeDrew, however, had also indicated that the government had not yet decided to hand over prisoners to the US as a reconnaissance team preparing for the arrival of the 3rd Battalion Princess Patricia's Canadian Light Infantry was still conducting its work. That comment appears to completely overlook the fact that Canadian special force elements from Joint Task Force 2 were operating near Kandahar in early December

28 Sep 2010, <http://www.guardian.co.uk/world/2010/sep/28/torture-warnings-britain-us-ignored>, (accessed 22 Dec 2011).

¹⁶ Daniel Leblanc, "Canada Defies U.S. On POWs," *Globe and Mail*, 17 Jan 2002, <http://v1.theglobeandmail.com/servlet/story/LAC.20020117.UDEFEN/TPStory/?query=ca...> (accessed 31 Jan 2011). One has to wonder at the decision to involve such a junior public affairs officer in this charged issue.

¹⁷Ibid.

2001.¹⁸ Further, the media reported that the government had no plans to operate its own detention center in Afghanistan.

These were the broad outlines of Canada's detainee policy until the appearance of the Defence Minister, the Chief of Defence Staff, and a senior Department of Foreign Affairs official before the Standing Committee on National Defence and Veterans Affairs (SCONDVA) two days later. There, the Defence Minister outlined the complex nature of the detainee issue stating "But there is also, of course, the question at times of whether these are prisoners of war or unlawful combatants."¹⁹ He indicated, however, that "In all cases, we would treat people in accordance with the Geneva Conventions" and that prisoner of war determination would be via a "competent tribunal." He also confirmed that Canada would not be operating its own detention center and would be turning over detainees to the United States. The Geneva Convention, he claimed, allowed such a transfer in that the "United States has said it is applying the Geneva Conventions." Moreover the International Committee of the Red Cross would be monitoring standards at Guantanamo Bay.

Nevertheless, John Godfrey and Bernard Patry, both Liberal Party MPs, argued against the Minister with the latter claiming that "by turning over prisoners to the Americans when these will not be considered prisoners of war, Canada is indirectly

¹⁸ JTF-2's deployment was made public by the Defense Minister on 20 Dec 2001. It was far more likely that this unit in lieu of the 3rd Battalion PPCLI would be involved with detainees and events were to quickly demonstrate this. ———, "Elite JTF2 Goes into Kandahar War Zone " *Globe and Mail*, 20 Dec 2001, <http://www.theglobeandmail.com/news/national/elite-jtf2-goes-into-kandahar-war-zone/article575196/>, (accessed 20 Oct 2011).

¹⁹ Testimony, Defence Minister Art Eggleton, Standing Committee on National Defence and Veterans Affairs, 17 Jan 2002, 1055-1115.

shirking its responsibilities under the Geneva Convention.”²⁰ The Minister responded by repeating his initial position and stating that the committee would be hearing from a representative from the Department of Foreign Affairs and two advisers from the Department of Justice that afternoon who might better be able to provide more legal detail.

Assistant Deputy Minister (ADM) James Wright from the Department of Foreign Affairs and International Trade was significantly more precise and confident in his outlining of Canada's detainee policy and relationship to the Geneva Convention to the committee:

The status of a person detained determines the standard of treatment required by international law. Should there be cases of doubt as to the exact status of a person who takes part in hostilities; the person should be treated as a prisoner of war until the status is determined by a competent tribunal. If there is no doubt as to the status, then that detainee must be given a level of treatment accorded to the status. At minimum, detainees are entitled to a standard of care referred to as humane treatment.

As a matter of policy, Canadian Forces will treat all detainees to the standard of care afforded prisoners of war until their status is determined or they are transferred. In cases where we transfer detainees to other authorities, Canada has an obligation to ensure that the detaining authorities are willing and able to respect international law. U.S. authorities have publicly indicated and have advised Canada that detainees will be accorded humane treatment that respects their obligations under international law.²¹

ADM Wright also indicated that Canada had "a very active and ongoing dialogue" with the United States on this issue. Further, he had just concluded hosting the International Committee of the Red Cross (ICRC) team that was on its way to Guantanamo Bay where,

²⁰ Ibid., 1120.

²¹ Testimony, Assistant Deputy Minister Wright, Standing Committee on National Defence and Veterans Affairs, 17 Jan 2002, 1350.

he claimed, it had experienced “no difficulties” gaining access there or in Afghanistan. While acknowledging that the ICRC was only bound to report any problems it found to the American authorities, he stated "We discussed these issues at some length with them. If they had serious problems with the treatment of detainees by U.S. authorities, we didn't hear it from the International Red Cross. Quite the contrary."²² Nevertheless, the Parliamentary committee members continued to press ADM Wright on the details of Canada's intended detainee procedures on standards, transfers, and tribunals leading to his admission that: "These are issues we're discussing with our colleagues at the Department of National Defence. I am not sure we've had an opportunity, frankly, to work through all the hypothetical scenarios. They quite understandably are being raised here by the committee this afternoon."

After the hearings, the Canadian media chose to direct most of its criticism to the Defence Minister's comments and not the more detailed arguments provided by Assistant Deputy Minister Wright. Their concerns fixed on the issue of POW status as raised by MP Patry and the US government's apparent refusal to conduct status-determining tribunals. For example, the *Globe and Mail* reported “Defence Minister Art Eggleton said Thursday that Canadian forces in Afghanistan could hand over to US control any prisoners they capture, despite the Pentagon's refusal to classify them as prisoners of war.”²³ The *Globe and Mail*'s 18 January 2002 editorial also compared the Defence Minister's statements with those two days earlier of Defence Department's spokesperson, S/Lt. LeDrew, noting she had indicated those captured would be treated as prisoners of

²² Ibid., 1410.

²³ Oliver Moore, "Canada May Turn Prisoners over to U.S., Eggleton Says," *Globe and Mail*, 17 Jan 2002.

war unless a special tribunal decided otherwise. In that the Minister indicated the military would be turning its detainees over to a US administration who did not intend to conduct tribunals and preferred to consider them "unlawful combatants," a Canadian policy reversal was claimed. The *Globe's* editorial thus began with "How quick a trip it is from the high ground to the low."²⁴ Marcus Gee, also of the *Globe and Mail*, summarized the issue as: "Then we agreed to serve under the Americans in Kandahar, but not if we would have to break the laws of war by handing over Afghan prisoners for transfer to Cuba. Washington didn't like that. So we said never mind about the Geneva Conventions, we'll hand over the prisoners anyway."²⁵ He then argued that the United States "don't want or need us" and that they only agreed to take the Canadian contribution because "they knew we were eager to be there." This entire argument is then repeated three days later by the *Guardian's* Ottawa desk.²⁶ That is the article Richard Williams' interoperability study relied on to substantiate his claim that Canada was "coerced" into a "dramatic policy reversal" with regard to the Geneva Conventions to ensure the deployment of its battle group to Kandahar.

The media's assessment was harsh, and certainly ignored any of the positive actions of the government. For example, Assistant Deputy Minister Wright's testimony had indicated the Canadian government was in "a very active and ongoing dialogue" with the United States on this issue. This was very much the case with the Defence

²⁴ "Prisoners' Rights." *Globe and Mail*, 18 Jan 2002, <http://v1.theglobeandmail.com/servlet/story/LAC.20020118.EPOW/TPStory/?query=afgha...> (accessed 31 Jan 2011).

²⁵ Gee, "Brave Troops Sent on a Fool's Errand."

²⁶ McIlroy, "Canada Breaks with Convention: Critics Believe Canada Is Sacrificing Its Values after a Pledge That Its Troops in Afghanistan Will Turn Any Prisoners over to the US."

Department's Director of International Law, Lieutenant-Colonel Abbott, suggesting "the Prime Minister, relevant ministers and senior government officials had contacted their US counterparts to stress the importance of having the campaign against terrorism regulated by LOAC (Law of Armed Conflict)."²⁷ This was confirmed by the Prime Minister much later when he stated in the House that "right from the start we have insisted on respect for the Geneva conventions" and that his government had put "pressure" on the US administration to comply.²⁸ In addition, Foreign Minister Graham stated he had called Colin Powell on this issue, discussed it with the British government and the ICRC, and confirmed that all those agreed that the detainees were being "treated according to the humanitarian standards under international law." He also declared that Canada "will insist that they continue to be in the future."²⁹ The Defence Minister joined in noting he had been recently assured by both the ICRC and the British government as to favourable conditions existing at Guantanamo.³⁰ Liberal MP John Godfrey, a consistent critic of his own party's detainee policy, admitted Canadian "government ministers" were privately attempting to "persuade the US officials to convene the proper tribunals."³¹ Godfrey also suggested that Canada will request the return of three detainees it had passed to the US if it chooses not to change its detainee policies. Whether this was his or the government's viewpoint is not clear, but at the same time the government of Saudi Arabia may have demanded the return of any of its citizens held in Guantanamo, and France and the United

²⁷ Lieutenant-Colonel Abbott points out this information comes from "media reports." See Abbott, "Terrorists: Criminals, Combatants Or ?" The Question of Combatancy (Panel D-2), 379.

²⁸ Canada. *Edited Hansard 37th Parliament, 1st Session, Number 141, 7 Feb. 2002*, 1425.

²⁹ ———. *Edited Hansard 37th Parliament, 1st Session, Number 133, 28 Jan. 2002*, 1420.

³⁰ Canada. *Edited Hansard 37th Parliament, 1st Session, Number 133, 28 Jan. 2002*, 1905.

³¹ Daniel Leblanc and Jeff Sallot, "PM Says Critics Are Defending Terrorists," *Globe and Mail*, 7 Feb 2002, <http://lexisnexis.com.ezproxy.library.dal.ca>, (accessed 10 Jan).

Kingdom threatened to stop detainee transfers.³² Finally, General Henault, the Chief of Defence Staff, was emphatic on the issue of supporting the Geneva Conventions and making this view clear to the United States' military:

In this respect, I can only reinforce the fact that we consistently reiterated to our American counterparts that operations must [underlining his] be executed in full consonance with the Geneva Conventions. In fact, we might have actually been viewed as "pedantic" by some in the US. In any event, we "gave no quarter" on this issue, on which JAG was very clearly focused, and undoubtedly influenced the views of the senior military and political leadership of the day in the US.³³

General Henault also indicated that the Judge Advocate General (JAG), Brigadier-General Jerry Pitzul, played a particularly important internal role: "Jerry was as consistent and as honest as you could get in that respect. There was no arm twisting that he would allow."³⁴ While there is a danger of exaggerating, the fact is the JAG enjoyed very powerful influence over military plans by virtue of his unchallengeable ability to determine what was legal and what was not. This was reinforced by the fact that the Chief of Defence Staff was not his only boss. Rather, the JAG was also responsible for providing legal advice to the Defence Minister and Governor-General and thus enjoyed a certain independence, and with that a level of freedom from "arm twisting."³⁵ In addition to voicing their concerns directly with US leaders, two separate private interviews revealed that Canadian officials had been invited to at least one closed US-ICRC meeting

³² Sibylle Scheipers, "Detention in the 'War on Terror': Legal Norms, Strategic Cultures and the Future of the Transatlantic Security Community," paper presented at the Sixth Pan-European Conference on International Relations 'Making Sense of a Pluralist World', Turin, 12-15 Sep 2007, turin.sgir.eu/.../Scheipers-SGIR2007_Detention_waronterror_Scheipers.pdf (accessed 22 Jan 2012), 8-9.

³³ General Henault, E-mail to author, 11 Dec 2011.

³⁴ Ibid.

³⁵ His unique responsibilities are well covered in Special Committee on the Canadian Mission to Afghanistan, *Evidence*, Number 014, 2nd Session, 40th Parliament, 4 Nov 2009, 1555.

on detainees during this period and left satisfied that the standards for humane treatment under international law were being met and the US was ready to address concerns raised by the ICRC.³⁶

The end of January 2002 brought further controversy when the Prime Minister responded to a question concerning how Canadians would treat detainees with “You are asking me a purely hypothetical question at this time” when it was anything but hypothetical.³⁷ However, several days earlier some of the Canadian JTF-2 members in Afghanistan had captured and turned over at least three detainees to US forces, and this had been briefed soon after to the Defence Minister. On 29 January Eggleton admitted that he had been informed of the JTF-2 captures but had not briefed the Prime Minister until three days later.³⁸ This prompted renewed protests from the New Democratic Party and Bloc Québécois over Canada's detainee policy and the probable risk of the captives receiving the death penalty in US military courts.

At the same time, Canada, the United Kingdom, and other unidentified European states continued to pressure the US Secretary of State, Colin Powell, over US detainee policy. He responded via a personal memorandum to the President requesting a policy change, according to the *New York Times*.³⁹ The actual memorandum, only released to the public two years later, argued forcefully that the US should reverse its stand and

³⁶ 1st Confidential Interview, Interview by Eric J. Lerhe, 6 Oct 2011, Ottawa, ON,

³⁷ CBCNews, "Eggleton Confirms JTF2 Has Taken Prisoners in Afghanistan," <http://www.cbc.ca/news/canada/story/2002/01/29/jtf2020129.html>, (accessed 20 Oct 2011).

³⁸ Canada. *Edited Hansard 37th Parliament, 1st Session, Number 134, 29 Jan. 2002*, 1420.

³⁹ Katherine Q. Seelye and David E. Sanger, "A Nation Challenged: Captives; Bush Reconsiders Stand on Treating Captives of War," *New York Times*, 29 Jan 2002, <http://www.nytimes.com/2002/01/29/world/a-nation-challenged-captives-bush-reconsiders-stand-on-treating-captives-of-war.html?pagewanted=all&src=pm>, (accessed 15 Jan 2012). Canada is not specifically mentioned however.

declare that the *Geneva Convention on the Treatment of Prisoners of War III* would apply to the war in Afghanistan.⁴⁰ While making it clear that the majority of Taliban and al-Qaeda detainees would not receive prisoner of war status, it argued against the administration's blanket refusal and suggested status determination be done on a case-by-case basis for the Taliban.⁴¹ If the administration did not do so, Colin Powell accurately predicted a "negative international reaction," the undermining of public support among critical allies", "legal problems with extradition or other forms of cooperation" within the coalition, a reducing of the "protections of the law of war for our own troops," and extended international legal challenges.⁴²

In all of the exchanges between the White House, Secretary of State, Secretary of Defence, and Department of Justice lawyers on this issue there are only general references to the views of allies. The only exception involves a single entry that deals with Canadian government concerns. This is contained within the Secretary of State legal adviser's memorandum to the White House counsel arguing for a "case-by-case" screening of detainees where doubt exists as the Geneva conventions require. He then states "the National Security Adviser has advised the canadian [sic] government that this is our policy."⁴³

⁴⁰ Colin L. Powell, "Memorandum to Counsel to the President: Draft Decision Memorandum on the Applicability of the Geneva Convention to the Conflict in Afghanistan, 26 Jan 2002 " in *The Torture Papers: The Road to Abu Ghraib* ed. Karen J. Greenberg and Joshua L. Dratel (Cambridge, New York: Cambridge University Press, 2005), 122-25.

⁴¹ *Ibid.*, 124.

⁴² *Ibid.*, 123.

⁴³ William H. Taft, "Memorandum to Counsel to the President: Comments on Your Paper on the Geneva Convention, 2 Feb 2002," in *The Torture Papers : The Road to Abu Ghraib* ed. Karen J. Greenberg and Joshua L. Dratel (Cambridge, New York: Cambridge University Press, 2005), 133.

On 7 February 2002 the White House spokesman announced that "President Bush today has decided that the Geneva Convention will apply to the Taliban detainees, but not to the al Qaeda international terrorists."⁴⁴ As Afghanistan was a party to the Convention, the Bush administration acknowledged the Taliban are "covered" by the treaty, but their failure to meet any of the conditions for being a legal combatant resulted in them being denied POW status. To satisfy those conditions the White House claimed the Taliban would have to have been part of the military hierarchy, worn a distinctive sign or uniform, carried their arms openly, and conducted themselves according to the laws of armed conflict. This announcement also confirmed earlier Bush administration findings that denied al-Qaeda detainees prisoner of war status because it was an international terrorist group and not a state party to the Geneva conventions. Whatever their actual status the Bush administration pledged to treat them "humanely and consistent with the principles of the Geneva Convention."⁴⁵

Reaction was mixed. Prime Minister Chrétien claimed his government's pressure on the US produced this result and that "we have done a very good job of ensuring that international law would be respected under these circumstances."⁴⁶ The Canadian media was not entirely convinced and turned to a series of public affairs announcements by the International Committee of the Red Cross. The *Globe and Mail* cited the ICRC's Darcy Christen, who claimed that "all people captured on the battlefield... should be considered prisoners of war until a tribunal, defined by the Geneva conventions, decides otherwise"

⁴⁴ US. *Statement by the Press Secretary on the Geneva Convention 7 Feb 2002*. White House, 2002, <http://www.state.gov/s/1/38727.htm>, (accessed 20 Jan 2012).

⁴⁵ Ibid.

⁴⁶ Canada. *Edited Hansard 37th Parliament, 1st Session, Number 141, 7 Feb.* 1425.

adding “you cannot punish somebody simply for being a combatant.”⁴⁷ The same article also pointed out that Alexa McDonough, the NDP leader, “echoed” this view, and she pronounced that “the law is very clear that anyone detained in such a situation is assumed to be a prisoner of war.” Alexa McDonough, however, failed to provide the critical linkage to the word "combatant" made by the ICRC spokesman. As the next section will show the law is not at all “clear,” prisoner of war status is tightly linked to the word "combatant” and not just “anyone” qualifies.⁴⁸

Richard Williams’ assertion that Canada’s detainee policy underwent a “dramatic policy reversal” rests on a single media report. That article then led him to conclude that “the Canadian decision to transfer Al Qaeda and Taliban prisoners to US authorities” was done “in the face of Geneva Convention obligations.” The specific area where Canada apparently failed according to Williams was this:

While Ottawa insisted in January that its policy was in accord with the letter of the Geneva Conventions, which say prisoners whose status is disputed must be accorded prisoner of war status until the detaining country organizes a tribunal, the following day then-Minister of National Defence Art Eggleton said Canada would transfer any detained prisoners to the US.⁴⁹

⁴⁷ Oliver Moore, "Eggleton Putting Troops at Risk: MPs," *Globe and Mail*, 18 Jan 2002, <http://v1.theglobeandmail.com/servlet/story/RTGAM.20020118.weggleton/BNSStory/Front/>, (accessed 31 Jan 2011).

⁴⁸ The ICRC provided a very early and very clear statement on the application of international law for events in Afghanistan on 24 October 2001. As regards detainees they instructed that:

All those who are detained must be spared and protected against abuse, whatever the circumstances and regardless of their affiliation. Combatants captured by enemy forces in the international armed conflict between the Taliban and the US-led coalition must be treated in accordance with the Third Geneva Convention. Civilians detained by a party of which they are not nationals must be treated in accordance with the Fourth Geneva Convention.

See ICRC, "Afghanistan: ICRC Calls on All Parties to Conflict to Respect International Humanitarian Law," 10 Oct 2001, <http://www.icrc.org/eng/resources/documents/misc/57jrdn.htm>, (accessed 10 Jan 2011). This ICRC statement, by the way, was surprisingly similar to the Canadian government position.

⁴⁹ Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 72.

In that the United States had signalled detainees would not be receiving prisoners of war status, Williams asserts Canada walked away from its Geneva Convention obligations by transferring detainees to them. Media reports backed up this categorical interpretation of the Conventions, notwithstanding the Defence Minister's caution that these were complex legal questions. Rather, the media appeared to rely on ICRC spokespersons such as Darcy Christen who had argued detainees "should be considered prisoners of war until a tribunal, defined by the Geneva Conventions, decides otherwise."⁵⁰

Evaluating the extent to which the hypothesis' conditions were satisfied or not would seem to involve four questions. The first requires establishing whether Canada reversed its position on detainees in mid-January or not. The second must establish what parts of the Geneva Convention applied in Afghanistan. The third question must probe whether the Canadian government's detainee policy was compliant with them. The final question should then examine the extent to which the Canadian government framed its policy as a result of US government pressure.

A Canadian Policy Reversal?

In examining whether Canada reversed its position one must look at the words of Sub-Lieutenant LeDrew and compare them to later government statements. On 16 January 2002 she is reported as saying:

⁵⁰ Moore, "Eggleton Putting Troops at Risk: MPs." Mary Robinson, the United Nations High Commissioner for Human Rights, was equally categorical in arguing that any doubts about status should be determined by a tribunal. Leblanc, "Canada Defies U.S. On POWs."

All the individuals ...captured or detained will be afforded humane treatments, according to the standards that are applicable to POWs, and that's according to international law.

If there is any doubt as to whether or not they are entitled to that treatment, they will be treated as such until a special tribunal, or a properly constituted tribunal, has determined that this person is or isn't a POW.⁵¹

A day later Assistant Deputy Minister Wright formally outlined Canadian detainee policy in stating:

At minimum, detainees are entitled to a standard of care referred to as humane treatment. As a matter of policy, Canadian Forces will treat all detainees to the standard of care afforded prisoners of war until their status is determined or they are transferred. Should there be cases of doubt as to the exact status of a person who takes part in hostilities, the person should be treated as a prisoner of war until the status is determined by a competent tribunal.⁵²

In that both officials made clear a POW “standard” or “standards” would apply and not “status” there is no difference between them as it concerns the Geneva Conventions. Overall, there is nothing in these statements to suggest the "dramatic policy reversal" claimed by Williams and much of the Canadian media.⁵³

⁵¹ Leblanc, "Canada Defies U.S. On POWs." A request to DND's media public inquiries desk for the transcript of her remarks was unsuccessful. See DND, E-mail to author re Transcripts - Detainees Afghanistan, 30 Jan 2012.

⁵² Testimony, Wright, 17 Jan 2002, 1350.

⁵³ Beyond that, S/Lt LeDrew did indicate the Canadian government had yet to make up its mind with regard to transferring detainees to the US pending the completion of its reconnaissance to Kandahar. ADM Wright, on the other hand, made it clear that the Canadian government would transfer based on the US government's assurances that they would provide detainees “humane treatment that respects their obligations under international law.” Canada also declared it would not operate detainee facilities or conduct tribunals. Essentially, Williams and the media have blended S/Lt LeDrew's assertion that detainees will be treated “according to the standards that are applicable to POWs” with, instead, their view that they should be “accorded prisoner of war status.” For reasons that will soon be clear, the Canadian government has never suggested that its detainees in Afghanistan will ever enjoy POW status.

Detainees Within the Geneva Convention

The legal question arises from Williams' claim that the Canadian government "insisted in January that its policy was in accord with the letter of the Geneva Conventions, which say prisoners whose status is disputed must be accorded prisoner of war status."⁵⁴ However, as was shown above, S/Lt LeDrew never indicated Canadian detainees would enjoy POW status but rather "humane treatment" or treatment equivalent to that enjoyed by prisoners of war. Assistant Deputy Minister Wright then confirmed that Canadian detainees "are entitled to a standard of care referred to as humane treatment" or to be treated "as a prisoner of war." Note again, there is no mention of POW "status," but was this policy legal?

In determining the difference between "prisoner of war status" and "humane treatment," one is soon struck by the complexity of the law. This casual impression is then confirmed by series of articles on the legal circumstances of detainees that underline just how complex the issue of determining prisoner of war status really is and how imprecise it can be on this question.⁵⁵ Thus Jennifer Welsh argues the law of armed conflict has not kept pace with the move away from state-on-state conflict to the

⁵⁴ Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 72.

⁵⁵ After noting the failure of the world's nations to reach agreement on the provisions of the 1977 *Additional Protocol I to the Geneva conventions*, especially as it relates to combatant status, Col. Kenneth Watkin states that "The bottom line is that at the dawn of the 21st century the international community still has not been able to reach universal agreement on the very issue that has plagued the codification of international humanitarian law since its inception." See Kenneth Watkin, Colonel, "Combatants, Unprivileged Belligerents and Conflict in the 21st Century," *IDF Law Review*, 1, no. 3 (2003), 80-81. See also his ———, "Warriors without Rights? Combatants, Unprivileged Belligerents, and the Struggle over Legitimacy," *Humanitarian Policy and Conflict Research Occasional Paper Series*, Winter, no. 2 (2005), 74. Lt. Col. Abbott agrees noting that "very little treaty or customary law exists on defining the rights, standards of treatment, judicial guarantees, etc. that an "unlawful combatant" is entitled. Abbott, "Terrorists: Criminals, Combatants Or ?" *The Question of Combatancy (Panel D-2)*, 384.

insurgencies of today: “So, for example, while the law pertaining to international armed conflict (i.e., war between two states) has clear provisions for the detention of prisoners, the rules for non-international armed conflict (i.e., of the Afghanistan variety) does not have the same degree of clarity.”⁵⁶

In fact there is not even agreement on whether the war in Afghanistan is a non-international armed conflict. Certainly Lieutenant-Colonel Kirby Abbott of DND's Judge Advocate General branch was not entirely convinced. Rather, he suggested there was support for the view that "two armed conflicts exist" in Afghanistan, "an international armed conflict with the Taliban and non-international armed conflict with Al Qaeda."⁵⁷ In the end, he chose to “assume” that an international armed conflict existed. One soon starts to recognize that any categorical statement on the detainee issue must be treated with the greatest scepticism.

Lieutenant Colonel Abbott also indicated that two variations of the *Geneva Convention On Prisoners of War* were in competition during that conflict.⁵⁸ The first was the *Convention (III) Relative to the Treatment of Prisoners of War*, abbreviated *GW III*, promulgated in 1949 and ratified by one hundred and ninety-four states. Its Article 5 provides:

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present

⁵⁶ Jennifer Welsh, "9/11 Changed the Law and Ethics of War," *The Mark* (13 Oct 2011), <http://www.themarknews.com/articles/7043-somnia?page=1>, (accessed 21 Oct 2011), 2.

⁵⁷ Abbott, "'Terrorists: Criminals, Combatants Or ?' The Question of Combatancy (Panel D-2)," 373-74.

⁵⁸ *Ibid.*, 374, 382.

Convention until such time as their status has been determined by a competent tribunal.⁵⁹

However, at times the *Geneva Convention III* competes with *Additional Protocol I (AP I) to Geneva Convention III* issued in 1977 although in theory the latter should supplement the earlier convention. In an attempt to include wars of national liberation and bring freedom fighters and revolutionary forces within its protection, less exacting qualifying considerations and greater protection for POWs were offered in the 1977 *Additional Protocol I*. It states: "Should any doubt arise as to whether any such person is entitled to the status of prisoner of war, he shall continue to have such status and, therefore, to be protected by the Third Convention and this Protocol until such time as his status has been determined by a competent tribunal."⁶⁰

Thus only the 1977 *Additional Protocol I to the Geneva Conventions* guarantees prisoner of war "status" to those detainees whose status is in doubt. The earlier 1949 Convention only offers "protection" in the form of humane treatment. The difference between the two is profound.⁶¹ Those with the status of prisoner of war enjoy what is termed a "combatant immunity" that protects them from being charged with killing their opponents and other warlike activity. While they may be interrogated, they are not

⁵⁹ ICRC. *Convention (III) Relative to the Treatment of Prisoners of War*. Geneva, 12 August 1949. Geneva, 1949, <http://www.icrc.org/ihl.nsf/INTRO/375?OpenDocument>, (accessed 5 Jan 2012), Article 5.

⁶⁰ ———. *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977., 1977, <http://www.icrc.org/ihl.nsf/WebART/470-750055?OpenDocument>, (accessed 20 Jan 2012), Article 45.

⁶¹ This is well covered in Abbott, "'Terrorists: Criminals, Combatants Or ?' The Question of Combatancy (Panel D-2)," 383-4.

required to give more than their name, rank, date of birth, and serial number.⁶² Those without POW status do not enjoy such immunity, and today are termed "unprivileged combatants" or "unlawful combatants" although these terms are never used within the conventions themselves.⁶³ The term "unlawful" does signal that their captor may charge them with criminal offenses including murder for their illegal participation in armed conflict. They can also be interrogated more fully but this must be done well short of torture. In fact the "protection of the present Convention" for non-POW status detainees stems from the application of Article 3 of the same Convention. This guarantees all participants, legal and otherwise, the minimum standard of "humane treatment."⁶⁴

By arguing that detainees whose status is in doubt deserve more than this, that is full POW status, Williams' argument rests on the assumption that more generous *Additional Protocol I* rights of detainees are in play in Afghanistan. That is a tenuous assumption in part because of the way in which the *1977 Additional Protocol I* relaxed

⁶² As an aside, prisoners of war also enjoy a series of administrative privileges withheld from those without that status. Those against providing status to Taliban or al-Qaeda detainees have argued they should not enjoy such POW rights to "run their own camp, prepare meals, receive monthly pay or be able to work for pay." Watkin, "Warriors without Rights? Combatants, Unprivileged Belligerents, and the Struggle over Legitimacy," 71. Here he cites Joseph P. Bialke, "Al-Qaeda and Taliban Unlawful Combatant Detainees, Unlawful Belligerency, and the International Laws of Armed Conflict," *Air Force Law Review* 55, (2004), 16-49. Similarly the White House spokesman sought to differentiate between al-Qaeda's protection under the convention by outlining they would not be receiving the prisoner of war privileges of "... stipends from the American taxpayers. They will not receive musical instruments courtesy of the United States military. They would have received those had they been declared POWs." *US. Statement by the Press Secretary on the Geneva Convention 7 Feb 2002*. These administrative rights are not central to the issues here, but their ties to an earlier, more conventional *Great Escape* era certainly make the point made by many that the Geneva conventions have not kept up with the changing nature of modern warfare.

⁶³ Watkin, "Warriors without Rights? Combatants, Unprivileged Belligerents, and the Struggle over Legitimacy," 5. Colonel Watkin also points out that while some deny the existence of a legal category such as "unlawful combatants" others argue the concept is long-standing in case law and legal scholarship. See his page 8.

⁶⁴ ICRC. *Convention (III) Relative to the Treatment of Prisoners of War. Geneva, 12 August 1949*. Article 3. That article makes clear this means a total prohibition of "murder;" "mutilation, cruel treatment and torture;" "humiliating and degrading treatment;" and "the passing of sentences and the carrying out of executions" outside of a full judicial framework.

the *1949 GW III* standards for combatants. The earlier standards required that combatants be commanded by a person responsible for his subordinates, wear uniforms or a fixed distinctive sign recognizable at a distance, carry arms openly, and conduct their operations in accordance with the laws of war. The *1977 Protocol*, on the other hand, had to provide for the less regimented nature of freedom fighters and rebel movements. As a result, *AP I* dispensed with the need for them to wear uniforms and only required combatants carry arms openly and operate within the laws of war. In addition, the requirement for effective control over combatants is slightly diluted in possible recognition of the less rigid makeup of insurgent and rebel forces.⁶⁵

These are not dusty legal debates over old law. Rather, the *1977 Additional Protocol I* and its more relaxed standards introduced tremendous divisions into the laws of armed conflict – one commentator has termed it the “Great Schism” – and this significantly complicates the process of determining precisely what law is in play for any particular conflict today.⁶⁶ While one hundred and seventy-one nations have ratified *Additional Protocol I*, the United States and Afghanistan governments have not, with the former once describing the *1977 Protocol* as “fundamentally and irreconcilably

⁶⁵ Where *GW III* article 4 required that militias etc be “commanded by a person responsible for his subordinates” *AP I* article 43 outlines a more flexible condition that these forces be “under a command responsible to that Party for the conduct of its subordinates” and that they be “subject to an internal disciplinary system.” See *AP I* article 43 Commentaries at 1681.

⁶⁶ Yoram Dinstein, “The ICRC Customary International Humanitarian Law Study,” in *The Law of War in the 21st Century: Weaponry and the Use of Force* ed. Anthony M. Helm (Newport, Rhode Island: Naval War College, 2006), 105. Those who did not ratify were not quibbling in Dinstein’s view. Rather this group held to an “utter and unqualified rejection . . . of those provisions of the protocol that, to all intents and purposes, eliminate[d] the status of unlawful combatants in all cases except spies and mercenaries.”

flawed."⁶⁷ Even those states that did ratify it chose to enter a large number of national reservations leading one commentator to politely note that "*Additional Protocol I* did not necessarily record a consensus on the meaning of many of its provisions."⁶⁸ The points of division most frequently centered on the issue of prisoner of war status.

This division is the product of the necessary tension that exists between the Geneva Conventions' goals. The first goal has traditionally been to separate civilians from the direct and violent effects of combat.⁶⁹ One of the ways of achieving the first goal has been to sharply define the differences and rights of combatants and civilians. As has been described, combatants wore uniforms and could be directly attacked but only they had the "combatant immunity" that allows them to kill.⁷⁰ Civilians were protected from attack as long as they did not take up arms. If they did, they did so illegally and were frequently shot out of hand as *franc-tireurs*.

However, this sharp division between civilian and lawful combatant outlined in the 1949 Convention became increasingly problematic in the civil wars and wars of liberation that followed World War II where many of the irregular participants continued to be the subject of reprisals. With the urging of these newly liberated states, the

⁶⁷ Cited in Charles Garraway, "'England Does Not Love Coalitions' Does Anything Change?," in *The Law of War in the 21st Century: Weaponry and the Use of Force* ed. Anthony M. Helm (Newport, Rhode Island: Naval War College, 2006), 236. Jean-Marie Henckaerts, the ICRC's head of its project on customary international humanitarian law, admits that Additional Protocol I's "efficacy today is limited because several states that have been involved in international armed conflict are not party to it." See Jean-Marie Henckaerts, "Study on Customary International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict," *International Review of the Red Cross*, 87, no. 857 (March) (2005), 177.

⁶⁸ Watkin, "Combatants, Unprivileged Belligerents and Conflict in the 21st Century," 80-1.

⁶⁹ ———, "Warriors without Rights? Combatants, Unprivileged Belligerents, and the Struggle over Legitimacy," 8.

⁷⁰ *Ibid.*, 12-13.

International Committee of the Red Cross then advanced the second goal of extending the provisions of the Geneva conventions to these irregular forces with the aim of incorporating and then extending its protection over them. Extending protection to liberation movements, it was hoped, would also encourage them to abide by its rules.

That objective, of course, directly confronts the first goal of sharply defining the division between civilians and combatants. This was and remains the chief concern of a large number of the other non-acceding states and the many others holding significant reservations. The United States was particularly disturbed over erosion of the distinction between armed forces and civilians and the apparent “politicization” of the law within *Additional Protocol I*. For removing the need for some combatants to wear a permanent uniform, even an arm band, encouraged groups to hide amongst the civilian population between attacks. There is also equal concern in extending the privileges of prisoner of war status to groups operating under varying states of command and discipline and thus adherence to the laws of armed conflict. Certainly establishing chains of responsibility for war crimes becomes more difficult in these irregular warfare situations.⁷¹ Finally, the US government's concern over politicization was tied to the *Protocol's* first article wherein it was made clear that the scope of the *Protocol* would "include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes."⁷²

⁷¹ On the other hand, some insurgent forces are often better disciplined than the regular forces attempting to corral them and some highly disciplined militaries have had an appalling war crimes record.

⁷² ICRC. *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977., article 1 (4). See also Watkin, "Warriors without Rights? Combatants, Unprivileged Belligerents, and the Struggle over Legitimacy," 44.

As the United States and Afghanistan did not ratify *AP I*, they were only bound by the less generous rules of the *1949 GW III Convention*. The fraught origins of *Additional Protocol I* then eliminated the option of overpowering the US via the claim that it, and not the earlier 1949 Convention, was now customary law if only because of the former's one hundred and seventy-one signatories.⁷³ The ICRC's *Customary International Humanitarian Law* makes clear only parts of *AP I* can be considered customary and they do not include the more generous elements of the *Protocol's* process of determining detainee status.⁷⁴ There was, therefore, little in law to support Canada or any other state seeking to make the United States or Afghanistan grant POW status to al-Qaeda and the Taliban. While Canada did not make a formal declaration as to the legal framework it would follow, internal documents released under access to information show Canada accepted key elements of the traditional *1949 Geneva Convention III* (and particularly its Articles 4 and 5) as customary international law in setting detainee policy in Afghanistan.⁷⁵

⁷³ The ICRC provides a good definition of customary law with the following:

Customary international law is made up of rules that come from "a general practice accepted as law" and that exist independent of treaty law. Customary international humanitarian law (IHL) is of crucial importance in today's armed conflicts because it fills gaps left by treaty law in both international and non-international conflicts and so strengthens the protection offered to victims.

See their ICRC, "Customary International Humanitarian Law," <http://www.icrc.org/eng/war-and-law/treaties-customary-law/customary-law/index.jsp>, (accessed 21 Jan 2012).

⁷⁴ Jean-Marie Henckaerts et al., *Customary International Humanitarian Law* (Cambridge, New York: Cambridge University Press, 2005), 384-91.

⁷⁵ See also Abbott, "'Terrorists: Criminals, Combatants Or ?' The Question of Combatancy (Panel D-2)," 374, 80,82. The accessed documents were: Canada. *Subject: Detainees - Questions & Answers*. DND, (Released under access to information - A0182201-1-000105), 31 Jan 2002. See particularly Question 10 which is *GW III* compliant (and not reflective of *AP I*). (This document was an attachment to ———. *Judge Advocate General Memo 1459-9 (JAG) Untitled*. DND, (Released under access to information no. A0182201-1-000105), 14 Feb 2002, 1/4. See also ———. *Afghanistan in-Theater Detainee Handling Processing Board of Inquiry Final Report*. DND, 6 Feb 2009, Removed from the VCDS Board of Inquiry Website at <http://www.vcds.forces.gc.ca/boi-cde/archive-eng.asp> (accessed 11 Oct 2011 (last seen)), para 67 and 77. While the document notes both *GW III* and *AP I* apply as customary law for Canadian

Canadian Compliance with the Geneva Convention

The Canadian approach was not supported by everyone. L.C. Green, a prominent Canadian scholar in international law, has argued that in situations involving conflicts where some states are signatories to *Additional Protocol I* and others are not, "its provisions will apply to those which are."⁷⁶ He offers no solution, however, for how the resulting dissimilar approaches to detainee treatment will be managed in such a military coalition. Marc Gionet, Director of the Atlantic Human Rights Center, was particularly critical in arguing that as a subscriber to *Additional Protocol I* Canada was held to a higher standard with regard to detainees than the United States and Afghanistan and that *AP I*, therefore, should have guided its detainee policy.⁷⁷ That, in turn, would have led to the automatic assignment of prisoner of war status in cases of doubt that Williams and much of the Canadian media called for.

This view, however, has two problematic elements - one legal and the other operational. The operational problem is the more straightforward and centers on Canada's ability to hold detainees should the US or Afghanistan not abide by our higher *Additional Protocol I* standards. As Canada was going into Afghanistan with forty special forces and a single battalion of infantry for a single six-month rotation it did not seem practical to establish a purely Canadian detainee handling system. This was especially the case in that Canada would be hosted on a large US base at Kandahar with

operations in Afghanistan only *GW III* is cited and only articles from it are used in describing detainee policy.

⁷⁶ L. C. Green, *The Contemporary Law of Armed Conflict*, 3rd ed., Melland Schill Studies in International Law (Manchester: Manchester University Press, 2008), 69.

⁷⁷ Marc Gionet, "Canada the Failed Protector - Transfer of Canadian Captured Detainees to Third Parties in Afghanistan," *Journal of Conflict Studies*, 29 (2009), 2, 3, 5 of 13.

such facilities. This approach followed traditional military practice where such specialized activities as theatre prisoner of war camps, military railways, and pipeline management were done at the corps level or above and never at the battalion level.⁷⁸

Moreover Canada was initially receiving very clear indications from Central Command Headquarters that the US would follow traditional Geneva-compliant detainee processes. By January 2002 internal Canadian documents were also starting to refer to the United States "as the coalition authority responsible for the long-term treatment and security of the detainees."⁷⁹ Through the spring of 2002 the still-forming government of Hamid Karzai was also deemed incapable of handling detainees to Geneva standards so that option was closed.⁸⁰ While it could well be argued that after the reporting of the outrages of Abu Ghraib in 2004 that Canada should have run its own detainee facility, nothing of this potential was evident in 2001-2. In fact the US was giving Canada repeated assurances at the ministerial level that it would provide humanitarian treatment and many of these came from Colin Powell, a trusted source who was championing the Geneva Conventions.

As a result there was little inclination in Ottawa, Tampa and Afghanistan in 2002 to do other than turn detainees over to the United States. As early as 17 January,

⁷⁸ This is clearly spelled out at Canada. *Operation Apollo: Lessons Learned Staff Action Directive*. 19/41. In addition, the assignment of prisoner of war handling to a higher headquarters like a Corps HQ (which would command twelve or more battalions) recognizes that it would be uneconomical for each battalion to build its own prisoner of war or detainee facility when a single Corps facility could serve them all.

⁷⁹ ———. *Subject: Detainees - Questions & Answers*. 1.

⁸⁰ Gilmour, 13.

Defence Minister Eggleton had insisted Canada would turn over detainees to the US.⁸¹

Similarly, Wendy Gilmour, at the Canadian detachment at Central Command

headquarters in Tampa recalls that:

... certainly from my perspective and my contacts in Ottawa and elsewhere, there was no question. Our special forces were operating under an American command and control system or at least under American Op Con [Operational Control] and if they took a detainee they would be handing them up their chain of command which was to American authorities.⁸²

A strong legal argument could clearly overpower these considerations. Yet even if Canada decided to expand its force with the twenty to thirty personnel needed to run a small detention facility, the legal case for it was doubtful, the claims of Marc Gionet and Professor Green notwithstanding. This is mainly as a result of the difficulties both al-Qaeda and the Taliban would have of meeting even the relaxed conditions of *Additional Protocol I*.

This stems from the fact that while *Protocol I* relaxed the rules it did not abandon them altogether. Within *AP I's* article 43, prisoner of war status is still restricted to combatants and an armed group should meet all of four conditions to qualify:

... the conditions which should all be met to participate directly in hostilities are the following: a) subordination to a "Party to the conflict" which represents a collective entity which is, at least in part, a subject of international law; b) an organization of a military character; c) a responsible command exercising effective control over the members of the organization; d) respect for the rules of

⁸¹ Testimony, Defence Minister Art Eggleton, Standing Committee on Defence and Veterans Affairs, 17 Jan 2002, 1115.

⁸² Gilmour, 13-14.

international law applicable in armed conflict. These four conditions should be fulfilled effectively and in combination in the field.⁸³

The condition of being a "Party to the conflict" is associated with having the "right authority." This complex-sounding but actually quite straightforward requirement simply insists that any group on the battlefield either be part of or responsible to a state that has signed the Geneva Conventions.⁸⁴ Colonel Kenneth Watkin puts this well: "...acting on behalf of a state has constituted the primary means of attaining combatant, and therefore legitimate, status."⁸⁵ Without this link there is no government one can hold to account for the group's actions on the battlefield. By accepting that Afghanistan in 2001 was a functioning state, and not a failed one, it is possible to claim that the Taliban were also the armed forces of that state and responsible to its government. Yet the Taliban's and al-Qaeda's case is not helped by the fact that neither of them has ever publicly announced its acceptance of the *1949 Geneva Convention III* or *AP I*.⁸⁶ Finally, after the June 2002 appointment by the Loya Jirga of the Karzai administration as the transitional government of Afghanistan, the Taliban are left with no link to any state.⁸⁷

⁸³ ICRC. *Commentaries on the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977., 1977, <http://www.icrc.org/ihl.nsf/WebART/470-750055?OpenDocument>, (accessed 20 Jan 2012), article 43, 1681.

⁸⁴ For a good example of this see Watkin, "Warriors without Rights? Combatants, Unprivileged Belligerents, and the Struggle over Legitimacy," 26, footnote 99. He also provides:

A non-state actor that does fall within the national liberation movement criteria or belongs to a state would not, as a matter of law, be eligible for combatant status. In effect, that group would be waging private war. As a result, Additional Protocol I does not alter the fact that participants in hostilities may be excluded as a group from having combatant status by virtue of their illegitimate participation in the sense of not operating on behalf of a right authority.

⁸⁵ *Ibid.*, 5.

⁸⁶ Abbott, "'Terrorists: Criminals, Combatants Or ?' The Question of Combatancy (Panel D-2)," 374.

⁸⁷ Thomas J. Bogar, "Unlawful Combatant or Innocent Civilian? A Call to Change the Current Means for Determining Status of Prisoners in the Global War on Terror," *Florida Journal of International Law* 21

No state ever claimed control over or responsibility for al-Qaeda.

While one might think that both al-Qaeda and the Taliban would qualify for the second condition of having "an organization of a military character," the ICRC *Commentaries* that amplify *Additional Protocol I* raise additional disturbing issues for them. Terrorist methods are considered completely outside this framework as they more reflect a "private war" than combat conducted in support of a state.⁸⁸ This is especially the case when their targets are not combatants but civilians. Of perhaps greater concern to both groups is the *Commentaries* view that:

The Protocol exceptionally allows a guerrilla combatant to wear purely civilian dress, if the nature of the hostilities requires it (Article 44 ... 'Combatants and prisoners of war,' paragraph 3). However, it does not allow this combatant to have the status of a combatant while he is in action, and the status of a civilian at other times. (31) It does not recognize combatant status "on demand."⁸⁹

As to whether these groups exercise sufficient control of their members to meet the third condition is debatable, especially when the Afghan National Army probably has an equally tenuous claim on this element. But from the point of view of respect for the laws of armed conflict both the Taliban and al-Qaeda, irrespective of their failure to endorse the Geneva Conventions, fall woefully short of the goal. This single entry from the Article 43 *Commentaries* says all that is necessary: "It should not be forgotten that under the terms of Article 85 (Repression of breaches of this Protocol), paragraph 3(a),

(Apr), no. 29 (2009), <http://lawlib.wlu.edu/CLJC/index.aspx?mainid=440&issuedate=2009-04-08>, (accessed 2 Jan 2012), 15-16.

⁸⁸ ICRC. *Commentaries on the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977. <http://www.icrc.org/ihl.nsf/WebART/470-750055?OpenDocument>, (accessed 20 Jan 2012), article 43, 1672.

⁸⁹ *Ibid.*, article 43, 1678.

the willful attack on a civilian population or individual civilians is included among the grave breaches.”⁹⁰ The fact that al-Qaeda operated with the direct support and endorsement of the Taliban government further reduces the latter’s already tenuous claim. No one has suggested al-Qaeda meets this condition.⁹¹

The final condition originates with *Additional Protocol I*’s article 44. This requires that a combatant carry his arms openly and removes the requirement for wearing a uniform or showing a distinctive sign (such as an armband) that the earlier *1949 Convention III* required. As noted, this relaxation of the traditional standard is still controversial in the view of many, and the International Committee of the Red Cross Commentaries admit Article 44 was "one of the most bitterly disputed articles at the conference” that devised *AP I*.⁹² The question of how long a weapon must be visible in the phase leading up to an attack is one of the most difficult ones, but there are many others. These question everything from the distance at which arms carried must be apparent, whether loosely uniformed special forces are covered, to the extent to which a hand grenade must be visible.⁹³ There are few hard answers to these questions. This section of the *Protocol* does, however, repeat the warning that combatancy cannot be “on

⁹⁰ Ibid.

⁹¹ Colonel Kenneth Watkin argues "Exclusion of a group from combatant status is perhaps most easily applied in respect of terrorist organizations that by definition do not respect the fundamental distinction between combatants and civilians in their actions and sometimes overtly reject any requirement to do so." He provides as an example in 1998 Fatwa ordered by Osama bin Laden which insisted it was a duty to kill "the Americans and their allies, civilians and military...." See Watkin, "Combatants, Unprivileged Belligerents and Conflict in the 21st Century," 83.

⁹² ICRC. *Commentaries on the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977., article 44, 1684.

⁹³ Watkin, "Warriors without Rights? Combatants, Unprivileged Belligerents, and the Struggle over Legitimacy," 32-33.

demand” allowing the fighter to attack and then withdraw and claim civilian status. The *Commentaries* to article 44 explicitly forbid it in stating that “The purpose of this rule, of course, is to protect the civilian population by deterring combatants from concealing their arms and feigning civilian non-combatant status, for example, in order to gain advantageous positions for the attack.”⁹⁴

It also makes clear that failure to meet the condition of carrying arms openly results in forfeiture of the right to be a prisoner of war for the group. However, at this time there are few legal experts ready to make an assessment of the Taliban's readiness to meet *Additional Protocol I* Article 44 criteria largely, one assumes, because they have focused their efforts on the more restrictive *GW III* criteria.⁹⁵ Al-Qaeda rarely engages in direct armed combat with visible arms and would surely fail this test.

All of these issues come together in *AP I*'s article 45. This article contains the frequently quoted assertion that “Should any doubt arise as to whether any such person is entitled to the status of prisoner of war, he shall continue to have such status” until he/she appears before a competent tribunal.⁹⁶ There is no question the ICRC intended that this statement be interpreted as broadly as possible arguing *AP I* contained “a system of presumptions which operate automatically in favour of the prisoner.”⁹⁷ Again, however, *AP I* does not provide a blank cheque and Article 45's POW status is linked to the just

⁹⁴ ICRC. *Commentaries on the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977.

⁹⁵ Colonel Watkin is the exception here.

⁹⁶ ICRC. *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977., article 45 (1).

⁹⁷ ———. *Commentaries on the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977., article 45, 1741.

discussed Article 43 covering right authority:

However, the organization or armed forces to which he belongs are subject to the rules of that law without restriction (Article 43 Armed forces, paragraph 1, second sentence). His own disqualification for the status of combatant and of prisoner of war depends on the possible disqualification of the armed forces to which he belongs. This point has never been doubted.⁹⁸

Essentially if you don't have the "right authority" you are disqualified. The commentaries then suggest that the capturing power may indeed allege an armed group does not meet the right authority provisions of article 43 and deny combatant and thus prisoner of war status to the entire group. When this occurs, the ICRC *Commentaries* admit "[t]his problem was not resolved by the presumptions of this provision."⁹⁹ That is the "presumptions" and "doubt" provisions favouring the detainee are limited by the need to meet the conditions of Article 43 and in the case of Afghanistan these would most surely involve complying with the laws of armed conflict and having the "right authority."

The ICRC's acknowledgment that "[t]his problem was not resolved" reaffirms that much of the detainee provisions of *Additional Protocol I* reflected a compromise solution between those states desiring a clear distinction between civilian and combatant and those states that insisted national liberation movements enjoy prisoner of war status and protection. The *Commentaries* fully admit this:

The text of Article 44 is a compromise, probably the best compromise that could have been achieved at the time. It is aimed at increasing the legal protection of guerrilla fighters as far as possible, and thereby encouraging them to comply with

⁹⁸ Ibid., article 45, 1745.

⁹⁹ Ibid., article 45, 1747.

the applicable rules of armed conflict, without at the same time reducing the protection of the civilian population in an unacceptable manner.¹⁰⁰

This forces a recognition that articles 43, 44 and 45 are all interconnected and, as a result, one cannot cite the liberal sections of one article without recognizing that it is probably offset by more restrictive and conservative elements in others. This certainly applies to those who announce that “POW status must be granted in case of doubt” citing Article 45 without considering the attendant restrictions of right authority, compliance with the laws of armed conflict, and the open carrying of arms in Articles 43 and 44.

The final issue, of course, is whether there can be a complete lack of doubt for groups like the Taliban and al-Qaeda and therefore no need for competent tribunals. Doing so would follow the conservative interpretation of the law and allow the captor to claim that an armed group’s failure to abide by the laws of war removed its right authority under Article 43 and thus its complete removal from prisoner of war status considerations. Certainly Col. Watkin considers this the case: “Where it is concluded that a group is not eligible for combatant status, it is possible to take the view that there is no doubt as to the eligibility of individual members of the group for prisoner of war status.”¹⁰¹

He also warns that while allowed by the Conventions, declaring a group non-eligible may remove the incentive for its members to behave according to the laws of

¹⁰⁰ Ibid., article 44, 1685

¹⁰¹ Watkin, "Warriors without Rights? Combatants, Unprivileged Belligerents, and the Struggle over Legitimacy," 36-37. While there are who might claim Colonel Watkin’s views are tainted by his position within DND's Judge Advocate General Branch a quick review of this work and his numerous other pieces in international journals would reveal he is not bound by the Canadian government's position or a disposition to favour the harsher, more traditional *GW III* approaches.

armed conflict especially with regard to those they capture while also hazarding public opinion. There are also limits to the extent to which you can make a blanket determination and deny the need for tribunals as the Bush administration attempted in early 2002. As the US government relied on the *1949 Geneva Conventions III*, they were not encumbered by *AP I's* "doubt" provision, and made a blanket determination against the Taliban and al-Qaeda. While this was within the law, the parallel denial of tribunals was not. Opposition to the US policy rested on the logic that while the US President could make a blanket determination that no Taliban detainee captured on the battlefield would qualify for POW status, he cannot "make a categorical determination that no detainee is an innocent civilian."¹⁰² A case-by-case determination must be made to cover the case where an unfortunate civilian is caught up in the confusion of battle.¹⁰³

US Government Pressure

The issue of case-by-case determination introduces the final question dealing with the extent of US pressure on the Canadian government over detainees. As has been noted, Canadian ministers up to and including the Prime Minister claimed to have pressured the US government on detainees but detail has been lacking. Internal DND documents released under the access to information programme support this view and confirm that most of the pressure with regard to detainees was indeed going in the opposite, that is southward, direction. A February 2002 Judge Advocate General

¹⁰² Kate Martin and Joe Onck, "'Enemy Combatants,' the Constitution and the Administration's 'War on Terror,'" (Aug 2004), www.acslaw.org/pdf/enemycombatants.pdf, (accessed 30 Jan 2012), 13.

¹⁰³ Bogar, "Unlawful Combatant or Innocent Civilian? A Call to Change the Current Means for Determining Status of Prisoners in the Global War on Terror," 17.

memorandum to the Minister and Chief of Defence Staff identified the US plan to conduct "blanket determination of status" for Taliban and al-Qaeda detainees as the "key issue" for Canada. In his mind, this would resolve the true extent of the United States' commitment, or not, to the Geneva Conventions.¹⁰⁴ A related internal DND document confirms this and reveals that Canada has "requested clarification and expressed our concerns with the US" over its plan to "consider all detainees to be unlawful combatants."¹⁰⁵ That the Canada government was then successful in getting the United States government to address this was noted in the previously cited US Secretary of State's Legal Adviser's January 2002 memo to the White House. That same memo also indicated that the National Security Adviser had assured Canada that case-by-case status determining tribunals would occur.¹⁰⁶ As was made clear earlier, Canada was the only nation noted to have raised such concerns and the only one to have been given assurances.

Pressure in the opposite direction is hard to find. As this case study has demonstrated, Williams' claim that "overt American pressure" forced Canada into abandoning its Geneva Convention obligations by transferring detainees is decidedly suspect, given that it relies entirely on the assumption *Additional Protocol I* should have governed Canada's actions in Afghanistan.¹⁰⁷ While this view was supported by Mark Gionet and Professor Green, it is contradicted by a rather wide range of other experts in

¹⁰⁴ Canada. *Judge Advocate General Memo 1459-9 (JAG) Untitled*. 1/4.

¹⁰⁵ ———. *Subject: Detainees - Questions & Answers*, 4. As a sidenote, the document is marked "(PCO revised)" showing once again DND is not setting detainee policy in isolation.

¹⁰⁶ Taft, "Memorandum to Counsel to the President: Comments on Your Paper on the Geneva Convention, 2 Feb 2002," 133.

¹⁰⁷ Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 95.

law. This would include both Michael Byers and Amir Attaran, two writers who vigorously oppose most of the rest of Canada's detainee policy but stick resolutely to using the more conservative provisions of the *1949 GW III Convention* and not *Additional Protocol I*.¹⁰⁸ Moreover, Judge Christopher Greenwood, later of the International Court of Justice, but at the time writing for DND, has argued that "the Additional Protocols to the Conventions, adopted in 1977, are binding on Canada but would not apply to operations in Afghanistan as Afghanistan is not a party."¹⁰⁹

Canada also decided not to accord the Taliban or al-Qaeda prisoner of war status and again there is no evidence of US pressure to do so.¹¹⁰ As has been made clear, these groups' ability to qualify under *GW III 1949* or *AP I 1977* is doubtful in the extreme. Judge Greenwood has specifically argued against the notion that the Taliban and al-Qaeda would be accorded prisoner of war status under any framework "In practice, therefore, none of those detained by Canadian forces in Afghanistan would have status of a POW under IHL (International Humanitarian Law) whether the conflict is characterized as international or non-international."¹¹¹ Here he is supported by Lieutenant-Colonel

¹⁰⁸ Amir Attaran, "Letter from Ottawa: Canada's Detainee Scandal in Afghanistan before the Courts," *Canadian Bar Review*, 87(2008), 83, 97, 112. See particularly his listing of the applicable law at footnote 6 of page 12. On the other hand, his view that "the applicable rules are very well spelled out" as they concern detainees is quite unique.

¹⁰⁹ Christopher Greenwood, QC. "International Law Framework for the Treatment of Persons Detained in Afghanistan by Canadian Forces." In *Report Filed in Federal Court, Amnesty International Canada and British Columbia Civil Liberties Association v Chief of the Defence Staff for the Canadian Forces, Minister of National Defence and Attorney General of Canada, Court File Number T-324-07, 2007*, <http://www.bccla.org/antiterrorissue/greenwoodreport.pdf> (accessed 30 Jan 2012), 15. While heavily qualified we need to note that he was engaged by the government of Canada in providing that opinion.

¹¹⁰ Then Brigadier-General Kenneth Watkin made this particularly clear at: *Evidence*, Special Committee on the Canadian Mission in Afghanistan, 4 Nov 2009, 1600.

¹¹¹ Greenwood. "International Law Framework for the Treatment of Persons Detained in Afghanistan by Canadian Forces." 16.

Abbott.¹¹² Further, this research effort has failed to identify any member of the Operation Enduring Freedom coalition that has provided prisoner of war status to these groups.¹¹³ In fact, Sibylle Scheipers, in her examination of the different US, British, and German approaches to detainee handling, argues that the European governments, rather than calling for a fuller application of POW status, only argued against blanket determinations and called, instead, for “case-by-case” determinations, a position precisely in line with Canada’s.¹¹⁴ Finally, Lieutenant-Colonel Abbott of the Judge Advocate General branch argues that:

To give persons, who do not distinguish themselves from the civilian population when conducting hostilities and who target civilians, the rewards of prisoner of war status is to seriously erode the integrity of international law. To do so erodes the distinction created between civilians and combatants and consequently, increasingly exposes civilians to the adverse effects of hostilities.¹¹⁵

¹¹² Abbott, "Terrorists: Criminals, Combatants Or ?' The Question of Combatancy (Panel D-2)," 385. Michael Byers, a strong opponent of Canada's detainee policy, urges strict Canadian compliance with Article 3 not the provision of prisoner of war status.

¹¹³ This is not to suggest there is total uniformity within the coalition. A Center for Strategic and International Studies report noted that in 2005, “NATO tried to fill this gap by creating a uniform detainee policy, but in the end could only agree on a policy to transfer detainees to the Afghans within 96 hours of capture.” See Ashley Deeks. "Detention in Afghanistan: The Need for an Integrated Plan." CSIS, csis.org/files/media/csis/pubs/080213_deeks_afghanistan.pdf, (accessed 13 Jan 2012), 1 of 2. Sibylle Scheipers agrees calling the NATO effort to develop a detainee policy a failure and suggests the failure to secure agreement was not as a result of status determination issues but from a European unwillingness to agree to out-of-Afghanistan transfers of detainees to, perhaps, Guantanamo or CIA black sites. See Scheipers, "Detention in the 'War on Terror': Legal Norms, Strategic Cultures and the Future of the Transatlantic Security Community," 11, 20. Scheipers is the Director of Oxford University's Changing Character of War programme.

¹¹⁴ Scheipers, "Detention in the 'War on Terror': Legal Norms, Strategic Cultures and the Future of the Transatlantic Security Community," 9. She also makes the point that the Europeans woke up to real detainee problems much later “Within the framework of military operations, however, the issue of detention did not seem to raise any doubts on transatlantic military interoperability in the early years after 9/11. Non-US OEF troops operating in Afghanistan handed over detainees to the US - simply because the US was the only nation running detention facilities in that theatre.” See her page 11.

¹¹⁵ Abbott, "Terrorists: Criminals, Combatants Or ?' The Question of Combatancy (Panel D-2)," 385. There is, of course, a tendency to argue that a member of the DND's JAG branch would be motivated to stick to the party line. Thankfully Col. Abbott regularly displays his independence. In that same article he attacks the ambiguity of both the US and Canadian 7 Feb 2002 pronouncements on detainees with

It is hard, in light of all of this, to suggest that Canada arrived at its position as a result of US pressure or coercion. Rather, Canada's policy of providing its detainees "the standard of care afforded prisoners of war until their status is determined or they are transferred" is well within the Conventions and specifically its Article 3 covering the humane treatment of all persons hors de combat on the battlefield.¹¹⁶ Indeed, Colonel Watson has argued that "The Canadian approach has been that at a minimum Common Article 3 of the 1949 Geneva Conventions applies to operations in Afghanistan."¹¹⁷ Support for applying that article in Afghanistan is quite considerable.¹¹⁸ Even the US government, which balked at providing specific Article 3 protection initially, was ultimately ordered by its Supreme Court to apply it.¹¹⁹

"Combined with the White House statement, these comments by the Prime Minister had the effect of lowering the level of debate on the detainee issue which had previously existed." See his page 380.

¹¹⁶ Testimony Assistant Deputy Minister Wright, Standing Committee on National Defence and Veterans Affairs, 17 Jan 2002, 1350.

¹¹⁷ Kenneth Watkin, Colonel, "Coalition Operations: A Canadian Perspective," in *International Law and Military Operations* ed. Michael Carsten (Newport, Rhode Island: Naval War College, 2008), 252.

¹¹⁸ David Turns, "The Treatment of Detainees in the 'Global War on Terror:' Selected Legal Issues " in *International Law and Military Operations* ed. Michael Carsten (Newport, Rhode Island: Naval War College, 2008), 212, 15. See Garraway, ""England Does Not Love Coalitions" Does Anything Change?," 238. See also Watkin, "Warriors without Rights? Combatants, Unprivileged Belligerents, and the Struggle over Legitimacy," 68. Significantly, Michael Byers as well argued for strict compliance with Article 3 and not for granting POW status to detainees. See Michael Byers. "Affidavit." In *Report Filed in Federal Court, Amnesty International Canada and British Columbia Civil Liberties Association v Chief of the Defence Staff for the Canadian Forces, Minister of National Defence and Attorney General of Canada, Court File Number T-324-07*, 2007, http://www.bccla.org/antiterrorissue/afghan_detainee_litigation.html, (accessed 30 Jan 2012), 3-5.

¹¹⁹ Initially the US government only agreed that detainees would be treated "humanely and consistent with the principles of the Geneva Convention." See US. *Statement by the Press Secretary on the Geneva Convention 7 Feb 2002*. The Supreme Court decision is contained in *Hamdan v. Rumsfeld*, 126, S. Ct. 2749, 2795 (2006) as cited by William T. Major Hennessy, "Willful and Outrageous Acts of Personal Abuse - Now Okay for CIA?," *Naval Law Review*, 57(2009), 206. See also Bogar, "Unlawful Combatant or Innocent Civilian? A Call to Change the Current Means for Determining Status of Prisoners in the Global War on Terror," 16 of 51. The initial non-compliant US position as outlined by President Bush was "Of course, our values as a nation, values that we share with many nations in the world, call for us to treat detainees humanely, including those who are not legally entitled to such treatment." Garraway correctly points out the weakness of that position by asking "Is the President seriously suggesting that there

Equally, Canada's transfers to the US complied with the broad thrust of the Geneva Conventions Article 12 governing transfers. The precise wording of the article is not entirely helpful as it only covers full prisoners of war and not those who do not merit that status: "Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention."¹²⁰ There is no indication whatsoever in the Conventions that the receiving state has to guarantee prisoner of war status. The US gave assurances of humane treatment "consistent with the principles of the Geneva Convention"¹²¹ and that meets the legal requirement.

This is not to argue, however, that Canadian government detainee policy and actions were optimum or the best available. Canada's later troubles over detainees in 2005 and 2006 would suggest some potentially significant elements of that policy were amiss although it would be a major task to tie those problems to our actions in 2002. Nevertheless, there were problems in 2002, and most centered on the, at times, less than clear government pronouncements on its detainee policy.

This ambiguity was obvious as early as January 2002 when Liberal MP John Godfrey opined that "government ministers are fuzzy in public about the issue" in part because the ministers were working behind the scenes to persuade the US to convene the

are people who are not legally entitled to quote humane treatment"? See Garraway, "'England Does Not Love Coalitions' Does Anything Change?," 241.

¹²⁰ ICRC. *Convention (III) Relative to the Treatment of Prisoners of War*. Geneva, 12 August 1949. Article 12.

¹²¹ US. *Statement by the Press Secretary on the Geneva Convention 7 Feb 2002*.

tribunals.¹²² This was most certainly true. However, Lieut. Colonel Kirby Abbott, a DND expert in these issues, stated that he found it difficult to describe the Canadian detainee policy “because the Canadian government has not made public unambiguous statements on all the ...issues.”¹²³

For example, the government's public statements usually chose not to differentiate Taliban from al-Qaeda detainees but rather group them together under the term “detainees” when it described transfer arrangements.¹²⁴ Yet at the receiving end there was major difference between the two as the US was only going to extend Geneva Convention protections to the Taliban with al-Qaeda receiving a watered down form of treatment only “consistent” with the Convention.¹²⁵

In addition, Canadian internal government documents have suggested that the provision of care to Canadian detainees was at "a standard of treatment that meets or exceeds that required under international law, including the standards of the Geneva Convention.”¹²⁶ This is somewhat disingenuous. While they may be providing a high standard of treatment, one has every right to suspect that this statement is meant to gloss over the fact that there was no intention of providing the very highest level of treatment - prisoner of war status - as only this provides combatant immunity. As has been made clear, Canada was fully justified in not providing that status and should have been bolder

¹²² Leblanc and Sallot, "PM Says Critics Are Defending Terrorists." A1.

¹²³ Abbott, "'Terrorists: Criminals, Combatants Or ?' The Question of Combatancy (Panel D-2)," 370.

¹²⁴ Testimony, Wright at: *Evidence*, Standing Committee on National Defence and Veterans Affairs, 17 Jan 2002, 1350.

¹²⁵ US. *Statement by the Press Secretary on the Geneva Convention 7 Feb 2002.*

¹²⁶ Canada. *Subject: Detainees - Questions & Answers.* 5.

in stating this. One suspects the intention here was to avoid any suggestion of adopting a policy that even remotely similar to that of the heavily criticized Bush administration.¹²⁷

On further digging, one begins to discover that the policy was not that much clearer within the National Defence department. Government documents show that many of the DND policies and guidance documents used during Operation Enduring Freedom were still "informal" or "interim" versions as late as 2003. This would include relying on a 2003 "informal arrangement" as guidance for the transfer to the United States of Taliban and al-Qaeda members caught at sea.¹²⁸ The 2003 *Operation Apollo Lessons Learned* document confirms that the manual covering prisoner of war and detainee doctrine was still an "interim version" awaiting legal tuning twenty-seven months after Canadian forces had entered the Afghan theatre.¹²⁹ The *Lessons Learned* also noted that the manual lacked explicit guidance "on the handling of PWs in coalition operations," a rather surprising gap.

A subsequent DND Board of Inquiry on detainee handling attributed the delay in producing detainee policy to a "multi-departmental process involving a significant amount of consultation and cooperation" and this makes sense given the need to reach consensus among DND, DFAIT, PCO, and the Department of Justice on detainee policy. Faced with the rapid post-9/11 tempo and the parallel need to fully support the US in complex missions overseas while significantly upgrading Canada's counter-terrorist

¹²⁷ Nishika Jardine, Lieutenant-Colonel, "Canadian Forces and the Rule of Law: Failures of the Arrangement for the Transfer of Detainees in Afghanistan," (Canadian Forces College, 2006), 9.

¹²⁸ Murray Brewster, "Rules Wanted for Terror Suspects Caught at Sea: Sources," *Canoe Network News* 2007, <http://cnews.canoe.ca/CNEWS/WarTerror/2007/05/09/pf-4166802.html>, (accessed 10 Jan 2012).

¹²⁹ Canada. *Operation Apollo: Lessons Learned Staff Action Directive*. 18/41-19/41.

posture at home, one can also understand the initial delays. This, as a justification, starts to lose credibility three months later when Canada had ships and special forces in the region searching specifically for al-Qaeda. As a result one is very much surprised with Assistant Deputy Minister Wright's testimony of January 17, 2002 in which he revealed that he was not able to describe how the Canadian Forces would “operationalize” the broad legal guidance as he had “not had an opportunity to sit down and discuss this issue with the Chief of the Defence Staff and with his team.”¹³⁰ Two weeks later the Eggleton-Joint Task Force 2 detainee scandal broke and very much diverted staff attention away from policymaking.¹³¹

In judging these and other potential shortcomings of Canada's detainee policy one must return to the fact that the Geneva Conventions as regards detainees were the product of compromise with often contradictory articles in play. It should not be a surprise, then, that Canadian detainee policy was then marked by compromise and ambiguity. Moreover, the Canadian government at this time was quite justifiably concerned with demonstrating to the United States it was a trustworthy ally fully supporting them in the war on terror while at the same time following the broad policies of the coalition. Wendy Gilmour, in referring to the detainee controversy, assessed that: “There was an understanding that our fundamental political objective at this point was to reassure the United States that we were with them. We were part of the solution and we could, as Canada, never again tolerate the disruption to the trade and commerce that happened as a result of 9/11 and the

¹³⁰ Testimony, ADM Wright, Standing Committee On Defence and Veterans Affairs, 17 Jan 2002, 1410.

¹³¹ Wendy Gilmour in Tampa reported the scandal consumed a large part of her time along with those in Ottawa caught up in a “huge internal inquiry” attempting to get to the bottom of “who knew what when.”

closing of the borders ...”¹³² As a result, the Canadian government may have initially extended the benefit of the doubt to the United States in early 2002 especially when it was receiving ministerial-level assurances from both Secretary of State Colin Powell and National Security Adviser Condoleezza Rice.

The scandal over Defence Minister Eggleton’s reporting of the JTF-2 detainees also occurred at precisely this moment of detainee policy turmoil. In interview, one former official remembered that the broad approach in Ottawa was one of “smooth it over with the Americans. Don’t let them think that they’re got a shaky ally who can’t even figure out that they’re in a conflict to capture prospective Taliban and Al Qaeda and yet don’t really have any intention of taking, of detaining people . . . Or capturing them.”¹³³ This incident did not seem to paralyze the government totally as the just-cited public announcements by ministers, backed up by access to information documents, show that Canada still continued to pressure the US until it reversed its stand and began applying the Geneva Conventions.

Andrew Coyne of the *National Post* offered a further rationale for the ambiguity as he attempted to unravel the Eggleton JTF-2 detainee incident. After homing in on the Prime Minister's initial declaration that any question of Canadians capturing detainees was "hypothetical" he offered:

And the reason the Prime Minister took refuge in this non-answer was because he did not wish to confront critics within his own party, who have worked themselves up into a state over the Terrible Wrong that would be committed if

¹³² Gilmour, 10.

¹³³ 4th Confidential Interview, Interview by Eric J. Lerhe, 30 Jun 2012, Halifax, NS, 1.

Taliban and al-Qaeda fighters were to be delivered into the hands of the Americans....¹³⁴

There was also probably no interest in further confronting the US after Canada, with other allies, had gotten the Bush Administration to reverse its stand on the Geneva Conventions. Here Canada was in good company with the United Kingdom who also took steps to ensure there was no further “rift” in their relations with America.¹³⁵

This was obviously not the end of the detainee controversy for Canada or its other allies. Beginning in the fall of 2002, the US government would make a series of deeply flawed decisions in their detainee policies that would lead to the horrors of Abu Graib, secret CIA ‘prisons,’ and credible accusations of torture. That, in turn, led to Canada with many other coalition members suspending the transfer of their detainees to American hands. Arguably, the alternative of giving them to the Afghanistan government was, in the end, no better. However, at that point, there were no clear links to the topic of this dissertation as there has been no suggestion that the US pressured us to do otherwise.

Evaluation and Findings

Williams’ assertion that Canada walked away from its treaty responsibilities via a “dramatic policy reversal” rested on a single media report that led him to conclude that

¹³⁴ Andrew Coyne, "At Least Eggleton Got the Policy Right," *National Post* 2002, <http://andrewcoyne.com/columns/NationalPost/2002/2000201.html>, (accessed 14 Jan 2010).

¹³⁵ McSmith and Guardia, "Blair Wants Detainees Held in Line with POW Convention ". Indeed, after another much later confrontation with the US on detainees, Scheipers reports the NATO allies all “seemed to back away from tackling this ‘hot potatoe’ up-front.” See her Scheipers, "Detention in the 'War on Terror': Legal Norms, Strategic Cultures and the Future of the Transatlantic Security Community," 20. This later confrontation involved the failure to reach allied agreement on an ISAF detainee policy.

the Canadian policy of transferring al-Qaeda and Taliban prisoners to the US was done “in the face of Geneva Convention obligations.” As has been made clear, this assertion rested on four very doubtful assumptions. The first incorrectly assumed there was a Canadian government policy reversal on detainees when there was none. The second involved assuming, again incorrectly, that *1977 Additional Protocol I to the Geneva Conventions* was in play and not the more widely accepted *1949 Geneva Conventions III*. Then his arguments relied on the view that only carefully selected parts of the *Additional Protocols* would apply, and that there was some doubt as to al-Qaeda and the Taliban's status. These assumptions were based on hope rather than legal arguments. In addition, rather than the US pressuring Canada, the evidence is overwhelming that Canada, with other key allies, pressured the United States. Much of that pressuring was done personally by ministers directly to their American counterparts. This continued the pattern seen in each of the prior cases with the Canadian political leadership being fully engaged in all aspects of defining the Canadian contribution and certainly leading the call for a ground contribution.

As a result, hypothesis 1A's claim that interoperability considerations would force the Canadian government to “*abandon or not support agreements it initially endorsed as it later sensed US opposition to them*” has not been supported. There is no evidence that the government abandoned its initial support for the Geneva Convention and that it did so under US pressure. Rather, the Canadian government successfully pressured Washington for necessary changes to their application of Convention. Moreover, US documents show

Table 6-1 Case Study Three: Detainee Policy

| Case | Hypothesis | Effect on Sovereignty (Exterior/Interior) | | | | | | | Extent to which Interoperability was a factor | | | Remarks | |
|-------------|----------------------|---|-----|------------|------|------------|-----|-------------|---|-----|-------------|---------|---|
| | | Loss | | | Gain | | | | Negligible | Med | Significant | | |
| | | Significant | Med | Negligible | Zero | Negligible | Med | Significant | | | | | |
| 3 Detainees | 1A - Drop agreements | | | | | | | E | | X | | | Can-US legal interoperability weak and DND and government actively opposed US legal views |

that Canada was the only nation pressuring them on the law. As a result a modest sovereignty gain is recorded.

Richard Williams was, however, correct in questioning the role that Canada-US interoperability played in pressuring Canada on the issue of detainees: “It is debatable, however, whether that pressure was exercised through the medium of interoperability or alternatively through the political decision to integrate, and stay integrated, into the American military organization mobilized to conduct Operation Enduring Freedom.”¹³⁶

This analysis agrees, and in this case Canada-US interoperability may actually have been pushing the two militaries apart.

For while it may appear that military cooperation and tighter interoperability in the operational or technical areas might progress via some form of Ernest Haas’ “spillover” process into other areas, this did not occur in the case of military law.¹³⁷ Two

¹³⁶Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 95.

¹³⁷ Many of Richard Williams’ hypotheses appear to rest on this kind of mechanism with lower level technical interoperability leading progressively to the alignment of higher level policy. *Ibid.*, 46-52. He eventually disproves much of this notion.

senior officers within DND have recently highlighted the increasing divergence between the Canadian military and its US counterparts on such critical legal issues as the Geneva Conventions dealing with prisoners of war, defining terrorism, targeting rules, and anti-personnel land mines.¹³⁸ Moreover, the evidence provided by General Henault suggests that the Canadian military's Judge Advocate General was particularly insistent on the fullest application of the Geneva Conventions in terms of prisoner of war policy in Afghanistan in the face of known US military opposition. His efforts, and that of many senior officers and ultimately ministers to pressure the US to, as a minimum, adopt the Geneva Conventions were broadly successful. It was certainly successful at getting the Americans to assure case-by-case tribunals for cases of detainee doubt. In short, there is a lack of military legal interoperability within the Canada-US relationship in several key areas.

¹³⁸ See Kenneth Watkin, Colonel, "Canada/United States Military Interoperability and Humanitarian Law Issues: Land Mines, Terrorism, Military Objectives and Targetted Killing," *Duke Journal of Comparative and International Law*, 15(2004-5). See Dean McFadden, Captain (N), "Why the Laws of Armed Conflict Are No Longer the Ties That Bind," (Canadian Forces College, 2003). The Ottawa Landmines Convention is already having a direct impact on Canada-US military cooperation. Michael Byers reports that Canadian soldiers in 2001 in Afghanistan refused a US commander's order to lay mines around their camp forcing the US forces to do so. See Michael Byers, *War Law - Understanding International Law and Armed Conflict* (New York: Grove Press, 2005), 124.

CHAPTER SEVEN: OPERATION IRAQI FREEDOM

Introduction

This case study focuses on the Canadian government's successful 2003 rejection of American requests that Canada join the coalition against Iraq. This was a significant demonstration of Canadian independence. However, this major sovereignty gain was offset, it has been claimed, by the efforts of some in the defence bureaucracy to oppose and undermine the government's decision. These officials, apparently, far preferred to support the US in Iraq than to join a largely European force in Kabul.

The task of precisely establishing the sovereignty implications of all this will follow in several steps. After providing some necessary background, the precise nature of the charges levied against Canadian officials will be reviewed. After that, this analysis will closely examine the Chrétien government's Iraq policy and then determine the extent to which the Department of National Defence followed it. The chapter will conclude with an evaluation of the sovereignty implications.

Background

Before delving into this case study some background is needed to fill in the gap from the last case study. This chapter begins in early fall 2002 with the return of the 3rd Battalion Princess Patricia's Canadian Light Infantry to Canada after a successful deployment with the American forces in Kandahar. There was, however, a significant problem revealed in Canada's failure to replace that battalion. As has been shown, the twelve-month operational pause required by the head of the Canadian Army on

completion of this deployment was first questioned by the Canadian government who ultimately acceded. Rear-Admiral Mack in Washington recorded that elements of the US government also found it difficult to accept the need for an "operational pause" in what they considered was the height of the War on Terror:

The US was surprised that in the middle of the war Canada needed a timeout. From the Canadian point of view our 10 years in the Balkans forced the need for an operational pause. From the US perspective, they could not understand taking a break in the war on terror as it meant they would have to pick up the slack.¹

As has been made clear, the Canadian Army saw this quite differently. Lieutenant-General Jeffery was concerned that the Army's high operational tempo threatened to "break" the Army.²

Allied to this was a growing recognition within DND that the relative quiet in Bosnia set against the increasing priorities of coalition operations in Afghanistan and potentially Iraq forced a need to trim the former commitment. There was, as result, a broad intention to cut the sixteen hundred Canadian soldiers in Yugoslavia to some twelve hundred over the next twelve months recognizing Canada's 'turn' to command the combined Multi-National Division (South-West) in Bosnia in October 2003 would be jeopardized by too much of a reduction.³ Further into the future, there were very welcome hints that the European Union would be eventually taking responsibility for the Yugoslavia mission. Nevertheless, the Canadian Army's operational tempo would remain a continuing concern over the next year.

¹ Rear-Admiral Mack, Interview by Eric J. Lerhe, 6 Jun 2011, Ottawa, ON, 2.

² Jeffery, Interview by Major J.D. McKillip, 19 Aug 2009, part 2, 1.

³ Canada, Briefing Note for the Minister: Summary of Current Missions, DND, (Released under access to information no. A-2011-00519, A0338637, 20 Mar 2002. 2-3.

Indeed, as the 3rd Battalion PPCLI was returning from Kandahar in August 2002, the Chrétien government received a démarche from the US State Department, attended with the somewhat unbelievable encouragement of the UK government, calling for Canada to lead the International Security and Assistance Force (ISAF) that it had been rejected from nine months earlier.⁴ After Turkey had replaced the United Kingdom in that role for the July-December 2002 period, no other state, it seemed, had stepped forward. This request was quickly declined with the Army's operational tempo, a shortage of strategic lift, and a lack of US logistics support being deciding factors.⁵ As will be seen, identifying a lead for ISAF would be a recurring problem over the next two years.

The Canadian ships and aircraft dedicated to Operation Enduring Freedom presented less immediate problems. The transport aircraft were providing critical intra-theater lift to both Canadian and coalition forces. Through the summer of 2002 the Canadian-led coalition naval task group, with Canadian maritime patrol aircraft in support, was able to detain four al-Qaeda suspects and prevent the escape of hundreds of others.⁶ By the fall, however, the priority of this mission was being challenged by the need for the same ships to escort the increasing number of US vessels carrying military

⁴ 1st Confidential Interview, 5.

⁵ Ibid., 5, and see Canada. JSSC on ISAF Contribution Announcement-13 Feb 03 DND, (Released under access to information number AI-2011-00177, A2002-01204, A0030748), 13 Feb 2003.

⁶ In fact, the US credited the efforts of the Canadian-led coalition naval force in the Gulf of Oman and Straits of Hormuz (Task Group 50.4) with preventing the seaward escape of the alleged 20th 9/11 attacker Ramzi bin al-Shibh long enough for the CIA to capture him in Karachi in September 2002. Rear-Admiral Kelly, the overall US naval commander, told the Canadians that "you people were instrumental in facilitating the arrest by being out here doing the patrols and doing your hails and boardings." Rear-Admiral Murphy, Interview by Eric J. Lerhe, 2 May 2011, Esquimalt, BC, 3-4.

cargo to Kuwait and other ports in the northern Persian Gulf.⁷ The threat to that shipping stemmed from al-Qaeda's new ability to mount seaborne attacks on Western shipping.⁸

The increased shipping was feeding the US military buildup in the northern Persian Gulf states adjacent to Iraq. While advertised as being in support of the United Nations effort to disarm the Saddam Hussein regime of its reported nuclear and biological weapons, by mid-August 2002 Canada was receiving strong indications the Bush administration was also seeking regime change.⁹ The author was one of those providing warning based on a briefing by his US superior that the United States was actively planning for operations in Iraq. Similar data was undoubtedly coming from our embassy in Washington and our liaison teams in Central Command Headquarters. This data appears to have then been amalgamated by the Clerk of the Privy Council into a confidential memo for the Prime Minister in August that predicted that "US action against Iraq to implement regime change is a question of when, not if."¹⁰ By December 2002, the government was also briefed that there were some fifty thousand American soldiers on the ground and these numbers were steadily increasing.¹¹

Throughout 2002, Canada's accurate appreciation of American intentions was

⁷ This was observed by the author in the later stages of his command of this force and has been corroborated by the follow-on commanders.

⁸ This was seen in successful attacks on the USS Cole in 2000, and the tanker Limburg in 2002 in the vicinity of Aden and their unsuccessful attempt in the Straits of Hormuz in 2002.

⁹ Chrétien, *My Years as Prime Minister*, 307.

¹⁰ Ibid. The full entry stated "U.S. action against Iraq to implement regime change is a question of when, not if, using the justification that the Iraqi government is a sponsor of terrorism and a developer of weapons of mass destruction (WMD)."

¹¹ Canada. ADM (Pol) Visit to Moscow 6-11 December 2002 Update on Possible Action against Iraq Briefing Note. DND, (Released under access to information no. AI-2011-00071, A2002-00992, A0045693), 26 Nov 2002.

significantly assisted by the high level of access its officers enjoyed in American military headquarters. None of these was more important than CENTCOM Headquarters in Tampa where Commodore Murphy, the Chief Staff Officer (Operations) in the Canadian liaison team, reported that of the some thirty Allied nations there at the start, only Canada and the United Kingdom attended the US Commander's daily brief where reports were fed via video teleconference from all the US commands in the Gulf and the CIA.¹² Both General Henault and Wendy Gilmour in Tampa have commented on the value that access gave them in keeping the Canadian political leadership apprised of American intentions and developing events in the region. Gilmour explains the strategic effect well:

I was also there to listen from a political lens to what was going on to understand the operational planning and try to glean from that what had political/strategic significance and signal that back to Ottawa so that Ottawa could engage as necessary in Washington or in the UN. Canadian liaison at CENTCOM has unique access is providing excellent data back to Ottawa.¹³

Accurate reporting may have been particularly important to the Chrétien government at this time because its policies with regard to the United States, Iraq and Afghanistan, were under increasing tension. On one hand, it had the obvious and continuing requirement to demonstrate it was a cooperative ally especially as it was suffering a massive twenty percent reduction in exports to the United States as a result of security-related border restrictions.¹⁴ On the other hand, there was increasing Canadian public concern over the bellicose nature of American policy in the Gulf shared by a

¹² Murphy, 2. Undoubtedly Australia joined this group later although I have no confirmation of this.

¹³ Gilmour, Interview by Major J.D. McKillip, part transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada, 3-4., and General Henault, Interview by Eric J. Lerhe, 7 Jun 2011, Ottawa, ON, 3-4.

¹⁴ This was covered in detail in the first case study using details from Globerman and Storer. "The Impacts of 9/11 on Canada-US Trade."

significant part of the Prime Minister's own caucus.¹⁵

Given those tensions over American policy it is not surprising that there were sovereignty-related problems being reported. The nature of the problem was best outlined by Canada's previous Foreign Minister, Lloyd Axworthy. In 2002, as war with Iraq drew near he warned that "...there is a strong predilection by many senior officers, supported by their civilian mouthpieces, to become too absorbed into the American military orbit, mesmerized as they are by the glories of interoperability."¹⁶ Charbonneau and Cox share a similar view arguing progressively greater Canada-US tactical and organizational military integration has advanced to the point that "... eventually Canada's military leaders came to the belief that their interests and geostrategic objectives were almost indistinguishable from those of the United States."¹⁷

While not quite so specific as to the root cause, Stein and Lang's detailed description of the events in the 2002 through 2005 period led them to conclude that the Canadian military had indeed worked "with their friends in Washington to drive policy in the direction they wanted it to go."¹⁸ In their view, this effort by government officials

¹⁵ See Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 136. See also Brendan 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), 537. Their table of Canadian polling data for this period indicated 54 percent of Canadians were against a US-led war in Iraq in August 2002 (Ipsos-Reid and Léger) with 51 percent in October 2002 believing US action in Iraq was not justified (Léger).

¹⁶ Axworthy, "Dollars, Yes – War No," B4.

¹⁷ Charbonneau and Cox, "Global Order, US Hegemony and Military Integration: The Canadian-American Defence Relationship," 307.

¹⁸ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 261. Here they appear to be referring to the Canadian military's effort to "drive" the government's policy with regard to the war in Iraq and National Missile Defense. In support, they suggest: "The Canada-U.S. relationship framed every major recommendation that Canada's military leadership made to their minister." See their page 262. I will also

was normally led by uniformed military officers, but they felt that they were occasionally joined in this work by defence department civilians and foreign affairs officers. Stein and Lang then outline the broad problems of that approach, including what would appear to be a greater readiness on the part of those officials to listen to American advice than Canadian political direction: “Indeed, Canada’s generals and admirals tend to be more concerned about their relationships with their American counterparts than they are with their own political masters in Ottawa.”¹⁹

They have also suggested that the bureaucracy’s general inclination to support the US position resulted in poor advice that was, additionally, immune to correction:

The advice, often phrased as Cassandra-like warnings, was consistently wrong. Senior military officers and civilian officials in the Department of National Defence and Foreign Affairs exaggerated at every step the negative reaction in Washington if Ottawa were to pursue a different path, if Canada were not “onside,” and if it were not visibly onside. That refrain echoes at every decision point,²⁰

While some of these views enjoyed isolated support in the media, few of the more in-depth analyses supported them and here one would include Murray Brewster's *The Savage War*, David Bercuson's and Jack Granatstein's *Lessons Learned? What Canada Should Learn From Afghanistan*, and Frank Harvey's *Smoke and Mirrors*. One cannot, however, dismiss Janice Stein and Eugene Lang's *Unexpected War* as a result. Their work covers the entire 2003 to 2006 period in superb detail largely because Lang was in the Defence Minister's office throughout the period and able to closely observe how the

use National Missile Defense in lieu of the more generic Ballistic Missile Defense as NMD more accurately described the US project Canada was considering joining in 2002-2006.

¹⁹ Ibid., 13,14.

²⁰ Ibid., 263.

major decisions were made. Their book also sold well, was short-listed for the Donner Prize, has been described as “excellent” and “politically balanced” in the *International Journal*, and is often the most frequently cited work on Canada’s role in Afghanistan.²¹ Initially, many others also came to accept their viewpoints without challenging the underlying research. For example, their suggestion that Kandahar was the only place left for Canada to go to in 2005 has become almost an article of faith until more recent evaluations started to probe it.²² As a result this analysis will take their work seriously especially as much of what they say about how Canada avoided Operation Iraqi Freedom and went, instead, to Kabul has direct sovereignty implications.

The Operation Iraqi Freedom Controversy

In the case of Operation Iraqi Freedom Stein and Lang have alleged that political efforts to redirect the Canadian military away from their own inclination to join the war in Iraq and towards the government’s increasingly preferred Afghanistan option were opposed, sidestepped, and, only grudgingly followed. In mid-January 2003 Defence Minister McCallum complained: “I remember having arguments with them [General Henault and Vice-Admiral Maddison]. They wanted to be more heavily engaged than I wanted them to be engaged. They were implicitly assuming we would be going with the

²¹ See the review at Simon Collard-Wexler, "The Unexpected War," *International Journal*, Spring (2008), 498-502. This would include foreign analysts with the UK’s RUSI paying significant attention to it although that attention was not always favourable. See Matthew Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives," *Whitehall Papers (RUSI)*, 77, no. 1 (2011).

²² This would include the just-cited Bercuson and Granatstein analysis at pages 20-21 as well as Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives," 53. Others, such as David Dymont, have uncritically accepted their view that Canada was able to refuse Operation Iraqi Freedom and National Missile Defence without suffering any consequences. See David Dymont, *Doing the Continental: A New Canadian-American Relationship* (Toronto: Dundurn Press, 2010), 64-5, 120-2.

Americans [to Iraq].”²³ This was in spite of what he thought was clear direction given a week earlier to focus on ISAF.²⁴ The Minister also felt the military "would have much preferred to go to Iraq" and all their option analyses were skewered with a "favourable gloss" adorning that option while ISAF options were presented with an “unfavourable spin.”²⁵ The extent of these allegations would appear to offer sufficient material to test hypotheses 2A and 2B. These argue:

2A: We should see evidence of officials advancing military interoperability and integration projects without government support; and,

2B: We should see evidence of domestic officials supporting the position of the US government or military over that of the Canadian government.

This case study will also test the hypothesis 1B which posits that: *we should see the Canadian government commit to US-led or US-supported military coalitions despite the presence of disincentives.* This hypothesis relies on the US government coercing Canada via the threat of sanctions or the Canadian military being forced to join US coalitions as a result of its dependency on US systems and support. As there are no convincing arguments that suggest US coercion, this case study will focus on the role interoperability-based dependencies played in the choice of either of ISAF or OIF. As promised, this case study will also monitor the extent to which Canada's US-focused interoperability policy attracted or drove away coalition partners as part of hypothesis 1C.

There is little need to probe the coercive element of hypothesis 1B as there is broad agreement on the fact that the US government threatened no sanctions in its efforts

²³ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 59.

²⁴ *Ibid.*, 57.

²⁵ *Ibid.*, 60.

to get Canada to join Operation Iraqi Freedom. The biographic accounts of the principals, including Prime Minister Chrétien, his principal advisor Eddie Goldenberg, Ambassador Cellucci, and Donald Rumsfeld, are unanimous in this regard noting the latter individual was more than ready to apply coercion to others.²⁶ As will be shown, the material provided by Canada's access to information process and the Wikileaks of US diplomatic cables largely support this view. Similarly, all the in-depth analyses of this issue, and this would include the work by Donald Barry, Frank Harvey, Patrick Lennox, Andrew Richter, and Brian Bow, found no US coercion.²⁷

Of this group, Bow's work has the tightest focus on the role played by coercion, and he argues several factors were at play in rendering it an unattractive and unlikely US strategy. The first problem was that the US was simply unable to identify a credible threat or sanction it could direct at Canada that would not equally damage US interests given the high levels of economic interdependence that existed.²⁸ Brian Bow also makes clear the Bush administration was in no way held back by any sense that there still existed a 'special relationship' with Canada that might accord it more gentle treatment. Allied to this was a steady reduction in the number of bureaucratic links that in earlier

²⁶ In considering Rumsfeld's work one must recognize the overall narrative rarely considers allies and there is never a suggestion that the military need for any one of them is so significant as to require coercion.

²⁷ Donald Barry, "Chrétien, Bush and the War in Iraq," *The American Review of Canadian Studies*, 35, no. 2, 229-33. Frank P. Harvey, *Smoke and Mirrors: Globalized Terrorism and the Illusion of Multilateral Security* (Toronto: University of Toronto Press, 2004), 193-214. Lennox, *At Home and Abroad: The Canada-US Relationship and Canada's Place in the World*, 99-109. Andrew Richter, "From Trusted Ally to Suspicious Neighbor: Canada-US Relations in the Changing Global Environment," *American Review of Canadian Studies*, 35, no. 3, 472-80. Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 138-39.

²⁸ Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 138-9, 149-50, 160-61. There are reports of a Canadian study done by DFAIT that came to the same conclusion but no precise details are available.

periods of Canada US relations could have been relied upon to 'manage' an issue like Iraq well before the need for coercion arose. He does suggest the possibility that the military-to-military networks alone may have still remained active.²⁹

Based on his interviews with key US officials, Bow argues the primary reason for US restraint was that a large part of their administration thought there was a strong possibility that Canada would ultimately support the US and join the Operation Iraqi Freedom coalition rendering threats unnecessary or unwise. Quite simply, the US administration believed that "ultimately the Canadian government would probably be supportive of the American position" despite the Canadian public's opposition.³⁰ The US calculation, he reports, was based on the monitoring of the public statements of Canadian cabinet members which had "left the door open for a role in Iraq" and military-to-military contacts that hoped Canada would be "making a direct contribution to the war itself."

Canadian Government Direction

That calculation lies at the heart of the sovereignty challenge presented within this case study. If the Canadian political leadership was sending the US ambiguous signals about the need for a second United Nations Security Council resolution and keeping the door open for Canada to join the OIF coalition, it will be difficult to then charge that the Canadian military was working behind their backs. On the other hand, if the government was as resolute as Stein and Lang suggest in requiring a second resolution while also insisting on an ISAF rather than an OIF mission, the Canadian military would indeed be

²⁹ Ibid., 147, 148.

³⁰ Ibid., 148.

operating beyond their authority and mandate by participating in American planning efforts that would integrate Canadian units into OIF. In that regard a very small amount of leeway will be permitted for the necessary internal Canadian examination of that option as it is the military's duty to do so to avoid surprises.

What must also be unraveled is the relatively modest role Bow assigns to military and foreign policy officials during this controversy versus the dominant influence Stein and Lang suggests for them.³¹ In assessing, for example, who actually influenced the American response, Brian Bow notes the limited effects of Canada-US military connections on this issue arguing that they likely increased US resentment when Canada did not join OIF, but then helped lower the tension thereafter. He then asserts the "main reason" for US misperceptions was the "mixed signals coming from Ottawa." The Stein and Lang account is quite different in its attributing the US failure to appreciate the true Canadian position on Iraq purely to the two militaries working in tandem "to drive policy in the direction they wanted it to go."³² In support, they cite Foreign Minister Bill Graham's claim that "Cellucci had clearly misled Washington. He was listening too much to the hawks in our military. He seriously believed we were going to Iraq."³³

In getting to the bottom of these interwoven issues, the first task will be to assess the clarity and consistency of the Canadian government's messages, and this will be judged from both the Canadian and American viewpoints. Next, this analysis will

³¹ Ibid., 148, 49.

³² Stein and Lang, *The Unexpected War: Canada in Kandahar*, 261.

³³ Ibid., 77. Graham's statement then implies Cellucci's error was in not talking to the right people in Canada, such as himself.

attempt to assess how closely the Canadian military followed that direction with particular attention being paid to its planning efforts with the US military. Canadian political support, or not, for this planning will also be assessed. An important part of that latter examination will also probe the extent to which DND colored the planning options presented to government as Stein and Lang have argued much “spin” was imparted to them by the military.³⁴

This type of shading did not occur with the first event - the US démarche to Canada requesting forces for Operation Iraqi Freedom sent on 15 November 2002. Donald Barry notes this request closely followed a Colin Powell visit to Canada with Foreign Minister Graham in which support was apparently discussed.³⁵ Accessed documents from DND also indicate the US démarche sought the involvement of Canadian officers "to engage in planning and to gauge what contributions" Canada might provide should military means be required to disarm Iraq.³⁶ An access to information request has also provided the speaking notes prepared for that visit which concluded with: “The Government of Canada is still assessing its possible policy and military options and we would welcome access to your planning in order to confirm the nature of any potential contribution.”³⁷

A separate briefing note specifically prepared for the Minister of National

³⁴ Ibid., 60.

³⁵ Barry, "Chrétien, Bush and the War in Iraq," 220-21.

³⁶ Canada. *Briefing Note for the Minister of National Defence on Canadian Access to US Military Planning*. DND, (Released under access to information no. AI-2011-00071, A2002-00992, A0045683), 15 Nov 2002.

³⁷ ———. *Talking Points: Visit of US Secretary of State 14 November 2002 Update on Possible Actions against Iraq*. DND, (Release under access to information number AI-2011-00177, A 2002-00791, A0041827), 12 Nov 2002.

Defence then strongly encouraged that planning, arguing any delay would reduce Canadian "flexibility" and result in a "less relevant and credible" potential Canadian contribution.³⁸ It also suggested involvement would give access to "the fullest possible understanding of US plans" reducing the potential risk of Canadian casualties thereby. After this rather hard sell, it outlined such planning would not prejudge the United Nations' inspection process or constitute acceptance of a military task. Its last paragraph underlines, however, that prudent military planning would be needed "if Canada could become involved in any action against Iraq (as the Prime Minister and Minister of Foreign Affairs have both publicly suggested)."

Later government documents make clear the origins of the Prime Minister's 'suggestion' stemmed from his address to the students of an Ottawa high school on 10 October 2002.³⁹ In replying to a student's question asking "The United Nations notwithstanding, do you believe the United States should go to war with Iraq?" the Prime Minister replied that: "If the United Nations were to come to the conclusion that we have to go there to destroy the armament of massive destruction that [Saddam Hussein, Iraqi President] might have, we will go there."⁴⁰ While the Prime Minister had also outlined that he would still need to go to Cabinet and that he hoped that the United Nations would be the "arbiter," to the media this was very close to committing Canada to the anti-Iraq

³⁸ ———. *Briefing Note for the Minister of National Defence on Canadian Access to US Military Planning.*

³⁹ ———. *Briefing Note: Update on Possible Action against Iraq.* DND, (Released under access to information no. AI-2011-00071, A2002-00992, A0045692), 26 Nov 2002. This briefing note states "On 10 October, the Prime Minister indicted [sic] that if UN inspections determined that Iraq continues to develop weapons of mass destruction, Canada would support military action."

⁴⁰ Stephen Thorne, "Canada Will Go to War If UN Ok's It: PM: 'We Will Do Our Duty: But Ministers Say No Decision on Role in Iraq Has Been Made,'" *National Post*, 11 Oct 2002.

coalition.⁴¹ They were likely encouraged in this by his failure to mention any requirement for a specific UN resolution authorizing force. The frantic follow-on efforts of the Prime Minister's Office to "clarify" the leader's statements may have added to their concerns with a PMO official suggesting at one point "going there" could well involve Canada sending weapons inspectors and not troops, if that can be termed a clarification. The next day the Defence Minister appeared to correct that rather doubtful possibility and confirmed that "under proper UN authorization, he's [the PM] certainly opened the possibility of some military role."⁴² Earlier the Defence Minister had also warned that while Canada wanted a UN mandate, "let no one think Canada will hesitate to provide military support if the government deems it necessary."⁴³

On 5 December 2002, the government gave DND the authority to send a four-person team to Central Command Headquarters in Tampa to examine options for a potential Canadian contribution to Operation Iraqi Freedom.⁴⁴ During the twenty days it

⁴¹ The *Globe and Mail* appeared equally concerned noting what the Prime Minister "left unsaid was whether he would enlist in the United-States-led military action without a UN Security Council resolution explicitly authorizing the use of force." See "'We Will Do Our Duty' on Iraq, PM Says - U.S. House Gives Green Light to Bush," *Globe and Mail*, 11 Oct 2002. Similarly the *Toronto Star* termed his remarks "the clearest signal yet from Ottawa that another military commitment for this country is in the offing." See Tim Harper, "Canada Ready to Commit Troops to Iraq," *Toronto Star*, 11 Oct 2002.

⁴² Thorne, "Canada Will Go to War If UN Oks It: PM: 'We Will Do Our Duty: But Ministers Say No Decision on Role in Iraq Has Been Made.'"

⁴³ "Canada Backs US on Iraq: Ottawa Endorses Washington's Call for a Strike on Hussein If Necessary and Says It May Send Military Support," *Globe and Mail*, 2 Oct 2002.

⁴⁴ This four-person team dealing with Iraq would be separate from the fifty other Canadians at CENTCOM HQ tasked with Operation Enduring Freedom and Operation Apollo, the Canadian equivalent. The 26 November briefing note just cited makes clear that there was some delay in the government granting permission for this liaison and as a result Canada was excluded from CENTCOM's preliminary planning for Iraq and a related command and control exercise dealing with Iraq. See Canada. *Briefing Note: Update on Possible Action against Iraq*. A later briefing made clear permission to send the team dealing with Iraq options was only granted on 5 Dec 2002. See———. *Briefing Note: Visit of Minister McCallum to Washington DC 8-10 January 2003 Update on Possible Action against Iraq*. DND, (Released under access to information no. AI-2011-00071, A2002-00992, A0045681), 9 Dec 2002.

took to gain political assent for the team, the remaining Canadian officers in CENTCOM were reportedly excluded from the US planning effort, a fact Defence Minister McCallum later confirmed in an interview with the *National Post*.⁴⁵

By this time the broad contours of Canada's military options were also apparent within DND and ready to be presented to the Minister. This involved a formal briefing on 15 December 2002 that began with an outline of where the Canadian Forces were engaged in the world with an emphasis on the resulting high operational tempo.⁴⁶ Also noted was the recent Canadian-hosted 2002 G-8 African Action Plan's focus on security building with the attendant concern that the Canadian Forces maintain a sufficient reserve to deal with a crisis there or in the Middle East. This requirement was reinforced by the fact that Canada would soon be the nation leading the United Nations Standby High Readiness Brigade created in response to the Rwandan genocide.⁴⁷

The briefing then moved quickly to the three broad choices awaiting Canada in 2003. After noting that the US was reducing its forces in Bosnia as the European Union was also expressing an interest in taking it over, the briefing recommended a progressive downsizing of the Canadian commitment. This could not proceed too quickly in view of Canada's upcoming command of Multi-National Division South-West in Bosnia in 2003. The prediction for Afghanistan was of "internal instability" and a "risk of civil war." It predicted that a Canadian infantry battle group could be available to deploy to

⁴⁵ Jan Cienski, "Canada Might Not Wait for UN: Liberals' Strongest Statement yet Hailed by Rumsfeld," *National Post*, 10 Jan 2003. See also Robert Russo, "Canadian PM Chrétien 'Chides' Defence Minister John McCallum on Joining US Coalition," *Canada.Com*, 25 Jan 2003, [HTTP://www.freerepublic.com/focus/f-news/829533/posts](http://www.freerepublic.com/focus/f-news/829533/posts), (accessed 11 Mar 2012).

⁴⁶ Canada. *MND Decision Brief - Strategic Outlook*. DND, December 2002.

⁴⁷ Ross, E-mail, 20 Apr 2011, 3.

Afghanistan in the summer of 2003 and that Canadian ships and aircraft were promised until the fall. The briefing recommended, however, that future Canadian participation in Afghanistan be limited. The briefing suggested the final major area for potential Canadian participation was Iraq with an initial option of assigning the currently deployed Canadian ships and aircraft supporting Operation Enduring Freedom, and then sending six CF-18 in February. Special forces could be made available by April and a light or mechanized army battle group by July. It noted the latter might well require ninety to one hundred and twenty days in theater to prepare before they would be ready for "inspections," "combat" or "nation-building." For Iraq, the briefing contained no hard recommendations other than to continue "mil-mil discussions" and to seek the agreement of PCO, DFAIT, and then the Prime Minister and Cabinet. Operational tempo, should, however, be closely considered in assessing any new commitment.

Normally a careful record of Defence Minister McCallum's thoughts, the Stein and Lang account omits any mention of this briefing or the 15 November US démarche seeking Iraq planning input and Canada's positive reply. However, the views of Major-General Ross, the one who was directly responsible for the brief, are available, and he felt the key message of being cautious with regard to any new Canadian expeditionary mission had been clearly stated.⁴⁸ He sensed the brief's recommendations on the Balkans were accepted and action was taken. There was no push-back on the recommendations for Iraq and Afghanistan so the assumption was also made that those recommendations

⁴⁸ Ross, E-mail, 20 Apr 2011, 3.

were also accepted.⁴⁹

The third event involves Defence Minister McCallum's visit with Secretary of Defense Rumsfeld on 8 January 2003 and its immediate aftermath. Accounts vary considerably on what happened and what was said. The Chrétien autobiography claims that sometime in January 2003 the Prime Minister instructed John McCallum to inform Donald Rumsfeld that Canada was willing to take over ISAF in the summer that year.⁵⁰ Whether this was prior to or after McCallum's meeting with Rumsfeld is not clear, but this detail is important in attempting to unravel what may have happened at the McCallum-Rumsfeld meeting. Equally unclear is the Stein and Lang claim that the Minister expected a "civilian-only meeting" with no senior US officers present.⁵¹ Yet a briefing note prepared several weeks in advance for the Deputy Minister, one of the meeting's attendees, shows Rear Admiral Mack from Canada, US Lieutenant-General Craddock, and an as yet unnamed "US Joint Chiefs of Staff rep (uniformed)" were also scheduled to attend.⁵² The additional Stein and Lang suggestion that this was a "civilian only trip to Washington" because military officials showed "little interest" in attending is then contradicted by the CDS, General Henault, who very much wanted to attend.

I was not at that meeting, and the reason I was not at that meeting was because the Minister really said to me 'you are not required - it's political - so I'm going to take Margaret Bloodworth with me and so that's all we need - we're fine.' I said 'Minister, if you're going to Washington, the likelihood is, if Rumsfeld is going to talk to you about ISAF, Iraq or any other issue of a military nature, the likelihood

⁴⁹ Ibid.

⁵⁰ Chrétien, *My Years as Prime Minister*, 305.

⁵¹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 46.

⁵² In fact the Chairman of the Joint Chiefs of Staff General Myers would attend himself. See Canada. *Overview Brief For: Visit of Minister McCallum to Washington DC*. DND, (Released under access to information no. AI-2011-00071, A2002-00992, A0045682), 12 Dec 2002.

is that Dick Myers will be in the room. He said 'no, no, he's not supposed to be - we're just doing this as a political discussion.' In my view, the Minister simply didn't want me to go - and that's what he basically said to me.⁵³

While there is a wide range of what can be termed "political," Deputy Minister Bloodworth's overview brief for that meeting lists an agenda of a decidedly military flavor including the conditions for participating in the coalition against Iraq. Here it listed as key issues the need to "Determine what kind of military contribution Canada could most usefully provide" while also noting that Canada hoped for an explicit UN Security Council authorization for the use of force.⁵⁴ If this was not provided, it declared "Canada will at that time decide whether to participate in the proposed military coalition." Separate agenda items involved NORAD, North American Air Defense Modernization, Ballistic Missile Defense, a NATO's Response Force proposal, and Canadian military commitments to Afghanistan. The US Embassy Ottawa cable sent prior to the meeting to prepare Defense Secretary Rumsfeld confirms these pre-arranged agenda items including the Iraq, missile defense, NORAD and NATO topics although there was no hint that ISAF would be raised.⁵⁵

Equal confusion surrounds the actual conduct of the meeting. Stein and Lang argue Secretary of Defense Rumsfeld took the initiative in outlining the problem of finding a lead nation for ISAF. After Defence Minister McCallum recommended

⁵³ Henault, 7.

⁵⁴ Canada. *Overview Brief For: Visit of Minister McCallum to Washington DC*. The more political items on the agenda included follow-up actions to NATO's Prague summit, Canadian defence policy and spending levels, and the International Criminal Court.

⁵⁵ US. *Your Meeting with Canadian Defense [Sic] Minister McCallum*. State, (03OTTAWA49), Ottawa Embassy Cable, 8 Jan 2003, <http://wikileaks.ch/cable/2003/02/03OTTAWA49.html>, (accessed 6 Mar 2012).

NATO's direct participation in ISAF to resolve this, the Secretary of Defense is reported to have then strongly suggested that Canada was ideally suited to lead this effort.⁵⁶

McCallum, who Stein and Lang claim made no commitment, is then reported to have stated that if Canada does ISAF, "we won't have anything left for Iraq."⁵⁷ Rear-Admiral Mack, also in attendance, believes the Secretary of Defense in no way suggested that he wished Canada to lead ISAF and confirmed this with the American notetaker next day.⁵⁸

It was the attaché's sense that the Defense Secretary simply wanted Canada's support for getting NATO to run ISAF as the US was having to provide significant support to some of the individual nations leading Kabul ISAF. Ken Calder, the Assistant Deputy Minister, also at the meeting, had a completely different recall of the events and has subsequently stated:

At the very beginning of the meeting McCallum pre-empted Rumsfeld by saying we are going to deploy to Afghanistan. And you should therefore be aware that we are not going to have anybody to deploy to Iraq. Rumsfeld was taken by surprise by that because he had had no warning that we were going to go in that direction.⁵⁹

This interpretation, while markedly different from the prior two, does tie in with the Chrétien autobiography's assertion that McCallum was instructed to tell Rumsfeld that

⁵⁶ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 48-49. Within the Stein and Lang account there is a regular reference to the view that the Canadian military was initially strongly in favor of and positively responded to a summer 2002 US démarche that requested Canadian support in Kandahar. The author has not been able to find any reference to this démarche during his interviews or in his search of accessed documents. It may, however, relate to the just noted fact that the American military was taken aback by the fact that the Canadian Army was taking a 'time out' after the 3rd Battalion PPCLI's deployment to Kandahar in 2002. What is especially curious is the complete failure of Stein and Lang to acknowledge the most recent 15 November 2002 démarche from the US government seeking Canadian involvement in Iraq planning that Canada actually agreed to.

⁵⁷ *Ibid.*, 50.

⁵⁸ Mack, 9-10.

⁵⁹ Calder, 7-8.

Canada intended to go to ISAF.⁶⁰ It also ties in with the fact that the US Embassy in Ottawa had not warned the Secretary of Defense of the ISAF agenda item in its cable.

Neither accessed Canadian government documents nor US cables provide an official record of what actually occurred and, as a result, one is forced to deal with the conflicting memories of the participants. What is clear is that the Defence Minister and his staff now wanted not just an ISAF option but one where Canada would lead.⁶¹ At this point the Defence Minister claimed he also began to have arguments with the Chief of Defence Staff over the relative priority of ISAF and Iraq and that he was receiving advice heavily slanted towards the Iraq option and against ISAF.⁶²

Yet the Iraq option was by no means taken off the table as Defence Minister McCallum made clear to the media in Washington just after his meeting with Rumsfeld. After noting that if the Security Council authorizes the use of force against Iraq Canada will "definitely" respond militarily, he then indicated that: "If that does not happen or if the area is murky, then we reserve the right to make that decision at the time... Some may say, 'We're redoing it only with a UN mandate.' We're saying we much prefer that, but we may do it otherwise."⁶³

As Stein and Lang later acknowledged "no one in the government had articulated the Canadian position quite this clearly before" and that clarity provoked an uproar in the

⁶⁰ The Stein and Lang version also rests on the doubtful premise that the Minister of Defence would automatically accept Rumsfeld's suggestion to take the Kabul mission without checking back with the Prime Minister or his staff.

⁶¹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 57.

⁶² *Ibid.*, 59, 60.

⁶³ Cienski, "Canada Might Not Wait for UN: Liberals' Strongest Statement yet Hailed by Rumsfeld."

Liberal party.⁶⁴ Mississauga Center MP Carolyn Parrish provided the least nuanced response threatening to run as an independent in the next election while claiming "I can't believe McCallum is down in Washington farting around like this, making stupid statements."⁶⁵ She also implied some fifty other Liberal MPs were equally upset and hinted at the potential for them to "cross the aisle" too. MP Colleen Beaumier, also Liberal, claimed the Prime Minister had assured her the government's position had not changed, however, she was reported as now being confused by all this.

That state was likely to continue. The next day the Foreign Minister lent support to the McCallum proposition arguing that there could be a set of circumstances such as those seen during the 1999 Kosovo bombing campaign where Canada joins a coalition without UN backing.⁶⁶ However, Stein and Lang reported that on 15 January McCallum received "one of the few phone calls that he would ever receive" from the Prime Minister, and it warned he would soon be addressing the Defence Minister's Washington media statements publicly.⁶⁷ The Prime Minister then appeared to correct both his Foreign and his Defence Minister in arguing that the world community must "speak and act through the UN Security Council." He also indicated that his Defence Minister had

⁶⁴ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 55. The US Embassy certainly thought the government had "articulated" that position clearly before. Their 28 Mar 2003 Confidential cable stated McCallum's Washington comments to the media were "what GOC officials had told us privately since December, i.e., that if the UN process should fail and no explicit authorization for force be given, 'Canada will at that time decide whether to participate in a proposed military coalition.' See US. *Canada-Iraq: What Now?*, State, (03OTTAWA917), Ottawa Embassy Cable, 28 Mar 2003, <http://wikileaks.ch/cable/2003/02/03OTTAWA917.html>, (accessed 6 Mar 2012).

⁶⁵ Tim Harper, "Liberal Dissent Brewing in Iraq Crisis: Mississauga MP Threatens to Quit Parish Says UN Must Back Any War," *Toronto Star*, 14 Jan 2003.

⁶⁶ Ibid. See also Paul Koring, "Canada May Fight without UN Support McCallum Ponders Sending Troops to Iraq Even If Security Council Can't Agree," *Globe and Mail*, 10 Jan 2003.

⁶⁷ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 56.

additionally erred in responding to a hypothetical question. When asked, however, as to whether Canada indeed required a UN mandate to join the United States in the war against Iraq, Prime Minister Chrétien stated that "his position was clear" while refusing to answer the question other than to claim "You are just speculating here. I'm not speculating."⁶⁸

That event flows seamlessly into the fourth dealing with the events surrounding the 15 January 2003 planning meeting in Central Command Headquarters on Iraq. Concerned that news of the meeting would leak and "be understood as a signal of active engagement in planning with the Americans for the invasion of Iraq" and that "we would get deeper into it, get drawn in" thereby, McCallum canceled Canadian participation.⁶⁹ Major-General M. Maisonneuve, the Assistant Deputy Chief of the Defence Staff, has a different recollection. His personal notes show "PM agrees with my participation in Tampa," although he was not at the 8 January 2003 meeting where this permission was granted. He then flew to Tampa and to his surprise was told to pull out hours prior to the meeting.⁷⁰ This may have been slightly embarrassing to him but most certainly reflects the political leadership's right to veto operational activity it does not endorse. What is of concern, however, is the somewhat erratic application of that prerogative. Certainly, the US Embassy felt the cancellation of the meeting was an "overreaction" by the Defence

⁶⁸ Shawn McCarthy and Daniel Leblanc, "PM Scolds McCallum on Canada's Role in Iraq" *Globe and Mail*, 16 Jan 2003. A *National Post* report on the incident also indicates "Jim Munson, Mr. Chrétien's communication director, says Mr. McCallum did not speak for the government." If the report is true, it suggests this individual's knowledge of cabinet convention and particularly cabinet solidarity is quite weak. See Chris Wattie, "Ottawa Offered to Join Iraq War: Proposal to U.S. To Send 600-800 Soldiers Dropped Suddenly in Favor of Afghan Plan." *National Post*, 27 Nov 2003, A1.

⁶⁹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 63.

⁷⁰ Lieutenant-General Maisonneuve, E-mail to author, 5 Jan 2012.

Minister as a result of the Prime Minister's public chastisement over his remarks made at CENTCOM the previous week.⁷¹ Equally problematic, just prior to the cancelled 15 January CENTCOM meeting, the Defence Minister publicly acknowledged that Canada had been removed from US planning activities until the government had agreed to discuss broad Iraq options with the United States. In response a four-officer Canadian team for that specific purpose was sent to Central Command Headquarters. The Minister made this quite clear on 9 January 2003: "There was a time when we had not indicated our position at all on Iraq and some planning went on in our absence. But we subsequently indicated we are interested and the moment we so indicated we were involved in those discussions."⁷² Yet six days later he claimed he was concerned over being "drawn in" via the 15 January planning meeting.⁷³

On 12 February 2003 Defence Minister McCallum announced in the House that Canada would be making a major commitment to the International Security Assistance

⁷¹ The US Embassy Ottawa reported:

Within a divided cabinet, McCallum has also advocated keeping open the option of military participation in Iraq - i.e., naval or air assets already in theater - without a second UNSC resolution. McCallum got burned, however, when he publicly stated that this was GoC policy after his January 9 meeting with Defense Secretary Rumsfeld. McCallum had it right, but Chretien [sic] has not wanted to admit publicly that Canada might act without UN blessing. After Chretien reined him in (reftel), McCallum overreacted by ordering Canadian military planners at CENTCOM to not attend the coalition planning meeting the following week.

See US. *Defense Minister McCallum and the Canadian Forces*. State, (03OTTAWA 629), Ottawa Embassy Cable, 6 Mar 2003, <http://wikileaks.ch/cable/2003/02/03OTTAWA629.html>, (accessed 6 Mar 2012), 2.

⁷² Keith Jones, "Canada Intensifies Support for US War on Iraq," *World Socialist Website*, 15 Jan 2003, <http://www.wsws.org/articles/2003/jan2003/can-j15.shtml>, (accessed 11 Mar 2012). Separately CTV news quotes Defence Minister McCallum as stating "We did not discuss, Secretary Rumsfeld and me, the nature of that contribution, JTF 2 or any other kind of military capability. The military people are in Tampa talking about those kinds of contingencies." See Lloyd Robertson, "John McCallum Met with the US Defense Secretary," *CTV News*, 9 Jan (PM) 2003.

⁷³ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 63.

Force in Kabul.⁷⁴ While one would have thought that this would have oriented both the government and DND away from Iraq and towards Afghanistan this was not the case. In fact, the Stein and Lang account makes clear that when the CDS was told to assess the feasibility of the ISAF Kabul mission prior to it being announced on 12 February, the Defence Minister also made clear to his officials that that instruction had "no bearing on the possibility of deploying ships or even special forces in support of an Iraq operation" if the government so decided.⁷⁵

This was confirmed next day when John McCallum advised that "we have for some weeks now had military advisers planning with the Americans as to what our potential contributions would be in a war against Iraq."⁷⁶ This statement followed a *Toronto Star* report on 11 February 2003 that indicated an additional twenty Canadian officers had proceeded from both Ottawa and Tampa to Central Command's new headquarters in Sayliyah, Qatar.⁷⁷ That report also makes clear the Qatar headquarters was focused exclusively on Iraq as it surely was. General Franks had split his headquarters with the Tampa-based CENTCOM rump continuing its focus on Operation Enduring Freedom, while the Qatar cell prepared Operation Iraqi Freedom. This split

⁷⁴ Canada. *Edited Hansard 37th Parliament, 2nd Session, Number 058, 12 Feb. 2003*, 1445.

⁷⁵ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 67

⁷⁶ DND, "Scrum Transcript - Scrum after Question Period: John McCallum," *DGPA*, 13 Feb 2003, [Http://dgpa-dgap.mil.ca/dgpa/transcr/2003/Feb/03021305.htm](http://dgpa-dgap.mil.ca/dgpa/transcr/2003/Feb/03021305.htm) (accessed 14 Feb 2003). (released under ATI 2002-01204, A0030722.) The Minister's assertion here that our liaison officers were in Qatar to examine with the US "what our potential contributions would be in a war against Iraq" is somewhat different from the Stein and Lang claim that he approved the Qatar liaison team "since the Canadian Navy still had ships in the region." See their p. 64. I do not believe the Qatar headquarters had any role in directing the Canadian ships. This was being done in both Tampa and the US naval headquarters in Bahrain where it had been since 2001.

⁷⁷ Allan Thompson, "US Chiefs in Qatar Joined by 20 Canadian Officers; Military Liaison Team Will Grow Signs Point to Gearing up for War," *Toronto Star*, 11 Feb 2003.

was explained in some detail in a separate DND memorandum to Defence Minister McCallum that also included a letter to the Prime Minister seeking the prior authorization for that new DND liaison team going to Qatar HQ focusing on OIF.⁷⁸ Thus, despite the Minister's stated concern over being "drawn in" at the 15 January meeting, his government approved in writing an expansion of the Canadian liaison team working the Iraq military option with the Americans from four to twenty (later growing to twenty-five), while also allowing them to proceed to the US headquarters in theatre dedicated to that task.

Given that the Minister had also affirmed Canada's interest in both ISAF and the Iraq military option on 12 and 13 February it is not surprising that the US Embassy in Ottawa thought the door was still open. A 13 February 2003 confidential US Embassy cable reported that Defence Minister McCallum had told Secretary of Defense Rumsfeld on 4 February that Canada's decision to join ISAF in force in 2003 was timed "to be seen as separate from a Canadian decision of a military contribution against Iraq" hinting, perhaps, at a later positive response on OIF. As that ISAF contribution would require up to two thousand Canadian soldiers, the American cable then concludes with the optimistic assessment that "[t]he far more likely contribution for Iraq is Canadian naval and air

⁷⁸ Canada. *Memorandum for the Minister - Deployment of the Canadian Forces Liaison Team to Qatar (with Draft Letter for the Prime Minister)*. DND, (Released under access to information number AI-2011-00177, A 2002-00791, A0045688), 16 Jan 2003. The memorandum to the Minister makes clear deploying the team is intended "to allow maximum exposure to all facets of operational planning for a possible campaign against Iraq." This, again, contradicts the Stein and Lang account that argues the Minister authorized the liaison because "the Canadian Navy still had ships in the region under Operation Enduring Freedom, Canada needed to have at least a handful of liaison officers in Qatar." See their p. 64. The memorandum also makes clear that Operation Enduring Freedom, and thus the main planning for Canadian ships was being done in Tampa while the Qatar headquarters planned operations against Iraq. The reader can judge whether the 25 Canadian officers sent was a "handful," and this analysis will return to it.

assets already in theater."⁷⁹ That Canada was keeping its Iraq options open was reinforced by the just-cited comments of Defence Minister McCallum during the media scrum after question period on 13 February. When challenged with "Have you made it clear to him [Rumsfeld] that Canada will only work strictly under the United Nations and it's not interested in working under what they call a coalition of the willing?" he indicated, instead, that Canada had military planners in the United States working "as to what our potential contribution would be in a war against Iraq," while noting the government had still not decided.⁸⁰ For the next month, the US would be provided with regular evidence to support the impression that the "door" had been left open as seen in the next series of similar Wikileaks cables.

On 14 February, a second confidential cable reported on Foreign Minister Graham's similar remarks to the press. These noted that while the minister underlined Canada's intention to remain "faithful" to the UN, Graham had refused to speculate on "whether Canada would participate in a military campaign against Iraq that did not have UN blessing."⁸¹ The US cable then goes on to assess that "the GOC [Government of Canada] continues to keep its options open." On 20 February 2003, a US Embassy cable on missile defense noted the significant public and Liberal party divisions on the issue but still predicted that: "Given the likelihood that the GoC will be making a controversial

⁷⁹ US. *Canada to Provide a Battalion and Brigade Headquarters for ISAF IV and V*. State, (03OTTAWA435), Ottawa Embassy Cable, 13 Feb 2003, <http://wikileaks.ch/cable/2003/02/03OTTAWA435.html>, (accessed 6 Mar 2012).

⁸⁰ DND, "Scrum Transcript - Scrum after Question Period: John McCallum."

⁸¹ US. *Iraq/UN: Canadian Reaction to February 14 Inspectors Report* State, (03OTTAWA 448), Ottawa Embassy Cable, 14 Feb 2003, <http://wikileaks.ch/cable/2003/02/03OTTAWA448.html>, (accessed 6 Mar 2012).

decision to participate militarily in an Iraq campaign, Chretien [sic] is unlikely to give more than a muffled response on missile defense.”⁸²

Canada's position was still no clearer on 3 March when the American Embassy reported via cable that Canadian Department of Foreign Affairs Political Director Jim Wright had said that “the Canadian policy remains unchanged - yes if action is endorsed by the Security Council, ‘to be determined’ if not.”⁸³ After Canada had proposed a compromise United Nations Security Council resolution on the Iraq crisis, the next US Embassy cable then assessed that “Canada would seize upon such a vote as expressing the will of the Security Council” even though the resolution would likely fail as a result of a very predictable French veto.⁸⁴ On 6 March the US Embassy reported that earlier Defence Minister McCallum had “advocated keeping open the option of military participation in Iraq - i. e., Naval or air assets already in theater - without a second UNSC resolution.”⁸⁵ Finally, after Canada finally announced it would specifically not support the US coalition in Iraq, the American embassy in Ottawa explained that: “The Prime Minister’s statement today regarding the need for a second Security Council resolution was a departure from Canada's previous waffling on whether a second resolution would

⁸² ———. *Canadian Cabinet to Discuss Missile Defense*. State, (03OTTAWA492), Ottawa Embassy Cable, 20 Feb 2003, <http://wikileaks.ch/cable/2003/02/03OTTAWA492.html>, (accessed 6 Mar 2012).

⁸³ ———. *Canadian Political Director on Iraq*. State, (03OTTAWA589), Ottawa Embassy Cable, 3 Mar 2003, <http://wikileaks.ch/cable/2003/02/03OTTAWA589.html>, (accessed 6 Mar 2012).

⁸⁴ ———. *Iraq/UNSC: Canada Still Working - at the Highest Levels -Two "Bridge the Divide"*. State, (03OTTAWA692), Ottawa Embassy Cable, 12 Mar 2003, <http://wikileaks.ch/cable/2003/02/03OTTAWA692.html>, (accessed 6 Mar 2012).

⁸⁵ ———. *Defense Minister McCallum and the Canadian Forces*.

be necessary for Canadian participation in military actions against Iraq.”⁸⁶

Many on the Canadian side shared this view. When asked if Canada was coerced by the US, Ken Calder, who was particularly well-placed to monitor the internal communications of the highest levels of DND and DFAIT, responded with: “No. One good reason is they [the US government] assumed we were going to join. It was up until Canada made the decision there was no need to coerce us. We were supposedly on board. Were sanctions for not joining outlined? No, for exactly the same reason.”⁸⁷ Vice-Admiral Maddison, the Deputy Chief of Defence Staff, argued similarly in stating that the US government was “surprised when it was decided that Canada would not be participating in Iraqi Freedom.”⁸⁸

This was not a matter of the US misreading the Canadian government’s actual intentions. Citing a confidential source, Barry argues that in January 2003 Chrétien and his closest advisers had “decided to leave open the possibility of military participation based on broad international support in the event that the council failed to agree.”⁸⁹ Their concern centered on the need to be able to step around a “capricious veto” possibly tendered by France or Russia. Eddie Goldenberg, the Prime Minister's Chief of Staff, modifies this view but slightly claiming that the Prime Minister always made it clear he

⁸⁶ ———. *Canada Won't Join the Military Action against Iraq without Another UNSC Resolution*. State, (03OTTAWA 773), Ottawa Embassy Cable, 19 Mar 2003, <http://wikileaks.ch/cable/2003/02/03OTTAWA773.html>, (accessed 6 Mar 2012).

⁸⁷ Calder, 6.

⁸⁸ Maddison, Interview, 8.

⁸⁹ Barry, “Chrétien, Bush and the War in Iraq,” 222. Brian Bow notes the same meeting and agrees with Barry as to its decisions. Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 137.

would not participate in the war without the UN's "approval."⁹⁰ He also claimed that "Chrétien always left the door slightly open, however, to how he would interpret the meaning of *approval* [italics his]." The government's policy was one of intentional ambiguity and it was maintained to the very last moment.

Ken Calder reports that on the actual day of the Prime Minister's announcement closing the Iraq option there was a routine meeting of Deputy Ministers and Assistant Deputy Ministers involved in the management of the Iraq issue. At that meeting no one is reported to have been aware of what the Prime Minister might decide with the general tone being one of "well what's the Prime Minister going to do?"⁹¹ This reflected the fact that the Prime Minister had not conferred beyond three senior civilian officials. Those were Eddie Goldenberg, Claude Laverdure, the Privy Council security and defense advisor, and Canada's UN Ambassador, Paul Heinbecker.⁹²

Given that the government chose to keep the Iraq option open until the very last moment, it is difficult to claim that the Canadian military ignored or sidestepped government direction when it engaged in Iraq planning options with the US military. The fact that each group of Canadian liaison officers sent to the US had their tasks approved by the government in writing further underlines this point. There is little point, therefore, further examining hypothesis 2A which had argued that the military will pursue efforts to integrate plans with the US without government authority.

⁹⁰ Goldenberg, *The Way It Works: Inside Ottawa*, 296.

⁹¹ Calder, 9.

⁹² Ibid.

Planning for Iraq

What must now be assessed is the extent to which the military's planning efforts constituted a sovereignty loss under the conditions of hypothesis 2B. This could involve the military then resisting the government's admittedly loose direction by, perhaps, providing distorted advice. That could include putting a "favorable gloss" on the Iraq option while imparting an "unfavorable spin" to Afghanistan as Stein and Lang allege.⁹³ This section will also assess whether defence and foreign policy officials "exaggerated at every step the negative reaction in Washington if Ottawa were to pursue a different path, if Canada were not 'onside'" as those same authors allege.⁹⁴ These all will test hypothesis 2B. To determine the extent to which they do, this analysis will first examine the planning for Iraq before turning to DND's effort to prepare for the International Security Assistance Force in Kabul.

The popular image involves the Canadian military preferring the more muscular task of invading Iraq with the US instead of joining the UN-mandated, peacekeeping oriented, protection force for Kabul. Their 15 December 2003 briefing to Defence Minister McCallum was certainly slanted towards an Iraq contribution noting the overall recommendation was for caution in taking up any new expeditionary activities. The popular view of a 'gung-ho' military was also assisted by anonymous "military sources" who informed Chris Wattie of *The National Post* that the military will be "putting everything on the table" in attempting to get the government to agree to sending

⁹³ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 60.

⁹⁴ *Ibid.*, 263. Stein and Lang argue this occurred "at every important decision point."

"everything you could possibly send to Iraq..."⁹⁵ Published on 10 January 2003, these anonymous sources also suggested this would involve upwards of three thousand soldiers within an army brigade as well as CF-18 fighters. After pointing out that the US certainly wanted a Canadian land contribution, Alain Pellerin, a retired Army officer, suggested this potential contribution was being fought by a Prime Minister's Office overly attached to traditional peacekeeping.⁹⁶ He also sensed that "The feeling among the Army is that this is their last chance to show the country what they can do." Allied to this was a reported residual unhappiness within the Army over peacekeeping. This was best expressed by General Jeffery who argued much earlier that some felt "That somehow we had evolved to an Army that could do peacekeeping but really couldn't do combat."⁹⁷ While he took care to note that these feelings never affected his or the Chief of Defence Staff's calculations, he admitted that the earlier 2002 option of working with the Americans in combat in Kandahar was a tonic for the Army. On 13 February 2003, the day after the Defence Minister had announced that Canada had embraced the ISAF mission, Captain Balfour, the minute-taker for the Joint Staff Steering Committee within DND, noted, without elaboration, that "DND/CF have been pushing this idea off with a 10 foot pole up to this point."⁹⁸ Within 24 hours of the government announcing the army would be going to ISAF in Kabul, Major-General Ross, the Director-General

⁹⁵ Chris Wattie, "'Forces Last Chance to Show Country What They Can Do': Planners Offer 3000 Troops to Fight Alongside U.K., U.S.," *National Post*, 10 Jan 2003.

⁹⁶ Ibid.

⁹⁷ Jeffery, Interview by Major J.D. McKillip, 19 Aug 2009, part 1, 1. He then noted the effect of potentially working with the US in Kandahar in 2002: "The fact that we were going into combat, whatever that meant, and the fact that we were going to be going with the US, our closest ally but clearly, the most capable Military in the world at the time, was an important issue of self worth."

⁹⁸ Canada. *JSSC on ISAF Contribution Announcement-13 Feb 03*.

International Security Policy within DND, announced his resignation from the military with media reports suggesting this was a result of his unhappiness over the government's decision to send a large army force there instead of Iraq.⁹⁹

Aside from General Jeffery's general remarks on peacekeeping, none of the above reports rely on the actual spoken or written words of the military leadership as it concerns an Iraq military option. Certainly the author did not recommend an Iraq option when he reported in August 2002 from the Persian Gulf on American intentions for Iraq. Rather, he suggested that our role in commanding the coalition naval forces in the Strait of Hormuz would continue to be a viable and valued task whether Canada elected to support the Americans in Iraq or not. Equally, Brigadier-General Gauthier, then the commander of the Canadian detachment at CENTCOM headquarters in Tampa, provided a detailed assessment in the fall of 2002 to NDHQ that concluded that should Canada send a battle group to Afghanistan and not Iraq in 2003 the former "would be viewed by CENTCOM as a positive and effective contribution to OEF."¹⁰⁰ Similarly, a brief to the DND leadership in January covering Iraq and Afghanistan planning stressed that Canadian participation in ISAF "would be welcomed" by the US.¹⁰¹

While military officers should not be bound by public opinion in preparing

⁹⁹ Chris Wattie, "Ottawa Offered to Join Iraq War: Proposal to U.S. To Send 600-800 Soldiers Dropped Suddenly in Favor of Afghan Plan," *National Post*, 27 Nov 2003. Others suggested he quit over the excessive number of troops committed given known Army optempo problems. See Daniel Leblanc, "McCallum Defends Afghanistan Deployment," *Globe and Mail*, 18 Feb 2003.

¹⁰⁰ Lieutenant-General Gauthier, Interview by Major J.D. McKillip, 11 Jun 2009, part 1, transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada, 9.

¹⁰¹ Canada. *Afghanistan/Iraq Planning Update - Briefing to Level Ones (by DCDS)*. DND, (Released under access to information number AI-2011-00071, A2002-00992, A0045668), 3 Oct 2002, 7. The brief does not indicate how much more or less the US would welcome a Canadian contribution to OIF.

options for government, it is unlikely that they were blind to its effects. With few exceptions, trends with regard to Canada participating in military operations with the US in Iraq were negative.¹⁰² The military were certainly conscious of the fact that the political leadership, also fully aware of the public mood, had not come to a decision on Iraq and were going to have a hard time endorsing it. This was well illustrated in a report submitted by Chris Wattie of *The National Post*. Relying on accessed documents, he pointed out that in September 2002 the Deputy Chief of the Defence Staff, supported by the CDS, recommended against sending CF-18s to Kyrgyzstan in 2003 arguing that “With the political way ahead yet to be finalized for any CF participation in Iraq or ISAF, it is recommended that CA [Canada] not deploy these CF-18 aircraft.”¹⁰³ The documents correctly noted by so doing they would be "backfilling" the US which would allow it to redeploy elsewhere – likely Iraq.

Caution *vis* Iraq was occasionally joined by outright opposition against it within the military. Faced with the problem of sustaining over twelve hundred soldiers still in

¹⁰² Brendan and Vucetic. "Another Mars-Venus Divide? Why Australia Said 'Yes' and Canada Said 'Non' to Involvement in the 2003 Iraq War," 537. Their table summarizing the August 2002 - May 2003 Canadian poll results from Ipsos-Reid, Léger, Gallup, SES, Compas, Pollara, Gallup, TLS, *MacLeans* and *the Economist* shows a consistent Canadian bias against supporting US action in Iraq except for a brief period in March 2003 when 56 percent supported the war according to Pollara and Léger polling data. During that same early 2003 period, the Canadian Opinion Research Archive data showed only 37.1 percent in favour of US intentions in Iraq with 60.6 percent against. See “Canadian Foreign Policy and Canada-US Relations - Post -9/11,” Canadian Opinion Research Archive, <http://www.queensu.ca/cora/trends>, (accessed 13 Mar 2012).

¹⁰³ Chris Wattie, "Forces Refused U.S. Request out of Iraq Fears." *National Post*, 10 Sep 2004, A4.

The article introduced several other issues. A suspicious mind might suggest this mission was turned down to preserve the CF-18s for an actual offensive mission in Iraq. The second issue raised in the document makes this unlikely as it contains a detailed listing of the shortcomings in weapons and logistic support that rendered this deployment technically high risk. Finally, the article quotes retired Lieutenant-General Cuppens who argued that "This is what you end up with when you have a defense headquarters that is representing the interests of a political party as well as the military" while perplexingly adding that they "were likely taking their marching orders from the federal cabinet." The latter, at least, seems a relatively sound policy.

Bosnia, General Jeffrey opposed any additional land commitment anywhere, recognizing that his one-year 'time out' for the Army in Afghanistan would expire in the summer of 2003. Rear-Admiral Gauvin, who had just left the DCDS planning staff, specifically remembers that the head of the Army "was very adamant that the army would not be able to do this [OIF]." ¹⁰⁴ Moreover, after the Canadian liaison officers assigned to Iraq planning were in place in Tampa in late December 2002, Rear-Admiral Gauvin remembers that no reports or recommendations seemed to be coming back from the land representatives there on potential Canadian army employment options for Iraq. There is every possibility this was because the head of the Army had no interest in receiving them. The Assistant Deputy Minister Policy, Ken Calder, agrees, remembering that when Iraq options were on the table:

The Army didn't like it. When the proposition was put to Mike Jeffrey he was not in favor of the deployment to either Afghanistan or Iraq. Ray Henault, when it [ISAF] was put to him by McCallum, wanted to say no but he had said no so many times to rotations in the Kandahar area in the first deployment that he thought you could only say no so many times. So he went along with it. ¹⁰⁵

In interview, he added that "I don't know personally any military officer of any level whatsoever who was arguing in favor of going to Iraq." ¹⁰⁶ Moreover, it was his view that "The Air Force and the Navy could not care less" about Iraq.

Commodore Forcier, the DCDS' chief planner through to the summer of 2002, felt doubts over an Iraq option were "pervasive" within DND. He also sensed that the US's evidence of Iraqi weapons of mass destruction (WMD) was weak and had told his

¹⁰⁴ Rear-Admiral Gauvin, Interview by Eric J. Lerhe, 8 Jun 2011, via telephone, 3.

¹⁰⁵ Calder, 1.

¹⁰⁶ Ibid., 3.

US counterpart as much.¹⁰⁷ However, this assessment was not fully shared, despite claims that Ottawa's defence and security bureaucracy broadly disparaged American intelligence on this topic.¹⁰⁸ Frank Harvey, for example, has pointed out that Canadian diplomats expressed considerable support for the US view that Saddam Hussein had not relinquished his WMD stockpile, before reversing themselves as the probability of war drew nearer.¹⁰⁹

Doubts about a campaign against Iraq had also existed long before the debate over intelligence. Commodore Forcier argues that up to his departure in the summer of 2002, "Iraq was quite frankly not on our planning radars. We did not do an ounce of military planning for Iraq."¹¹⁰ This did not change to any significant extent after he left and was replaced in the DND planning staff by Rear-Admiral (then Commodore) Gauvin.¹¹¹ While the latter noted there was broad support for the US effort in the Canadian military, he, much as the DCDS had done earlier, personally assessed that there was no political support for active preparations for an Iraq campaign. This was partially confirmed by the very tentative recommendations for Iraq contained in the just-noted brief to the MND on 15 Dec 2002. Here, the most that was called for was a continuing of "mil-to-mil discussions" on Iraq. As was shown, the government acquiesced to this but no more.

This left the military at the same point described in the second case study with the

¹⁰⁷ Vice-Admiral Forcier, Interview by Eric. J. Lerhe, 2 May 2011, Victoria, BC, 8-9.

¹⁰⁸ Timothy Sayle, "'But He Has Nothing on at All!' Canada and the Iraq War, 2003," *Canadian Military History*, 9, no. 4 (2010), 11-12. This is a very detailed and convincing account of Canada's treatment of the WMD intelligence.

¹⁰⁹ Frank Harvey, *Explaining the Iraq War: Counterfactual Theory, Logic and Evidence* (London: Cambridge University Press, 2011), 227, 238, 239.

¹¹⁰ Forcier, 8-9.

¹¹¹ Gauvin, 1-2.

Government undecided and, as a result, planning and preparation stalled. In October 2001 there was no clear government direction as to whether to proceed to Afghanistan leaving DND without the authority to spend money to prepare. So it was in late 2002 and several of the options under consideration for Iraq desperately needed additional funding to be viable. The CF-18s still lacked sufficient precision guided munitions and all but two of the aircraft were in the process of a midlife conversion. Additional funding might accelerate both the weapon purchases and aircraft deliveries, but the authority for this was lacking and time was running out.¹¹² The Army was no different and the time pressures were, perhaps, even greater. Colonel Howie Marsh, former Director of the Armour Corps, inquired as to what would be required to dispatch a mechanised brigade to Iraq and the operational research results were unacceptable: "We would go down into the Director of Operational Research war room and do a few computer runs and in no time the brigade was below 50% effectives. We had no op stocks or reinforcements to sustain the brigade, even with borrowed equipment."¹¹³

He reported the option of borrowing American M-1 Abrams tanks was considered and then quickly dropped, and one can only assume authority, time, and money combined to kill that option too. Paring the land force down by two-thirds to battle group size still presented huge difficulties. The Deputy Commander of the most likely force to go, the 3rd Battalion Royal Canadian Regiment, noted that as a light infantry force, it lacked ground transportation and that would have to be provided by others.¹¹⁴ Brian MacDonald,

¹¹² Stephen Thorne, "Good to Go - for War," *Times Columnist*, 23 Feb 2003.

¹¹³ Colonel Marsh, Interview by Eric J. Lerhe, 22 Jun 2011, Halifax, NS, 13.

¹¹⁴ Thorne, "Good to Go - for War."

a retired Colonel and an analyst at the Canadian Defence Associations Institute, pointed out that the battalion also lacked the sensor equipment needed for the Iraqi environment.¹¹⁵ Finally, scores of strategic airlift aircraft or commercial shipping would have to be contracted very quickly to lift the force. Again, there was no authority to spend money on any of these purchases or preliminary contracts without an initial agreement from government to progress the Iraq option more fully.¹¹⁶

The DND leadership certainly recognize these limitations within the just-described 15 December briefing to the Minister. That briefing pointed out that the Canadian army formation would not arrive into theater until the summer and some three to four months after the US-UK invasion. That briefing also suggested that its most likely task would be reconstruction or base defence as another "insider" had also suggested to *The National Post*.¹¹⁷ As noted, the briefing to the Minister also did not seek endorsement of any of the Iraq options and contented itself with getting authority to continue "mil-to-mil discussions." A separate briefing note pointed out that, while Australia and the United Kingdom had not yet agreed to join Operation Iraqi Freedom, they were pre-positioning equipment in the Gulf states.¹¹⁸ Significantly, the DND briefing note did not recommend Canada do the same. This reticence appeared to fully recognize that the government was wedded to a policy of ambiguity and that eliminated the possibility of this type of overt step as it would signal an early and clear choice

¹¹⁵ Ibid.

¹¹⁶ This renders the earlier reports by anonymous military sources of a 3000 person brigade being actively prepared for Iraq in January highly suspect.

¹¹⁷ Thorne, "Good to Go - for War."

¹¹⁸ ———. Memorandum for the Minister - Deployment of the Canadian Forces Liaison Team to Qatar (with Draft Letter for the Prime Minister).

between the Iraq and the Afghanistan options.

Within the second case study, the Canadian government finally decided in late 2001 it would commit a battalion to Afghanistan. That freed up funding and began a complex process requiring DND open its plans to the Privy Council and the departments of Foreign Affairs, Justice, and Finance. Together, these departments and agencies would prepare the strategic, legal, and financial data for Cabinet. As Ken Calder makes clear, the planning process for Iraq never got out DND's door in 2003:

Normally in these types of situations if you are considering going somewhere, well in advance the policy staff and the ops staff get together and look at the situation and look at the capabilities and come up with options. They brief this up the various levels, they brief the DM, the CDS and eventually it goes up to the Minister. And we tell the Minister if you want to do something in this particular crisis here are the options, the cost. None of that happened in the case of Iraq. None of it.¹¹⁹

Nevertheless, the Privy Council Office made its own independent assessment of a land-based Iraq option and was not impressed. Rear-Admiral Dan McNeil, its defence advisor, was fully aware of many of the Army's equipment shortfalls and concluded "The Army didn't have anything to offer in the invasion of Iraq."¹²⁰

Unsurprisingly, accessed DND documents and Wikileaks US Embassy cables then confirm the possibility of a Canadian land contribution to Iraq was diminishing rapidly in December and dead by January 2003. A briefing note prepared for the Defence Minister in December argued that should the government decide to participate Canada "may contribute assets from a range of sea, land and air capabilities." After that rather

¹¹⁹ Calder, 2-3.

¹²⁰ Rear-Admiral McNeil, Interview by Eric J. Lerhe, 11 Jun 2011, Port Stanley, ON, 11.

hopeful observation, the note concluded on more specific lines by noting that the ships, patrol aircraft and tactical airlift currently in theater for Operation Enduring Freedom were available for OIF.¹²¹ The US Embassy came to the same conclusion on 13 January: “As for what Canada might bring to the table, our expectations should be modest. Canada would probably need to use assets currently devoted to Operation Enduring Freedom, including a naval task group and patrol and transport aircraft.”¹²²

Doing anything more substantial than this faced additional difficulties. At this time Canada had enjoyed some considerable access to the US planning efforts for Iraq without having to promise anything. However, accessed documents show that the United States was increasingly reticent to continue giving access without commitment. In mid-December, a US message from the Pentagon made clear Canadian participation in OIF planning would be based on our readiness to commit forces. CENTCOM headquarters was specifically instructed by Washington to “manage [Canadian] access to planning based on categories of validated Canadian contributions.”¹²³ At least two briefing notes to the Minister reinforced this and make clear Canadian access to Iraq planning continued

¹²¹ Canada. *Briefing Note: Visit of Minister McCallum to Washington DC 8-10 January 2003 Update on Possible Action against Iraq*.

¹²² US. *Your Meeting with Canadian Defense [Sic] Minister McCallum*. Intriguingly, the just-cited Joint Staff Steering Committee minutes of 13 February indicated that as a result of the prior day’s announcement that Canada would take up the ISAF task indicated that DFAIT and DND would now have to inform the US government that the Battle Group offer was now “off the table.” While it may have been ‘on the table’ in the minds of these mid-level planners, it does not just appear to have been seriously considered at the senior leadership in Canada or the US. Another senior official has argued that whoever suggested the Battle Group was “freelancing.” Note also the earlier views of Rear-Admiral McNeil’s who felt the Army had “nothing to offer” for OIF. McNeil Interview, 11.

¹²³ The Pentagon message was contained in US Joint Staff Washington DC, 161245Z Dec 2002, Subject: Participation of Canada in Coalition Planning. It was an attachment to: Canada. *DCDS Guidance - Joint Task Force South West Asia (CA-JTFSWA) USCENTCOM Liaison for Potential Military Operations against Iraq*. DND, (Released under access to information number AI-2011-00071, A2002-00992, A0045631), 17 Dec 2002.

to be tied to our readiness to eventually participate.¹²⁴ A January 2003 briefing note to Defence Minister McCallum then explained that the US would commence the detailed planning for the first thirty days of combat operations in Iraq very soon and implied that without a Canadian commitment, our access to this planning would close at that point.¹²⁵ Without being able to pre-deploy and not having access to the detailed planning, a Canadian land and fighter contribution was quickly becoming impossible. Also sensing, perhaps, the limited support for an active role in the Iraq invasion, naval documents prepared in support of a mid-January call for military options appear to steer well clear of suggesting any direct role in the Iraq campaign. They recommend only a continuation of their traditional OEF-assigned escort task near the Straits of Hormuz.¹²⁶

As pre-deploying equipment was completely outside the loose bounds of the government policy of ambiguity, the naval and air forces already in theater became the default choice. They were also attractive in not presenting a highly visible media target, and they required no funding to deploy. Ken Calder states this clearly:

Our challenge was we didn't know which way we would go. We had to be in a position where we could go either way. Which when you're dealing with deployed forces can be a little tricky. We manoeuvred ourselves into a position where basically with the naval contribution we could declare them as part of Iraqi

¹²⁴ ———. *Briefing Note: Update on Possible Action against Iraq*; ———. *Briefing Note: Visit of Minister McCallum to Washington DC 8-10 January 2003 Update on Possible Action against Iraq*.

¹²⁵ Canada. *Briefing Note for the Minister of National Defence - US Planning for a Campaign against Iraq*. DND, (Released under access to information number AI-2011-00071, A2002-00992, A005701), 7 Jan 2003. This was convincingly reinforced to Major James McKillip, the Canadian Liaison Officer in the CFLCC HQ Kuwait 2001-2 who reported briefly being invited into the building doing the Iraq war planning, shown a corner of the wall map under the tarp, and then escorted out of the building. J.D. McKillip, Major, E-mail to author, 18 Jun 2012.

¹²⁶ Canada. *Briefing Note for CMS - Naval Participation in Potential Operations against Iraq*. DND, (Released under access to information no. AI-2011-00071, A2002-00992, A0045626), Jan 2003. One cannot be more definitive in this case as 40% of the document has been redacted. However, what remains has been confirmed by others in interviews and, later, by events.

Freedom or we could say they were still part of Enduring Freedom. So we could switch either way without having to move Canadian resources.¹²⁷

At this point the evidence strongly suggests that the Canadian military's planning efforts for Iraq precisely matched the direction they were receiving from government. Faced with a government that would not decide either way, DND could take no concrete steps to prepare forces for either Iraq or ISAF and it did not. While ongoing liaison with American planners continued, the government's unwillingness to take such concrete steps as pre-positioning equipment meant Canadian officers in Tampa were increasingly removed from the coalition's campaign planning. Rather than being "drawn in" Canada was being pushed away by the US planners.

Planning for ISAF Kabul

There is no doubt many in DND felt Canada should be supporting the US directly in Iraq much as did some members of Cabinet, such as John Manley, Maurizio Bevilacqua, and John McCallum, joined later by David Pratt, the Liberal chair of the Commons Defence Committee.¹²⁸ In addition, a US Embassy report argued Defence Minister McCallum "advocated keeping open the option of military participation in Iraq – i.e., naval or air assets already in theater without a second UNSC resolution."¹²⁹ As was shown, however, any plans defence officials may have had for a more substantial commitment to Iraq came to naught very early as a result of equipment shortcomings and the unwillingness of the government to depart its policy of ambiguity and start funding

¹²⁷ Calder, 2.

¹²⁸ Sayle, "'But He Has Nothing on at All!' Canada and the Iraq War, 2003," 8-9.

¹²⁹ US. *Defense Minister McCallum and the Canadian Forces*. 2.

the improvements needed to deploy. However, the International Security Assistance Force option in Kabul had an equally long list of problems and, again, the military leadership was unsure the Canadian government had the will and funding to overcome these either. Moreover, in the early stages of planning, when the Canadian military expressed such concerns over ISAF, it was frequently done in the context of Iraq being the better option. As will soon be clear, some of the military's criticism of ISAF proved prescient indeed while other elements were of doubtful accuracy.

For example, a 3 October 2002 internal briefing to the senior DND leadership on developing plans for both Afghanistan and Iraq concluded "Decisive combat ops in Afghanistan may have reached a point of diminishing return."¹³⁰ While this seems a surprisingly optimistic conclusion today, it certainly reflected the US theatre commanders' point of view at the time, noting that this may have been coloured by his equal interest in moving American forces towards Iraq. The prediction of an end to decisive combat operations was also correct as viewed from the very narrow focus of Canada's original Operation Enduring Freedom task which was to "protect Canada and its allies from terrorist attacks and prevent future attacks."¹³¹ By late 2002, al-Qaeda had been routed and the Taliban leadership had retreated to Pakistan and had yet to show

¹³⁰Canada. *Afghanistan/Iraq Planning Update - Briefing to Level Ones (by DCDS)*. This is confirmed in a detailed interview of the senior Canadian in Tampa at Gauthier, Interview by Major J.D. McKillip, 11 Jun 2009, 4. He describes how the US Command had concluded that "the Al-Qaeda target set had effectively vanished" and that the Taliban were described as a "spent force."

¹³¹Canada. *Briefing to JSSC - Way Ahead - South West Asia Area of Responsibility*. DND, (Released under access to information number AI-2011-00071, A2002-00992, A0045665), 7 Jan 2003.

evidence of returning in force.¹³² As a result, the dominant task assigned to the coalition forces at that moment was to “strengthen the Interim Afghan Transitional Authority’s (ITGA’s) influence” throughout the region. While this still involved a security component, the focus was on civil efforts, and the United States had created the first of three provincial reconstruction teams (PRT) in 2002 to achieve this. It also hoped to turn these over to other members of the coalition in 2003 and began doing so by expanding the current ISAF force in Kabul outward.¹³³

This gradual drawdown of the United States in Afghanistan was the most troublesome aspect of the ISAF option from Vice-Admiral Maddison’s point of view. He argued that “If the Americans aren’t there then all those kinds of supporting functions and capabilities that they do, that we just don’t have, weren’t in our view going to be there.”¹³⁴ He knew that the Europeans were not going to be able to provide them and that the result would be higher risk for our forces. As Canada had seen in Kandahar in 2002 and would see again, only the United States was consistently ready to provide Canada such critically needed equipment as helicopters.

Lieutenant-General Jeffery fully agreed with the DCDS’ view arguing that the lack of such support made ISAF a greater risk than Iraq.¹³⁵ There was also risk as a result of the high operational tempo of the Army now heightened by the limited resources

¹³² Carl Forsberg. "The Taliban's Campaign for Kandahar - Afghanistan Report 3." Washington: Institute for the Study of War, 2009, <http://www.understandingwar.org/report/talibans-campaign-kandahar>, (accessed 15 Feb 2012), 21-23.

¹³³ The next phase in PRT development confidently stated "Steady State whereupon PRT's are reduced based upon ITGA [Interim Transitional Government of Afghanistan] effectiveness."

¹³⁴ Maddison, Interview, 8.

¹³⁵ Jeffery, Interview by Lerhe, 17.

assigned to the European-run ISAF mission in his opinion: “But ISAF had all the makings of a potential disaster. It was being run on a shoestring. It was a coalition of the willing or not so willing, as we saw it unfold... and when the whole prospect of Canadian leadership became involved I had real concerns over our ability to lead and our capability to lead at that level.”¹³⁶

His concluding thought on the suggestion that Canada would lead ISAF was “We’d been through the Great Lakes fiasco.” This refers to Operation Assurance, the abortive 1996 effort to provide aid to the Hutu rebels in Congo, and the last time Canada led a major overseas operation. Jeffery had considerable involvement in preparing for this Canadian-led operation and had no qualms declaring it an “unmitigated near-disaster.”¹³⁷ Several other accounts agree, and amongst a host of issues, this mission highlighted Canada's lack of a robust deployable headquarters and its shortcomings in lift, intelligence, surveillance and strategic communications.¹³⁸ By 2002 none of these capabilities had been improved with the possible exception of the expansion of the Joint Operations Group in Kingston Ontario, the bulk of which had already been dispatched earlier as the Canadian liaison cell in Central Command Headquarters in Tampa.

There were other concerns. NDHQ’s Major-General Ross worried about Canada's political-diplomatic ability to lead an ISAF force, noting that:

¹³⁶ Jeffery, Interview by Major J.D. McKillip, 11 Aug 2009, part1, 2-3.

¹³⁷ Jeffery, Interview by Lerhe, 9.

¹³⁸ Michael A. Hennessy, "Operation "Assurance": Planning a Multinational Force for Rwanda/Zaire," *Canadian Military Journal*, (Spring 2001). See also Dan Fitzsimmons, "Zaire and Canadian Defence Policy: The Case of Operation Assurance," paper presented at the Canadian Political Science Association 83rd Annual Conference, Waterloo, Ont., 16-18 May 2011, <http://www.cpsa-acsp.ca/papers-2011/Fitzsimmons-Dan.pdf>, (accessed 11 Dec 2011), 7, 16, 23-24.

Chrétien had announced that he was not going to seek re-election and that a party leadership convention was to be held in late 2003. So, the chance of the Prime Minister getting on the phone, like Tony Blair, with his counterparts in capitals [to muster support for ISAF] was very remote. Secondly, DFAIT had sustained their share of budget cuts and did not have the capacity to back up diplomatic or political efforts to gather an international force to complement the Canadians that were going to deploy in a mere six months.¹³⁹

The Stein and Lang account certainly makes clear most of these concerns were passed on to the Minister.¹⁴⁰ However, one has to remember the timeline presented within their account when one considers the extent to which these problems were actually assessed or even evaluated. It is relatively clear that sometime in January 2003 the Prime Minister instructed the Defence Minister to tell the US that Canada intended to go to ISAF.¹⁴¹ This may have been done during the McCallum-Rumsfeld meeting in Washington on 8 January 2003 or it may have been done towards the end of the month as Stein and Lang suggest.¹⁴² As has been made clear, what actually went on in that meeting is disputed. Then, during one busy day at the very end of January, the Stein and Lang account records that the Chief of Defence Staff outlined the many problems with ISAF and particularly Canada leading it.¹⁴³ That same day Stein and Lang state that, nevertheless, the Prime Minister "had decided in favor of the ISAF mission, subject to military advice confirming that the Canadian forces had the capacity to assume the lead." The CDS was told simultaneously to conduct this analysis and was also warned that the Prime Minister's Office would foreclose any options of seeking a defence budget increase in the Spring if

¹³⁹ Ross, E-mail, 20 Apr 2011, 1.

¹⁴⁰ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 65-66.

¹⁴¹ Chrétien, *My Years as Prime Minister*, 305.

¹⁴² Stein and Lang, *The Unexpected War: Canada in Kandahar*, 67.

¹⁴³ *Ibid.*, 66.

there was a media leak as to the ISAF option.¹⁴⁴ Accessed DND documents show that this evaluation was indeed done under "close hold" conditions involving the smallest possible number of planners working under great secrecy.¹⁴⁵

Perhaps less than five days later, that is on 4 February 2003, Cabinet discussed the ISAF proposal with Sheila Copps reporting "we deliberately made a decision to go to Afghanistan because we knew very shortly down the road we would be asked to participate in a US-led invasion of Iraq which we did not want to do ..."¹⁴⁶ Next, the Stein and Lang narrative has the Chief of Defence Staff providing an initial assessment that the ISAF task was militarily feasible on 7 February and confirming this five days later.¹⁴⁷ The decision to take up the ISAF task in the summer of 2003 was announced that day in Parliament.

There are several problems here and they are curiously similar to the progress of Iraq planning. Given that this operation had been planned in less than fourteen days under close hold conditions imposed by the PMO, there was no face-to-face meeting with the operations and policy staff and certainly none of the cross-department coordination needed to probe all of the diplomatic, legal, and financial questions for Cabinet.¹⁴⁸ The

¹⁴⁴ Ibid., 67.

¹⁴⁵ Canada. *JSSC on ISAF Contribution Announcement-13 Feb 03*

¹⁴⁶ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 67-68.

¹⁴⁷ The Stein and Lang account appears unconcerned that Cabinet approved the ISAF option before the military had confirmed it was militarily feasible. It also makes clear on its page 68 that the decision was made by the Prime Minister on 4 February, three days prior to receiving military advice. Much later in this analysis an attempt was made to assess the extent to which this was common practice within the Chrétien government.

¹⁴⁸ Ross, E-mail, 27 Nov 2011. That only 14 days or less was devoted to the planning was partially confirmed by the Minister on 18 February 2003. With some of the media claiming the ISAF deployment was prepared with minimal warning or involvement by the military, Defense Minister McCallum countered

rushed nature of the planning was particularly apparent to Major-General Ross who reports that he and ADM POL spent the brief sixty minutes they had to review the announcement correcting last-minute mistakes prior to the Minister going to the House to present it.¹⁴⁹ In General Ross' mind the rushed planning for ISAF lacked "due diligence" and also ignored what he thought was accepted advice to carefully manage Army operational tempo.¹⁵⁰ This, he claims, was the reason for his resignation not that the government chose ISAF over Iraq. Finally, on the day after the announcement in the House, Treasury Board was reported as "mad that no warning was provided for budget. Needs a ROM [rough order of magnitude] number right now."¹⁵¹

This was not the only piece of missing data. The day of the announcement it was still not clear whether Canada would lead the entire forty-seven hundred person ISAF force in Kabul or, as some in the military hoped, just the three thousand in the brigade that protected it. Certainly, it was common practice that the largest troop contributor would lead. Co-leading ISAF with Germany was another option that had to be explored although Stein and Lang make clear the Prime Minister initially opposed this because some in the US would then perceive Canada had joined the same anti-US coalition as

that the military developed the plan "some weeks before the announcement and presented it to me." See Leblanc, "McCallum Defends Afghanistan Deployment."

¹⁴⁹ Ross, E-mail, 27 Nov 2011, 1.

¹⁵⁰ Ibid. Major-General Ross submitted his resignation soon after. He informed the author that his reason for resignation:

... was not that the government chose ISAF over Iraq but rather, in an era of already high operational tempo and stretched resources, the Chrétien government had given no indication of increased resourcing (budget) to sustain a long-term, large overseas commitment. DND was still in the decade of darkness and with the ISAF commitment, the gap between supply and demand appeared to be widening, quickly.

¹⁵¹ Canada. *JSSC on ISAF Contribution Announcement-13 Feb 03*

Germany and France.¹⁵² Accessed documents also reveal that at this moment it was not even apparent who the new ISAF commander would report to with the UN and NATO both being possibilities.¹⁵³ It was also not clear whether Canada would have to take over the running of Kabul airport from the Germans and then find the five hundred persons needed to do this too. Running ISAF also implied providing the hospital for the entire force, a capability far beyond what was available from Canada's military. While tentative efforts had begun to have NATO take over the mission, this was by no means assured at this point with France reportedly in strong opposition.¹⁵⁴ This also meant there was no guarantee Canada would find relief after her twelve months leading the force.

In the interim, Major-General Ross, after submitting his resignation, departed with fellow policy officer LCol Dennis Thompson to visit Spain, Italy, and Germany “with cap in hand to see who would lead us, the largest contingent.”¹⁵⁵ The former two nations, despite having deployable corps-level headquarters, could spare nothing. Germany, helpfully, agreed to keep many critical elements, such as the Kabul airport support effort, in place for a further six months. They then proceeded to NATO Brussels where they pressed for NATO to take over the overall lead and much of the administrative responsibility for the ISAF force. Back in Canada, the Defence Minister made strenuous efforts to rally allied support for the mission while a high level DND-DFAIT team was established to coordinate the government's mounting of it.

¹⁵² Stein and Lang, *The Unexpected War: Canada in Kandahar*, 68.

¹⁵³ Canada. *JSSC on ISAF Contribution Announcement-13 Feb 03*

¹⁵⁴ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 70.

¹⁵⁵ Ross, E-mail, 20 Apr 2011, 2.

At the same time the Army now had to plan for sending eighteen hundred Army personnel and a brigade headquarters to Kabul starting in August 2003, as it was maintaining twelve hundred persons in Northwest Bosnia, while also taking over command of the multinational division there. The Army needed relief and the government was unwilling to back away from the Bosnian commitment although much later they agreed to reduce the Canadian effort there to between five and seven hundred in December 2004, that is five months after the eighteen hundred Canadian soldiers were required in Kabul.

The military's concerns over their own operational tempo and the daunting challenge of leading the Kabul force were quickly being confirmed. Yet, within months, Canada's commitment there was soon seen as an entirely successful one. The sixth case study will show how that success then contributed to the decision to take up the more problematic Kandahar mission.

Evaluation and Findings

In the interim, this analysis must calculate the sovereignty implications of the OIF study, and without doubt the dominant one was the successful rebuffing of an important US request. As a result hypothesis 1B, which argued the US would normally be able to coerce us into these types of operations, was disproven and a major sovereignty gain is displayed at table 7-1. In addition the US did not make a sustained effort to draw us in. As soon as Canada's unwillingness to take such concrete steps as pre-positioning equipment became obvious, its officers were removed from the direct planning for the

Iraq offensive. Rather than being drawn in, Canada was being pushed away by the US

Table 7-1 Case Study Four: Operation Iraqi Freedom

| Case | Hypothesis | Effect on Sovereignty (Exterior/Interior) | | | | | | | Extent to which Interoperability was a factor | | | Remarks | |
|----------|---|---|-----|------------|------|------------|-----|-------------|---|-----|-------------|---------|---|
| | | Loss | | | Gain | | | | Negligible | Med | Significant | | |
| | | Significant | Med | Negligible | Zero | Negligible | Med | Significant | | | | | |
| 4 (Iraq) | 1B - Commit to US Ops 2A - Advance Interop with US 2B - Support US over Canada 1C - Rejected by others | | | E | | | | | E | | | X | -Canada rejects OIF but military prefers US support over European -Officials work to integrate Canada into OIF not proven -Officials exaggerating US retaliation or providing tainted advice not proven -Germany joins Canada in Kabul; Italy and Spain refuse to help |

military leadership. However, this major gain is offset by a small loss as the military had argued against the government's preferred ISAF option primarily because of their deep concerns over inadequate NATO support for the mission. Events were to prove them correct in that regard.

Within this case study there was no evidence to support hypothesis 2A which suggests the military would attempt to advance Canadian integration into the US plans against Iraq without government authority or mandate. The military indeed planned Iraq options with the US military, but it did so within a Canadian policy that consistently kept the "door open" to Canada joining the Operation Iraqi Freedom coalition until the last minute. In addition the government authorized each stage of the Canada-US planning

effort against Iraq in writing and the Defence Minister publicly acknowledged such planning was underway on at least two occasions.

The broad thrust of Stein and Lang and the specific charge of Foreign Minister Graham that the Americans were misled by “hawks in our military” is found to be quite substantially one-sided if not outright wrong. In this regard, the cables from the US Embassy Ottawa are clear in repeatedly citing the views of ministers and occasionally the Prime Minister to underline their belief that Canada would ultimately commit to operations in Iraq. Finally, Ambassador Cellucci's memoirs discuss the "mixed signals" he was receiving from Canada on the Iraq question and concludes with "even some of the senior members of the Cabinet could not figure out what was going on," suggesting, if only indirectly, who he was listening to.¹⁵⁶

Brian Bow, on the other hand, has argued that the US was following not one, but two data streams as it was attempting to determine the Canadian position on Iraq. The first involved the Prime Minister and some of his key ministers who were reported as certainly having "left the door open for a role in Iraq." The second source, in his view, were "US military officers talking informally with their Canadian counterparts" wherein the latter passed on their “interest in making a direct contribution to the war itself.”¹⁵⁷ O'Connor and Vucetic later came to the same broad conclusion, and, like Bow, relied on interviews with US officials for this impression.¹⁵⁸ In considering these arguments,

¹⁵⁶ Paul Cellucci, *Unquiet Diplomacy* (Toronto: Key Porter Books, 2005), 131.

¹⁵⁷ Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 148.

¹⁵⁸ Brendan 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), 530-1. Unlike Bow, they argue that the Canadian military at CENTCOMHQ were the

however, one must also assess the extent to which the US would assign weight to data coming from Prime Ministerial and ministerial sources against that from Canadian military officers. To do so would require ascribing a significantly greater weight to military advice and its influence in government than most Canadian observers would be inclined to do. This was especially the case under Chrétien who in the past rarely listened to the military's advice and continued to do without it in choosing ISAF Kabul over Operation Iraqi Freedom. The US Embassy Ottawa also seemed to have clear sense of the weight of Canadian military advice in noting "Internally, the Canadian Forces complained that this [ISAF] foreclosed the ground force option in Iraq, but they were overruled."¹⁵⁹ As has been made clear, there were actually very few in the upper levels of the CF leadership who thought ground forces had any realistic potential of deploying to Iraq.

Certainly, some of its "anonymous source" supporters feeding the media contributed significantly to the impression the military leadership supported joining the anti-Iraq coalition. In addition, a reading of the briefing note prepared in response to the US 15 December 2002 démarche seeking our involvement in OIF planning, while factual in listing the reasons for joining the US in the planning effort, was overdone. While acknowledging that one would expect those responsible for deploying the military to stress the risk of casualties should adequate planning not take place, the impression left on reading it ten years later is still, however, one of "hard sell." Equally one has a great

"greatest" contributor to US misperceptions. However, they also assess that Canadian ministers contributed to the US' uncertainty over Canadian intentions and cite Defence Minister McCallum's media responses of 10 October 2002 and 10 January 2003 as significant contributors.

¹⁵⁹ US. *Canada to Provide a Battalion and Brigade Headquarters for ISAF IV and V*. 1.

deal of difficulty justifying the ever-increasing size of the Canadian "liaison" staffs sent to participate in the US's Iraq planning effort.¹⁶⁰ This started with four officers assigned to Tampa, and grew to twenty-five in Qatar. Yet it is hard to understand how any more than the first four were required to execute the liaison function, especially as these teams had been instructed in writing to focus on liaison and "not to become drawn into the US planning effort."¹⁶¹ Next, the leaks in January 2003 to *The National Post* by "anonymous military sources" (if they were indeed the source, and not retired officers in the various think tanks) suggesting both CF-18 and a three thousand-person land force brigade were being actively considered for Iraq did not assist the military's case then or now. It did not reflect the actual state of planning, had no reasonable chance of influencing the government's direction (except in a negative sense), and reinforced the perception of some as to a military hell-bent on joining the Iraq war.

To then satisfy hypothesis 2B we would have to see evidence of the military exaggerating the dangers of not joining US endeavours, resisting political direction, and distorting its advice to government. However, the only case discovered of DND exaggerating the negative consequences of not joining the coalition against Iraq involved the frequent warnings that the highly valued data Canada was getting on US planning for Iraq would cease once Canada made clear she would not participate. As will be seen in the final case study, those warnings, if anything, significantly understated the potential for harm.

¹⁶⁰ The actual name for this group was the "Liaison and Reconnaissance Team."

¹⁶¹ Canada. *DCDS Guidance - Joint Task Force South West Asia (CA-JTFSWA) USCENTCOM Liaison for Potential Military Operations against Iraq*. 2.

There is no evidence of the military resisting the government's instructions. Certainly there was never any direction to cease planning Iraq options as the government kept the door open for this option up to the moment when Prime Minister Chrétien announced Canada would not join. Charges that the department should have, on the other hand, done more to plan ISAF are difficult to support in that the Stein and Lang narrative makes clear that the Minister ordered the planning be done rapidly and under the most strict conditions of secrecy under fear of budget cuts if it leaked.¹⁶² A stronger argument is that the military planning effort for ISAF precisely matched the government's policy of ambiguity, much like their efforts to prepare for Iraq. That is, the government continued to keep the door open for both Iraq and ISAF without providing the authority or the funding for advanced planning and preparedness. As a result no detailed planning was done for either.

It is equally difficult to accept the view that the military employed much "spin" in outlining the difficulties of the ISAF option. Every problem they warned of came true. However, their their conclusion that the "military objectives" were met in Afghanistan as was overly optimistic and possibly self-serving of the Iraq option, noting, however, that was the shared view of all the participating nations at the time. Finally there is no

¹⁶² This analysis must admit, however, there is an evidentiary dead zone between 15 and 28 January as it relates to DND's ISAF planning. This is not helped by the fact that the Stein and Lang account has Defence Minister McCallum instructing the CDS twice - that is in mid-January telling the CDS to "concentrate" on ISAF planning and end-January to do a feasibility assessment of the ISAF mission. See Stein and Lang, *The Unexpected War: Canada in Kandahar*, 64, 67. The evidence suggests that DND commenced detailed work at the end of January under the Minister's constraint that it be 'close hold' but this analysis has not been able to determine how much planning was done earlier. Similarly, this analysis cannot support the view of some critics of the government that it completely blindsided the military with its ISAF Kabul announcement on 12 February 2003. Some, albeit rushed, military planning for ISAF had been done prior to this.

evidence of a “favorable gloss” being provided to options for Iraq other than the presentation of the fact that a Canadian contribution would enjoy access to better support under the Americans than would be available in Kabul with the Europeans. The conclusion was fully borne out by the facts as Canada then spent much of the rest of 2003 in the difficult task of corralling European support for ISAF.

This case study provides a very limited test of hypothesis 1C which argues our close interoperability ties with the US will make us an unattractive partner for others. The readiness with which all parties welcomed Canada’s offer to lead the ISAF Kabul mission in August 2003 was undoubtedly conditioned by the fact that no other nation had volunteered and it was becoming increasingly difficult to attract one. In addition, Germany's readiness to partner with us in this task was offset by Italy's and Spain's unwillingness to assist. Thankfully, the next case studies will offer more material to test this hypothesis.

CHAPTER EIGHT: TASK FORCE 151

Introduction

The central sovereignty challenge within the TF 151 case study is the Stein and Lang allegation that the Canadian military leadership "created a trap for the government by urging that Canada lead the TF 151."¹ This stratagem involved the military seeking government approval in early February 2003 for Canada to lead this formation in the hope that it would encourage the government to then approve joining the larger American plan to invade Iraq: "And initially, before Chrétien had made his decision on Iraq, Canada's generals and admirals probably thought that taking on TF 151 would "help" the politicians make the "right" decision. Surely Canada could not continue to lead this task force and not be part of the Iraq coalition."² There is, therefore, sufficient material to justify investigating the applicability of hypothesis 2A wherein *officials advance military interoperability and integration projects without government support*.

Stein and Lang also hint that once Canada had both assumed command of Task Force 151 and decided it would not participate in OIF, the military likely strayed into supporting the latter:

Whether or not Canada's ships in TF 151 actually carried out any duties directly related to the war in Iraq will probably never be known. Yet according to the official record, the Canadian navy somehow managed the seemingly impossible. It ran and participated in a double-hatted naval task force but it did not get involved in command or operational responsibilities related to one of these hats.³

¹ Ibid., 90.

² Ibid., 83

³ Ibid., 87.

Stein and Lang also argue that the United States government "probably deliberately encouraged" the blurring of those roles.⁴ The overall result was that "command of TF 151 ... undermined the coherence and integrity of Canada's policy on the war in Iraq."⁵ There are thus ample grounds to further probe hypothesis 2B which suggests that *domestic officials will support the position of the US government or military over that of the Canadian government.*

Command of Task Force 151 also involved Canada leading over twenty vessels from France, New Zealand, Italy, the Netherlands and Greece in addition to those provided by the US Navy. In that many of the ships came from countries not ready to support Operation Iraqi Freedom, this provides a very complex set of factors to test hypothesis 1C that suggests others will shun Canada for its overly close interoperability ties to the United States.

Charbonneau and Cox also deal with the complex origins of Task Force 151 suggesting the integrated nature of Canada's defence systems led to Canada assuming this mission.⁶ On the surface this would justify probing hypothesis 1B to establish the extent to which Canada's dependency on US systems or support was a factor. However, they provide nothing to support that claim forcing this analysis to forgo a detailed

⁴ Ibid.

⁵ Ibid. Stein and Lang make clear our policy of allowing Canadian exchange officers to serve with US forces in Iraq also contributed to this problem. There was, however, no obvious or claimed sovereignty loss associated with this issue nor was there any suggestion of a similar "trap" being set for the government.

⁶ Charbonneau and Cox, "Global Order, US Hegemony and Military Integration: The Canadian-American Defence Relationship," 311.

investigation.⁷ As a result, the first step within this case study will be to present the competing narratives and then assess the extent to which the case is made for the Canadian military laying a "trap." Then it will examine the actual conduct of the Task Force 151 mission to determine whether the government's directions and policies were flouted.

TF 151 as "Trap"

The account of this issue by Stein and Lang is brief and almost all of it is heavily disputed by the key participants. The sole area of agreement is that both the CDS and DCDS recommended in early February 2003 that Canada lead TF 151, a new command established by the US naval commander in the Persian Gulf.⁸ Up until this time, Canada had only directed Task Group (TG) 150.4, as the sector commander of the Southern Persian Gulf - Strait of Hormuz - Gulf of Oman sector. The Canadian commander in turn reported to Commander Task Force (CTF) 150, the at-sea commander of the USN carrier battle group that routinely operates in the Persian Gulf area.

Richard Gimblett, in his history of Canadian naval involvement in Operation Enduring Freedom, explains that US military leadership fully recognized that there was a need to maintain Operation Enduring Freedom's maritime anti-terrorist and escort tasks as American forces were diverted towards Operation Iraqi Freedom.⁹ To support the latter, the US Carrier Commander, CTF 150, was required in the northern Persian Gulf

⁷ Moreover, Richard Williams has examined this particular possibility in some detail and discounted it. See Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 71-99.

⁸ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 79.

⁹ Richard Howard Gimblett, *Operation Apollo* (Ottawa: Magic Light Publishing, 2004), 108-12.

and so Task Force 151 was created to continue the task of interdicting al-Qaeda and escorting shipping through the Straits of Hormuz, as al-Qaeda had attempted one attack within the Straits in 2002 and had successfully attacked two ships near Yemen. The US area commander also fully realized that a significant number of those OEF coalition forces wished to continue their efforts against al-Qaeda and support the US in its broader counter-terrorist effort without joining the war against Iraq.¹⁰ Task Force 151 thus held the broader international counterterrorism coalition together, kept the pressure on al-Qaeda, and ensured the safety of both military and commercial shipping. The US offered the leadership of Task Force 151 to Canada because it had the longest running coalition naval command experience in the area as commander of the Straits of Hormuz sector. An earlier highly favourable US report had noted Canadians were the “logical choice” for area command in this region due to their specialized training and skills.¹¹

Taking on the task had direct benefits for Canada. As has been made clear by the Assistant Deputy Minister Policy earlier, this mission provided the government with flexibility to declare them for either Operation Enduring Freedom or Operation Iraqi Freedom when a government decision became unavoidable. This is partially acknowledged by Stein and Lang who refer to TF 151 as "double-hatted" command.¹²

¹⁰ Ibid., 108.

¹¹ Tom Williams, Lieutenant and Phillip Wisecup, Captain, USN, "Enduring Freedom: Making Coalition Naval Warfare Work," *US Naval Institute Proceedings*, 128, no. 9 (September 2002), 52-55.

¹² Stein and Lang, *The Unexpected War: Canada in Kandahar*, 63, 80. Stein and Lang do not use the term "double-hatted" in its traditional sense. A "double-hatted" command is normally one where its commander figuratively wears two hats. That is he enjoys command responsibility over two or more organizations and thus wears a different 'hat' when commanding one or the other. For example, the author was double-hatted as CTG 50.4 (the coalition commander of 5-9 coalition ships in the straits of Hormuz sector and as CTG 307.1 (the Canadian national commander of the four Canadian ships and helicopters in the region). What Stein and Lang probably meant was that the task force was "dual-tasked."

This, however, was significantly different from ‘dual-track’ approach Ken Calder had outlined earlier. The latter approach involved the government keeping our naval forces available to support either OEF or OIF up to the point when the Canadian government made its decision on joining the Iraq coalition or not. If the government did not support OIF, that track for TF 151 would be dropped. On the other hand, Stein and Lang make clear that the Minister understood that the "double-hatted" concept would continue after Canada had made its decision on Iraq. These authors underline that the Minister understood that the Task Force would be providing support to Operation Enduring Freedom while also providing "undefined support" to OIF “once hostilities had commenced against Iraq.”¹³ They also point out that senior members of the department of Foreign Affairs, including Minister Graham, also joined by Deputy Prime Minister Manley, had argued for assuming the leadership of the Task Force. The government then agreed to the task and, according to Stein and Lang, “would worry later” as to how Canada would manage to continue leading the task force after combat operations had begun in Iraq.¹⁴

The first ‘worry’ arrived before that. Stein and Lang claim that at the end of February 2003, less than twenty-eight days after they had argued for it, the Chief of Defence Staff and Deputy Chief of Defence Staff reversed themselves and claimed Canada must withdraw from the leadership of TF 151.¹⁵ They did this, it is asserted, when they both then realized the Chrétien government was not going to support the war

¹³ Ibid., 80.

¹⁴ Ibid., 80-81.

¹⁵ Ibid., 82.

on Iraq: “When they did, Henault and Maddison shifted gears. They told McCallum that Canada would have to pull out of the leadership of TF 151, which it had just assumed, if Ottawa was not going to participate in military operations against Iraq.”¹⁶ This, then, is the "trap" that Stein and Lang state the military laid for the government.¹⁷

There are several problems with both the narrative and its conclusion. General Henault has stated in interview that the interpretation by Stein and Lang of this issue is fundamentally incorrect.¹⁸ Here he is supported by two other officers who were directly engaged in this issue, Vice-Admiral Maddison, and Rear-Admiral McNeil.¹⁹ General Henault also claims that at no time in the Spring of 2003 did he recommend withdrawing Canada from TF 151 or its leadership.²⁰ Yet Stein and Lang also cite the Chief of Defence Staff as declaring “The Navy needed a break in the operational tempo” as the reason for having to withdraw.²¹ The CDS, after examining his personal notes of this period, has no recollection of making that recommendation or providing that justification.²² The statement attributed to the CDS may have its origins in some other context as the Stein and Lang text itself seems to suggest with its stating that the Canadian Navy had only been involved in TF 151 “for a matter of days” when the CDS allegedly raised this operational tempo problem. Further, at that moment the Navy was in the process of dispatching an additional frigate and a destroyer to join the two other

¹⁶ Ibid.

¹⁷ Ibid., 90.

¹⁸ Henault, E-mail, 11 Dec 2011.

¹⁹ Vice-Admiral Maddison, E-mail to author, 29 Jan 2012 and Rear-Admiral McNeil, E-mail to author, 18 Mar 2012. McNeil, Interview, 13, also covers this.

²⁰ Henault, E-mail, 11 Dec 2011.

²¹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 82.

²² Henault, E-mail, 11 Dec 2011.

Canadian warships in the Gulf, thus seriously aggravating its supposed operational tempo problem. In fact, Rear-Admiral McNeil makes clear the Navy was fighting hard against the Minister's opposition to sending the destroyer.²³ With PCO support the Navy's view triumphed, but again it shows the Navy was not seriously concerned over the operational tempo in March 2003. It is possible that the CDS could have made this kind of basic operational tempo timing error, but the more likely conclusion is that his statement relates to a point some six months later. By the fall of 2003 two (of three) of Canada's destroyers, eleven of its twelve frigates, and all of its supply ships had deployed in the two years of Operation Enduring Freedom. Canada then reduced her commitment to one frigate in late September, and then withdrew completely in November 2003.

Rather than calling for terminating the leadership of TF 151, General Henault has stated that he sought to alert government that there was a significant legal debate now underway within the bureaucracy that would certainly require the Minister's attention as well as, potentially, that of Prime Minister Chrétien.²⁴ At the very minimum, the strategic direction the Prime Minister had issued in November 2001 had not envisaged that Canadian ships would be required to provide safe escort through the Straits of Hormuz while a major conflict was underway in Iraq. As a result, a change to the government-approved Canadian forces objectives in the theater was required. A confidential interview has confirmed that the required briefing note for the Minister with a letter to the Prime Minister dealing with TF 151 roles was prepared in mid-March

²³ McNeil, Interview, 13-14.

²⁴ Henault, E-mail, 11 Dec 2011. This is corroborated by McNeil, E-mail to author, 18 Mar 2012.

2003.²⁵

As well, Stein and Lang report that the Canadian Forces' Judge Advocate General was of the opinion that in escorting American shipping bound for Iraq, Canada was in danger of being considered a belligerent in the conflict. They also report that he was "not very popular" with the CDS as a result.²⁶ General Henault has subsequently confirmed that he was less than satisfied with JAG's interpretation as he wished to continue having Canada command TF 151.²⁷ He also noted that the contributing navies continued to support TF 151 and Canada's command of same. Moreover, those nations had no overriding legal issues complicating their participation. Further, Rear-Admiral McNeil has also stated that the governments of at least two of those nations specifically requested that Canada continue to lead TF 151.²⁸

Subsequently, and entirely in accordance with the Chief of Defence Staff's wishes, the issue was indeed brought to the Prime Minister's attention where he made the final decision to continue Canada's command of the Task Force. Anecdotally, the Prime Minister is reported to have acknowledged the legal complexity of the issues, stating that they could bring in twenty lawyers and divide them into two teams to resolve the issue whereupon they would argue for several years. Alternatively, he was prepared to make a decision right now and did so in favor of continuing Canadian command of Task Force 151. On 18 March 2003, the day after he announced that Canada would not participate in

²⁵ Ist Confidential Interview, 8.

²⁶ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 82.

²⁷ Henault, E-mail, 11 Dec 2011.

²⁸ McNeil, Interview, 14.

OIF, Prime Minister Chrétien then signed the revised Strategic Direction authorizing the changed objectives, the escort mission, and Canada's continued leadership of TF 151.²⁹ Commodore Girouard, the designated Task Force Commander, acknowledges receiving that just-signed strategic direction authorizing the escort task as well as other elements of the original Operation Enduring Freedom mission.³⁰ Intercepting fleeing Iraqis was, however, forbidden.

Later, the Prime Minister argued the ships' mission was to support the "the struggle against terrorism."³¹ The Stein and Lang narrative also suggests a secondary purpose as they outline how the Department of Foreign Affairs urged government to take command of TF 151 given the "likelihood that Canada would refuse to participate in the war against Iraq."³² It soon became clear via Wikileaks that the Department of Foreign Affairs continued to hold that position. On 17 March 2003, the day Canada announced it would not join OIF, the US Embassy in Ottawa reported that DFAIT's Assistant Deputy Minister, Jim Wright, had informed them that: "...despite public statements that the Canadian assets in the Straits of Hormuz will remain in the region exclusively to support Enduring Freedom, they will also be available to provide escort services in the Straits and will otherwise be discreetly useful to the military effort."³³ He also advised that the Canadian patrol and transport aircraft in the region "are also prepared to 'be useful.'"

This analysis has not been able to determine the extent to which Wright's message

²⁹ Ist Confidential Interview, 8.

³⁰ Rear-Admiral Girouard, Interview by Eric J. Lerhe, 22 Feb 2011, Esquimalt, BC, 11.

³¹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 85.

³² *Ibid.*, 80-84.

³³ US. *Canada Won't Join the Military Action against Iraq without Another UNSC Resolution*. 2.

to the US was authorized by Ministers. Arguing against the view that ADM Wright's offer enjoyed wider political support are the claims by General Henault and Vice-Admiral Maddison that they had not heard of this offer until the release of the Wikileaks cable in 2011.³⁴ However, Foreign Minister Graham is on record for endorsing the Canadian leadership of the task force, stressing the ill-effect it would have on Canada-US relations if it pulled out, arguing TF 151 was simply a continuation of our original mission, and noting that allies like the French had no legal problems with it.³⁵ The mission also fell well within the curious "double-hatted" construct accepted by the Defence minister. Finally, the just-discussed strategic direction change sought from the Prime Minister and then issued to Commodore Girouard fully authorized the escort mission to continue despite Canada's decision to not support OIF.

Task Force 151 Doing the "Impossible"

The next section will attempt to assess how carefully Task Force 151 leadership remained within the government's publicly stated intention that its role be restricted to supporting Operation Enduring Freedom.³⁶ Most commentators had grave doubts this could be achieved and were ultimately convinced the Task Force ended up assisting the Operation Iraqi Freedom mission.³⁷ Stein and Lang carefully avoid declaratory

³⁴ Henault, Interview, 14-15; and Maddison, Interview, 10.

³⁵ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 80.

³⁶ During the post-question period media scrum of 13 February 2003, the Defence Minister described the mission of the Canadian ship's within TF 151 as "They're working exclusively on Operation Enduring Freedom which involves the war on terrorism in Afghanistan..." See DND, "Scrum Transcript - Scrum after Question Period: John McCallum."

³⁷ Harvey, *Smoke and Mirrors: Globalized Terrorism and the Illusion of Multilateral Security*, 206-08. See also Kelly Toughill, "Canadians Help U.S. Hunt in Gulf," *Toronto Star*, 2 April 2003.

statements on this subject hinting instead that the extent to which TF 151 assisted OIF "will probably never be known", while suggesting that the commander must have "somehow managed the seemingly impossible" by claiming not to have done so.³⁸ They also claim US complicity in this effort arguing the blurring of the OIF and OEF roles was "probably deliberately encouraged" by the US who in their view "considered these operations as a single integrated mission." Frank Harvey was equally skeptical and he joins most of the Canadian media in arguing the Canadian ships "did not and could not clearly separate the roles between terrorism and the war in Iraq."³⁹

Certainly the Canadian Naval Commander's ability to separate the two missions was not assisted by the preceding commentaries of Cabinet ministers and senior foreign affairs officials. As seen, Foreign Minister Graham argued that Task Force 151's role flowed from its "original mission to restrain the Taliban and control al-Qaeda" without mentioning that a significant part of the original mission included the escort of military shipping. Then ADM Wright suggested privately to the US Embassy in Ottawa that Canada would indeed continue providing escort to shipping and "be discretely useful to the military effort" without, apparently, identifying which military effort was being referred to.⁴⁰ Moreover, the Stein and Lang account makes clear Defence Minister McCallum fully understood the "double-hatted" nature of the task force specifically

³⁸ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 87.

³⁹ Harvey, *Smoke and Mirrors: Globalized Terrorism and the Illusion of Multilateral Security*, 206-08.

⁴⁰ US. *Canada Won't Join the Military Action against Iraq without Another UNSC Resolution*. It would appear the US Embassy also noted the lack of precision here noting "They are also prepared to be as useful as possible in the military margins, an aspect of their role which we intend to clarify."

involved supporting both OIF and OEF.⁴¹ Their discussion of the legal issues surrounding TF 151 also noted that the task of protecting ships that could be carrying material for the Iraq invasion could confer belligerent status on Canada.⁴² As has been seen, the Prime Minister ultimately resolved those legal issues and ordered Canada to retain command. At that point, Stein and Lang correctly assert that the Task Force's tasks were now limited "to those that were legitimately part of OEF." Significantly, their description of this phase skirts the fact that shipping escort was always part of OEF and would continue to be so. Similarly, the Defence Minister stated that Task Force 151 worked "exclusively on Operation Enduring Freedom" without ever mentioning the escort function even when he was specifically asked by the media what tasks might be involved.⁴³ They also concluded somewhat surprisingly that "now that the policy with respect to TF 151 was clear," it was "the Navy's responsibility to make the policy work."⁴⁴

A series of media interviews by naval officials certainly made clear they thought the escort function was central to the TF 151 task. A DND spokesperson at Central Command Headquarters repeated the Government's policy on 11 February 2003 stating the Task Force would indeed be "sticking exclusively to Enduring Freedom."⁴⁵

⁴¹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 80.

⁴² *Ibid.*, 82.

⁴³ DND, "Scrum Transcript - Scrum after Question Period: John McCallum." One month later he acknowledged the ships were escorting US and UK vessels up to the northern edge of the Persian Gulf. Daniel Leblanc, "Naval Role Vital Now, McCallum Declares," *Globe and Mail*, 19 Mar 2003, A4.

⁴⁴ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 85.

⁴⁵ Paul Koring and Daniel Leblanc, "Canadian Will Run Persian Gulf Naval Task Force," *Globe and Mail*, 11 Feb 2003. Despite the fact that the DND spokesperson who provided much of the material in the article was named, Stein and Lang claim officials in DND South tower "leaked" the news. Their problem with the

However, the article also confirmed this would include escort operations, protection of shipping and interception of suspect vessels. On 14 February 2003, Commodore Girouard, its commander, made clear to the media he would be coordinating the escorts of “undefended ships and tankers” and particularly so in the Straits of Hormuz. However, the key to assessing whether he remained within the government’s orders requires a detailed breaking down of his subtasks.

Under Operation Enduring Freedom these involved interdicting fleeing al Qaeda and Taliban leadership figures, escorting military shipping, and providing close escort to the US carriers in the region whenever it was required. The Canadian naval task groups were also authorized to track down and arrest Iraqi oil smugglers running the UN embargo but that illicit activity had largely ended by 2003.⁴⁶ The warships’ presence in the area also contributed to ensuring the safety of other shipping in this heavily traveled area but this task was not formally stated.

Of these assigned subtasks only the escort of shipping was initially contentious and this became so well before the formation of TF 151. Under Commodore Murphy’s command of the Canadian Task Group in late 2002, the buildup of American forces in Kuwait and elsewhere preparing for Operation Iraqi Freedom was beginning to involve the use of commercial shipping to carry the needed military material. Under the earlier Operation Enduring Freedom rules, these would not receive a close escort through the Straits of Hormuz as only unarmed or lightly armed military shipping was considered to

article may be related to the fact that this appears to be the first public disclosure of the fact that the Canadian Navy would be continuing to escort shipping after war had opened with Iraq.

⁴⁶ HMCS Ottawa successfully intercepted, boarded, and delivered to arrest the Iraqi oil smuggler MV ROAA in May 2002.

merit that protection. All of this unfolded without incident until the US commander requested close escort be assigned to a particular commercial vessel triggering the Canadian commander to request its type of cargo.⁴⁷ When this was not forthcoming, he declined to assign an escort from within his multinational formation and the US commander then had to assign a USN warship to the task. The unstated Canadian logic here was that the OEF status quo applied wherein commercial vessels, even if there was a high likelihood they contained valuable military cargo, did not get close escort but benefited from the area support of the coalition warships as did all other shipping in the area be it related to the coalition or not. Also unstated by the USN, the Canadians, and the other naval coalition members was a general sense that providing close escort to commercial vessels with likely OIF-bound cargo was a bridge too far for TF 151's non-US membership. Almost all the governments contributing ships to it had declined OIF participation and none likely had issued rules of engagement authorizing direct support to it. As has been shown, Canada's political leaders in particular avoided any public mention of the escort task preferring to fall back on the claim that Canada was simply continuing its OEF functions.

The second subtask flowing from the original OEF mandate was the interdiction effort against the al-Qaeda and Taliban leadership. Problems only arose here with media supposition that the task force would stray into the task of rounding up fleeing Iraqi officials. Kelly Toughill reporting for *The Toronto Star* extended this quite a bit further and argued, correctly, that Canadian ships passed the crew lists of all the suspicious

⁴⁷ Murphy, 4.

vessels they encountered to the US master terrorist database.⁴⁸ As senior Iraqis were also on the list Toughill then concluded that "Canadian sailors are actively hunting Iraqis at sea on behalf of the United States" and that "If any are found, they are to be turned over to US authorities." This was completely incorrect although Toughill attempts to reinforce this claim by pointing out that two such "suspects" were captured by the Canadian Navy using such a list and turned over to the US in July 2002.

As the author was commanding the Task Group that made those two al-Qaeda captures, I have some familiarity with the process and it was not as automatic as Toughill provides. Richard Williams explains the process well in his analysis of naval operations in the Persian Gulf where he points out, first, that "the USN was willing to let Canadian legal opinions dictate the terms of reference" for the seaborne interdiction operations.⁴⁹ Second, Canada insisted the US provide not only the basis for claiming the suspect's al-Qaeda affiliation, but also his specific terrorist activity or role. Finally, if that data was not convincing Canadian ships would not detain, and on at least two occasions Canada refused a US request to detain someone who was on their list. Commodore Girouard continued to apply this principle and in addition received specific instructions from Ottawa within his new guidance to not turn over any fleeing Iraqis to US forces.⁵⁰ When he confirmed this in a media interview, Ambassador Cellucci claims he was "stunned" and "flabbergasted" by this approach and later called the Canadian position

⁴⁸ Toughill, "Canadians Help U.S. Hunt in Gulf."

⁴⁹ Williams, *Weighing the Options: Case Studies in Naval Interoperability and Canadian Sovereignty*, 82. Williams also comments favourably on Commodore Girouard's ability to remain within his OEF tasks at his 76-78, and 81-83.

⁵⁰ *Ibid.*, 77. See also Gimblett, *Operation Apollo*, 116.

"incomprehensible."⁵¹ Citing an unidentified source, Robert Fife of *The National Post* argues Canada's decision on not intercepting Iraqis was "the final straw for the White House" in its decision to cancel the President Bush May visit to Ottawa.⁵²

Commodore Girouard then quickly confirmed the extent to which he intended to follow the government's often less than clear direction. Soon after combat operations had begun in Iraq, he received reports of potential Iraqi commercial vessels flying false flags heading south toward the Strait of Hormuz with mines.⁵³ When one was discovered near the Straits he alerted NDHQ and then ordered the HMCS Montréal to do a consensual boarding which the master granted. During that boarding, they discovered five Iraqis sufficiently fit and equipped to be considered potential special forces members but no mines or associated equipment. He alerted the US naval commander's staff as to his increasing suspicions, but, to his surprise, the US command staff ordered that the vessel be released. The Montréal then withdrew her boarding party only to have the US staff change their mind thirty minutes later and request the Canadians remain aboard. At that point, Commodore Girouard interceded and informed them that Montréal's team had departed and could now not return to the vessel. He explained that he had previously enjoyed the right to investigate the vessel based on the possible threat it posed shipping in the Straits of Hormuz. Now, however, it was clear the vessel posed no such threat and the only possible reason for returning to it was to interdict Iraqis - a task he was not authorized to do. The US commander reportedly fully understood Canada's position and

⁵¹ Cellucci, *Unquiet Diplomacy*, 141-43.

⁵² Robert Fife, "Bush Cancels Visit to Canada-U.S. Displeased with Decision on War, Jabs from Liberals," *National Post*, 12 Apr 2003, A1.

⁵³ Girouard, 2.

assigned a USN vessel to conduct the boarding.



Figure 8-1 Chart of CTF 150 and CTF 151 Areas of Responsibility

That incident and many others also argue strongly against the Stein and Lang suggestion that the United States viewed this as “a single integrated mission” and attempted to blur any distinction between OIF and OEF. As has been shown, the US split the naval vessels in the Persian Gulf area into two distinct task forces under separate commanders: TF 150 supporting Operation Iraqi Freedom in the North, with TF 151 conducting OEF in the southern Gulf. As Figure 8-1 shows, they were also geographically separated by the 28 degrees 30 minute north latitude line. Finally, they put the two task forces on separate communications plans with separate intelligence support with only a single High Command voice link joining CTF 150 and CTF 151. In

fact, in September 2002 when the local US naval commander warned the author (then serving as Straits of Hormuz sector commander – CTG 50.4) that the US was now preparing plans for invading Iraq, he indicated that Canadian ships not supporting Operation Iraqi Freedom would no longer enjoy access to the intelligence on Iraq or the US-United Kingdom (and later, Australian) communications plan that would support the invasion. As will be shown in the next case study, this was part of a far larger developing access problem for Canada.

This separation did not seriously hamper Commodore Girouard's ability to maintain effective control of the French, New Zealand, Italian, Greek, and, occasionally, US ships in its task force. His monitoring of the only link to the other force, the Area High Command Net did, however, provide occasional snippets of data on the Iraq campaign while at other times it was clear data potentially critical to his forces was being denied. When the Commodore reported elements of the first to NDHQ, he found that he was immediately accused of becoming enmeshed in forbidden OIF planning and told to desist.⁵⁴ On the other hand, when the High Command Net revealed a potential chemical weapons attack was underway, his attempts to determine its location was met by a most disturbing silence as the US-UK-Australian discussion of the event was quickly moved to OIF-only nets.⁵⁵

This was one more example of the extent to which the US, rather than attempting to blur the distinction between OEF and OIF, was actively separating the two. Rear-

⁵⁴ Girouard, 3.

⁵⁵ Ibid., 4. The reported attack turned out to have been a false alarm.

Admiral Girouard then further reinforced that division in publicly and privately rejecting suggestions that his ships intercept Iraqis. In fact, whenever the US requested a task that was on the limits of the OEF mandate, the data was passed back to Canada for review by the Deputy Chief of Defence Staff, where it was then rejected when appropriate by the CDS who then briefed the Defence Minister.⁵⁶ In judging the extent to which this effort was successful, it is interesting to note that Girouard was heavily critiqued by Stein and Lang and much of the Canadian media for doing too much for the Americans as the American Ambassador complained he was doing too little. In fact, the only votes of support the Canadian Navy received for its efforts in Task Force 151 were from the Allied navies that very much wanted Canada to lead them in OEF. France was particularly enthusiastic about the way the Canadian Navy was able to maneuver between multiple competing political demands. On completion of Task Force 151, the head of the French Navy sent a letter to Canada praising its theater commanders for their successful management of the rules of engagement in a “complex environment.”⁵⁷

The Canadians within Task Force 151 were also entirely successful in following the government policy of remaining "exclusively within Operation Enduring Freedom." This is not to say that their efforts, and particularly their efforts in escorting military shipping, did not support Operation Iraqi Freedom. They certainly did. However the evidence is clear that the Chrétien government fully understood the escort task was implicit in the OEF mission while also avoiding any public mention of that task or its

⁵⁶ This process was personally confirmed by General Henault. Henault, Interview, 15.

⁵⁷ Amiral Jean-Louis Battet, Chef d'État-Major de la Marine, Letter to Admiral Buck, 15 Sept 2003.

increasingly obvious connection to OIF. In this particular regard, the Stein and Lang claim that “command of TF 151 ... undermined the coherence and integrity of Canada's policy on the war in Iraq” can only be viewed as astounding as there was no cohesion within the policy nor was there intended to be.⁵⁸ The DFAIT view that our performing this mission would offset the damage to US relations caused by our refusal to join OIF was the source of that incoherence. The Chrétien government then endorsed that aim, and via a process Harvey has aptly described as "dishonest denial," attempted to suggest otherwise to the Canadian public.⁵⁹ Only in the last paragraph of their chapter on TF 151 do Stein and Lang finally confirm that the policy also lacked integrity: “The story of Canada's policy on the war in Iraq is also a story of political leadership that spoke with one “principled” voice to Canadians and another, quite different, “pragmatic” voice in Washington.”⁶⁰

Evaluation and Findings

This case study focused first on the claim that the Canadian military “created a trap for the government by urging that Canada lead the TF 151.”⁶¹ If proven this would satisfy hypothesis 2A’s claim that officials would advance military interoperability and

⁵⁸ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 87.

⁵⁹ Harvey, *Smoke and Mirrors: Globalized Terrorism and the Illusion of Multilateral Security*, 206.

⁶⁰ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 90. The attending comment that “Fortunately, few in the public could hear the two voices at the same time” is somewhat curious given Daniel Leblanc of *The Globe and Mail* and Kelly Toughill of *The Toronto Star* were certainly suggesting that Canada, despite its denials, was supporting the US effort in Iraq. The careful reader will also notice that this sudden acknowledgment that the government was telling the Canadian public one thing and the US, separately, another appears at the very end of the chapter devoted to outlining how the Canadian military was working behind their backs with the US military trying “to drive foreign policy in the direction they wanted it to go.”

⁶¹ *Ibid.*

integration projects without government support. Allegations that the Canadian-led task force then went beyond the government’s brief by providing considerable unauthorized direct support to the American efforts against Iraq then tested hypothesis 2B. That hypothesis asserted officials would resist government direction in advancing pro-US programmes.

This analysis was not, however, able to provide a conclusive finding as to whether the “trap” allegation was justified and a “zero” is shown in Table 8-1 for hypothesis 2A. This is because the participants are split into two camps who disagree completely over how the events unfolded and there is a lack of released government material to back up either claim. Circumstantial evidence supports the Chief of Defence Staff’s claim that no trap was involved and that he never recommended withdrawal from the mission. Rather,

Table 8-1 Case Study Five: Task Force 151

| Case | Hypothesis | Effect on Sovereignty (Exterior/Interior) | | | | | | | Extent to which Interoperability was a factor | | | Remarks |
|------------|--|--|-----|------------|---------------------|------------|-----|-------------|---|-----|-------------|---|
| | | Loss | | | Zero | Gain | | | Negligible | Med | Significant | |
| | | Significant | Med | Negligible | | Negligible | Med | Significant | | | | |
| 5 (TF 151) | 2A - Advance Interop with US 2B - Support US over Canada 1B - Commit to US Ops 1C- Rejected by Others | | | | O I E | | | | X X | | X | -TF 151 set up as trap (inconclusive) -CTF 151 disregarding govt policy not proven -US confound any possibility of integrating TF 151 into OIF -France, Greece, Netherlands, NZ join Canada and endorse its leadership |

the more logical conclusion is that he sought to apprise the Prime Minister of the developing legal issues brought on by Operation Iraqi Freedom running currently with Operation Enduring Freedom as it was his duty to do. That this was then done and new guidance issued buttresses his case. So does the ongoing effort to prepare further ships for Task Force 151 and attract allies to it. It is hard to see one doing this if the underlying plan was to scupper the mission.

The sheer complexity of mounting this kind of conspiracy in Canada and with allies also argues against the “trap” allegations. As the four prior case studies have shown, bringing any plan for an international operation to execution involves a complex series of negotiations within DND, other federal departments and, finally, allies. This makes mounting a conspiracy difficult. Even within a single department like DND there would be difficulties. Ken Calder, the Assistant Deputy Minister Policy, and a major participant in these negotiations over many decades, puts this well: “The whole business of Task Force 151 and the kind of convoluted account of that in the Stein and Lang book about how, you know, this was done in order to ensnare... Quite frankly, things like that are too complex for most people in National Defence to manage.”⁶² One also has a particularly difficult time accepting that France, a vigorous opponent of the US effort in Iraq, would have joined TF 151 and encouraged Canada to lead it if there was any hint that this was a backdoor way of getting Canada, or any other nation, seduced into the US-led anti-Iraq coalition. Nevertheless, the competing evidence forces an inconclusive result for this hypothesis.

⁶² Calder, 13.

This analysis was able to be more definitive with regard to hypothesis 2B and the attending suggestions that once the task force mission had been approved, the military “undermined the coherence and integrity of Canada's policy on the war in Iraq” by assisting the US.⁶³ While those authors never clearly state what Task Force 151 transgressions contributed to this, the media claimed the ships were involved in intercepting Iraqi ships and individuals while also escorting US war material. Meanwhile, the Canadian government tried to avoid any public mention of the escort task it had actually authorized. It was thus a continuation of the Chrétien policy of ambiguity seen in the fourth case study. The government was fully aware that the ships were conducting that task while evading any public acknowledgement of it. Frank Harvey's classification of the resulting policy as "dishonest multilateralism" is surely correct as the Stein and Lang account also belatedly admitted. In short, the Canadian military did not resist or disobey the government direction and there was no resulting sovereignty loss.

Hypothesis 1B argues that the US would coerce us into integrating with their operations. In fact, the US did precisely the opposite and it did so intentionally. The US denied its intelligence and communication channels to the Task Force 151 ships and put them into a distinct organization geographically separate from their own. Their obvious motivation was a tactical one seeking to limit the amount of Operation Iraqi Freedom intelligence flowing to non-participants under traditional ‘need to know’ rules.

Hypothesis 1C argues that non-US allies will decline to participate with Canada as a result of our overly close interoperability ties with the United States. The opposite

⁶³ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 87.

occurred here. Thus the Canadian offer to lead those allies who would not join Operation Iraqi Freedom was quickly taken up. Moreover, the French, Italian, Greek, and New Zealand governments urged us to continue leading it. One must, however, not put too fine a point on this as those nations probably joined us more for political reasons than reasons of military interoperability. That is, those governments that joined us probably did so to support the broader war on terror, show they did not desire a complete break with the US, and may have, like Canada, considered contributing to Task Force 151 as a side payment for not joining the OIF. On the other hand no other nation enjoyed Canada's high interoperability with the US, none ever challenged the Canadian Navy for that leadership over the five years that it was in the area, and the US never suggested a command change while also sending its ships to Canadian-led TF 151. That the US government did so in spite of its unhappiness over our public refusal to take any part in Iraqi leadership interdiction efforts may suggest it had few options other than to have Canada lead. At the tactical level, however, US officers were generous in their praise of Canadian at-sea command, as were the French.

CHAPTER NINE: THE RETURN TO KANDAHAR 2005-6

Introduction

This is the most complex of the three case studies as it must assess data from interviews, government sources and several strongly-argued narratives that each offer differing rationales for why Canada went in strength to Kandahar in 2005.

The dominant of these has been termed the “Retaliation” narrative and it argues that as a result of the Chrétien government's decision to not support the United States in Iraq, the subsequent Martin government sensed a need to offset worsening Canada-US relations by making a major contribution in Afghanistan.¹ Canada's failure to join the United States’ National Missile Defense program is often included in this calculus. There are also charges that those Canadian decisions led to a significant deterioration of Canada-US defence relations with critical American intelligence being cut off. That suggested a serious commitment to Afghanistan might prevent that problem from getting worse. There is, as a result, material to test hypothesis 1B which argues Canada will be drawn to US-led operations as a result of American coercion or, perhaps, to avoid further American retaliation.

Interwoven with this narrative is the allegation that the Canadian defence and foreign policy officials exaggerated the extent of potential US sanctions during this phase.² Thus, there are grounds to examine hypothesis 2B’s assertion that *officials will support the position of the US* by such actions as dramatizing the costs of non-

¹ Kim Nossal cited by Chris Wattie, "Conspiracy of Silence' over Afghanistan," *National Post*, 24 Dec 2005, A10.

² Stein and Lang, *The Unexpected War: Canada in Kandahar*, 177, 263.

cooperation.

Linked to this is a parallel claim that the Canadian security bureaucracy quickly saw the potential for a major commitment in an area like Kandahar as a way to "appease" the Americans.³ This claim has been advanced most vigorously by Stein and Lang who also claim that squabbling within that same bureaucracy then resulted in Canada being so slow in taking up a Provincial Reconstruction Team (PRT) location that Kandahar, one of the most dangerous, was the only one left.⁴ This will be presented as the "Bureaucratic Delay" interpretation.

A separate narrative argues that Canada's new Chief of Defence Staff, General Hillier, pushed for Kandahar on a reluctant government as part of a personal desire to demonstrate that the Canadian Army had moved beyond peacekeeping to full combat capability and one that would also reinforce his already extensive ties to the US military.⁵ If proven, this would also satisfy hypothesis 2A which argues officials would advance unauthorized projects to further integrate our military with the US military.

The final two narratives are potentially less reliant on sovereignty-related factors. The first, most strongly argued by Bercuson and Granatstein, is termed the "Stature" narrative and it argues that the Kandahar selection reflected a need to re-establish Canada's position as a significant contributor to solving global issues. There was also increasing recognition throughout government that Canada had the capability and

³ Ibid., 177, 82.

⁴ Ibid., 132-3. See also their p. 182 on this topic.

⁵ Steven Staples, "Marching Orders: How Canada Abandoned Peacekeeping - and Why the UN Needs Us Now More Than Ever," (Ottawa: The Council of Canadians, 2006), 1-7, 18-22.

responsibility to make a major contribution, and thus the government chose a critical area like Kandahar for its Provincial Reconstruction Team.⁶ The Kandahar deployment also presented an ideal opportunity to demonstrate the '3-D,' or 'Defence, Diplomacy and Development' construct had been embedded into the Martin government's 2005 International Policy Statement.

Next, Matthew Willis of Britain's Royal United Services Institute and Major Hazelbag of the Netherland's Defence Academy have separately argued that Canada deployed to Kandahar as part of a quietly coordinated British-Canadian-Dutch plan to move as a group into southern Afghanistan in part because they had very recently enjoyed a very productive cooperative arrangement in Bosnia.⁷ Their combined efforts in Kandahar would have the additional benefit of reinforcing the NATO alliance at a critical time. The author fully supports the thrust of their argument but will modify it to include other elements while also stressing that it was part of a larger Canadian strategy. Nevertheless, this will be called the "NATO" interpretation.

In that the Netherlands, the United Kingdom and Italy were all seeking to join Canada this narrative will allow a parallel testing of hypothesis 1C which argued Canada's interoperability ties with the US will make us an unattractive partner. Canada's selection of Kandahar in part because of its considerable US support facilities, offers another test of hypothesis 1B which posits that our military will be drawn to US projects

⁶ David J. Bercuson and J. L. Granatstein, "Lessons Learned? What Canada Should Learn from Afghanistan," (CDFAI, 2011), 21, 30.

⁷ Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives." Lenny Hazelbag, Major "Political Decision Making of the Mission in Uruzgan, a Reconstruction," *NL-ARMS - Netherlands Annual Review of Military Studies*, (2009).

as a result of the dependency on their systems.

This case study will examine each of these narratives starting with the argument that the Kandahar selection was a response to US retaliation, and then turn its attention, briefly, to the suggestion that General Hillier's input was the key factor. This will be followed by an examination of the “Bureaucratic Delay” argument. The Bercuson and Granatstein narrative will then be analyzed. The case study will end with an examination of the “NATO” strategy. That sequence permits the argument to follow a rough chronological order while also presenting the sovereignty-related arguments first. That will allow a ready comparison later with those authors that suggest the choice of Kandahar had little direct connection to Canadian sovereignty.

Retaliation

Up to this point there has been no evidence of US coercion and no other analyst has suggested otherwise. The fourth case study probed the reasons and found that many in the United States government had confidently predicted that Canada would join Operation Iraqi Freedom thus eliminating, for some, the need to consider sanctions. Simultaneously, other parts of the US administration had examined the possibility of applying coercive linkages to Canada, as it had with most of its potential allies and found that Canada-US interdependency made it extremely likely that retaliation, especially if it was in the trade area, would equally hurt the US.⁸

⁸ Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 4, 138-9, 146-47.

While no coercion occurred, the extent to which retaliation was actually avoided is in some doubt. Those in government in the United States and Canada at the time tended to dismiss or downplay the level of American dissatisfaction and the potential for retaliatory action. After Canada's decisions to not join Operation Iraqi Freedom, Prime Minister Chrétien records that President Bush's Chief of Staff, Andrew Card, had indicated that the White House was "disappointed but not angry" in part because Canada, unlike one or two other allies, had not "double-crossed" them.⁹ Eddie Goldenberg outlines that President Bush did nothing to prevent the application of punishing tariffs on British steel exports to the United States in the approach to war, while Mexico and Canada, two of the war's opponents, were granted exemptions.¹⁰ Similarly, Stein and Lang report that Paul Wolfowitz, the US Deputy Defense Secretary, was "charming" in his response to Canada's announced rejection of any part in their National Missile Defense program, and with "some generosity" indicated the US would remain open should Canada wish to rejoin later.¹¹ Ambassador Cellucci echoed this tone stating the government's NMD decision "did no damage to Canada-US relations."¹² A similarly calm response apparently followed Canada's decision to reject participation in OIF. In a series of cables from the US Embassy in Ottawa that followed the Canadian announcement there was no hint whatsoever of potential retaliatory measures. Rather, the cables stress the importance of continuing to work with Canada on a number of issues

⁹ Chrétien, *My Years as Prime Minister*, 315.

¹⁰ Goldenberg, *The Way It Works: Inside Ottawa*, 302. Curiously, several pages later he reports that in May 2003 Condoleezza Rice had called the Prime Minister's foreign policy advisor, Claude Laverdure, to warn him that the Chrétien-Bush relationship was now "irreparably broken" as a result of perceived slights and criticisms directed at President Bush by the Prime Minister. See his 307.

¹¹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 175-77.

¹² *Ibid.*, 177.

ranging from advancing operations in Afghanistan, coordinating the North American counterterrorist effort, and keeping pressure on the North Korean and Iranian nuclear programs. One cable concluded “we need Canada's help” in all these files.¹³ Following his address on 25 March 2003, in Toronto, where Canadian concerns over border delays were met with his worrying reply of “security trumps trade,” he then cabled that the US would continue to work on “trade disputes” and “border initiatives.”¹⁴ Both cables also confidently expected a better Canada-US relationship after Paul Martin had replaced Prime Minister Chrétien, predicting “an improvement in Canada's policy towards the U.S., at least in tone and perhaps even substantially.”

The apparent lack of repercussions or retaliation from the United States would suggest that Canada was able to make its decisions on both Iraq and National Missile Defense freely and certainly without sovereignty cost. Yet interviews with senior Canadian officials backed up by the work of Brian Bow suggest a more complex and frequently more negative tone to the US response. After Prime Minister Chrétien’s announcement on 17 March 2003 that Canada would not be participating in Operation Iraqi Freedom, Rear-Admiral Mack, in Washington, reported that “instantly” every meeting scheduled with every member of Canada's Washington embassy was cancelled by the US government.¹⁵ This extremely rapid negative reaction was partially a result of the nature of the Canadian response. Canada had forewarned the US administration of

¹³ US. *Canada-US Security Relations-Getting Past Iraq to Pursue Our Common Interests*. State, (03OTTAWA1123), Ottawa Embassy Cable, 22 Apr 2003, <http://wikileaks.ch/cable/2003/02/03OTTAWA1123.html>, (accessed 6 Mar 2012).

¹⁴ ———. *Canada-Iraq: What Now?* See also Cellucci, *Unquiet Diplomacy*, 139.

¹⁵ Mack, 8.

Prime Minister Chrétien's announcement on Iraq. However, the benefits of so doing were limited. The embassy later heard that Bush was in the middle of a cabinet meeting when that warning arrived. The staff apparently stopped the cabinet meeting and invited them all to look at the television. The cabinet then saw the Prime Minister saying Canada would not go to Iraq and the whole House erupting in applause. Admiral Mack recalled after that word of this “went through Washington and in terms of anything to do with Canada like a knife.”¹⁶

There are also unconfirmed reports that Canadian officers in Central Command Headquarters in Tampa were then told to not be "visible" during President Bush's next visit there. The senior official in the US State Department coordinating Operation Iraqi Freedom (OIF) is reported to have insisted that Canadian officials were to “never phone me again, never come to my office, never write to me for the rest of my life.”¹⁷ An equally high ranking official within the National Security Advisor staff is also said to have refused to ever see a Canadian again.¹⁸ Both Rear-Admiral Mack and Ken Calder argue these were not part of a coordinated response but, rather, reflected entirely personal feelings and reactions. Amongst the immediate retaliatory actions, likely the only one that can be viewed as US government policy was the previously discussed removal of Task Force 151 from the communication links and intelligence flow that supported Operation Iraqi Freedom.

¹⁶ Ibid., 8-9.

¹⁷ Rear-Admiral Mack states that "his entire office of young bureaucrats, all with two degrees in political science" were tainted by this event. He also predicts many will ultimately return with the next Republican administration to more senior positions and still hold a grudge against Canada. Mack, 8, 13.

¹⁸ Calder, 7.

Rear-Admiral Mack argues this initial American bitterness lasted less than one month with the realization, well expressed in the US Embassy Ottawa cables above, that there was much important work that had to be progressed and that this required full cooperation from both sides of the border.¹⁹ Yet the author's interviews backed up by those conducted by Brian Bow all point to a shift in the emphasis the US administration placed on that cooperation. So while communications were reopened in Washington and elsewhere in the United States, the priority the White House and senior US officials assigned to our concerns appears to have fallen markedly. As an example, Bow asserts the White House was not inclined to accord much attention or expend the political capital to advance the softwood lumber negotiations after our Iraqi decision.²⁰ Admiral Mack agrees and suggests the US executive would reply to a Canadian concern like softwood lumber with "that's a terrible situation - I will look into that." However, he felt the real American response was more in line with "when you get better, I will talk for you to Senators and Members of the House of Representatives."²¹ Major-General Ross reports a similar view held by a US senior State Department official:

Every morning, I drive to work from Arlington over the Roosevelt Bridge. Occasionally military vehicles with AD [Air Defence] missiles will be at either end of the bridge protecting it. It makes you focus on what the day's priorities should be. When I get to my office, I have the usual overflowing in-basket of country files. After seeing those soldiers on the way in, it is somewhat amazing how the files of those countries that are 'with us' are on the top and those that are not tend to be on the bottom. Can I tell you that Canadian concerns about BSE

¹⁹ Rear-Admiral Mack also provides "Yet the US is an amazing bunch - within a month they were all back smiling through gritted teeth implying 'we can't stay mad at you for long because that doesn't help us at all.'" Mack, 9.

²⁰ Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 156.

²¹ Mack, 16.

and softwood lumber are not important - absolutely not. We will get to them, eventually.²²

Brian Bow concludes "The White House, in other words, held a grudge, and it colored the administration's approach to the lumber issue."²³ Within Bow's range of possible negative reactions, grudge linkages are more indirect than retaliation and involve the American executive "withholding attention and support in other concurrent disputes" within the bilateral relationship.²⁴ This, in turn, leaves lower level American bureaucratic actors ill-disposed to Canada the freedom to hinder her, while denying support or encouragement to those who would help us.²⁵ As seen this was precisely what occurred. Bow also argues such grudge linkages are also the more likely initial response than direct, sustained retaliation. This was primarily because direct retaliation became less useful as a result of the interdependent nature of the two economies, a limited US ability to coordinate action across powerful departments, the influence of nongovernmental US groups that would argue against punishment that might affect their industry, and the limiting effect of formal institutions such as CUSFTA and NAFTA.²⁶ As a result, Bow argues US policymakers were pushed "by default" towards grudge linkages when faced with contrary policies or actions by Canada.²⁷

Bow also argues that this particular grudge relied on an American sense that as "both Chrétien and Martin had been all too happy to put domestic politicking ahead of the

²² Major-General Ross, E-mail to author, 9 Aug 2007.

²³ Bow, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 156.

²⁴ ———, "Rethinking Retaliation in Canada-U.S. Relations," 77.

²⁵ ———, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations*, 160.

²⁶ ———, "Rethinking Retaliation in Canada-U.S. Relations," 69-72, 75-77.

²⁷ *Ibid.*, 75.

bilateral partnership; why should the United States do things any differently?"²⁸ A quick review of issues certainly suggests problems in the relationship. Canada continued to champion the International Criminal Court, and in the UN Canada "led the charge" of those states opposed to granting the US effort any exemption from the court for its military in the view of Jones and Kilgour.²⁹ In 2002, Canada supported the extremely contentious New Agenda Coalition resolution of the Nuclear Non-proliferation Treaty in the face of direct US opposition to any of its NATO allies so doing. Canada was the first NATO ally to break ranks, and then succeeded in progressively getting more NATO allies to join her.³⁰ Finally, Prime Minister Chrétien reported that the presidents of both Mexico and Chile ultimately thanked him "for helping them to say no" to both the US resolution on Iraq and the OIF coalition.³¹

In early December 2004, the list of Canadian refusals of US requests or direct opposition to US plans continued to grow and resulted in the infamous "seven no's" brief described by Stein and Lang.³² These were prepared by Canada's senior attaché in Washington, Rear-Admiral Mack, and presented in Ottawa to the defence department's Chief of Defence Staff and Deputy Minister, and then, later, the Minister. Amongst the "seven no's" listed by Stein and Lang was the government's rejection of American informal requests to participate in a NATO training mission in Iraq, send CF-18s to

²⁸ Ibid., 77.

²⁹ Jones and Kilgour, *Uneasy Neighbo(u)rs: Canada, the USA and the Dynamics of State, Industry and Culture*, 232.

³⁰ Canada, "Nonproliferation and Disarmament - Canadian Nuclear Priorities in the First Committee," Department of Foreign Affairs and International Trade, <http://www.international.gc.ca/arms-armes/nuclear-nucleaire/unga-agnu.aspx?lang=eng&view=d>, (accessed 22 Apr 2012).

³¹ Chrétien, *My Years as Prime Minister*, 313-4.

³² Stein and Lang, *The Unexpected War: Canada in Kandahar*, 167.

Afghanistan, or provide an infantry company group to Haiti. Within the Stein and Lang description, also included in the “no’s” is the claim that while Canada had promised to send a PRT, “it has not yet decided where the PRT was going” nor had it made any commitment to help NATO expand beyond Kabul.³³ A confidential interview has indicated the government also refused requests to provide protection force for the UN in Iraq or provide military support for the Afghanistan Presidential elections scheduled for the fall of 2005.³⁴

The production of the “seven no’s” list likely marked the low point in overall Canada-US relations and certainly so in their security relations. Here two repercussions were particularly notable. A month after our OIF decision, Rear-Admiral Mack claimed that Defense Secretary Rumsfeld informed Canada's newly arrived Ambassador, Frank McKenna, over lunch that "do you know, we no longer consider Canada a reliable ally."³⁵ Christopher Sands, a well-connected observer of Canada-US trends, suggested in 2003 that: “Canada has been reassessed by many U.S. officials, and it is viewed today as an ally similar to the Netherlands. That is, wealthy, talented, generally friendly, but a small contributor to the international order which the United States finds itself responsible to

³³ Ibid. A confidential interview has suggested that this was not one of the actual “no’s.” Rather, the original list simply refers to the fact that we did not participate in ISAF Expansion Stage II. The Stein and Lang version of the list would appear to better support their argument that bureaucratic delay was holding up Canada’s PRT selection. The actual list did not indicate any US concern here. ^{2nd} Confidential Interview, Interview by Eric J. Lerhe, 16 Jan 2012, Halifax, NS, 1-2. Stein and Lang indirectly refer to the fifth “no” on their next page where they suggest Canada had also rejected a request for special forces for Afghanistan. See their page 168.

³⁴ ^{2nd} Confidential Interview, 2.

³⁵ Mack, 8.

maintain.”³⁶ Frank Harvey, surveying the same unrolling of events, joined with Richard Gwyn in agreeing that Canada was now on the verge of becoming “invisible and irrelevant” internationally.³⁷ Two years later little had changed with Stein and Lang acknowledging a report that Deputy Assistant Secretary of Defense Ian Brzezinski still held that Canada was not a reliable ally following its decision on NMD.³⁸

While some of these views might be considered short duration outbursts from disappointed US officials and of no long-term consequence, within the security sector those views, and they were widely shared, had weight and began to influence other issues. Normally avoided, issue linkage was now in play. The pressures of the Iraq War, for example, had a particularly direct effect on Australia-Canada-UK-US intelligence exchange arrangements where there appeared to be an increasing US tendency to ensure the best parts of this exchange only went to the "reliable" allies – the British and Australians. For Canada, this changed arrangement was problematic as Chapter 2 demonstrated that the US was overwhelmingly the major contributor to the AUSCANUKUS intelligence exchange that Canada relied on.

It took some time for this US policy of assisting “reliable” allies over others to become operational. As noted, when Operation Iraqi Freedom began, Canada was excluded from Iraq-specific intelligence and the specific communications networks

³⁶Christopher Sands, "Canada as a Minor Ally - Operational Considerations for Relations with the United States," paper presented at the 2003 Canadian Crude Oil Conference, Kananaskis, Alberta, 5 Sep 2003, csis.org/files/media/isis/events/030905_sands.pdf, (accessed 2 Apr 2011), 3.

³⁷ Harvey, *Smoke and Mirrors: Globalized Terrorism and the Illusion of Multilateral Security*, 187.

³⁸ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 167.

supporting the campaign.³⁹ The Navy had been warned two years earlier that this would occur and were not particularly surprised given "need to know" principles.⁴⁰ These necessarily removed players who had no direct requirement for the data, and that was simply good security. But after-the-fact reports indicate that while Australian and British forces were supposed to be included within the US's OIF networks they were not receiving anything like the data needed as the United States military continued to conduct much of the Iraq war on its internal and "NOFORN" (no foreign eyes) SIPRNET system.⁴¹ The UK felt their soldiers lives were at "mortal risk" as a result of denied intelligence, and Australia's Prime Ministers approached, some reports say threatened, President Bush for his forces to be given access to elements of the SIPRNET system.⁴² This was apparently granted in a 2004 US Presidential Directive.⁴³

Every indication points to the fact that the Presidential Directive was intended simply to facilitate Britain and Australia's operations in Iraq. Regrettably, many of those responsible for implementing the directive applied it more broadly and at Canada's expense. Rear-Admiral Mack strongly supports this view arguing that when many US authorities looked for ways to implement the spirit of the Presidential Directive at the

³⁹ Gimblett, *Operation Apollo*, 116. Lennox, *At Home and Abroad: The Canada-US Relationship and Canada's Place in the World*, 106.

⁴⁰ This was described in the fifth case study on TF 151.

⁴¹ Sophy Gardner, Squadron Leader, RAF, "Operation Iraqi Freedom-Coalition Operations," *Air and Space Power Journal*, Winter(2004), 95.

⁴² Russell W. Glenn and Jamie Gayton, *Intelligence Operations and Metrics in Iraq and Afghanistan* (Suffolk, Virginia: RAND National Defense Research Institute for US Joint Forces Command, 2008), 13, 24. See also Rémillard, "Making New Friends, Trusting New Friends - the Challenges of Coalition Intelligence Sharing in Afghanistan," 61-2.

⁴³ Robert Draper, "And He Shall Be Judged," *Gentleman's Quarterly*, June(2009). Draper also reports that despite the direction to provide the Australians and British SIPRNET access, Secretary of Defense Rumsfeld balked and delayed implementation. This is partially confirmed at Rémillard, "Making New Friends, Trusting New Friends - the Challenges of Coalition Intelligence Sharing in Afghanistan," 61.

local level, the result was “freezing Canadians out of everything.”⁴⁴ Lieutenant-Colonel Rémillard, citing an interview with a Canadian military intelligence specialist, confirmed that the overall intelligence flow from the United States was much reduced in both quality and quantity as a result of our Iraq decision.⁴⁵ Similarly, Admiral Mack began receiving reports of Canadian instructors and students in US military schools being asked to leave during sensitive lectures they would normally have attended.⁴⁶ His personal access to senior US military officials, the entire point of his job, also suffered significantly for a period. Brigadier-General Gauthier, the Chief of Defence Intelligence, concluded that “a three-eyes sharing arrangement” that included only the US, Britain and Australia was evolving within the traditional four-eyes AUSCANUKUS system.⁴⁷ As was pointed out by others, this system was the source of almost all Canadian intelligence material.

Wikileaks has confirmed the highest levels of the Canadian government were aware and deeply disturbed by this problem. A US Embassy Ottawa cable designed to prepare President Bush for his visit to Canada on 30 November 2004 accurately sets out the issue and Canada's response:

The government [of Canada] is aware that we are creating a separate US-UK-Australia channel for sharing sensitive intelligence, including information that [traditionally] has been U.S. eyes only. The GOC has expressed concern at multiple levels that their exclusion from a traditional “four-eyes” construct is “punishment” for Canada’s non-participation in Iraq and they fear that the Iraq-

⁴⁴ Mack, 6.

⁴⁵ Rémillard, "Making New Friends, Trusting New Friends - the Challenges of Coalition Intelligence Sharing in Afghanistan," 57-58.

⁴⁶ Mack, 5-7, 12-13.

⁴⁷ Gauthier, Interview by Major J.D. McKillip, part transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada, 10.

related channel may evolve into a more permanent “three-eyes” only structure. PM Martin may raise this with you privately.⁴⁸

If this is an accurate recounting of Canadian views, and there is nothing to suggest it is not, it is clear our political leadership was assessing the US actions as direct retaliation. Moreover, a confidential interview confirmed the Prime Minister indeed raised the issue with the President and that both resolved that their officials would work towards a solution.⁴⁹ Two other interviewees also report that the Defence Minister had discussed the problem with Secretary of Defense Rumsfeld.⁵⁰ Years later, retired Defence Minister Graham certainly confirmed the seriousness of the issue. After noting that the AUSCANUKUSNZ intelligence exchange arrangement had given Canada "a level of security that even countries like France or Germany don't have" he indicated that Canada was then removed from the arrangement as a result of its failure to join the Iraq coalition. He declared "We definitely paid a price. We definitely were shut out for about a year."⁵¹

The Stein and Lang account mentions none of this. Their single sentence mentioning the developing Canada-US intelligence exchange problem occurs in 2005 and is focused on NORAD and NMD and is presented solely as an issue of concern to the

⁴⁸ "Cable: Former President Bush's 2004 Visit to Canada," *Toronto Star*, 1 Dec 2010, <http://www.thestar.com/specialsections/article/900035>, (accessed 6 Sep 2011), 3 of 6.

⁴⁹ Ist Confidential Interview, 6.

⁵⁰ Vice-Admiral Buck, Interview by Major J.D. McKillip, 22 Jul 2009, part 1, transcript, 2009-16 South-West Asia fonds, Directorate of History and Heritage, DND, Canada, 5. ^{3rd} Confidential Interview, Interview by Eric J. Lerhe, 17 Jan 2012, Halifax, NS, 1-2.

⁵¹ Steven Chase, Colin Freeze, and Oliver Moore, "Naval Center One of 'Five Eyes' on the World," *Globe and Mail* 2012, A13.

defence bureaucracy.⁵² This sidesteps the evidence that in 2004 both the Defence Minister and Prime Minister were directly engaged in attempting to forestall Canada's exclusion from the critical AUSCANUKUS intelligence relationship.

There were repercussions for the Iraq and, later, the NMD decisions, and Canada, it seemed, had less freedom to thwart the United States without incurring costs. Stein and Lang's follow-on argument that it was bureaucracy, and not the political leadership, who then called for Canada to do "something significant" to offset the negative consequences of Canadian decisions also demands a closer look.⁵³ This is acutely needed as they also assert that it was the bureaucracy who argued "Afghanistan seemed a logical place to start" the process of making amends.

Tim Murphy, Prime Minister Martin's Chief of Staff, was harsher and suggested that the military and foreign policy bureaucracy were actually calling for efforts to "appease the Americans."⁵⁴ Yet were departmental officials alone in this effort? If that can be proven it would certainly constitute a loss of internal sovereignty as it would involve military officers and bureaucrats taking pro-US actions in opposition to a government policy, admittedly undeclared, which claimed no offsetting Canadian actions were required. In 2007, for example, Paul Martin claimed that he personally felt no need to make amends for Canada's decision with regard to Iraq or NMD.⁵⁵ He had different priorities, and the popular view is that Martin was also much more interested in Africa

⁵² Stein and Lang, *The Unexpected War: Canada in Kandahar*, 166. See also their 177, 181-2.

⁵³ *Ibid.*, 177.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*, 182.

with Eugene Lang volunteering that the new Prime Minister "was never keen on Canada's presence in Afghanistan."⁵⁶

Another Martin priority was to improve Canada-US relations and he established a special committee of cabinet he personally chaired to achieve this. He also signaled initially that he was favorable towards Canada joining the US National Missile Defense project.⁵⁷ He then responded to long standing US concerns over our low levels of defence spending with an increase in DND's budget from \$13 to 19 billion, Canada's largest postwar budget increase in twenty years. His 2005 International Policy Statement for defence was splendidly supportive of tighter Canada-US military links with three full pages devoted to improving interoperability and cooperation in eleven areas.⁵⁸ NATO received a partial page with significantly less specific goals.

Perhaps as a result of the increased emphasis he put on that relationship it is difficult to discern much evidence of this claimed hesitancy or indifference towards Afghanistan. One also saw a strong recognition of its importance in Canada-US relations when Defence Minister Graham simultaneously informed Secretary of Defense Rumsfeld's assistant, Paul Wolfowitz, that Canada would not be participating in National Missile Defense but that it "might" be sending an infantry battle group to Kandahar in

⁵⁶ Eugene Lang, "We Never Discussed the Real Afghan Option," *Globe and Mail*, 19 May 2006.

⁵⁷ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 121. In addition see James Fergusson, "Shall We Dance? The Missile Defense Decision, NORAD Renewal, and the Future of Canada US Defense Relations," *Canadian Military Journal* Summer (2005), <http://www.journal.forces.gc.ca/vo6/no2/inter-01-eng.asp>, (accessed 2 Apr 2012), 18.

⁵⁸ Canada. *Canada's International Policy Statement: A Role of Pride and Influence in the World, (the Defence Policy Statement)*. DND. Ottawa, 2005, 21-23, 24.

2006.⁵⁹ In addition, that Spring the government, despite having no apparent keenness for Afghanistan, quickly approved over \$278.3 million on Afghanistan-specific military equipment purchases.⁶⁰

Equally, the critical March 2005 meeting where Prime Minister Martin is reported to have "reluctantly approved" the full Kandahar mission preceded his visit with President Bush at Waco Texas by two days.⁶¹ Bill Schiller's detailed account also makes clear there was no significant opposition raised to the new Chief of Defence Staff's ambitious plan for going to the known dangers of the Kandahar area.⁶² Martin's communication director was also reported to have declared "There was a feeling that this was the price of being a G-8 country." He goes on to say that the Foreign Affairs bureaucracy had also argued that Canada had "to evaluate the importance of making a decision that runs counter to this White House." By the meeting's end, the Prime Minister approved the deployment and Schiller identifies no dissenters. After General Hillier promised, unwisely, that DND would maintain the capability to also intervene in either Haiti or Darfur, the only debate centered on just how large the force would be.

General Hillier

There were also claims that General Hillier pushed for Kandahar as part of a larger effort to integrate the Canadian military into the US effort. There were, for

⁵⁹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 184.

⁶⁰ This discrepancy was pointed out in Murray Brewster, *The Savage War-the Untold Battles of Afghanistan* (Mississauga, Ont: John Wiley and Sons Inc., 2011), 53.

⁶¹ Bill Schiller, "The Road to Kandahar: At an Afternoon Meeting in Ottawa, a Decision Was Made That Would Cost Soldiers Lives, Billions of Taxpayers Dollars and, Perhaps, Canada's Reputation," *Toronto Star*, 9 Sep 2006, <http://www.cigionline.org/articles/2006/09/road-kandahar> (accessed 2 Mar 2012), 1 of 6.

⁶² *Ibid.*

example, very direct concerns over his closeness to the US military. David Pugliese claims that Hillier was both the “architect” of the Kandahar mission and a strong advocate of “closer links to the American military establishment.”⁶³ To some, he argued, Hillier also represented “the growing Americanization of the Canadian military, a world in which peacekeeping... is dead and combat operations, such as those now occurring in Afghanistan, become the norm of the future.” Michael Valpy of the *Globe and Mail* noted General Hillier “is on a first name basis with much of the American high command [and] has been accused of making the Canadian forces an adjunct of the U.S. military...”⁶⁴ Senator Kenny claimed General Hillier's transformation plan “superimposed an American-style blueprint to the Canadian military,”⁶⁵ but the most sustained critique of the General’s pro-US agenda comes from Stephen Staples. He argues unequivocally that the Kandahar selection rested primarily on his desire to import US doctrine and impress the Bush Administration, while also undercutting the Canadian Forces peacekeeping image.⁶⁶

There is, however, no broad agreement on these motives. Philippe Lagassé and Joel Sokolsky also argue Hillier was driven by multiple desires including one “to erase perceptions that the CF was a peacekeeping military.” They add, however, that he also sought to lock-in defence budget increases with high profile missions, increase Canada's

⁶³ David Pugliese, “Canada's Blunt White Knight - Rick Hillier Is the 'Teflon General' Who Led Us into Kandahar,” *Calgary Herald*, 28 May 2006, B1.

⁶⁴ Michael Valpy, “Rick Hillier - Nation Builder of the Decade, International,” *Globe and Mail*, 1 Jan 2010.

⁶⁵ Colin Kenny, Senator, “The Glory in the Gloom: Rick Hillier's Legacy,” *The Globe and Mail*, 10 Jun 2008. As evidence the Senator cites the CDS’s importation of US-style command structures.

⁶⁶ Staples, “Marching Orders: How Canada Abandoned Peacekeeping - and Why the UN Needs Us Now More Than Ever,” 4, 5, 22.

international stature, "expunge Canada's status as a free rider," and improve Canada-US relations after the National Missile Defence and Iraq decisions.⁶⁷ To this list Murray Brewster would add a Hillier focus on raising the profile of the Canadian military amongst Canadian citizens.⁶⁸ Bill Schiller of the *Toronto Star* argues the General and the defence department focused on Kandahar for its potential to "transform Canada's military," improve its international reputation, and help reconstruct Afghanistan.⁶⁹ General Hillier, however, reiterated that he had only returned to Canada in late 2004, specifically denied his architect role in the PRT selection, and claimed the government "had already signalled its intent to go into Kandahar province."⁷⁰

Bureaucratic Delay

Another consistently reported reason for Canada choosing to return to Kandahar was that "bickering" and "dithering" had consumed so much time only the most dangerous Provincial Reconstruction Team locations in Afghanistan were left when Canada was ready to commit to one. This view had wide support. Sean Maloney argues that there was a "scramble" within NATO to find "safe, soft PRT's." Despite the fact that NATO had originally wanted Canada to take Herat, one of the relatively more tranquil

⁶⁷ Philippe Lagassé and Joel J. Sokolsky, "A Larger "Footprint" in Ottawa: General Hillier and Canada's Shifting Civil - Military Relationship, 2005-2008," *Canadian Foreign Policy Journal*, 15, no. 2 (Summer 2009), 25-26.

⁶⁸ Brewster, *The Savage War-the Untold Battles of Afghanistan*, 54.

⁶⁹ Schiller, "The Road to Kandahar: At an Afternoon Meeting in Ottawa, a Decision Was Made That Would Cost Soldiers Lives, Billions of Taxpayers Dollars and, Perhaps, Canada's Reputation," 1 of 6.

⁷⁰ Hillier, *A Soldier First: Bullets, Bureaucrats and the Politics of War*, 342-3.

locations, "the Italians and the Spanish beat us to the punch" for it he claimed.⁷¹ In his view, the delay resulted because of a general Canadian predilection to discuss these issues "forever."⁷² Major-General Ross also identifies no particular culprit for the delays but did argue "we are in Kandahar by default. We waited way too long to make a decision."⁷³ Here one must note that he had left the military by the summer of 2003, well before Canada began to closely examine PRT locations. Jean Chrétien blamed the Kandahar decision on his successor arguing he "took too long to make up his mind" about whether Canada should remain in Kabul or go to the "killing fields" around Kandahar.⁷⁴

The most detailed explanation of the role slow decision-making played in Kandahar's selection comes from the Stein and Lang account who put the blame squarely on the bureaucracy. Their accusations cover a wide range of problems. The first claims that "squabbling," "bickering," and "dithering" between the Department of Defence and the Department of Foreign Affairs bureaucracy, with occasionally Canadian International Development Agency (CIDA) participation, consumed a year of critical time between the summer of 2003 to summer 2004 although pinning down the precise period of the claimed delay is not easy.⁷⁵ In a separate article Eugene Lang claimed over a year and a half was wasted as DND and DFAIT officials "frequently at odds with one another,

⁷¹ Canada. *ADM (PA) Transcript of CBC TV "the Road to Kandahar" (the National)*. 18 Oct 2006, 5. Sean Maloney, *Confronting the Chaos: A Rogue Military Historian Returns to Afghanistan* (Annapolis: US Naval Institute Press, 2009), 63.

⁷² Canada. *ADM (PA) Transcript of CBC TV "the Road to Kandahar" (the National)*, 5.

⁷³ Ross, Email, 9 Aug 2007.

⁷⁴ Chrétien, *My Years as Prime Minister*, 305.

⁷⁵ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 133-4.

dithered and bickered."⁷⁶ The second charge was that the Chief of Defence Staff and Deputy Chief of Defence Staff had dismissed such safer options as the Herat and Chaghcharan PRTs in northern-western Afghanistan for their "inadequate international visibility" and the authors' assumption that the Canadian military was disinclined to work with "European counterparts."⁷⁷ The authors offer the latter explanation without considering the fact that the Canadian Army generally preferred to work with the UK while also enjoying their collaboration with the Dutch in north-west Bosnia and Eritrea. As will be shown, those preferences would remain. The final problem Stein and Lang outline was that DND was not ready to brief Defence Minister Graham on a PRT location when he arrived in the department in the summer of 2004 suggesting that officials felt "this decision didn't really concern the politicians."⁷⁸ In their account, all of this resulted in there being "no place left in Afghanistan for Canada to deploy" other than Kandahar in February 2005 according to what Stein and Lang refer to as "the conventional wisdom."⁷⁹ The latter qualifier reflects the fact that the military had "ruled out" Herat and Chaghcharan for what the authors had earlier suggested were doubtful reasons.

Many of these claims are provided with little evidence. This forces a need to start unraveling the chronology and then check it against the various narratives and accessed government documents for agreements and contradictions. Here one of the first things

⁷⁶ Lang, "We Never Discussed the Real Afghan Option." E. R. Campbell, a participant in a *forums.army.ca* online discussion of this article, had some difficulty with Eugene Lang's blame shifting on this issue. He provided "he might have been a touch more accurate had he said something like: 'officials and political appointee staffers in the Prime Minister's office, the department of national defence and the department of foreign affairs, frequently at odds with one another, dithered and bickered...'" From <http://forums.army.ca/forums/index.php?topic=43815.110;wap> accessed 1 May 2012.

⁷⁷ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 135.

⁷⁸ *Ibid.*, 133.

⁷⁹ *Ibid.*, 182.

that starts to become clear is that, claims of delay and bickering notwithstanding, the defence department began planning for a PRT quite early. Stein and Lang admit elsewhere that in the summer of 2003 the military, civilian and political leadership within DND had agreed to create a Provincial Reconstruction Team somewhere in Afghanistan as a follow-on to the Kabul mission.⁸⁰ The Department of Foreign Affairs was also onboard, and the two departments were sufficiently confident of this broad PRT plan to brief the US Embassy in late Spring 2003. That Embassy in turn reported in a 6 Jun 2003 cable that both departments were indicating Canada intended to follow the August 2004 end of the ISAF Kabul mission with a PRT.⁸¹ While the plan was undoubtedly influenced by the need for an exit strategy from that mission, the effort must still be considered farsighted given the Canadian military were in the midst of preparing units for the first ISAF Kabul formation at that moment. Moreover, the UN only authorized the expansion of NATO beyond Kabul in October 2003 in what became known as Stage 1 of the ISAF expansion.⁸² This also began a process where NATO progressively took over those teams who initially were reporting to the US-led Operation Enduring Freedom.

Through the fall of 2003, this initial work was followed up with more detailed planning and reconnaissance. This included an October PRT “fact finding team” with DND, DFAIT and CIDA representatives.⁸³ That team submitted its report on 26 October

⁸⁰ Ibid., 108.

⁸¹ US. *Canadian Military Preparing for Key Role in ISAF, Making Modest Contributions in Iraq and Congo*. State, (03OTTAWA1654), Ottawa Embassy Cable, 6 Jun 2003, <http://wikileaks.ch/cable/2003/06/03OTTAWA1654.html>, (accessed 6 Oct 2011).

⁸² NATO, "History: ISAF - About ISAF," <http://www.isaf.nato.int/history.html>, (accessed 14 Sep 2012).

⁸³ Canada. *Briefing Note for NATO Informal Defence Ministerial 8-9 October 2003 - Provincial Reconstruction Teams*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200879), 1 Oct 2003, 3.

and it found the PRT concept viable but underlined a strong requirement for force protection, medical evacuation, close air support, and “extraction arrangements.”⁸⁴ The report also concluded this offered “Canada a large selection of choices” in part because each of the planned PRT locations could be expanded by developing additional satellite or “spoke” locations from the original PRT. Finally, the team stressed the need for any potential future PRT to be preceded by an intradepartmental strategic reconnaissance that would assess its viability indicating some significant effort to ensure all government departments were in agreement. PRT concepts were also fleshed out with an exercise at the Pearson Peacekeeping Center and, later, at a UK government ‘roadshow’ on PRTs.⁸⁵ A cautionary note did emerge from these efforts with a recognition of the need for advanced planning to recognize such factors as CIDA’s requirement to provide six months notice for deploying staff.

This reconnaissance led to a follow-on options analysis effort in November 2003. While many of the accessed government documents on this phase were heavily redacted, by piecing together various elements one senses the options included a PRT in Kabul backed up by a surveillance squadron, with this being reinforced in another option with a full battle group when more Canadian troops became available in February 2006. Yet another option involved an independent Provincial Reconstruction Team somewhere else

⁸⁴ ———. *PRT Fact-Finding Team Report- J5 NATO Policy*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200880), 26 Oct 2003, 7.

⁸⁵ ———. *Canadian Provincial Reconstruction Team Strawman Model*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200895), 15 Apr 2004, 1.

in Afghanistan, likely also supported by a battle group in a final fourth option.⁸⁶ A full option analysis then rated each of these PRT options as to the extent each supported nine criteria.⁸⁷ These included “Political impact,” “Canadian popular support,” “NATO/Alliance commitment,” “CA/US relations,” “budget,” “other government departments,” “Threat assessment,” “Likelihood of mission success,” and Afghan government “perception.” Regrettably, the results, including the identification of the highest-rated option, were redacted from the accessed documents the author received. However, the final result of this analysis was signed off by Defence Minister McCallum on 8 November 2003 as the “Outline Strategies for ISAF Post August 2004.”⁸⁸ A month later, Minister McCallum confirmed at a NATO meeting of defence ministers in Brussels that Canada would indeed be providing a PRT on completion of its Kabul mission without mentioning a location.⁸⁹ While Stein and Lang may have argued that “bickering and delay” marked the Summer 2003 to Summer 2004 period, the evidence from accessed documents shows quite a high degree of progress and interdepartmental cooperation with an obvious effort to keep the Defence Minister apprised of developments.

Stature

Canada's stature in the world, or lack of it, also guided Canadian government

⁸⁶ ———. *Options for CF Contribution to Afghanistan*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200871), 2003-2004, 1.

⁸⁷ ———. *Post-August 2004 CF Contribution to Afghanistan*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200882), 10 Nov 2003, 2.

⁸⁸ ———. *Outline Strategy ISAF Post - August 2004*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200881), 5 Nov 2003, 3.

⁸⁹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 115.

players in their search for a post-Kabul mission yet few analysts have accorded it any importance. Exceptions are David Bercuson and Jack Granatstein who argue Kandahar was selected in a large measure because the government “wanted the world to know that Canada had arrived back on the international scene.”⁹⁰

As seen, Prime Minister Martin came into power with the intent of distinguishing his administration from that of the Chrétien regime in as many ways as possible.⁹¹ This was quickly demonstrated with just-noted increases in defence spending, a new cabinet committee, and initial support for NMD. As shown, there were grounds for improving the Canada-US relationship if only to reverse a sharply diminished intelligence flow and to overcome the US view that Canada was not just unreliable, but a “small contributor” in global security matters. At the same time an increasingly unified political opposition had a consistent record of having outlined Canada's fall in place in the world as a result of a Liberal “Decade of Darkness” of budget cuts to the Canadian military. These views were reinforced with several popular books including Jack Granatstein's *Who Killed the Canadian Military?* and Andrew Cohen's *While Canada Slept: How We Lost our Place in the World*.⁹² That Martin may have been sensitive to this widespread criticism of

⁹⁰ Bercuson and Granatstein, "Lessons Learned? What Canada Should Learn from Afghanistan," 22. Their full statement was “They did it not only because it was the correct and courageous decision, but also because they wanted the world to know that Canada had arrived back on the international scene.” I focused on the latter half of that statement because I found ample support for it within my analysis and because this is the theme that those two authors repeat as reasons for the decision. Later they state “They hoped to share the load of the war on terror, to put into action the new diplomatic and political policy of helping failed states to succeed via the 3Ds of “defence, diplomacy and development” and thus to make the world a safer place, and to make a significant impression in an important mission.” See their page 30.

⁹¹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 113, 18. Bercuson and Granatstein, “Lessons Learned? What Canada Should Learn from Afghanistan,” 13.

⁹² J. L. Granatstein, *Who Killed the Canadian Military?*, 2nd ed. (Toronto: Harper Perennial, 2004). Andrew Cohen, *While Canada Slept: How We Lost Our Place in the World* (Toronto: McClelland & Stewart, 2003).

Canada's fall in capability and influence may be seen in his early personal call for projects that would demonstrate to all that under his leadership "Canada would be a major contributor to global affairs."⁹³ One then started to see in the tone of government documents and public statements an emphasis on this goal. An August 2004 cable from the Canadian Embassy Kabul argues that a Canadian PRT should, in addition to contributing to the NATO effort, "have political weight and high profile."⁹⁴ Reporting for the CBC, Brian Stewart chronicles a meeting with a senior NATO commander in Kabul where again Foreign Affairs officials argued for a "significant" and "dramatic" PRT location.⁹⁵ After the Kandahar PRT was announced, a DND briefing note prepared for a NATO meeting gushed that: "This is a significant and strong new commitment to Afghanistan and to the international campaign against terrorism. It demonstrates, in a real and meaningful way, Canada's willingness to play a leadership role in the world..."⁹⁶ By this time, Bill Graham had replaced Pratt as Defence Minister and the new minister reinforced the fact that the Kandahar PRT location, while being more dangerous, allowed "Canada to make an important contribution" to the Afghanistan effort.⁹⁷

Making a "significant" and "dramatic" contribution in Afghanistan served

⁹³ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 113.

⁹⁴ Canada. *Canadian Embassy Kabul Cable: Kbgr 1123-Afghanistan: 3-D Discussion on PRT's*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200900), 24 Aug 2004. The same cable underlined PRT selection should also reflect Canada's new "whole of government" or "3D" approach where all departments and specifically those covering defence, diplomacy, and development would provide a well-coordinated and focused effort overseas. By 2005, that became the theme of the Martin government's International Policy Statement guiding DND, DFAIT and CIDA.

⁹⁵ Brian Stewart, "Canada in Kandahar, Wrong Place, Wrong Time," *CBC News*, 8 Jun 2011, www.cbc.ca/news/world/story/2011/06/08/f-vp-stewart.html, (accessed 27 June 2011), 2.

⁹⁶ Canada. *Briefing Note: Airmen Talks North 2005 - 28-29 June 2005 - Canadian Forces Contribution to Afghanistan Post-August 2005*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200936), 1-2, 20 Jun 2005, 1.

⁹⁷ Bill Graham, "Canada's Bridge to Kandahar," *Globe and Mail*, 22 Aug 2005, 2.

multiple constituencies. For the Martin government this could be a step towards an improved Canada-US relationship while also sharply differentiating his government from the policies of his predecessor. All parties also sought high impact projects relatively quickly in view of the rapidly declining Canada-US relationship and its likely links to the AUSCANUKUS intelligence exchange problem. Foreign Affairs, it is alleged, was particularly concerned with offsetting the ill-feeling generated by our refusal to join the Iraq coalition or National Missile Defense and Brian Stewart was convinced that civilian officials were “more pro-Kandahar than the professional soldiers.”⁹⁸ Finally, in early 2004 Canada was the largest contributor to ISAF providing one thousand nine hundred and fifty of the five thousand five hundred total forces.⁹⁹ It had also supplied the force’s Deputy Commander, then its Commander, as well as a highly effective Strategic Analysis Team providing advice to the very center of the Afghan government. Canada was becoming a significant player in Afghanistan, and there was an unwillingness to consider a post-ISAF contribution that would not protect that significant Canadian investment or provide the same status.

David Bercuson and Jack Granatstein also outline in convincing detail the extent of Canada’s 2003-4 investment in the Kabul mission and its success. Canada was considered “the major player” in Kabul second only to the US. Here Canadians “were a force to be reckoned with.”¹⁰⁰ The government had made a large and successful

⁹⁸ Stewart, "Canada in Kandahar, Wrong Place, Wrong Time."

⁹⁹ Canada. *Background and Analysis Document on the Future Contributions to Afghanistan*. PCO (probably), (Released under access to information no. AI-2011-00069, A2006-00836, A0200946), 1-7, Jan-Mar 2004, 2.

¹⁰⁰ Bercuson and Granatstein, "Lessons Learned? What Canada Should Learn from Afghanistan," 4-6.

investment, and there was a resulting sense Canada was capable of more. The Kabul mission had changed Canada's outlook. Rear-Admiral Gauvin, who had just replaced Rear-Admiral McNeil as the defence advisor at the Privy Council Office, sensed that: "It was a case of coming out of Kabul and moving into the regions ISAF was standing up. And Canada was actually determined in this case to take the region where we were going to be able to make a difference, a significant difference."¹⁰¹

However, when examining issues of stature one must also recognize that Canada had just been characterized by senior US officials as "unreliable" and publicly derided by others as an inconsequential contributor to global stability. The extent to which such a reputation could be allowed to continue without cost was underscored by the four-eyes intelligence exchange problem. Accessed documents suggest wider concerns and some of these center on Canada's position within the G-8.

Beginning in 2002, each G-8 member save Canada and Russia volunteered or was assigned "lead nation" responsibility for some major part of Afghan reform. The US led the rebuilding of the Afghanistan National Army; the United Kingdom was responsible for the counter-narcotics effort; Italy, justice reform; Germany, the national police force; and Japan was G-8 lead nation for the demobilization, disarmament and reintegration of illegally armed groups.¹⁰² Canada's large contribution to ISAF in early 2004 may have saved her from having to volunteer for or be assigned a similar themed responsibility. The Privy Council Office analysts did not, it seems, think Canada could follow its Kabul

¹⁰¹ Gauvin, 3.

¹⁰² NATO, "Briefing: Helping Secure Afghanistan's Future," www.nato.int/nato_static/assets/.../20120116_afghanistan2008-e.pdf, (accessed 2 May 2012), 9.

commitment in August 2004 with some minor effort. In reviewing a list of the upcoming international meetings in late Spring 2004 where Canada was likely to be probed on its future Afghanistan contributions, they predicted problems at the “G8 Sea Island summit in June 2004, which is expected to include a discussion of Afghanistan on the agenda (where Canada would likely be asked to do more to maintain a profile in keeping with the other G-8 nations' contributions).”¹⁰³ In that sense, it was not surprising that Scott Reid, Prime Minister Martin's communication director, declared Canada’s selection of a location for its PRT involved a recognition that: “There was a feeling that this was the price of being a G-8 country. It was a question of, you know, after having shown up all these years with a six-pack, whether we were finally going to tend bar.”¹⁰⁴

Therefore in early 2004 it was clear that Canada could not follow its nineteen hundred and fifty-person force in Kabul with a two to three hundred-person PRT as some have alleged was the Canadian military’s desire.¹⁰⁵ DND had indeed been “looking at the league tables for ISAF” and recognized that any plan for Canada following up its 2004-2005 Kabul force with only a PRT was a non-starter from an alliance burden-sharing point of view given the looming demands of ISAF expansion.¹⁰⁶ A minor contribution also went against the view in Canada that it had a responsibility to do more. As has been shown, DND, with CIDA and DFAIT, had also significantly progressed a full analysis of the PRT requirement and concluded that a credible force protection element was

¹⁰³ Canada. *Background and Analysis Document on the Future Contributions to Afghanistan*, 1.

¹⁰⁴ Schiller, "The Road to Kandahar: At an Afternoon Meeting in Ottawa, a Decision Was Made That Would Cost Soldiers Lives, Billions of Taxpayers Dollars and, Perhaps, Canada's Reputation," 2.

¹⁰⁵ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 108, 132.

¹⁰⁶ Vice-Admiral Robertson, Interview by Eric J. Lerhe, 6 Oct 2011, Ottawa, Ont, 3-5.

necessary.¹⁰⁷ Canada's total potential PRT commitment was, therefore, likely to be substantial if only to provide the needed security.

NATO

The "NATO" narrative presented here combines the views of Matthew Willis and Major Hazelbag while adding other important factors, such as operational support, to suggest one coherent Canadian strategy was at work in selecting Kandahar. This interpretation also fully recognizes the role played by the previously discussed "stature" and "retaliation" arguments.

A strategy was certainly needed as a host of issues were complicating a Canadian attempt to seek a "significant" role for itself. The Canadian military faced a mounting problem of operational tempo given the large size of Canada's ISAF Kabul year-long commitment. At the same time Canada was completing its command of Multi-National Division South-West in Bosnia and would only be able to begin downsizing its six hundred and fifty person force there in October 2004.¹⁰⁸ Meanwhile, the accelerated departure of Jean-Bertrand Aristide from Haiti and the resulting turmoil resulted in a US request for Canada to commit forces there. As a result over five hundred and thirty Canadian soldiers and airmen were dispatched to Haiti under the UN's MINUSTAH mission from February to August 2004.¹⁰⁹ Finally, Canada's plan for a complete

¹⁰⁷ Canada. *PRT Fact-Finding Team Report- J5 NATO Policy*. 8.

¹⁰⁸ ———, "Backgrounder: Canadian Operations in Bosnia-Herzegovina," <http://www.cefcom-comfec.forces.gc.ca/pa-ap/nr-sp/doc-eng.asp?id=992>, (accessed 1 May 2012).

¹⁰⁹ ———, "Operation Halo - CF Commitment to the United Nation Stabilization Mission in Haiti (Minustah)," DND - CEFECOM - Past Operations, <http://www.comfec-cefcom.forces.gc.ca/pa-ap/ops/halo/index-eng.asp>, (accessed 11 May 2012). More details are also available in ———. *Briefing*

departure from Kabul that summer was overturned with the need to provide substantial NATO defence support to Afghanistan's September 2004 national elections. That led to the additional commitment of some six to nine hundred Canadians to the ISAF Kabul force for September 2004 to August 2005.

Unsurprisingly, accessed Canadian government documents soon started admitting that there was a major operational tempo problem. A May 2004 memorandum from the Deputy Ministers of both DND and DFAIT to the Prime Minister's Foreign Policy Advisor argued that while Canada would probably be probed by its allies with regard to its PRT intentions, the military now had "a severe shortage of military personnel and equipment" as a result of the Haiti mission and the extension of the Kabul commitment.¹¹⁰ As a result, through the remainder of 2004 a series of DND documents insisted on the need for an operational pause with no PRT being committed before August 2005 and no battalion-sized elements until February 2006. At least one of these documents was prepared for the Minister of National Defence.¹¹¹

While Canada considered its op tempo problems in the summer of 2004, NATO's ISAF expansion plan had its own problems. As Figure 9-1 shows, the expansion was intended to proceed in a counter-clockwise direction around Afghanistan in four stages

Note: Visit of the Albanian Minister of Defence - International Operations DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200928), 1-5, 8 Apr 2005, 3. This note attempted to explain to the visiting MND the breadth of Canadian worldwide operations.

¹¹⁰ Canada. *Memo to PCO - Fried: Issue - Canadian Military Deployments in Afghanistan*. DND and DFAIT, (Released under access to information no. AI-2011-00069, A2006-00836, A0200896), 1-3, 28 May 2004, 2.

¹¹¹ ———. *Briefing Note: Istanbul Summit - 27-29 June 2004 - International Security Assistance Force in Afghanistan*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200898), 1-3, 25 May 2004, 3; ———. *Briefing Note: NATO Milrep Designate Handover Briefings - 1-2 June 2004 - International Security Assistance Force in Afghanistan*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200897), 1-3, 25 May 2004, 3.

that began in the relatively quiet north and moved progressively to the more problematic southern and eastern provinces. In the north-east, Stage 1 was completed quickly, but in 2004 NATO was having considerable difficulty getting nations to sign up for Stage 2 in the west. A Privy Council analysis assessed this was becoming “a test for the Alliance, as it struggles to secure the necessary commitments to complete the second stage of ISAF

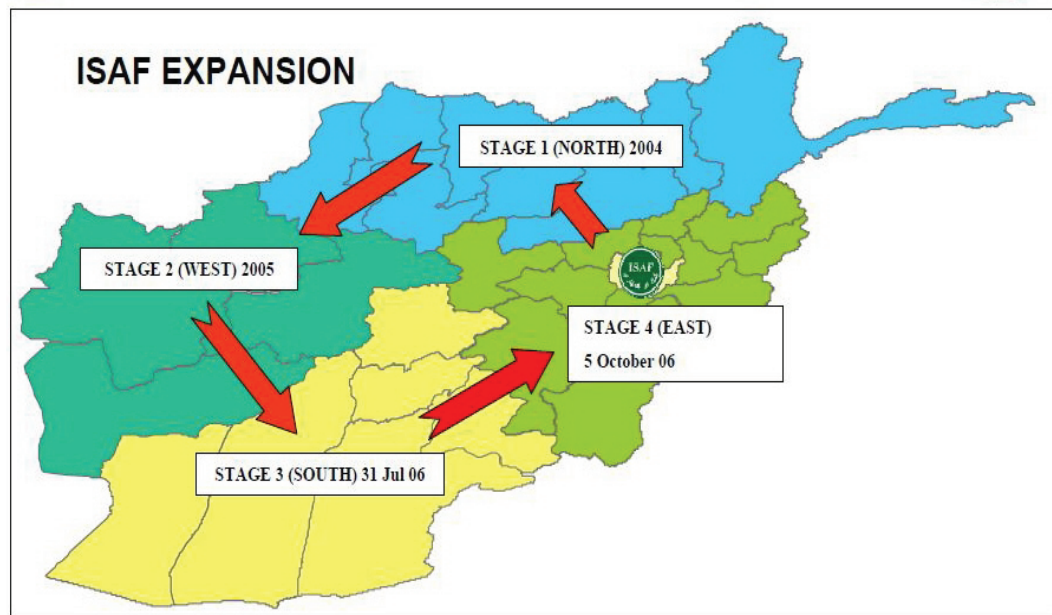


Figure 9-1 NATO ISAF Expansion Plan for Afghanistan¹¹²

expansion.”¹¹³ As a result, NATO's Supreme Allied Commander Europe, US General Jones, requested Canada consider establishing its PRT at Herat and then Chaghcharan in

¹¹² "International Security Assistance Force - ISAF 11," International Security Org: Military-Operations-Counterterrorism-Enduring Freedom-ISAF-OEF ORBAT, http://www.globalsecurity.org/military/ops/oef_orbat_isaf11.htm, (accessed 10 May 2012).

¹¹³ Canada. *Canada and NATO*. PCO (probably), (Released under access to information no. AI-2011-00069, A2006-00836, A0200920), 1-3, Jan-Feb 2005. I describe this document and others like it as "probably" of PCO origin because the access to information process for this organization strips off all identifying material. I have, however, sent these accessed documents to two officials with considerable experience in PCO who are happy to confirm their likely identity. Further, DND's access to information staff have outlined the broad extent of the PCO material I have received.

the West.¹¹⁴ Unsurprisingly, both Herat and Chaghcharan were on the shortlist for PRT's being examined by Canada in September 2004, along with Kandahar, Farah and Kabul.¹¹⁵

However, the DND evaluation found Chaghcharan particularly ill-suited to Canadian needs being isolated, considered of low regional importance, difficult to get to, and far from the support of allies. The response of Rear-Admiral Robertson, the Director General International Security Policy in DND, to the Chaghcharan suggestion was: "I exclaimed 'what? where?' just based on a Canadian appreciation of what a G-8 country would be accomplishing in a place like Chaghcharan. That's like putting a PRT in the middle of Rogers Pass although Rogers Pass actually has Highway Number 1 going through it."¹¹⁶ As a result, by late September 2004, Canada "short-listed" the available PRT to Herat, Shindand (replacing Chaghchuran), Farah and Kandahar.¹¹⁷ Farah and Shindand appear to have been dropped soon after although accessed documents do not reveal why, and Shindand never received a PRT despite it having a major Soviet-built airbase. As Farah was ultimately retained by the US, it may well have been rejected by Canada as part of a developing US-UK-Netherlands-Canada agreement that will be described shortly.

¹¹⁴ Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives," 53, 57. Stein and Lang, *The Unexpected War: Canada in Kandahar*, 134-37.

¹¹⁵ Canada. *Briefing Note: NATO Defence Policy Directors Meeting - 23 September 2004 - NATO's International Security Assistance Force and Afghanistan*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200902), 1-3, 10 Sep 2004, 3.

¹¹⁶ Robertson, 1.

¹¹⁷ Canada. *Policy Terms of Reference: Policy Objectives During PRT/FSB Recce*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200903), 1- 2 with 6 pages completely redacted, 21 Sep 2004, 2.



Figure 9-2 NATO ISAF PRT Locations Afghanistan¹¹⁸

Despite the claims by Stein and Lang that Herat was quickly dismissed by the Canadian military due to its unwillingness to work with Europeans, accessed documents backed up by interviews showed Herat enjoyed considerable support within DND, DFAIT, and CIDA as well as the RCMP. The latter had joined the 3-D team as part of a multinational effort to improve the Afghanistan police services and its members had joined teams from the other three departments in the November 2004 reconnaissance of Kandahar and Herat. By November 2004, these were the only two PRT still under their consideration. A DFAIT report of that interdepartmental reconnaissance effort found both locations had the same "political value" as Herat was Afghanistan's second-largest city while Kandahar was the center of Pashtun influence.¹¹⁹ Both locations were rated equally from a development point of view while Herat was considered to offer more scope for police training largely because freedom of movement was better there. Herat

¹¹⁸ "International Security Assistance Force – ISAF 11."

¹¹⁹ Canada. *External Affairs Cable - PRT Recce Report: Policy*. DFAIT - IDC, (Released under access to information no. AI-2011-00069, A2006-00836, A0200904), 1-6, 2 Nov 2004, 3-4.

also enjoyed the specific support of General Henault, the Chief of Defence Staff, who, rather than rejecting participation with the Italians actually sought them out and claims to have first introduced the idea of them going to Herat as part of a cooperative effort with Canada.¹²⁰

However, Herat was without a forward support base forcing the nation that went there with a PRT to establish one itself or trust NATO to do so.¹²¹ This was a serious concern for resource-constrained DND, and their experience with NATO providing support in ISAF Kabul was problematic. This concern was heightened in late 2003 after NATO's Secretary General, despite his personal exhortations, failed to get any nation to provide the six helicopters needed to support the Kabul force.¹²² The final problem with Herat, as well as any other Stage 2 PRT, involved the conflict between the NATO schedule and Canada's need for an operational tempo pause from August 2005 to February 2006. NATO, on the other hand, wanted Stage 2 completed in 2005 and Italy signaled it was ready to deploy a PRT there in March.¹²³ Nevertheless, Canada's Foreign Affairs team in NATO Brussels sent a classified message on 5 November 2004 strongly urging Canada to not only establish a PRT in Herat but to also "take command of the ISAF Western region" that comprised all the Stage 2 PRTs, as well as provide the

¹²⁰ Henault, Interview, 14.

¹²¹ Canada. *Canadian Delegation NATO Brussels Cable - Afghanistan: Herat Leadership*. DFAIT, (Released under access to information no. AI-2011-00069, A2006-00836, A0200906), 5 Nov 2004, 1-4.

¹²² Stein and Lang, *The Unexpected War: Canada in Kandahar*, 100.

¹²³ Canada. *Notes: DM's Breakfast 9 November 04*. (Released under access to information no. AI-2011-00069, A2006-00836, A0200907), 1, November 2004. This same informal meeting also pressed all departments to obtain government approval for the PRT location in time for the upcoming 8 Dec 2004 NATO Foreign Ministerial in Brussels.

forward support base.¹²⁴

At the same time as all of this was happening, intelligence indicators were starting to point towards a Taliban resurgence.¹²⁵ Faced with major Canadian army operational tempo issues, a rising threat, a continuing critical reliance on the US military support, regular NATO calls for Canadian troops for election support and various dispersed PRTs, and a strong political desire to be seen to be contributing something "significant," the Canadian government appeared to settle on a three-part strategy in late 2004. This would involve concentrating in one location, tying the Canadian effort to reliable US support, and forming an informal internal alliance with the UK and the Netherlands.

Concentration had the practical benefits of eliminating the need to provide duplicate logistics and communication support to the multiple locations NATO had suggested for Canada. In that sense, concentration offered the possibility of keeping numbers and operational tempo down.¹²⁶ More importantly, however, concentration offered higher visibility and this was directly linked to command appointments. Both General Hillier and Rear-Admiral Robertson argued strongly for this and used Canada's unhappy early experience in the Balkans for support.¹²⁷ There, Canada frequently found its military units and aid efforts scattered about the former Republic of Yugoslavia taxing her logistic support, force protection, and coordinating abilities. More importantly, that

¹²⁴ ———. *Canadian Delegation NATO Brussels Cable - Afghanistan: Herat Leadership*. 2. That same document pointed out that concurrently the UK was making a play to take command of Afghanistan's southwestern region.

¹²⁵ ———. *PRT Fact-Finding Team Report- J5 NATO Policy*. 3. This report noted that the threat was increasing overall with the Taliban being "more prevalent and active" in southern Afghanistan.

¹²⁶ Regrettably this proved not to be the case in Kandahar as Canada's commitment there grew steadily from the 1900 sent there in February 2006 to over 2950 in 2010.

¹²⁷ Hillier, *A Soldier First: Bullets, Bureaucrats and the Politics of War*, 156. Robertson, 8.

dispersion ensured there was no readily identifiable location one could point to on a map as a distinctly Canadian effort. General Hillier then argued with considerable justification that Canada, despite being frequently the largest contributor to the Yugoslav coalition effort, was denied access to the five-nation Contact Group that provided strategic direction because it had “frittered away” its contribution and influence as a result of not concentrating.¹²⁸ When Canada finally chose to concentrate its units in Bosnia with the UK and the Netherlands as part of Multi-National Division South-West, it achieved the critical 'Canadian flag on the map' and command appointments in rotation with her two close allies. Again, Admiral Robertson outlines this view dominated as the department considered PRT locations in Afghanistan:

We didn't want the same problem of having multiple locations. We didn't want to be penny-packeted in multiple locations and not get credit. We'd been through this in the Balkans. It was very clear that we needed to be putting a PRT someplace that had room for growth. To make a contribution with a Canadian flag and potentially a contribution with Canadian leadership in that region, through shared rotational leadership in all likelihood.¹²⁹

Canada's military leadership was, therefore, strongly inclined to repeat the Multi-National South-West Division model in south Afghanistan, the area denoted for ISAF Stage 3 expansion. A DND briefing note claimed grouping Canadian elements in Kandahar instead of dispersing them would “concentrate effort, improve efficiency, and multiply Canada's impact.”¹³⁰ Another DND document titled "Benefits of Concentration

¹²⁸ Hillier, 156.

¹²⁹ Robertson, 4.

¹³⁰ Canada. *Briefing Note: Afghanistan - Possible Contributions 2006*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200922), 1-3, 23 Feb 2005, 1. The note specifically argued that concentration would reduce the need to support two lines of communication and two locations

in Afghanistan" argued the result would be "a very positive reception from key international organizations and Allies" such as the UN, NATO, the US and UK.¹³¹ That document also noted a combined PRT in one area "would be the first tangible confirmation of the integrated approach to force deployment that is a major theme of the new Defence Policy Statement." Initial strong resistance to working too closely with the military from the aid and development community had, after significant effort, been overcome to the point that the PRT concept, according to the Canadian Embassy in Kabul, had "evolved sufficiently to mitigate the initial negative reaction from NGOs."¹³²

Up until the final government decision in December 2004, interdepartmental concern focused frequently on the fact that a Herat selection would then require that Canada establish a forward support base for all the PRT's in the north near Herat or await the doubtful prospect of NATO establishing one.¹³³ Kandahar, on the other hand, was anchored by an already established large American base with its own airport capable of handling the largest military transports. This was critical, and a DND option analysis concluded its own PRT "can only function if it receives combat and service support from the coalition."¹³⁴ The earlier 2003 multi-departmental Canadian planning effort had specifically underlined that any PRT had to be able to rely on a neighbouring quick

should the Canadian battle group to remain in Kabul with a PRT elsewhere. This briefing note also underlined that a battle group-sized commitment "would represent our expected share."

¹³¹ ———. *Point Form Note: Benefits of Concentration in Afghanistan*. DND (probably), (Released under access to information no. AI-2011-00069, A2006-00836, A0200872), 1, Undated, 1.

¹³² ———. *Briefing Note for NATO Informal Defence Ministerial 8-9 October 2003 - Provincial Reconstruction Teams*. 2.

¹³³ ———. *Notes: DM's Breakfast 9 November 04*.

¹³⁴ ———. *Briefing Note: NATO Defence Ministers Informal Meeting 9/10 February 2005 - Options for Greater Synergy between ISAF and OEF*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200918), 1- 3, 1 Feb 2005, 2. The note then stated "Confirmation is required that Stage 3 PRTs would continue to receive support from the US."

reaction force, helicopter medical evacuation and close air support.¹³⁵ As was the case in 2002, Canada still had no appropriate helicopters and by 2005 there was nothing to indicate NATO had improved on its ability to muster them either after its 2003 burden-sharing failure, and so this meant relying on US support again.¹³⁶ Thankfully, the US continued to provide unstinting combat aviation support and here the most critical was in their provision of medical evacuation helicopters.¹³⁷ Finally, working with the Americans in Kandahar allowed a ready access to the electronic intelligence effort that was quickly proving crucial in Afghanistan.

This is not referred to in any Canadian documents, but two historians, Richard Aldrich and Matthew Aid have chronicled the increasing reliance of coalition soldiers on the electronic intelligence teams and centers deployed in Kandahar, Helmand and Kabul in 2004.¹³⁸ While the collection and analysis effort was almost entirely conducted by AUSCANUKUS elements, the Dutch military had also enjoyed significant success in 2004 in Kabul by combining off-the-shelf radio intercept and equipment with skilled Afghan interpreters.¹³⁹ The immediate intelligence those teams produced regularly provided advanced warning of Taliban attacks or accurate positioning data for subsequent airstrikes on Taliban leaders.¹⁴⁰ The British considered their own electronic intelligence

¹³⁵ ———. *PRT Fact-Finding Team Report- J5 NATO Policy*. 6-7.

¹³⁶ A second call to NATO for helicopter support during Operation Medusa in 2006 also failed.

¹³⁷ Bercuson and Granatstein, "Lessons Learned? What Canada Should Learn from Afghanistan," 16-17.

¹³⁸ Matthew M. Aid, *The Secret Sentry: The Untold History of the National Security Agency* (New York: Bloomsbury Press, 2009), 274. See also Aldrich, *GCHQ: The Uncensored Story of Britain's Most Secret Intelligence Agency*, 533-34. A more popular account of the role of electronic intelligence is also available in Sebastian Junger, *War*, 1st ed. (New York: Twelve, 2010).

¹³⁹ Aldrich, *GCHQ: The Uncensored Story of Britain's Most Secret Intelligence Agency*, 533-34.

¹⁴⁰ Aid, *The Secret Sentry: The Untold History of the National Security Agency*, 282-85.

effort “battle-winners.”¹⁴¹ The combined allied efforts in Helmand and Kandahar were the most impressive relying on data from AUSCANUKUS sea-based platforms, aircraft, satellites, and ground teams fed into the Electronic Warfare and Signals Intelligence Operations Center in Kandahar.¹⁴² The immense advantage in this and other elements of largely US-provided support available in Kandahar over Herat was, however, offset by a greater Taliban presence.

The Taliban threat became a major factor in Canada's decision to join an informal alliance with the Netherlands and UK in Afghanistan. This would reunite three allies with close interoperability ties, advanced military technology, and a considerable history of effectively working together. This went beyond their experience in Bosnia. In late 2000, Canada provided five hundred and thirty soldiers for the Dutch-led UN mission in Eritrea as part of the Netherlands-Canada Battalion or NECBAT.¹⁴³ The shared Bosnian experience was certainly important with ADM Policy, Ken Calder, arguing that “on that basis we had strong relations with the Dutch and the Brits - we trusted each other and worked well together.”¹⁴⁴ The British Defence Minister, John Reid, later reported to the UK Parliament's Chilcot Inquiry that he would not approve the British deployment until

¹⁴¹ Aldrich, *GCHQ: The Uncensored Story of Britain's Most Secret Intelligence Agency*, 534.

¹⁴² Ibid. The heavy reliance of the Signals and Electronic Warfare Operations Centers (SEWOC) on AUSCANUKUS systems and sources is outlined in Dany Fortin, Major, "The Challenges of a Multinational Headquarters - Kabul Multinational Brigade," *The Bulletin - Army Lessons Learned Center*, 11, no. 3 (2005), 13. This article covers the operation of the Canadian-led SEWOC in Kabul. See also Gordon Ohlke, Major "Army News - the All Source Intelligence Center," *The Canadian Army Journal Vol. 10.3 Fall 2007*, 10.3 (Fall)(2007)., and Bercuson and Granatstein, "Lessons Learned? What Canada Should Learn from Afghanistan," 5-6. The latter gives an excellent overview of the Canadian intelligence effort while in Kabul.

¹⁴³ Netherlands, "The Dutch-Canadian Battalion," MOD [http://www.defensie.nl/english/nimh/history/international_operations/mission_overview/48168764/united_nations_mission_in_ethiopia_and_eritrea_\(unmee\)/dutchcontribution/](http://www.defensie.nl/english/nimh/history/international_operations/mission_overview/48168764/united_nations_mission_in_ethiopia_and_eritrea_(unmee)/dutchcontribution/), (accessed 2 May 2012).

¹⁴⁴ Calder, 11.

the Canadians and Dutch had made clear they were going.¹⁴⁵ Similarly, General Henault has stated “the Netherlands would not go into Afghanistan in the southern region unless its flanks were covered. It wanted its flanks covered by reliable allies and we were one of the key ones.”¹⁴⁶ Equally, Canada was deeply disturbed when it appeared in late 2005 that the Dutch Parliament would not approve their own forces deployment to the South with one DND briefing note underlining that their participation was “of key importance” to the success of our own.¹⁴⁷

All three were also part of a select group of NATO allies that Robert Kaplan has recently argued were more committed to the alliance than some of their southern European neighbors.¹⁴⁸ There was also very much a sense that Afghanistan was severely testing the alliance and the initial difficulty in getting participants for Stage 2 of ISAF expansion confirmed that.¹⁴⁹ In view of that, the three appear to have concluded that the necessary Stage 3 expansion into the more troublesome south would be infinitely more

¹⁴⁵ Michael Clarke, "The Helmand Decision," *Whitehall Papers (RUSI)*, 77, no. 1 (2011), 20. He cites evidence given to the Chilcot Inquiry by John Reid as Secretary of State for Defence 2005-06, 3 February 2010, Evidence Transcript, 55-56.

¹⁴⁶ Henault, Interview, 5. Matthew Willis reinforces this view at his Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives," 55. In particular see his footnote 14 wherein:

...the Dutch military considered NATO planning processes inadequate for the complicated southern region, and was therefore keen to develop operational procedures with partners it could trust - like Canada and Britain.

See also Stein and Lang, *The Unexpected War: Canada in Kandahar*, 182.

¹⁴⁷ Canada. *Briefing Note: Minister of National Defence Meeting with Secretary of State for Defence for the Netherlands, Mr. Cees Van Der Knaap*. DND, (Released under access to information no. AI-2011-00071, A200600257 with potential duplicate number A0189216_1-000158), 1-3, 21 Oct 2005, 2.

¹⁴⁸ Robert Kaplan, D. "NATO's Ordinary Future." In *Geopolitics*: STRATFOR, 2012, <http://www.stratfor.com/analysis/natos-ordinary-future-robert-d-kaplan>, (accessed 12 May 2012), 2.

¹⁴⁹ Canada. *Canada and NATO*. 3. This PCO document stated ISAF expansion "is a test for the alliance, as it struggles to secure the necessary commitments to complete the second stage of ISAF expansion in Afghanistan."

difficult unless a group like their own lead the effort. There were regular claims that Canada going to Kandahar would “pave the way” or serve as the “anchor tenant” for the southern ISAF expansion during this period.¹⁵⁰ Rear-Admiral Robertson was steadfast in this view:

But the fundamental reasons for our efforts post-Kabul flowed from the government of Canada's strategic objectives for Afghanistan, and the need to make the ISAF expansion strategy successful. We made a truly meaningful contribution enabling stage 3 and furthering the Alliance's expansion into the South and then the East that was entirely in line with our capabilities as a G-8 nation and in keeping with an appropriate proportional contribution to the overall effort.¹⁵¹

The plan then evolved slowly via discussions in the margins of NATO meetings or via military-to-military discussions begun in 2003. By early 2004, a high-ranking Dutch officer came to Ottawa to discuss broad PRT options for the south Afghanistan region with the Director General International Security Policy, Rear-Admiral Robertson in March 2004.¹⁵² Much later the British confirmed during bilateral staff discussions in mid-2004 that they also intended to proceed to the south of Afghanistan.¹⁵³ By October 2004 their High Commissioner in Ottawa reportedly informed Minister Graham of the

¹⁵⁰Ibid. See also ———. *Speaking Points: 152nd Meeting of the Military Committee in Chiefs of Staff Session, Brussels, Belgium 11-12 May 2005 - Afghanistan - General Issues*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200935), 1-2, May 2005, 1. See also ———. *Briefing Note: NATO Defence Minister's Formal Meeting 9/10 June 2005 - Afghanistan Operations*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200939), 1-3, 26 May 2005, 3. This is also claimed in ———. *Briefing Note: MND Visit to CF Personnel Deployed in Afghanistan 3-4 January 2005 and 11-14 January 2005 Afghanistan - ISAF Operations*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200911), 1- 3, 6 Dec 2004, 3. See also Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives," 60.

¹⁵¹ Robertson, 5.

¹⁵² Ibid.

¹⁵³ Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives," 57.

United Kingdom's interest in partnering with Canada in Kandahar.¹⁵⁴ At the same time, however, others within DND were not yet ready to abandon the Herat option until it too had been thoroughly evaluated. One of its lead proponents was the CDS, General Henault.¹⁵⁵

A confidential interview confirmed that in early December 2004 the interdepartmental evaluation was complete and that the ministers of DND, DFAIT, and CIDA submitted a joint letter to the Prime Minister recommending Kandahar for its PRT.¹⁵⁶ That letter acknowledged that other states had taken the more peaceful PRT, confirmed the need for US support, while also outlining the developing Netherlands-Canada-UK plan for the southern provinces. That same confidential interview, partially supported by several accessed DND briefing notes, has also revealed that Foreign Minister Pettigrew very likely announced Canada's intention to establish a PRT in Kandahar at the 9 December 2004 NATO foreign ministerial meeting.¹⁵⁷ At the end of

¹⁵⁴ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 134. See also Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives," 58.

¹⁵⁵ General Henault, E-mail to author, 10 Jan 2012.

¹⁵⁶ 1st Confidential Interview, 6 Oct 2011, 8.

¹⁵⁷ Ibid. This is partially confirmed by Canada. *Briefing Note: MND Visit to CF Personnel Deployed in Afghanistan 3-4 January 2005 and 11-14 January 2005 Afghanistan - ISAF Operations*. 3. See also ——. *Briefing Note: Canada - United Kingdom Staff Talks - 25-27 January 2005 - Afghanistan and the International Security Assistance Force*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200913), 1-10, 11 Jan 2005, 6. The confidential interviewee is categorical in stating that Foreign Minister Pettigrew announced to NATO on 9 December 2004 that Canada would establish a PRT in the summer of 2005 at Kandahar. 1st Confidential Interview, 8. The MND Visit briefing note agrees that he announced a PRT would be established at that time but the next line of the document is redacted so it is not absolutely clear he mentioned Kandahar. However the next line states "Canada is focusing on Kandahar." The next briefing note repeats that Foreign Minister Pettigrew told NATO on 9 December that Canada would provide a PRT but follows this up by stating "GOC gave approval in principle in December for Canada to establish a PRT in Kandahar" without making clear whether Pettigrew also provided this bit of information to NATO. Support for the view that Pettigrew indeed stated we would be going to Kandahar with a PRT in the summer of 2005 is supported by the fact that McCallum had already told NATO the previous year we would be establishing a PRT somewhere. This announcement and the fact that earlier in the month the ministers of DND, DFAIT and CIDA had submitted a joint recommendation to the

December 2004, a DFAIT officer had confirmed to the US Embassy in Ottawa that Canada's "main priority" now was the "introduction of a Canadian PRT in Kandahar."¹⁵⁸ At approximately the same time, Defence Minister Graham, in responding to NATO Secretary General Jaap De Hoop Scheffer's request that Canada send its PRT to Chaghcharan, "made it clear that Kandahar was emerging as a preferred option for Canada."¹⁵⁹ Later government documents suggested, however, that the government had only extended "approval in principle" for the Kandahar mission at this point.¹⁶⁰

These Canadian signals, however, may well have spurred the Netherlands with an article by Major Hazelbag of the Netherlands Defence Academy reporting that their government's interdepartmental committee for military operations began examining "this Canadian idea" of moving to southern Afghanistan in early January 2005.¹⁶¹ Certainly DND documents continued to suggest a large part of the Canada-UK-Netherlands-US plan for the southern region was discussed by ministers, heads of government, and their staffs at the NATO multiple ministerial meetings in the spring, summer and fall of 2005. Rather more detailed military-to-military staff links on the Stage 3 expansion were also opened between the Netherlands and Canada on 20 January 2005 and with the British

Prime Minister recommending Kandahar raises considerable doubts as to Stein and Lang's claim that as of early December the government "had not yet decided where the PRT was going." See their 167.

¹⁵⁸ US. *Canada: Request for Special Operations Forces for Operation Enduring Freedom*. State, (04OTTAWA3460), Ottawa Embassy Cable, 23 Dec 2004, <http://wikileaks.ch/cable/2004/12/04OTTAWA3460.html>, (accessed 6 Mar 2012). This cable confirmed that Canada had acknowledged the request for special forces and was considering it favorably but that their first priority was the introduction of the PRT in Kandahar.

¹⁵⁹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 137.

¹⁶⁰ Canada. *Briefing Note: Canada - United Kingdom Staff Talks - 25-27 January 2005 - Afghanistan and the International Security Assistance Force*. 6.

¹⁶¹ Hazelbag, "Political Decision Making of the Mission in Uruzgan, a Reconstruction," 251-52. It is quite clear the Dutch military had been examining and discussing it with Canada some nine months prior to this.

immediately after.¹⁶² Accessed Canadian documents confirm this trend and also show that on 25 January 2005 Canada held staff talks with the UK Ministry of Defense where the Netherlands-Canada-UK plan for southern Afghanistan was discussed, with the latter apparently suggesting its intention to "assume control of the Stage 3 area, centered on Kandahar, in mid 2006."¹⁶³ A 20 February 2005 report to that same Dutch interdepartmental committee then confirmed that all three nations' military staff were "investigating the possibility to deploy a combined mission" to south Afghanistan.¹⁶⁴

At the January 2005 Canada-UK staff talks Canada also indicated that she needed to "begin negotiations with the US" over this broad plan.¹⁶⁵ When Canada first broached the idea with the US of taking over the US PRT in Kandahar, the Pentagon informed Canada that she would have to "negotiate with CENTCOM headquarters in Tampa" the proposal.¹⁶⁶ The DND document covering this also warned "there is no guarantee that CENTCOM Headquarters staff will agree to the turn over of their PRT and support of a new Canadian PRT" but did suggest that those US forces on the ground in Afghanistan were supportive. There was no reason given why the Pentagon would take that less than welcoming stance given their urgent desire for reinforcements for an increasingly problematic Iraq war. It does, however, cast additional doubt on any suggestion that the

¹⁶² Ibid., 252.

¹⁶³ Canada. *Briefing Note: Canada - United Kingdom Staff Talks - 25-27 January 2005 - Afghanistan and the International Security Assistance Force*. 3, 6.

¹⁶⁴ Hazelbag, "Political Decision Making of the Mission in Uruzgan, a Reconstruction," 252.

¹⁶⁵ Canada. *Briefing Note: Canada - United Kingdom Staff Talks - 25-27 January 2005 - Afghanistan and the International Security Assistance Force*. 6.

¹⁶⁶ ———. *Briefing Note: MND Visit to CF Personnel Deployed in Afghanistan 3-4 January 2005 and 11-14 January 2005 Afghanistan - ISAF Operations*. 3.

US was pressuring Canada to take Kandahar.¹⁶⁷

Interestingly, those same pressures from the Iraq insurrection then began to delay the UK's planned withdrawal from the same campaign. As a result, in March 2005 they urged Canada to take initial command of the future Regional Command (RC) South.¹⁶⁸ Earlier *The Times* had reported that problems had disrupted the overall British plan to withdraw early from Iraq and then transfer its forces so as to dominate and command the entire RC South region.¹⁶⁹ Unsurprisingly, they also desired Kandahar as their base as did the Dutch.¹⁷⁰ Canada was reportedly able to keep Kandahar in part because it was the first to claim it from the US, although one British account suggests their government ceded to Canadian demands for it as part of the costs of keeping Canada engaged in the south.¹⁷¹ This suggests the possibility that Kandahar, rather than being the booby prize for Canada's alleged dithering and delay in selecting a PRT location, was actually a much sought location at the start.

¹⁶⁷ The Canada-US negotiations for the Kandahar PRT at CENTCOM HQ were successfully concluded on 26 January 2005. See ———. *Briefing Note: NATO Defence Ministers' Informal Meeting 9/10 February 2005 - Afghanistan*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200915), 1-5, 27 Jan 2004, 4.

¹⁶⁸ ———. *Briefing Note: DCDS Designate LGen. Dumais Visit to Afghanistan 4-11 March 2005 - Afghanistan, NATO and Canada*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200924), 1-3, 24 Feb 2005.

¹⁶⁹ Michael Smith, "Afghan Posting 'Too Dangerous' for Dutch Army," *Times Online*, 20 Nov 2005, <http://www.timesonline.co.uk/printFriendly/0,,1-524-18880012-524,00.html>, (accessed 11 Nov 2005). This was confirmed at Canada. *Briefing Note: Canada - United Kingdom Staff Talks - 25-27 January 2005 - Afghanistan and the International Security Assistance Force*. 3.

¹⁷⁰ Nick Beadle, "Afghanistan and the Context of Iraq," *Whitehall Papers (RUSI)*, 77, no. 1 (2011), 71. See also Clarke, "The Helmand Decision," 14-15. The Netherlands also coveted the base facilities and airport and had some familiarity with the area as their special forces had operated here; see Hazelbag, "Political Decision Making of the Mission in Uruzgan, a Reconstruction," 255. See also Stein and Lang, *The Unexpected War: Canada in Kandahar*, 134.

¹⁷¹ Clarke, "The Helmand Decision," 15. See also the Willis analysis and particularly his pages 59-60 where he argues that the United Kingdom's delayed departure from Iraq and, therefore, late entry into southern Afghanistan likely made Canada's claim to Kandahar more effective in the United States military's eyes. Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives," 59-60.

While much would continue to be developed in the margins of the remaining cycle of NATO ministerial and one Prime Ministerial summit, the basic direction was set and the military staffs proceeded to complete the plan. The spring of 2005 also starts to point to a more likely source of Canadian dithering. While the ministers of DND, DFAIT and CIDA had recommended to Prime Minister Martin in early December 2004 that Canada go to Kandahar and Foreign Minister Pettigrew had indicated to NATO that intent that month, actual governmental approval was a long time coming. In the interval, Defence Minister Graham, in an interview with the Associated Press in Munich, Germany on 13 February 2005, confirmed that Canada would indeed be going to Kandahar in “a leading role” with a PRT in 2005 and then adding a further seven hundred to one thousand troops for “combat operations” in Spring 2006.¹⁷² Canada’s willingness to also take such a lead in Kandahar had been privately disclosed to other allies by Graham at a NATO meeting in Nice on 10 February although the Associated Press article admitted a final decision on the combat force “has not yet been made.” While there are very few details, government documents show that the Prime Minister announced at the 22 February 2005 NATO summit in Brussels that Canada would indeed be establishing a PRT in Kandahar that August.¹⁷³

This was followed on 21 March by Prime Minister Martin’s meeting with his closest advisers in Ottawa described in the previously discussed Schiller article. Here,

¹⁷² David Rising, "Canada to Nearly Double Afghan Troops," *Associated Press*, 2005, <http://www.afghanistannewscenter.com/news/2005/february/feb142005.html>, (accessed 2 May).

¹⁷³ Canada. *Briefing Note: DCDS Designate LGen. Dumais Visit to Afghanistan 4-11 March 2005 - Afghanistan, NATO and Canada*. 3. As an indicator of the extent to which Canada's intention to place a PRT in Kandahar were well known by allies, Stein and Lang report that on 25 February 2005 Under Secretary of Defense Paul Wolfowitz indicated he was aware of those intentions and “thanked Graham for this important contribution.” Stein and Lang, *The Unexpected War: Canada in Kandahar*, 176.

apparently, the decision on proceeding to Kandahar was made after the Prime Minister had extracted from General Hillier a promise to retain a reserve capability to proceed to either Haiti or Darfur.¹⁷⁴ However, a DND briefing note prepared on 14 April 2005 indicated that Canada still had not received political approval¹⁷⁵ and the situation had not changed by 11 May 2005 with another DND document making clear that DND was still seeking it.¹⁷⁶ The full Canadian commitment including the PRT, the battle group and a brigade headquarters required for the command of RC South was finally agreed upon by Cabinet and then confirmed by the Canadian government on 16 May.¹⁷⁷ At the NATO Defence ministerial of 9 and 10 June in Brussels, Canada, the United Kingdom and the Netherlands brought forward their combined plans for southern Afghanistan.¹⁷⁸

As plodding as the Canadian progress was towards decision, the Dutch route was worse. Their process also underlined the difficulty of escaping one's initial promises to NATO allies. Perhaps provoked by a very pessimistic Netherland's Military Intelligence and Security Service report on the increasing power of the Taliban in southern

¹⁷⁴ Schiller, "The Road to Kandahar: At an Afternoon Meeting in Ottawa, a Decision Was Made That Would Cost Soldiers Lives, Billions of Taxpayers Dollars and, Perhaps, Canada's Reputation."

¹⁷⁵ Canada. *Briefing Note: NATO Policy Directors' Meeting 25 to 26 April 2005 - Afghanistan* DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200931), 1-3, 14 April 2005, 2. The document also noted that neither had the UK or the Netherlands received political approval.

¹⁷⁶ ———. *Speaking Points: 152nd Meeting of the Military Committee in Chiefs of Staff Session, Brussels, Belgium 11-12 May 2005 - Afghanistan - General Issues*. 1.

¹⁷⁷ ———. *Briefing Note: NATO Defence Minister's Formal Meeting 9/10 June 2005 - Afghanistan Operations*. 1. Stein and Lang also confirm Cabinet granted final permission for the full Canadian commitment to Kandahar in May. See their 194-96. While I have focused on the actions of the Netherlands in taking over Uruzgan, the UK, Helmand, and Canada, Kandahar the full complement of nations and PRT's involved in regional command South as part of the Stage 3 expansion also included the Netherlands, Denmark, and Romania in Nimruz, with the PRTs in Zabol and Day Kundi remaining with the US. Further, Denmark and Romania and Australia joined the Netherlands in Uruzgan.

¹⁷⁸ Hazelbag, "Political Decision Making of the Mission in Uruzgan, a Reconstruction," 255. Canada's draft announcement is at Canada. *Intervention: NATO Defence Minister's Formal Meeting NATO Operations: Afghanistan and Sudan 9/10 June 2005* DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200938), 1-3, 26 May 2005, 1.

Afghanistan that October, the Netherlands coalition government then repeatedly failed to muster sufficient support in their combined Cabinet for their move to southern Afghanistan until February 2006.¹⁷⁹ Not surprisingly, this deeply concerned the Canadian government as it had successfully taken over the US PRT in Kandahar in September 2005. The British withheld approval for their deployment pending a positive Dutch decision. The United States appears to have been particularly upset with Paul Bremner, a former US ambassador to the Netherlands, allegedly warning the Dutch that their decision "would not be without consequences."¹⁸⁰ Serving US diplomats denied Bremner's claim and argued the US did "not exert any pressure" and that they had no intention of punishing the Netherlands.¹⁸¹ On the other hand, Stein and Lang argue that Secretary of Defense Rumsfeld had "bullied" the Dutch Defence Minister, further complicating the issue.¹⁸² Much of the international media then began criticizing the Netherlands' indecision while also holding it responsible for the potential failure of NATO in this critical mission with the *Financial Times* claiming "NATO's future credibility is now in Dutch hands."¹⁸³

Evaluation and Findings

This case study probed the sovereignty costs of Canada's decision to proceed to

¹⁷⁹ This is described in great detail at Hazelbag, 256-264. In addition to the increased danger posed by the Taliban, other Dutch concerns centered on the apparent difficulties of doing any reconstruction work given the rising threat, transitioning OEF to ISAF, detainee treatment, and the CIA prison scandals.

¹⁸⁰ Hazelbag, "Political Decision Making of the Mission in Uruzgan, a Reconstruction," 265.

¹⁸¹ Ibid.

¹⁸² Stein and Lang, *The Unexpected War: Canada in Kandahar*, 206.

¹⁸³ Hazelbag, "Political Decision Making of the Mission in Uruzgan, a Reconstruction," 265. He cites Mark Joyce in the *Financial Times* of 18 January 2006. This was harsh treatment for one of the few nations that was willing to take up the hard task of opening up Afghanistan's south.

Kandahar in 2005 primarily by examining the strengths of the five narratives that claimed to explain that decision. As the introduction has noted, however, not all of these factors had a strong sovereignty component and this will now be further probed.

NATO

Not surprisingly, this analysis considered the NATO-dominated narrative the one most capable of explaining why Canada selected Kandahar. It is not, however, ready to say the availability of US support in Kandahar was decisive in setting Canada's PRT location, but it was certainly as significant a contributor as Canada's desire for a significant role if government documents are any indicator. The Canadian military's total reliance on US helicopters for medical evacuation and its considerable need for access to US intelligence and logistics support set against its inability to mount its own forward support base in Herat - or trust NATO to do so - were major factors behind the selection of Kandahar. This largely satisfies the criteria underlying hypothesis 1B which argues Canada will commit to US-led operations as a result of US coercion or as a result of our own reliance on US systems. While one would have liked a closer link here to interoperability that might, for example, suggest Canadian military systems could only work well if they were tied to US ones, the level of Canadian dependency here is sufficiently great that this dependency cannot be downplayed.

The other major factors within the NATO narrative were the perception of individual allies and, obviously, the NATO institution and its processes. This goes beyond Canada simply following NATO's ISAF expansion plan. As Willis has outlined

and this analysis has confirmed, Canada participated in devising that strategy and felt, with other allies, the resulting need to support it. Thus one sees Defence Minister McCallum announcing in December 2003 that Canada would be sending a PRT with Foreign Minister Pettigrew confirming in December 2004 that it would be going to Kandahar. After this, Canada then certainly monitored the alliance “league tables” and, based on the levels of support promised by others, knew a token post-Kabul Canadian commitment was a non-starter. Moreover, Canada, with the United Kingdom and the Netherlands, sensed a need to ensure the overall ISAF expansion plan succeeded in the most difficult third stage covering South Afghanistan. Canada in particular, argued her going to Kandahar would “pave the way” for the remainder of the Alliance.

The alliance’s effect did not end there. When intelligence indicators pointed to a rising Taliban threat in the South this necessarily provoked some highly visible second guessing in the Netherlands government. However, in terms of alliance processes, the Dutch had probably gone too far with Major Hazelbag asking “whether the Netherlands, in spite of its own promises and those of other parties, could still say ‘no’.”¹⁸⁴ By December 2005, any chance of a pullout had become immensely difficult in that the British and Canadian contributions to Stage 3 utterly relied on the Netherlands doing its part. This was the not the only pressure on the Dutch. The US put significant pressure

¹⁸⁴ Ibid., 270. There are a striking number of similarities to the Canadian case in his tracing of the Netherlands’ approach to Kandahar. For an example, the Dutch went there as we did with one of the goals being to seek maximum foreign policy impact. They also would trust only a select group of NATO allies as their partners in this region, as they also were one of the few allies ready to make sacrifices to ensure NATO’s success. They also underwent a process whereby an apparently out-of-control media messaging effort attempted to highlight the “reconstruction” elements of the mission while downplaying the more violent war-fighting and casualty-producing elements. See his page 269 for this. Regrettably, this analysis was not able to further compare either the Dutch or the United Kingdom’s approach, but there is certainly much to argue for a comparative analysis.

on them to keep their commitments and the international media was ready to place the responsibility for NATO's potential failure in Afghanistan on the Dutch government.

Accessed PCO documents and those people interviewed underline that Canada's leaders knew that Canada, too, would have to carry its share of the alliance burden but there was little mention of the fact that promises of support could only be withdrawn later at great reputational cost. Willis makes the point well in arguing:

Frequently overlooked, NATO's plan for ISAF's phased expansion beyond Kabul was an extremely powerful conditioner of national policy processes. Not only did it entail advance commitment from Ottawa, virtually locking it into future contributions, but membership in the Alliance brought with it obligations that could not be ignored.¹⁸⁵

However limiting alliance commitments may be, nowhere are they considered a sovereignty cost. While Stephen Krasner acknowledges that the joining of international organizations imposes the loss of some sectoral decision-making sovereignty, this is completely overshadowed by the fact that a state is exercising its full external sovereignty in electing to join and then remain with that organization.¹⁸⁶ Writers such as Michael Altfeld also argue states join alliances after calculating the benefits of greater security against the cost of lost independence.¹⁸⁷ The argument here is not that a state is forcibly bound to comply with allied decisions, but that lost independence must be accepted as a cost to be set against the benefits gained. Moreover and as the Netherlands found, any

¹⁸⁵ Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives," 50. He adds at page 66-7 "By virtue of the government-level commitments extracted in fora like the North Atlantic Council, political decisions taken in NATO exerted far-reaching influence."

¹⁸⁶ Krasner, "Abiding Sovereignty," 237.

¹⁸⁷ Michael Altfeld, "The Decision to Ally: A Theory and Test," *The Western Political Quarterly*, 37, no. 4 (Dec 1984), 528, 37-8.

attempt to defect from a group's decision can bring additional costs. Sarah Kreps, also focusing on Alliance conduct in Afghanistan, makes this crystal clear: "Undertaking the operation through an established formal institution such as NATO brings the credible promise of future benefits for states who cooperate and audience and reputational costs for those who defect."¹⁸⁸

Retaliation

While this research found no direct evidence that Kandahar was selected to offset earlier Canadian decisions on Iraq and National Missile Defense, all indications suggest that the very real possibility of being shut out of the AUSCANUKUS intelligence exchange was a contributory factor. Tying this, however, to an actual sovereignty loss is difficult.

This is in spite of the fact that the US actions were significant enough to suggest to the Canadian government that a continued policy of saying 'no' to US requests would leave Canada permanently without access to a large part of US intelligence flow it had become completely dependent upon. One must accept, however, that Canadian officials have a long history of sensing US retaliation and responding to it even when the evidence is not at all clear retaliation was underway.¹⁸⁹ In essence, Canada's dependency is often so high officials do not take chances on testing the full extent of a potential or developing retaliatory response.

¹⁸⁸ Sarah Kreps, "Elite Consensus as a Determinant of Alliance Cohesion: Why Public Opinion Hardly Matters for NATO-Led Operations in Afghanistan," *Foreign Policy Analysis*, 6 (2010), 209.

¹⁸⁹ This is very well laid out in Jewett, "The Menace Is the Message," 52-53. Jewett notes that while retaliation is rare "there have been a sufficient number of times when we've feared its possibility that the threat of retaliation has conditioned governmental attitudes into general timidity."

Complicating the question is the fact that the US response was both intense and confined within a narrow sector. Bow has argued grudge retaliation best described the overall Canada-US relationship post our Iraq decision, and this was marked by the Bush administration's disinclination to get involved in many aspects of Canada-US trade policy. The situation within the security relationship was decidedly worse. Here the US made a conscious policy decision to significantly assist the UK and Australia and exclude Canada. It was soon clear that the US decision to open the SIPRNET to just these two states would significantly weaken the broader AUSCANUKUS relationship and that Canada would be the sole loser. Further, Canadian officials and government leaders were quick to point out its ill-effects, and one senses the US also took its time in resolving the issue. When the US decided to allow Canada access to SIPRNET in 2006, our military had been in Kandahar for over ten months and was starting to pay heavily.¹⁹⁰

Even with this high level of issue linkage, retaliatory action has great difficulty meeting the Krasner criteria for a sovereignty loss – he insists only coercive sanctions meet the test. That is, a loss occurs only when the victim state is threatened beforehand so as to produce the desired change in its policies or action. This did not happen here. The US policy was ostensibly to assist the armed forces of Australia and the United Kingdom in combat in Iraq and not to punish Canada. That policy thus lacks the

¹⁹⁰ US. *Allied Sharing and Siproynet*. State, (06STATE83673), US State Cable (with C.Rice signature), 23 May 2006, <http://wikileaks.ch/cable/2006/05/06STATE83673.html>, (accessed 13 Oct 2011). The correlation between access and contribution was later reinforced when New Zealand, long officially excluded from the AUSCANUKUS intelligence exchange as a result of its 1984 decision to deny port visits to US Naval nuclear powered vessels, was also reported as being considered for SIPRNET access. Again, there is an apparent connection to her steadfast contribution of ships and special forces to US-led Operation Enduring Freedom effort. See Glenn and Gayton, *Intelligence Operations and Metrics in Iraq and Afghanistan*, 13.

"unmistakable and direct" punishment Brian Bow insists underlies direct retaliation. The action of allowing them access to the SIPRNET while denying it to Canada also more precisely fits within what David Baldwin has termed "a positive sanction" and, again, this lacks the coercive element needed for a sovereignty violation.¹⁹¹ The pervasive manner in which all variety of US officials interpreted the Presidential Directive on SIPRNET access in the least advantageous way for Canada and the disinclination of the American leadership to do anything about it despite high level Canadian government interventions, certainly suggest a fulsome application of grudge retaliation. That, however, does not qualify as a sovereignty loss as, again, there is no observable coercive intent.¹⁹²

What is also clear at this point is that the lower order sovereignty challenge implied in hypothesis 2B that suggested Canadian defence and foreign policy officials exaggerated the extent of American retaliation to force the choice of Kandahar is doubtful in the extreme. In this instance, whether that retaliation reflected a "grudge" nature or not is less relevant than the fact that the highest levels of the Martin government very much thought it was direct retaliation as the Wikileaks cable and several interviews made clear. The parallel suggestion that the defence and foreign policy bureaucracy were the only ones concerned over broader US repercussions seems equally dubious in light of the

¹⁹¹ Baldwin, "The Power of Positive Sanctions ", 23-24. He states a positive sanction will involve an "actual or promised improvement in [nation] B's value position relative to his baseline of expectations." The UK and Australia certainly felt that. On the other hand, the fact that Canada did not receive the same reward of access to SIPRNET cannot be termed a negative sanction according to Baldwin as Canada should have had no reasonable expectation of receiving a reward. Moreover, as Canada did not ever have SIPRNET, it could not claim an "actual or threatened deprivation[s]," another condition that might have qualified this as a negative sanction.

¹⁹² Also arguing against a hard linkage scenario was the fact that the US military's acceptance of our offer to go to Kandahar was, at times, heavily qualified with, for example, the Pentagon arguing we needed to "negotiate" taking over the US Kandahar PRT with their Central Command Headquarters.

evidence that both the Defence Minister and Prime Minister were directly engaged in attempting to forestall Canada's exclusion from the AUSCANUKUS intelligence relationship.¹⁹³ Further, while the security bureaucracy, and particularly the uniformed military, strongly advocated Kandahar and surely had mollifying the US as an objective in so doing, the historical record has established that the final Kandahar decision was debated and decided by the political elite. Schiller's own brief account and the more exhaustive analysis of this issue by Middlemiss and Stairs in 2007 fully reinforce that view.¹⁹⁴ There is thus no sovereignty loss registered for hypothesis 2B as a result of bureaucratic exaggeration or of officials tying the government's hands.

Stature

The Canadian decisions that provoked grudge retaliation also resulted in a decline in Canada's standing. While a less concrete threat than the intelligence cut off, the view that Canada was now seen by the US as minor player in global issues was potentially the most problematic. As has been shown, several prominent Canadian authors agreed and the official opposition had no difficulty tying Canada's diminished international standing to ten years of Liberal government. Other nations were also concerned over Canada's capabilities and certainly government documents recognized this. As a result, Cabinet

¹⁹³ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 177, 81-2.

¹⁹⁴ Danford W. Middlemiss and Denis Stairs, "Is the Defence Establishment Driving Canada's Foreign Policy?," in *Canada among Nations 2007 - What Room for Manoeuvre?* ed. Jean Daudelin and Daniel Schwanen (Montréal and Kingston: McGill-Queens Univ press, 2008). See particularly pages 72, 76 and 84-6 where General Hillier's role in expanding the Kandahar mission is discussed. One must note that this work does not focus on Kandahar's selection but rather the suggestion that DND and the Canadian military were the "ascendant drivers" of Canadian foreign policy in the post-2000 period. As they point out at their page 72, Canada's Afghanistan policy was frequently used to support the false thesis of an "ascendant" DND.

was told to expect problems at the upcoming 2004 G-8 where the level of its Afghanistan contribution was sure to be challenged. Government documents then went out of their way to stress the “substantial” and “leadership” elements of its Kandahar commitment. Bercuson and Granatstein’s analysis strongly supports this view. However, even if this was done in part to overcome a low American opinion of Canada, there is nothing that would allow Canada’s subsequent search for a “significant” international role to be considered a sovereignty loss.

Bureaucratic Delay

The additional argument by Stein and Lang, with several others, that bureaucratic bickering in DFAIT and, DND between summer 2003 and summer 2004 resulted in Canada going to Kandahar because “there was no place left in Afghanistan for Canada to deploy”¹⁹⁵ has been questioned by Bercuson and Granatstein¹⁹⁶ and strongly disputed by Willis: “The allegation that it was bureaucratic bickering and indecisiveness that determined the timing and location of Canada’s eventual deployment, as opposed to the Canadian Forces force-generation timeline, is spurious.”¹⁹⁷

Again, this analysis fully supports that conclusion. During the twelve-month period of reported interdepartmental "squabbling" between the summer of 2003 and the summer of 2004 there was, admittedly, no final PRT recommendation made to government. This was also the optimum period in which Canada could have claimed one

¹⁹⁵ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 133-4, 182. The latter entry is followed by the previously noted spurious addition of “or so went the conventional wisdom.”

¹⁹⁶ Bercuson and Granatstein, "Lessons Learned? What Canada Should Learn from Afghanistan," 20-21.

¹⁹⁷ Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives," 53.

of the more peaceful Stage 2 PRTs in northern Afghanistan. However, as Willis makes clear (and many released government documents fully reinforce him), this would require Canada to stage troops it did not have if NATO's Stage 2 schedule was to be met.¹⁹⁸ Extending the Canadian Forces commitment to Kabul a further twelve months past its original August 2004 deadline, sending five hundred and thirty personnel suddenly to Haiti, and the slow pace of the drawdown from Bosnia significantly complicated that option. Moreover, accessed documents show that both the Minister and the PCO were fully aware of this operational tempo impact.¹⁹⁹

There was some interdepartmental squabbling, but again a careful review of government documents shows this had little to do with delaying PRT selection. The first arguments concerned the unwillingness of CIDA's NGO partners to work closely with the military, but, as has been noted, this was reported as solved in October 2003, when PRT selection was not an issue for Canada – it was just starting its Kabul mission. When the PRT selection process was at its height CIDA had fully joined in the cross-departmental effort that found both Herat and Kandahar of equal merit from a development point of view. The next actual controversy erupted in April 2005 and centered on who should lead the PRT – the military or a DFAIT officer, but by this time

¹⁹⁸ Ibid., 52-53.

¹⁹⁹ A May 2004 memorandum from the Deputy Ministers of both DND and DFAIT to the Prime Minister's Foreign Policy Advisor stated the military now had "a severe shortage of military personnel and equipment" as a result of the Haiti mission and the extension of the Kabul commitment. See Canada. *Memo to PCO - Fried: Issue - Canadian Military Deployments in Afghanistan*. 2. A similar caution was sent to the Defence Minister. See ———. *Briefing Note: Istanbul Summit - 27-29 June 2004 - International Security Assistance Force in Afghanistan*. 3.

Kandahar had already been selected.²⁰⁰

Herat represents a particularly strong case against the Stein and Lang claim that “there was no place left in Afghanistan for Canada to deploy.”²⁰¹ As has been made clear, Herat and the surrounding province were always available for a Canadian PRT especially as Canada could well have been given an exemption to the NATO schedule. Additionally, Italy is reported as being consistently ready to cooperate with us in what would have likely been a co-lead PRT endeavor. Further, NATO’s strategy welcomed secondary PRTs being set up as “spokes” from the main PRTs and forward support base centered in each province. All Canada had to do was identify a major town for such a “spoke” PRT. Finally, Shindand, a major center in the Herat province with a satisfactory airport, was a designated potential PRT site, but never attracted a sponsor, and the fall 2004 cross-departmental analysis shows it remained available to Canada. That same material also shows that Herat was by no means rejected as a result of a Canadian military aversion to working with Europeans as Stein and Lang claim. Those documents, backed up by interviews, showed Herat enjoyed considerable support within DND, DFAIT, CIDA and the RCMP as well as from Canada’s Ambassador to NATO.

In summary, a detailed examination of the actual chronology backed up by government documents shows ministerial and above involvement in responding to the

²⁰⁰ The issue was resolved in July 2005, with issuance of the “Framework Arrangement” for the PRT signed off by DND, DFAIT, CIDA and the RCMP that had the Canadian Forces provide its head but the other components were all were granted considerable independence all of which was spelt out in careful detail. See Canada. *Briefing Note: PRT Organization and Leadership*. DND, (Released under access to information no. AI-2011-00069, A2006-00836, A0200929), 1- 4, 11 Apr 2005.; and ———. *Framework Arrangement for the Provincial Reconstruction Team in Kandahar*. DFAIT CIDA DND, RCMP (Released under access to information no. AI-2011-00069, A2006-00836, A0200943), 1-16, 12 Jul 2005.

²⁰¹ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 182.

retaliation and no evidence that bureaucracy-induced delays were factors in Canadian PRT selection. There is, as result, nothing that meets the sovereignty criteria for hypothesis 2B.

General Hillier

The attending suggestion that General Hillier pushed or ‘nudged’ the government towards Kandahar as part of an effort to further integrate the Canadian military with the American forces was never supported with any evidence. Thus there is no loss under hypothesis 2A which argued military officials will seek to push integration towards US projects and operations. The fact that Canada preferred an association with the United Kingdom and the Netherlands during ISAF Stage 3 and that a curiously standoffish Pentagon directed Canada "negotiate" the takeover of the US PRT in Kandahar from Central Command further weakens that argument.

However this analysis is not as ready as either Willis or Bercuson and Granatstein are to support General Hillier’s claim that as he had arrived in Canada well after the Kandahar decision was made he could not have had a hand in it.²⁰² The chronology developed here suggests his November 2004 arrival was precisely at the height of the debate over Kandahar and Herat. The two locations were in close competition, and General Hillier was in a very good position to influence the final decision, as his autobiography hints.²⁰³

²⁰² Hillier, *A Soldier First: Bullets, Bureaucrats and the Politics of War*, 342-3.

²⁰³ General Hillier acknowledges he was in Ottawa at the time that the final pressure for Herat was coming from NATO Brussels. See his page 342. One must also note General Hillier was not alone in supporting

Finally, a testing of hypothesis 1C, which predicts nations will shun Canada because of its overly close US interoperability ties, actually produced a sovereignty gain. As with the fifth case study, a series of nations sought to partner with us beginning with Italy in Herat, and ending with the United Kingdom and the Netherlands in Kandahar. Canada, while preferring the US for support, also sought the British and the Dutch as operational partners.

The sovereignty results of these arguments are arrayed in table 9-1. They show the only significant sovereignty loss was as a result of Canada's heavy dependency on US support facilities in Kandahar. A slight gain is registered for hypothesis 2A as a result of the fact that the government, DND and the military all actively supported working with the Dutch and the British instead of with the United States. Hypothesis 1C which argued Canada would be rejected by other allies as result of its too-close interoperability ties with the United States, was again disproven as the Dutch and British actively sought Canada and made their deployments to southern Afghanistan contingent on our going.

There were, of course, no sovereignty losses associated with either the "Bureaucratic Delay" or the "General Hillier" arguments because both were

the selection of Kandahar. Bercuson and Granatstein, after carefully noting the difficulty of tracing responsibility, do point out Canada's Ambassador in Kabul, Chris Alexander, was one of the foremost backers of the Kandahar option. See Bercuson and Granatstein, "Lessons Learned? What Canada Should Learn from Afghanistan," 22. The Ambassador's views were also supported by many other foreign affairs officers leading Brian Stewart to opine that they were some of the "most vocal advocates for a more high-risk mission like Kandahar." He then correctly questions the extent to which General Hillier was assigned responsibility for Kandahar's selection while DFAIT's role "largely escaped scrutiny." See Stewart, "Canada in Kandahar, Wrong Place, Wrong Time." For reasons that will soon be made clear, this analysis does not favour approaches that attempt to attach responsibilities for complex undertakings to single factors or individuals.

Table 9-1 Case Study Six: Kandahar 2005

| Case | Hypothesis | Effect on Sovereignty (Exterior/Interior) | | | | | | | Extent to which Interoperability was a factor | | | Remarks |
|----------------------|-----------------------------|--|-----|------------|------|------------|-----|-------------|---|-----|-------------|--|
| | | Loss | | | Gain | | | | Negligible | Med | Significant | |
| | | Significant | Med | Negligible | Zero | Negligible | Med | Significant | | | | |
| 6 (Kandahar 2005) | 1B - Commit to US Ops | E | | | | | | | | X | | -Availability of US support in Kandahar key factor -No evidence of tainted advice favouring Kandahar -DND worked to cooperate with UK and Neth not US. No evidence of Gen. Hillier's pro-US agenda affecting PRT choice -Italy, Neth and UK seek out Canada |
| | 2B - Support US over Canada | | | | I | | | | X | | | |
| | 2A -Advance Interop with US | | | | | | I | | | X | | |
| | 1C - Rejected by Others | | | | | | | E | | X | | |

unsubstantiated. Finally, it should also be clear that neither the "Retaliation," "Stature," nor the heavily favored "NATO" arguments can claim dominance in explaining why Canada selected Kandahar in 2005. All were powerful factors in that decision.

CHAPTER TEN: REVIEW AND EVALUATION

Introduction

The aim of this chapter is to evaluate the sum of findings that attended each of the six case studies. This will begin with a brief review of the results to identify trends and isolate aberrations. This will identify where repeated sovereignty losses occurred and the role Canada's military interoperability policy played in causing them. When interoperability had no part in those losses an attempt will be made to isolate what other factors were in play. Next, when a hypothesis generated few or confusing results consideration will be given to whether they should be reworked or discarded. A final section will provide context for these results.

Review

The results of case studies one through six are presented in the following table 10-1. As Stephen Krasner argued and the history of Canadian interoperability repeatedly demonstrated, any military cooperative activity is likely to have one or more sovereignty components in play. For example, the first case study involving Canada's initial response to the 11 September 2001 attacks tested hypotheses 1B, a component of external sovereignty and 2A, internal sovereignty. The first, 1B, argued that Canada would be tied involuntarily into a US military response as a result of their coercion or the fact that Canada's military equipment, doctrine or plans had inextricably linked our forces to the US military and its operations. The second hypothesis, 2A, argued that Canadian officials would abet this effort by unauthorized efforts to force that integration.

Table 10-1 Summary of findings from all case studies.¹

| Case | Hypothesis | Effect on Sovereignty E = External Sovereignty I = Internal Sovereignty | | | | | | | Extent to which Interoperability was a factor | | |
|----------------------|---|---|-----|------------|-------------|------------|-----|-------------|---|-------------|-------------|
| | | Loss | | | Zero | Gain | | | Negligible | Med | Significant |
| | | Significant | Med | Negligible | | Negligible | Med | Significant | | | |
| 1 (9/11) | 1B - Commit to US Ops 2A - Advance Interop with US | | | | E I | | | | X X | | |
| 2 (ISAF) | 1C - Rejected by Others 2A - Adv Interop with US 1B - Commit to US Ops | | | | E E | | I | | X X X | | |
| 3 (Detainees) | 1A - Drop Agreements | | | | | | E | | X | | |
| 4 (Iraq) | 1B - Commit to US Ops 2A - Advance Interop with US 2B - Support US over Canada 1C - Rejected by others | | | E | I I E | | | E | X X X | X | |
| 5 (TF-151) | 2A - Advance Interop with US 2B - Support US over Canada 1B - Commit to US Ops 1C - Rejected by Others | | | | O I E | | | | X X | | X |
| 6 (Kandahar 2005) | 1B - Commit to US Ops 2B - Support US over Canada 2A - Advance Interop with US 1C - Rejected by Others | E | | | I | | | | X X X | X X X | |

The evidence found in the first case study did not support these hypotheses.

Although NORAD procedures were briefly used in the first hours of the attacks, all subsequent responses were developed on the spot with full Canadian input. Later offers

¹ This table is also available at appendix B should you wish to remove it for easier reference.

to assist the US were then rebuffed in part because of the reticence of some in the US leadership to fully engage with her allies. In particular, the US initially took pains to avoid any NATO involvement for fear of being encumbered by its processes, yet that institution was the only one that would allow the smooth integration of allies. Again, this will be the first of several counter-examples that undermine hypothesis 1B's assertion that the US will invariably push for allies like Canada to integrate militarily with them.

Equally, there was no effort by the military bureaucracy to evade political control, and the evidence points, instead, to the full engagement of Canadian political leaders in post-9/11 planning and decision making. There was therefore no loss registered for hypothesis 2A. As will be shown, this is a recurring trend that consistently refutes the efforts by critics to suggest Canadian politicians were being led by the military and foreign policy bureaucracy.

The second case study also involved hypotheses 2A and 1B but its primary focus was on hypothesis 1C which argued Canada's close interoperability with the US would make us an unattractive partner for others. While several have argued that our too-close ties to the US military were the cause of our sudden rejection from the British-led International Stabilization Assistance Force for Kabul, at least four more credible factors were likely involved. Significantly, none involved interoperability with the most compelling suggesting that the UK, or more likely its continental partners, wished to reinforce a developing European defence identity. There is, as a result, no interoperability induced loss shown for hypotheses 1C.

As noted, there is a slightly stronger case for arguing Canada may well have been

pulled towards the US after its first choice, ISAF, was foreclosed. In 2002, Kandahar was assessed as particularly attractive because of extensive aviation, in-theatre logistics, and detainee facilities at the US base there. These were all capabilities Canada lacked. However, the evidence is very strong that the political pressure "to be seen to be doing something" was the overriding factor in going to Kandahar in 2002. Nevertheless, our reliance on US support in Kandahar was a secondary factor, and, as a result, hypothesis 1B registers a small loss.

Intriguingly, the Canadian Army was strongly in favor of working with the British in this endeavor further undermining hypothesis 2A's claim that it would be naturally drawn to projects that would further integrate it with the US. As a result a modest sovereignty gain is registered. After our rejection by the European-dominated ISAF force, Canada did turn to the United States Army as a potential partner only to find that it was not welcoming of our attentions. Again, this disappoints hypothesis 1B which argues they should be pressuring Canada to join them. As a result, hypothesis 1B also shows a slight sovereignty gain but this is offset by a loss resulting from Canada's just-noted dependencies for the support it required at Kandahar. Again, Krasner and Canada's earlier military history warned that simultaneous gains and losses were to be expected.

The modest external sovereignty gain shown for the third case on detainee policy reflects the active and successful Canadian opposition to US detainee policy at the political, departmental, and military levels. As was also pointed out, the level of actual legal interoperability between Canada and the United States is quite weak as a result of differing approaches to the laws covering prisoners of war, the defining of terrorism,

targeting rules, and anti-personnel land mines.

As just seen, a single hypothesis within a single case study can produce multiple results, and Canada's decision not to join the Operation Iraqi Freedom coalition demonstrated this clearly. While there was no American coercion involved, our participation was very much sought, yet Canada ultimately rejected this US desire completely and publicly. This was celebrated justifiably, if perhaps overzealously, by Prime Minister Chrétien as a demonstration of Canadian independence and hypotheses IB shows a significant sovereignty gain. However, this gain is offset by a slight sovereignty loss, as Canada's military were drawn to the Iraq mission because of their fully justified concerns over the quality of European support in Kabul.

Canada's decision in February 2003 to seek the leadership of the ISAF was also a side payment for not going to Iraq. It was also widely asserted that the Canadian military preferred the Iraq mission over the Kabul commitment and, by offering tainted advice and exaggerated claims of US retaliation, fought government direction. These claims were not proven. Parallel suggestions that the military was conducting unauthorized preparations to join the war in Iraq came to naught because the government had specifically authorized that planning. As a result there was no sovereignty loss as a record for hypothesis 2A or 2B.

Those same hypotheses dominated the case study dealing with Task Force 151 primarily because of the Stein and Lang argument that the Canadian military had laid a "trap" for the government in proposing it. The trap, if successful, would have theoretically made it impossible for the Chrétien government to then turn down Operation

Iraqi Freedom. This was a near-perfect test of hypothesis 2A which argued that our military would push integrative projects with the US without political authority. Those asserting this were opposed by an equally resolute group that claimed the opposite and, regrettably, a "zero" is shown for hypothesis 2A to show the inconclusive result.

After the government had approved the TF 151 mission, critics also indicated that the Canadian Navy went beyond government instructions in escorting US military shipping bound for the war in Iraq. A close examination of government documents backed up by Wikileaks US cables shows the Chrétien government had approved that escort mission. As a result hypothesis 2B registers no sovereignty loss. Again, the escorting task in support of the US appears to have been another side payment for not joining Operation Iraqi Freedom.

This case study also provided a full test of hypothesis 1C which saw a series of nations join the task force Canada led in spite of our close interoperability links with the US. Here it is also intriguing that the French, who actively opposed the United States over most of this period, joined Canada in protecting that US shipping, pushed for us to lead TF 151, and later commended us for our command and control abilities. At the same time, the US area headquarters cut off intelligence and denied communications links to the Canadian ships and physically separated them from the OIF forces where hypothesis 1B would suggest they would make every effort to try to integrate us. Interoperability was a strong factor here but it worked in the opposite direction, therefore no loss is shown.

The sixth and final case study dealt with our decision to deploy to Kandahar in

2005. One of the dominant factors impacting that decision was the ongoing need to continue repairs to Canada-US relations and to forestall any further problems within the AUSCANUKUS intelligence relationship. This was very nearly a sovereignty loss, in part because of the efforts of US officials to link our OIF and NMD decisions to our access to US intelligence. However, there was no direct coercion, only a continuation of grudge retaliation first evident in the fourth case study. On the other hand, our parallel dependence on US tactical intelligence and our reliance on their aviation and logistics support was a major factor in our decision to proceed to Kandahar. As a result, this case study registers a significant external sovereignty loss for hypothesis 1B to reflect that dependence on US support.

Hypothesis 2A which argued that Canada would consistently seek US operations and projects was again undermined. The Canadian Army's readiness to partner with the Dutch and the UK in the southwest region of Afghanistan was based on their successful interoperability experience in Bosnia. At the same time, the US, rather than attempting to coerce us into joining their operations, did the opposite. Their military did not instantly take up Canada's offer to relieve them in Kandahar, and insisted that the Canadian Forces "negotiate" this with Central Command HQ. As a result hypothesis 2A shows a gain. Similarly, there was no evidence of Canadian officials ever working to assist the US position and so hypothesis 2B shows no loss.

Rather than the US exerting any pressure on Canada, NATO was increasingly the source of both direction and pressure. Moreover, Canadian ministers and foreign affairs officials were actively helping set that direction. Their participation in the multiple

NATO ministerials that set the parameters for our own and others' PRTs continued the trend seen in the first three case studies where, contrary to some accounts, Canadian political leaders were actively involved and were not pawns of the bureaucracy.

The sixth case study also provides the fourth failed attempt to satisfy hypothesis 1C's assertion that Canada will be an unattractive partner as a result of its pro-US interoperability policies. The British and Dutch not only sought Canada out, they made their own participation in southern Afghanistan conditional on our going. The idea that close ties to the US would somehow complicate Canada's ability to attract partners has also been challenged by others. Dan Fitzsimmons' detailed examination of the key factors driving the Canadian decision to commit forces to Operation Assurance, the abortive mission to deliver aid to the Hutu camps in Zaire in 1996, found that American participation in that mission was crucial for both Canada and those European nations considering joining the force.² Promised American involvement in Operation Assurance encouraged Prime Minister Chrétien to offer Canadian leadership of the mission, and the presence of American transport, communications and intelligence support did much to overcome strong DND opposition to it. Moreover, the United Kingdom, Belgium, Senegal, and the Ivory Coast all made it clear that their participation was conditional "on a major American commitment to the mission."³ In the words of the Deputy Minister of Foreign Affairs, Gordon Smith, "the Europeans did not want to go out there. Even the

² Fitzsimmons, "Zaire and Canadian Defence Policy: The Case of Operation Assurance," 24-25, 32, 35.

³ Ibid. Belgium, France, Kenya, Italy and the Netherlands may also have made their support conditional on this.

French, and that's because if things start to go bad... they want muscle."⁴ Similarly, when the US withdrew the Canadian government concluded that "the mission could not continue without US support."⁵ Unsurprisingly, European support also seemed to decline with the US wavering of its support.

US support, both diplomatic and military, was absolutely key to establishing IFOR and then SFOR in Yugoslavia in 1995 and 1996. In 2011, American efforts to pass broad responsibility and most of the war-fighting load to Europe for liberating Libya were met with protests from those governments. In the end America had to provide up to seventy-five percent of the air-to-air refuelling, intelligence, surveillance and targeting capability needed to accomplish the mission, and US support remains indispensable for any large scale intervention.⁶ Given the repeated and long-standing need on the part of the European governments for American military support, it would seem rather more likely that Canada's highly developed interoperability links with the US military would make it a more attractive partner in most coalition scenarios. What is clear is that hypothesis 1C's assertion that Canada's US links will make us less attractive has no support in actual operations and, as a result, hypothesis 1C should be completely retired.

Evaluation

While noting the sustained failure of hypothesis 1C, there are significantly more critical trends and they dominate table 10-1. First, there are relatively few recorded

⁴ Ibid., 24-25.

⁵ Ibid., 34.

⁶ Ivo H. Daalder and Admiral James Stavridis, "NATO's Victory in Libya." *Foreign Affairs*, 91, no. 2 (2012): 6.

sovereignty losses. Second, the few losses all involve external sovereignty, and this uniformly stems from a developed Canadian reliance on US intelligence, aviation and logistics support. While there were many investigations of lost internal sovereignty, usually as a result of alleged efforts by the defence and foreign policy bureaucracy to serve US interests, none of those were supported by the evidence. Third, the table shows Canada-US military interoperability was frequently not a significant factor in the sovereignty losses.

Surprisingly, these three trends are related and it is probably easiest to begin by determining why this analysis found no evidence of successful challenges to Canada's internal sovereignty. In part this resulted from the direct application of Stephen Krasner's and Danford Middlemiss' definitions and criteria to the claims. Here Krasner argues that internal sovereignty is only violated "when external actors influence or determine domestic authority structures" in a state.⁷ While this may appear extremely restrictive it flows precisely from the Westphalian model that guarantees each state complete authority within its borders and the total exclusion of external state interference therein. This analysis did allow for the possibility that a state's officials may have divided or co-opted loyalties and might, as a result, be inclined at times to support the interest of an exterior power over its own government. If this should happen this would have constituted a violation of Canadian internal sovereignty. In an effort to apply yet further precision, criteria developed earlier by Danford Middlemiss to examine the same problem of potentially co-opted officials within the Canada-US Defence Production Sharing

⁷ Krasner, *Sovereignty: Organized Hypocrisy*, 20.

Arrangements were then re-applied here. A sovereignty violation by a Canadian official would necessarily involve actions that were not authorized by the Canadian government, or were contrary to its declared policies, executed in areas beyond the official's assigned mandate, and marked by efforts to evade political control.⁸

Precision in both the definition and criteria was needed as Canadians authors continue to be all too ready to suggest that US coercion or the ill-intent of some Canadian individuals or groups is behind any unfavourable turn in Canada-US relations. This practice is long-standing and frequently overdone with Denis Stairs arguing in 1968 that more prosaic solutions are often overlooked in the process:

[I]t is in turn possible that the frequent appearance of *identical* [italic his] Canadian and American policies in foreign affairs need not necessarily be due to the success of irresistible American pressures on Ottawa. It may result instead from the fact that Canadian decision-makers tend to reach similar policy conclusions by independent means.⁹

The Canadian military's loyalty to Canada is often offered as another problematic element. Thus Lloyd Axworthy asserts "there is a strong predilection by many senior officers, supported by their civilian mouthpieces, to become too absorbed into the American military orbit, mesmerized as they are by the glories of interoperability" as he laments the rapid approach to the war in Iraq.¹⁰ As is the case with many media-focused efforts, there was no effort to back up this assertion with evidence or to probe the other factors that may have been in play. Similarly, Stephen Staples has suggested that General

⁸ Middlemiss, "A Pattern of Co-Operation," 452-60.

⁹ Denis Stairs, "Confronting Uncle Sam: Cuba and Korea," in *An Independent Foreign Policy for Canada?* ed. Stephen Clarkson, *Carleton Contemporaries* (Toronto: McClelland and Stewart, 1968), 67-8.

¹⁰ Axworthy, "Dollars, Yes – War No," B4.

Hillier's pro-US agenda was at the root of Canada's decision to go to Kandahar. With regard to the claims against Hillier, Middlemiss and Stairs warn of the "superficial persuasiveness" of this and similar arguments in that they "attribute complex developments to the influence of individual personalities (arguments that are easily understood) rather than to more complicated and abstract forces."¹¹ Similarly, conspiracies such as Task Force 151 being created by the Canadian military to "trap" the Martin government are far more easily constructed than a detailed analysis of the complex legal, coalition, and operational tempo issues actually at work. Certainly this examination has reinforced the fact that mounting any international operation is exceedingly complex with Assistant Deputy Minister Ken Calder making clear that conspiracies like this, while easy to claim, are extraordinarily difficult to execute.

There were likely other motivations at work and this would include both a mix of the normative and political. Again there is a long history of Canadian nationalists being concerned over the dangers of Canada-US integration. In this regard, the New Democratic Party and particularly its researchers and supporters have been especially vocal over the integration danger, and especially its military interoperability component.¹² Potential Canada-US cooperation, be it in National Missile Defense, Iraq, or Afghanistan, is vigorously opposed and frequently the Canadian military is alleged to

¹¹ Middlemiss and Stairs, "Is the Defence Establishment Driving Canada's Foreign Policy?," 72.

¹² This was most clearly pointed out at Ibid., 71-72. Bruce Campbell and Ed Finn's *Living with Uncle - Canada-US Relations in an Age of Empire* also provides a recent introduction to the lead participants of this group. See particularly Avi Lewis, who in praising the Canadian Center for Policy Alternatives role in mustering Canadian public opinion against Canada joining the Iraq coalition or National Missile Defence, underscores this with a nice sense of humour in noting "Martin and Chrétien didn't locate their inner Trudeau; they located their in-house pollster and did what the majority of Canadians clearly wanted them to." Avi Lewis, "A Canadian Response to an American War," in *Living with Uncle - Canada- US Relations in an Age of Empire* ed. Bruce Campbell and Ed Finn (Toronto: James Lorimer & Co. Ltd., 2006), 232-33.

be advancing these by “stealth” and without, it is claimed, government support.¹³ When, however, the elected government’s support for these activities is obvious the opponents then claim the decision involved a lack of public consultation and a failure of the highly dubious concept of “democratic sovereignty.”¹⁴ Again, Middlemiss and Stairs debunk these notions arguing: “If critics dislike what the government is doing in the politico-security field abroad, they should hold the prime minister and cabinet to account, rather than assuming that policy is somehow under the nefarious control of the DND or the armed forces.”¹⁵

Another politically-related motivation for identifying the military as a source of some problematic policy is to deflect attention away from serious divisions the issue may be generating within the government caucus. As was shown earlier, this was certainly the case with a seriously divided Liberal government in England in 1911 allowing the British Army to take the sole blame for the France-UK military staff talks that some in the governing party feared were leading the country to war. Precisely the same dynamics were in play in 2002-2003 with the Liberal party in Canada being equally divided over the question of joining the Iraq war. This had Foreign Minister Graham claim that

¹³ See the latter half of Chapter Two and particularly the citations from the works of Bruce Campbell, Michael Byers, and, again, Stephen Staples. For a discussion of the policy by ‘stealth’ critique see the Chapter Two citations for Andy W. Knight and Ann Denholm Crosby.

¹⁴ Staples, “Fortress North America: The Drive Towards Military and Security Integration and Its Impact on Canadian Democratic Sovereignty.”

¹⁵ Middlemiss and Stairs, “Is the Defence Establishment Driving Canada's Foreign Policy?,” 86. Earlier Denis Stairs had argued in a similar vein:

To put it differently, those who are dissatisfied with the conduct of Canada's post-war external affairs would be better to blame the objectives and values of the government in Ottawa rather than the hidden machinations of the American Department of State. A Canadian official has suggested privately that one of the reasons for Canada's independent policy in Cuba was the fear that any other course would arouse an outcry from Canadian nationalists.

See Stairs, *The Diplomacy of Constraint: Canada, the Korean War, and the United States*, 67-8.

"hawks" in the Canadian military were encouraging the US to think Canada would join them in Iraq when the evidence shows conclusively that it was the Chrétien government itself which was simultaneous misleading both the US and its own increasingly suspicious backbenchers.

Instead, Canada went to Afghanistan in 2003, and here the Canadian military had very little to do with the decision to take up the ISAF duty in Kabul. This decision was made entirely by Prime Minister Chrétien assisted by three civilian officials. While less immediately problematic than going to Iraq, it did lock Canada into NATO's long-term strategy for the region. Moreover, our role in developing that strategy was hardly passive - Canada, Germany and the United States were the three states most responsible for getting NATO to take over the Afghanistan task largely to ensure the ISAF mission would be fully supported. Canada's post-Kabul move to Kandahar was then entirely consistent with the NATO expansion plan for Afghanistan. By that time, however, rising casualties and falling public opinion had become a serious problem. This began a process Murray Brewster has described as "deny and deflect" where attempts were then made to pass the responsibility for going to Kandahar elsewhere.¹⁶ Again, rarely does the process involve a detailed examination of the multiple factors in play. Rather blame is passed to select individuals and groups with Chrétien blaming our location in the "killing fields" of Kandahar entirely on the "dithering" of Paul Martin. Stein and Lang, in turn, agree that delay was why Canada ended up in Kandahar, but argue that "dithering" was solely within the defence and foreign policy bureaucracy.

¹⁶ Brewster, *The Savage War-the Untold Battles of Afghanistan*, 53.

As this analysis has made clear, bureaucratic dithering was the least compelling argument of those offered for Canada going to Kandahar in 2005. That then introduces the final motivation behind such simple, blame-one-group thinking. Scapegoating the bureaucracy or even the head of the military is significantly more palatable than admitting that the government's security policies were heavily constrained by a lack of Canadian military means, dependent on US support, and, as a result, not particularly independent or sovereign.

Yet Canada had always sought to be considered a significant player on the international scene. There are many reasons behind that desire, and one of the most critical has strong links to Canadian sovereignty. Thus Roger Swanson argued that "if Canada's international function cannot be justified, the very rationale for Canada's existence as a sovereign, independent nation comes into question."¹⁷ Canada then relied on a range of diplomatic, foreign aid, and military mechanisms to buttress that international function. However, and as was outlined earlier, by the late 1990s the military component of this was much reduced in the eyes of our allies, most Canadian foreign policy analysts, and the defence bureaucracy with the latter settling on enhanced interoperability as a method of offsetting reduced defence spending. As Grant Dawson argued "It was also clear that close military co-operation was unavoidable because Canadians wanted the CF engaged globally but were unwilling to pay for a large

¹⁷ Swanson, "An Analytical Study of the United States/Canadian Defence Relationship as a Structure, Response, and Process: Problems and Potentialities," 410. This is precisely in line with Richard Gwyn's view that any diminishment in Canada's international stature is deeply problematic "for a nation that depends significantly on foreign policy activism as a means of expressing our national identity." As cited in Harvey, *Smoke and Mirrors: Globalized Terrorism and the Illusion of Multilateral Security*, 187.

military.”¹⁸ Middlemiss and Stairs were in total agreement and concluded that absent a “sudden and uncharacteristic impulse on the part of Ottawa to increase Canadian defence spending dramatically, interoperability with the Americans is the only game in town.”¹⁹

For obvious reasons, no Canadian government minister will offer this as a basis for its military interoperability policies. Moreover, a government will have a natural sovereignty-engendered tendency to claim its international security policies were independently derived and free from pressure and dependency. This became an increasingly difficult sell for the Canadian government in the post-9/11 period as first the United States and then Canada’s NATO allies called for concrete military contributions.

In responding, Canada certainly enjoyed the independence of being able to refuse the United States over participation in the anti-Iraq coalition and National Missile Defense. However, its dependencies soon demonstrated how limited that independence was. The significantly reduced flow of US intelligence and Canada's broader vulnerability to a deteriorating Canada-US relationship - where Canada was now viewed as an unreliable ally and a minor contributor to international security matters - forced a response. The defence budget was dramatically increased and many naturally assumed Canada’s Task Force 151 and Kandahar PRT were compensation for its OIF and NMD decisions.

¹⁸ Grant Dawson, "'A Special Case': Canada, Operation Apollo, and Multilateralism," in *Canada among Nations 2003: Coping with the American Colossus* ed. David Carment, Fen Osler Hampson, and Norman Hillmer (Toronto: Oxford University Press, 2003), 194.

¹⁹ Middlemiss and Stairs, "The Canadian Forces and the Doctrine of Interoperability: The Issues," 27, 30, 31. More broadly, Joel Sokolsky argues “Interoperability with the US is the logical defence posture for a Canadian national security strategy based upon continued global engagement.” See his “Sailing in Concert: The Politics and Strategy of Canada-US Naval Interoperability,” *Choices*, IRPP, www.irpp.org/choices/archive/vol8no2.pdf (accessed 1 May 2012.) 12.

Stein and Lang, however, claimed TF 151 was a Canadian military “trap” and Kandahar the result of DND and DFAIT “bickering.” Their analysis then spent considerable effort denying that there was any sustained US negative reaction to Canada’s decisions on Iraq and National Missile Defense, suggesting that later problems in intelligence flows were only the exaggerated concerns of the bureaucracy while also failing to acknowledge the Canadian military's significant reliance on US aviation and support facilities.²⁰ These latter factors all strongly influenced our decision to go to Kandahar, and they all signaled that Canada was indeed critically dependent on good US relations, US intelligence, and US military support. Bureaucratic inaction would appear, however, a far more palatable explanation for members of the Liberal government and it was likely selected to mask these sovereignty-related dependencies.²¹

It should also be clear that our military interoperability with the US did not contribute at all to our dependency. Rather, Canada was unique as a G-8 member in not providing itself with such basic elements as a national intelligence service or helicopters for its Army. At the same time Canada exercised an unrestrained external sovereignty in refusing to join the US in Iraq or in National Missile Defense. The government was not coerced in either case. Moreover, such retaliation as Canada did receive was restricted to the defence and security sectors and had the harshest effect in those areas where it was most militarily dependent.

²⁰Stein and Lang, *The Unexpected War: Canada in Kandahar*, 177, 182.

²¹ While one hesitates in including Janice Gross-Stein with the Liberal Party, Robert Fowler certainly suggests she is no less of a Liberal supporter and that she and her co-author have significant balance problems as a result: “Lang and Stein’s political partiality is, of course, well established but comments such as this [a reference to Paul Martin’s endearing intellect] seriously impair their credibility.” See Robert R. Fowler, “Alice in Wonderland - Canada Has Gone to War with Complete Confusion of Purpose - a Review,” *Literary Review of Canada*, 16, no. 1 (Jan/Feb 2008).

That leads one to conclude that if Canada had decided in 2005 to remain at home and unengaged in the world this form of US retaliation and its dependencies would not have mattered. For a host of reasons, including Canada's continuing need to be seen as something other than a minor contributor to world affairs, her sense that NATO needed her full support, and her realization after Kabul that she was skilled in some of this, she became more fully engaged in world affairs and chose Kandahar to demonstrate this. Other explanations really do Canada little justice. Given Canada continues to insist on playing a major role in the world these more facile explanations also mask a necessary debate on the capabilities we need and the conditions of partnership we will accept.

CHAPTER 11: CONCLUSION

This study's findings demonstrated that Canada's military interoperability with the United States has little direct impact on Canadian sovereignty. By using Krasner's sovereignty typology to derive these findings, this analysis has thus inserted a level of precision into a long-standing Canadian debate that had largely been marked by shifting definitions, loose or nonexistent criteria, and a reliance on anecdote over evidence. Not surprisingly, the results of the earlier debate were often contradictory and usually inconclusive. This analysis, on the other hand, was able to argue with some authority. Within the six case studies covering Canada's recent military engagements in South West Asia it found Canada had experienced modest external sovereignty costs. None, however, were due to military interoperability; rather, they were the inevitable results of being dependent on US support. Internal sovereignty costs, be they due either to excessive US influence or disloyal Canadian officials, as some had claimed, were nonexistent.

It is also likely that the hypotheses and methodologies used here could be applied successfully to any area of Canada-US interaction. While it would be overly hopeful to also think it might force public figures to be more restrained in their claiming of great sovereignty gains or perilous losses, it should provide researchers with the tools needed to verify such claims especially when they involve multibillion-dollar defence programs. That is probably one of the most significant values of this research although there are potentially others.

The testing of these hypotheses also relied on a particularly extensive data set.

With few exceptions, many earlier studies of this topic relied on other analyses, media reporting, and unnamed sources, and only made limited use of government documents. This work, on the other hand, used the actual words and full identities of the major participants in these events. In the end, only twelve citations relied on confidential sources against over nine hundred with full attribution.

Even then, the contribution of confidential sources was frequently corroborated with the material provided by named interviewees, actual government documents or Wikileaks US embassy cables. While the process to acquire Canadian documents was complex, time-consuming, and random in its results, accessed government documents proved the most convincing of the corroborating sources employed. Wikileaks US embassy cables were also used to a fuller extent than any other Canadian analysis. This had multiple benefits and one of the most central was its forcing function. For example, Wikileaks was critically important in unraveling the extent to which Canada had been progressively removed from important sectors of the AUSCANUKUS intelligence exchange. Until Wikileaks had demonstrated that the Prime Minister needed to be engaged in attempting to correct these serious losses, many had downplayed the seriousness of the problem, and mention of it in accessed government documents appears to have been redacted. Wikileaks allowed my interviewees and, later, Defence Minister Graham to acknowledge the extent of the problem.

More significantly, Wikileaks, in combination with the massive amounts of accessed material available to this research and repeat interviews, were able to solidify the findings on sovereignty and force a very necessary re-evaluation of a series of

extremely widely held myths. These would include the now very doubtful assertion that Canada deployed to Kandahar in 2005 because it was "the only PRT left," and that Canada escaped its decisions on not participating in the Iraq War and National Missile at little cost.

However, the future utility of some of these tools is in doubt. Further Wikileaks of US diplomatic cables are unlikely. Meanwhile, the federal government's access to information program may also be facing serious problems. While conscientious, dedicated ATI staffs have given me every assistance, the system appears to suffer from erratic redactions that at times remove material that was previously released to others. The process is also slow and as this dissertation is being completed material requested a year ago was still coming in. More seriously, there are indications that federal departments will no longer store data within the access program that is over five years old. To assist other researchers getting around this I have provided quite detailed ATI filing data to guide their requests. One is also forced to question the wisdom of these changes. While restricting access to this data may temporarily reduce the sources for 'gotcha' journalism, the opposite effect is likely within more detailed analytical efforts. Here, accessed material demonstrated that, more often than not, defence and foreign policy officials were doing their jobs competently and in full recognition of their responsibility to protect Canadian sovereignty.

There are positive trends in this sector. The Department of National Defence's Directorate of History and Heritage has begun their official history of Canadian military operations in South West Asia using extensive interviews, complete accessed documents,

and scrupulous research. They were extremely generous in their assistance, advice, and readiness to allow access to some of their materials. Other scholars studying this area would be wise to check in with them.

The next benefit of this research has been to reinforce the work of those academics who have gone before. At other times, it may force a mild rethink of some theories. Frank Harvey's assertion that the 2001-2005 period was marked by a sustained application of "dishonest multilateralism" has been fully validated. The extent to which both Liberal governments publicly claimed disengagement from the US effort in Iraq while privately assisting it now has further evidence. Concerned scholars can now proceed directly to the evidence via the Wikileaks cables and accessed government documents cited here.

David McDonough's "Goldilocks" Grand Strategy was certainly reinforced although this research might suggest an extension of his work. His central claim is that Canadian governments have successfully traced a sinuous path in their relations with the United States that alternated between full cooperation and a more arm's-length posture that would demonstrate Canadian independence. Up until 2001, where his work ends, he demonstrated that successive Canadian governments executed that strategy competently and, as a result, occupying that safe middle ground usually eliminated the need for expensive trade-offs or side payments.

One would necessarily want to return to this strategy in considering the Chrétien response to Operation Iraqi Freedom and Martin's rejection of National Missile Defense. Certainly the managing of the latter period involves none of the consistency and nuance

this strategy required. Rather, the Martin government appeared to lurch from decision to decision with ambiguity and denial serving as substitute for strategy. McDonough's theory is robust enough to withstand this temporary incongruity as he implies that such an ill-executed application of the strategy will result in more costly side payments. In that regard, the evidence here suggests a desire to compensate an increasingly disappointed and occasionally retributive US government was one of the strong motivations for selecting Kandahar in 2005, a side payment that would ultimately cost Canada significantly.

The research here also directly reinforces Brian Bow's work. In addition to the above, there are multiple, detailed examples of 'grudge' retaliation at work as the United States responded to Canadian decisions. It particularly reinforces his assertion that this kind of retaliation is not the result of individual Canadian decisions, but the outcome of a US administration assessing that Canada was ignoring the relationship. Rear-Admiral Mack's 2005 "seven no's" brief nicely underlined the failure of the Canadian government to treat a succession of US views and requests seriously, and as a result the Bush administration also ceased to care for the relationship. When that shift occurred, this study has shown the quite surprising latitude mid-level American officials enjoyed as they cut off Canadian access and benefits. Their actions also underline the now very limited ability of the once powerful Canada-US military bureaucratic links to manage crises. Those links remain important today for managing the day-to-day military relationship, but their ability to play a larger role, such as crisis containment, is doubtful indeed. This is probably not a bad thing as one would expect the political elite to be

doing that.

In addition, there may be a need for some slight modification of the concept of grudge retaliation. For example, while grudge retaliation was performed by US bureaucrats, this was by no means apparent to the Canadian government who sensed a policy of direct retaliation seeming to issue directly from the Bush administration. Further, issue linkage was definitely operative as US officials almost surely cut intelligence in response to our decision to not join OIF. While this analysis has argued this action fell just short of coercion it was perilously close. Thus, issue linkage, while absent across most sectors, has been shown to be entirely feasible in a single area like defence. One may also be able to argue that if Canada continues with unique and highly visible dependencies on US support, such linkage, while not inevitable, will always be a risk and likely to continue to condition Canadian plans.

In that regard, this study also demonstrates that Canada can say "no" to US requests. For decades Canada has rebuffed direct high-level US pressure to increase its defence budgets, again without obvious US retribution. More recently, at-sea Canadian officers repeatedly denied US requests to detain al-Qaeda suspects, to escort commercial shipping carrying US military supplies to Kuwait, and to assist in intercepting fleeing Iraqis. This was all done without serious repercussions, save for the possible symbolic cancellation of the Bush visit to Canada for the latter outrage. Rather, the US gave Canada increased command responsibilities because it had strong capabilities not easily replaced. On the other hand, Canada was astoundingly vulnerable as a result of her lack of an overseas intelligence service or medical evacuation helicopters. These limited our

options and made grudge retaliation more effective.

The last potential benefit of this study is perhaps its most important. In demonstrating that both interoperability and almost all aspects of military cooperation have very limited sovereignty impact, it very much supports Brian Bow and Patrick Lennox's call that Canadian research move beyond the tired debates over the independent character of Canadian foreign policy. Instead, they argue for focusing on more concrete issues such as the scope of Canada's international interests and its required capabilities.

Some of the capabilities required have been well outlined here, but this analysis also suggests the need to go beyond a discussion of requirements. What is probably needed is a return to Middlemiss and Stairs' earlier findings on Canadian interoperability policy. This involved three interlinked thoughts, the first of which suggested that Canada would retain a desire to be engaged internationally. The second argued that Canadian governments are disinclined to pay for a defence capability that would allow this. Given the first two, their conclusion was that interoperability with the US military was "the only game in town." As a result, any debate on the future of Canadian foreign policy could well begin by rigorously examining each of those three assertions for their future applicability. What is clear, however, is that such work can go forward without any elaborate examination of its potential impact on Canadian sovereignty.

Areas for Future Research

This study necessarily focused on Canada-US relations and only occasionally considered comparative analysis and issues of civil-military relations. The former got

some attention initially as Canada was not alone in responding to American requests and occasional pressure, as this study was able to briefly highlight. Thankfully, it was able to rely on the work of others and in particular Daniel Baltrusaitis' *Coalition Politics and the Iraq War*.¹ This work traces the South Korean, German and Turkish government responses to American requests, inducements and threats to join the anti-Iraq coalition and their frequent side payments to evade going. There is just enough within this excellent study to suggest further evidence for the view that the more dependent the ally is on US support, the more direct and coercive will be the pressure it ultimately receives from America. As a result a direct comparison with Canada's response would probably prove useful. Such an effort might also examine O'Connor and Vucetic's analysis of the Canadian and Australian responses and further probe the extent to which strategic dependency drove coalition decisions.²

A like effort would also examine the surprising similarities between the Canadian and Dutch decision-making processes that led them to Southwest Afghanistan in 2005-2006. Like Canada, the Netherland's government sought to re-establish that she was a contributor to global security, tended to overstress the reconstruction over the combat role, was initially strongly motivated to ensure NATO's success in the region, and was hampered by the enlarging detainee scandals. Efforts here would be greatly assisted by examining the efforts of the Dutch military analyst Major Hazelbag along with Matthew Willis' work on the combined British-Canadian efforts to move to Southwest

¹ Baltrusaitis, *Coalition Politics and the Iraq War: Determinants of Choice*.

² O'Connor and Vucetic, "Another Mars-Venus Divide? Why Australia Said 'Yes' and Canada Said 'Non' to Involvement in the 2003 Iraq War."

Afghanistan.³

Another comparative effort would return to Canada-US relations and examine the entire 2001-2010 period in an attempt to trace changes in the relationship as a result of the arrival of the Obama administration and the Harper government. This might isolate whether the famously bellicose Secretary of Defense Rumsfeld was unique in his readiness to employ coercion, as he himself occasionally admits, and whether Canadian responses were, in turn, conditioned by an apparent Canadian antipathy towards the Bush presidency.

The final area suggested for further research is the extent to which this period accurately reflects traditional or sound civil-military relations in Canada. There are already a number of detailed analyses on this topic including those by Roy and Smolyne, Lagassé and Sokolsky, and Middlemiss and Stairs.⁴ These have all closely examined the potentially outsized role played by General Hillier in setting defence and foreign policy and in guiding operations. There are still, however, some very disturbing unanswered questions.

The first of these would examine the factors that led the Stein and Lang account to repeatedly suggest a divided loyalty on the part of both Canada's military and its senior defence and foreign policy advisers. What is especially intriguing here is that Eugene

³ Hazelbag, "Political Decision Making of the Mission in Uruzgan, a Reconstruction." Willis, "Canada in Regional Command South: Alliance Dynamics and National Imperatives."

⁴ M.L. Roi and Gregory Smolyne, "Canadian Civil Military Relations - International Leadership, Military Capacity, and Overreach," *International Journal*, LXV, no. 3 (2010); Lagassé and Sokolsky, "A Larger Footprint" in Ottawa: General Hillier and Canada's Shifting Civil - Military Relationship, 2005-2008."; Middlemiss and Stairs, "Is the Defence Establishment Driving Canada's Foreign Policy?."

Lang was at the center of the political-bureaucratic-military interface in a senior position for four years. While there was undoubtedly no small amount of political motivation and blame shifting at work, the fact remains he repeatedly suggested senior officials in DND and DFAIT tended to listen more to the US than to their Canadian political masters, exaggerated consequences, distorted advice, and ignored political direction. While this study examined and countered many of these claims, there has been surprisingly little questioning of them by others. Equally intriguingly, few have offered Stein and Lang much support for these allegations. While data will be hard to extract, fairness to both sides of this argument demands a detailed examination of the civil-military environment that provoked Lang's accusations.

Another potential area of civil-military investigation has potentially more serious consequences but better material is likely available. Here research might examine more closely the conditions and processes involved in the final decisions to deploy the Canadian military. Dan Fitzsimmons' work on Chrétien's selection of the Zaire mission in 1996 and this study's examination of the 2002 decision to commit to ISAF, while contributing much, still lack detail on the higher level decision-making processes. This is, in part, a result of the understandable reticence on the part of interviewees to not disclose their actual advice to ministers and the access to information process which normally tries to redact it. This effort also suffered from this but there were ways a researcher can still get the data, in part because more and more interviewees are ready to provide background, and works like Stein and Lang's *Unexpected War* freely reveal that advice anyway. That data is much-needed because the secondary indicators point to

problematic processes.

Fitzsimmons makes clear the Chrétien government disregarded military advice in the lead up to Op Assurance in 1996. This situation had not improved in early 2003 when the Chief of Defence Staff was likely given less than fourteen days to research the ISAF mission, and Cabinet appeared to approve it halfway through his efforts anyway. Moreover, there is the strongest suggestion that Prime Minister Chrétien had approved it well before, based on his consultation with three close civilian advisers. Research here might well focus on the extent to which these methods are still viable. While one might have been able to avoid, dismiss or truncate military advice when assigning forces to the low risk peacekeeping operations of before, there is a suggestion that today's more violent operations demand something a bit more rigorous in terms of evaluation.

Another aspect of this question might also tie this to Lagassé and Sokoksky's and Stein and Lang's examinations of the outsized role played by General Hillier. Here the point would be to trace the progression from Chrétien's apparent ability to make major military decisions with only after-the-fact and arguably rushed military advice, to the Martin government assigning General Hillier personal control over the writing of its foreign and defence policy. At this point, the Prime Minister's chief of staff, Tim Murphy, reportedly stated "We didn't have any civilian control anxiety" over General Hillier's unusually large role.⁵ This, however, necessarily forces a questioning of whether there was any recognizable civil-military model in play then and under Chrétien.

⁵ Stein and Lang, *The Unexpected War: Canada in Kandahar*, 158.

To those undertaking these studies, the author is now confident in suggesting that very little, if any, attention needs to be paid to suggestions that the Canadian military is somehow in the American 'orbit.' In fact, the evidence shows the entire foreign and defence policy establishment took their instructions from their political leaders in Ottawa and not from the American military. Here and elsewhere there are strong indications that the civil-military process was far from perfect, but the issue was never one of loyalty to Canada or of surrendered sovereignty.

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APPENDIX A Hypotheses and sub-hypotheses

Hypothesis

- 1 Increased military interoperability with the US diminishes Canada's external sovereignty.

Sub-hypotheses

- 1A We should see the Canadian government enter into agreements the US supports despite the presence of disincentives.

Alternatively:

We should see the government abandon or not support agreements it initially endorsed as it later sensed US opposition to them.

- 1B We should see the Canadian government commit to US-led or US-supported military coalitions despite the presence of disincentives.
- 1C We should see instances where Canada is prevented from joining non-US led coalitions.

Hypothesis

- 2 Our military interoperability with the US diminishes Canada's domestic sovereignty.

Sub-hypotheses

- 2A We should see evidence of officials advancing military interoperability and integration projects without government support.
- 2B We should see evidence of domestic officials supporting the position of the US government or military over that of the Canadian government.

APPENDIX B Table 10-1 Summary of findings from all case studies

| Case | Hypothesis | Effect on Sovereignty E = External Sovereignty I = Internal Sovereignty | | | | | | Extent to which Interoperability was a factor | | | |
|----------------------|---|---|-----|------------|-------------|------------|-----|---|-------------|-------------|-------------|
| | | Loss | | | Zero | Gain | | | Negligible | Med | Significant |
| | | Significant | Med | Negligible | | Negligible | Med | Significant | | | |
| 1 (9/11) | 1B - Commit to US Ops 2A - Advance Interop with US | | | | E I | | | | X X | | |
| 2 (ISAF) | 1C - Rejected by Others 2A - Adv Interop with US 1B - Commit to US Ops | | | | E | | | | X X X | | |
| 3 (Detainees) | 1A - Drop Agreements | | | | | | | | X | | |
| 4 (Iraq) | 1B - Commit to US Ops 2A - Advance Interop with US 2B - Support US over Canada 1C - Rejected by others | | | E | I I E | | | E | X X X | X | |
| 5 (TF-151) | 2A - Advance Interop with US 2B - Support US over Canada 1B - Commit to US Ops 1C - Rejected by Others | | | | O I E | | | | X X | | X |
| 6 (Kandahar 2005) | 1B - Commit to US Ops 2B - Support US over Canada 2A - Advance Interop with US 1C - Rejected by Others | E | | | I | | | | X X X | X X X | |