

RESEARCH NOTE:

THE ROLE OF CANADIAN ARMED FORCES IN DEFENDING SOVEREIGNTY

A paper by E.B. Wang, 30 April 1969

Introduced and Edited by P. Whitney Lackenbauer

The role of the Canadian Forces (CF) in asserting sovereignty is often tied to the old maxim that presence is 9/10th of the law. Surveillance and “boots on the ground” are commonly bound up with Canada’s credibility in “defending” its sovereignty. By implication, a more robust CF presence is essential to “using or losing” our Arctic. There has, however, been little to no supporting justification given to substantiate this accepted wisdom. Recent legal opinions are obviously classified and cannot be analyzed, so history helps to illuminate the issue. Discussions from the early Trudeau era on the role of the CF in protecting and maintaining sovereignty –the military’s first priority according to the then-prime minister, just as it is to the current one – reveal that improved military capabilities do not translate into stronger sovereignty claims.

In the early 1970s, defence planners emphasized the need for a persistent presence in the North and argued that surveillance was integral to the affirmation of Canada’s legal claims over the area. A few commentators took a different view. In April 1969, Erik Wang (who was then at Canadian Forces Headquarters and soon moved to

the Defence Relations Division at External Affairs)¹ commented that “it is difficult to see what expanded role the Canadian Armed Forces could usefully play in support of Canada’s claim to sovereignty over water between the Arctic islands.” In a paper – reprinted in full below – that was described by a military officer as “a personal effort by the author at trying to better understand the implication of sovereignty” that carried “no official approval,”² Wang described the problem of sovereignty in the Arctic as being based in legal, economic and political considerations. “It is not a military problem,” Wang concluded. “It cannot be solved by any amount of surveillance or patrol activity in the channels by Canadian forces.” There had to be a firm military rationale for CF involvement in the North, not “presence for the sake of presence.” To develop a role merely to satisfy the “optical demands” of political sovereignty “would be to build on shifting sands.... It would not be long before somebody noticed that one visit of the Governor General, accompanied by an enthusiastic press corps, can provide a sovereign presence to a remote area much more effectively and much more cheaply than 100 [Canadian Armed Forces] surveillance overflights.”

In the ensuing years, the Legal Division at External Affairs took issue with DND reports and policy statements that confused the “the problematic enforcement of Canada’s jurisdictional claims in the Arctic waters with the problem of the legal basis for those claims.” In short, a military presence did nothing to establish the “legal validity of Canada’s claims” in the Arctic. Surveillance “may well be a necessary function of sovereignty, but could not be considered a basis for or sine que non of sovereignty.” It

¹ E.B. Wang to R.P. Cameron, “Sovereignty,” 20 March 1970, LAC, RG 25, vol. 10322, file 27-10-2-2 pt.1, acquired under access to information.

² Captain (N) J.P. Coté, Chairman, Maritime Strategy Group, Canadian Forces Headquarters, to J. Harris, Politico-Military Affairs, Department of External Affairs (DEXAF), 6 May 1969, LAC, RG 25, vol. 10322, file 27-10-2-2 pt.1, acquired under access to information.

was necessary for control, enforcement and protection, but there was no legal basis for the idea that “he who is best informed has the best case.”³ In his paper, Wang confidently asserted that Canadian claims were strong, and “there was no need for increased presence of military forces in the North merely for the sake of presence in order to bolster our legal claim to the real estate.”

The military’s role in support of sovereignty, External Affairs argued, was functional. “To the extent that Canadian legislation has asserted specific types of jurisdiction in the Arctic waters (i.e, pollution control) Canada must be in the position to enforce that jurisdiction,” Legal Division officials argued - though it qualified that enforcement was not necessarily through military agencies. As a result, it emphasized that “increased surveillance activities must be developed in response to specific needs and interests and not on the basis of some pious hope that aimless overflights somehow contribute to ‘sovereignty.’”⁴ It was senseless to boost military strength in the Arctic without a clearer sense of purpose, the Office of Politico-Military Affairs noted. Was the preoccupation with a heavier military presence supposed to allow Canadians to “somehow sleep better, or is it intended to serve as a signal to Washington of our national resolve?” The focus needed to switch to finding “roles for the military in specific areas where a useful job can be performed in support of other government agencies with operational responsibilities in the North.”⁵ DND’s reference to “presence” in its defence objectives seemed to imply that the government’s concept of sovereignty was

³ Memorandum, DEXAF, Legal Division, “DND Paper on ‘Canadian Defence Policy in the 1970’s,” 5 August 1970, LAC, RG 25, vol. 10322, file 27-10-2-2 pt.1, acquired under access to information.

⁴ Ibid.

⁵ Memorandum, DEXAF, Office of Politico-Military Affairs, “Role of Canadian Armed Forces in Maintenance of Sovereignty,” 20 April 1970, LAC, RG 25, vol. 10322, file 27-10-2-2 pt.1, acquired under access to information.

static and symbolic, not functional. Wang insisted that the Canadian government should identify and define specific national interests, such as anti-pollution and safety of navigation, and shape policy to protect them. The military's fixation on presence and surveillance was inconsistent with this approach.

In the eyes of External Affairs lawyer Len Legault, the fixation on defence as a panacea for Canada's sovereignty issues was "confused and deficient." The White Paper "sometimes seems to view 'surveillance' as a sort of mystic rite rather than a functional requirement to meet well defined needs," he observed. The very suggestion that comprehensive surveillance or an increased presence was needed to perfect Canada's title "may give a misleading impression that Canada is concerned to shore up a weak legal claim to sovereign jurisdiction in the North." Continuous calls for more effective occupation and comprehensive surveillance were actually "prejudicial to the very objective of protecting sovereignty, for if Canada persistently calls into doubt its sovereignty in the Arctic then others may too begin to entertain such doubts."⁶ "Functional needs should be the touchstone" for any proposed CF role in the Arctic, an External Affairs official noted in February 1972:

Surveillance is a functional activity directed variously to the detection of military threats (eg. submarine operations and intelligence activities by potentially hostile ships and aircraft.), territorial violations not strictly military in nature (eg. unauthorized overflights) and infringement of Canadian jurisdiction or legislation... Any suggestion that surveillance might be quasi-symbolic activity required to meet certain legal formalities of sovereignty would be inaccurate and should be avoided.⁷

⁶ L.H.J. Legault, Memorandum, "Draft Paper on Defence Policy – Sovereignty Aspects," to J.A Beesley, 2 February 1971, LAC, RG 25, vol. 10322, file 27-10-2-2 pt.2, acquired under access to information. See also Memorandum, DEXAF, "Draft White Paper on Defence Policy – Sovereignty Aspects," North American Defence and NATO Division to Legal Division, 28 January 1971, LAC, RG 25, vol. 10322, file 27-10-2-2 pt.2, acquired under access to information.

⁷ "Comments on Draft Paper on Defence Policy," External Affairs, 11 February 1972, LAC, RG 25, vol. 10322, file 27-10-2-2 pt.2, acquired under access to information.

This irony – that harping on about the need for a stronger CF presence could actually undermine Canada’s sovereignty – must be remembered today. Simply claiming that any investment in CF capabilities in the North or an increase in military activity strengthens our sovereignty is tenuous at best.

Erik Wang commented in a 1976 review of Edgar Dosman’s book *The Arctic in Question* that “the international lawyer sometimes reads the current literature on the Canadian Arctic with a sense of uneasiness.” Public discussions of the multilayered concept of sovereignty focus “on policy questions that flow *from* sovereignty, from Canada’s right to exercise jurisdiction, to the exclusion of any other state, over vast areas of arctic lands and waters.” Non-lawyers invest the idea of sovereignty with a range of national goals, from public opinion and a sense of emotive attachment, to pollution control, to safeguarding “strategic resources,” which blurs important legal distinctions. Citing Max Huber’s definition of sovereignty as “the right to exercise therein, to the exclusion of any other state, the functions of a state,” Wang concluded “that by this definition Canada’s *legal* position as sovereignty over the Arctic mainland, islands, and continental shelf is unchallenged and indeed unchallengeable.” These observations are worth remembering in the context of the current, often confused, debate over Arctic sovereignty. The legal status of the region is tangled up with political, economic, and environmental issues that, in his understanding, should constitute “policy issues, not legal or sovereignty issues. The distinction is between *rights* and the *manner* in which those rights are *exercised*.”⁸

⁸ Erik Wang, “Canadian Sovereignty in the Arctic: A Comment on *The Arctic in Question*,” *Canadian Yearbook of International Law* 1976, 307-12.

While the context has changed – Canada has extended its territorial waters to 12 miles, clarified its position on the internal waters of the Arctic Archipelago by declaring straight baselines effective 1 January 1986, and is now mapping its extended continental shelf beyond the 200 nautical mile Exclusive Economic Zone – many of the underlying themes remain valid. Talk of a polar “race for resources,” impending sovereignty loss, and the need for more Canadian control over its waters all play centrally in Rob Huebert’s calls for investments in Canadian defence capabilities in the Arctic.⁹ Wang’s questions about “how much is enough to ensure adequate Canadian influence and control,” and how much is “feasible” given finite military resources, remain as central today as they did three decades ago. His attentiveness to the difference between “presence” and “visibility” in their public relations and political value, generating “Canadian self-esteem” rather than strengthening Canada’s legal case, should also inform evolving debates on the interplay between sovereignty, security, and circumpolar cooperation in the twenty-first century.

⁹ See, for example, Rob Huebert, “Renaissance in Canadian Arctic Security,” *Canadian Military Journal* vol.6 no.4 (2005-2006):17-29; “The Shipping News Part II: How Canada’s Arctic Sovereignty is on thinning ice,” *International Journal* (Summer 2003): 295-308; “Climate Change and Canadian Sovereignty in the Northwest Passage,” *Isuma: Canadian Journal of Policy Research* vol.2 no.4 (Winter 2001): 86-94; “Canada: Partnership in Flux: New Realities Confront the North American Defence Alliance,” *The Journal of International Security Affairs* no. 11 (Fall 2006): 53-60; “Canadian Arctic Security: Preparing for a Changing Future,” *Behind the Headlines* vol. 65 no. 4 (2008): 14-21 ; and “Canada and the Changing International Arctic: At the Crossroads of Cooperation and Conflict,” in *Northern Exposure: Peoples, Powers and Prospects for Canada’s North* edited by Frances Abele, Thomas J. Courchene, F. Leslie Seidle and France St-Hilaire (Ottawa: Institute for Research on Public Policy, 2008), <http://www.irpp.org/books/archive/AOTS4/huebert.pdf>.

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ROLE OF CANADIAN ARMED FORCES
IN DEFENDING SOVEREIGNTY

1. The P.M.'s [Pierre Trudeau's] defence policy statement of 3 April [1969] indicates a change of emphasis from the present role of Canadian Forces within a collective security framework in Europe to a new role in Canada in protection of our sovereignty. "The protection of our sovereignty" is identified as the first of the four priorities for Canadian defence forces and the pre-occupation with sovereignty is reflected elsewhere in the same policy statement. Indeed, in his Calgary speech of 12 April [1969] the P.M. stated that Canada was to remain aligned in NATO but that "our first priority in our defence policy is the protection of Canadian sovereignty, in all the dimensions that it means."

2. If the Defence Staff is to proceed with its military planning on a realistic basis, it is important to understand what sovereignty means and how Canadian Forces can protect it. What are the "dimensions" the P.M. referred to?

3. Sovereignty can be taken to mean two quite distinct things which present different problems and must be treated differently in any realistic government policy for the use

of the Canadian Forces. These two principal dimensions which this paper will examine are territorial sovereignty and political sovereignty.

Territorial Sovereignty

4. It is often stated by press commentators, and in fact sometimes reflected in [Canadian Forces Headquarters] military guideline documents, that one of the objectives of the [Canadian Armed Forces] is to maintain territorial sovereignty. For this purpose it is sometimes stated that the forces should have the capability to maintain an acceptable level of surveillance of Canadian territory and air-space, combined with an interception or “kill” capability. The problem is thus often seen as a problem of determining what level of forces activity is “acceptable” or “necessary” to maintain territorial integrity. This approach is based on a fundamental misunderstanding.

5. It is essential to recognize that Canadian territorial sovereignty is not in doubt, even in respect of Arctic islands. This claim has been made without challenge by successive Canadian governments over a number of years and was reiterated most recently by P.M. Trudeau in the House of Commons on 10 March 1969, in the following terms: “We have complete sovereignty over the islands in the Arctic and there is no equivocation about that.”

6. As Prof[essor] Ivan Head points out (1963 *McGill Law Journal*, p. 210) Canada’s claim to territorial sovereignty has broad foundations in discovery, acquisition by treaty

and effective occupation. It is particularly well based in the latter, which has become the principal requirement of international law in determining sovereignty. A multitude of Canadian government activities in the North contribute to establish a pattern of effective occupation. These activities include postal and customs services, navigation, game protection, civil and criminal courts, scientific and meteorological services, resource developments, and welfare, including the monthly distribution of family allowance cheques to eskimos [*sic*] and other residents of the North. Even though large tracts of territory are uninhabited and rarely visited by Canadian Government personnel there is no doubt that these activities at their present level ensure for Canada good title to the Arctic mainland and the islands of the Archipelago. Under well established principles of international law it would be impossible for any other state to make a competitive claim to any of this territory and in fact no challenge has been made since at least 1900.

7. The present level of [Canadian Armed Forces] activity in the North is very modest in relation to the non-military activities mentioned above. There are no more than 400 Canadian Forces personnel stationed in the North West Territories, almost all at two Canadian Forces Stations – Inuvik and Alert. In addition there are [marginalia: infrequent search & rescue operations and] infrequent exercises: in 1968 only one, involving 40 Canadian military personnel at Fort Churchill.

8. If the present overall level of Canadian Government activities in the North are adequate to protect Canadian territorial sovereignty it is clear that these activities do not need to be bolstered by an increased level of [Canadian Armed Forces] activity, for this

purpose. A rationale for a new emphasis on the role of the forces “in the protection of Canadian sovereignty” must therefore rest on some other basis.

9. While the Canadian claim to sovereignty over the Arctic mainland and Archipelago islands is not in doubt, Canadian claims in respect of Arctic waters are subject to some uncertainty. Is there a legitimate role for Canadian Forces in helping Canada assert and consolidate sovereign rights over these waters?

10. The problems here should be viewed in three dimensions:

- a. Continental shelf and seabed resources;
- b. Archipelago waters; and
- c. Polar pack ice.

11. Exclusive Canadian rights to continental shelf resources are, like Canadian rights in respect to northern lands and islands, not in doubt. These rights depend not on assertions of discovery or “effective occupation” but on formal treaty provisions. The 1938 Geneva Convention on the Territorial Sea and the Contiguous Zone, which has been signed by Canada, U.S., USSR and (?) other nations, reserves for the coastal states exclusive rights of exploitation of the resources of the subjacent continental shelf to a depth of 200 metres. All of the seabed contiguous to and between archipelago islands lies within this depth. Should oil, for example, be discovered on the Canadian side of this continental shelf, as is strongly suspected, there can be no question of Canadian jurisdiction. There is accordingly no useful role for Canadian forces in

protection of these rights already embodied in a formal treaty to which all interested parties are signatory.

12. Archipelago waters give rise to a problem as to whether they can or should be claimed by Canada as territorial waters or inland waters. Canada's long-standing claim to sovereign jurisdiction over a three-mile territorial waters belt has never been in question. Nor is the status of [Hudson] Bay – and the Gulf of St. Lawrence – which have been enclosed by drawing straight baselines across their mouths, thereby creating inland, as distinct from territorial, waters. There is, however, considerable doubt and even controversy as to whether, by drawing straight baselines around the outer perimeter of the Arctic Archipelago, Canada could assert jurisdiction over the passages through the Archipelago as inland waters.

13. The practical consequences of such jurisdiction would be two-fold. Many passages are wider than the three-mile territorial limits and thus as high seas give unrestricted access to international shipping whether commercial or military and whether surfaced or submerged. If a claim to inland waters were to be successfully asserted all shipping would be subject to prior Canadian approval. Secondly, there would be no automatic right of innocent passage as there now is in respect of traffic through territorial waters from one area of high seas to another area of high seas.

14. In 1963 the Canadian Government informed the U.S. Government of our intention to enclose the channels of the Arctic islands within straight baselines. This action followed

upon a public assertion of the Canadian claim to these waters by Mr Alvin Hamilton, Minister of Northern Affairs and National Resources, in the Standing Committee on Mines, Forests and Waters on 10 June, 1958. During discussions on law of the sea matters between Canada and the U.S. in 1963 and 1964 Canada advanced the claim as consistent with the straight baseline system of the 1958 Geneva convention and the earlier decision of the International Court of Justice in the Anglo-Norwegian fisheries case. The Americans expressed very strong objections to the course of action proposed by Canada on grounds that it would be legally invalid and, if unopposed by the USA, would constitute a precedent for more sweeping claims by the Philippines and Indonesia, to the serious detriment of vital strategic interests of the USA. In light of the adverse U.S. reaction, no steps have yet been taken to implement the decision to draw baselines around the Arctic archipelago. The claim has not, however, been abandoned. Government departments have been cautioned against taking any action which might compromise Canada's claim to these waters.

15. A public confrontation has so far been avoided and a sort of *modus vivendi* has developed for this entry of U.S. Government or naval vessels into these waters so that it has generally been possible to avoid forcing this issue of their status, whether territorial or internal. For example, the "Manhattan" project as it has developed so far does not necessarily admit or deny Canada's claim. A Canadian Coast Guard icebreaker, the "John A. MacDonald", is scheduled to take part in this trial run of a reinforced oil tanker through the Norwest Passage this summer. The great interest and publicity centered on

this project may make it difficult for Canada to continue the attempt to safeguard its claim to sovereignty while avoiding a possible confrontation with the U.S.

16. It is difficult to see what expended role Canadian Armed Forces could usefully play in support of Canada's claim to sovereignty over waters between Arctic islands. The historic basis for this claim has been adequately safeguarded by the activities of the Department of Transport over many years of supply, survey, icebreaking, and hydrographic operations dating back to 1903 when this Department charted the "Neptune" to show the flag in Northern waters. If it is decided to reinforce the Canadian claim by a substantial degree of Canadian participation in the "Manhattan" trial run, this could best be served by the [Department of Transport] icebreaker "John A. MacDonald," by [Department of Transport] aerial reconnaissance of ice conditions and by other, non-military forms of participation.

17. If it is decided to assert the Canadian claim publicly by proceeding with the implementation of the straight baseline system around the Arctic islands it would have serious legal, political and economic implications in Canada's relations with the U.S. If the dispute could not be settled by diplomatic negotiations or by an agreement to refer the issue to the International Court of Justice (as was done in the 1951 Anglo-Norwegian fisheries case) the U.S. might react by instructing its ships and aircraft to disregard Canadian claims in this respect and/or by resorting to direct economic retaliation, for example, by denying Canada oil import concessions. But it is difficult to envisage how such a dispute could have any military implications. It is inconceivable

that any Canadian government would wish to resort to force to deny access to U.S. vessels and aircraft in the disputed area. Iceland resorted to force in asserting an exclusive twelve-mile fishing zone against Britain (without having naval forces, and deploying only fishery protection vessels). This action was, however, taken in protection of vital national interests by a country wholly dependent for its livelihood on what were then diminishing fishery resources. There are no comparable interests at stake for Canada in the North. Moreover Canada is firmly committed to a policy of seeking resolution of differences with the U.S. by peaceful means only, and there is no indication of any change of Government policy in this regard.

18. The problem of sovereignty over archipelago waters is thus a legal, political and economic problem. It is not a military problem. It cannot be solved by any amount of surveillance or patrol activity in these channels by Canadian forces. Nor would any increased military (or non-military) activity by Canada strengthen Canada's legal case or undermine that of the U.S., since the U.S. has formally reserved its rights.

19. Canada has never asserted a definitive claim to sovereignty over the Polar pack ice or Polar Basin lying to the north of Canadian land. The so-called "sector" theory has been referred to by Government leaders from time to time over the last 50 years, but in uncertain and ambiguous terms. Most jurists agree that this theory has a weak foundation in international law. Only the USSR has officially proclaimed the principle (in 1926) and in doing so applied it only to lands known or unknown lying within its sector. The U.S. has stated (most recently in an Aide Memoire of 4 April, 1969 from the U.S.

Embassy in Ottawa) that it does not recognize the sector theory as constituting a valid principle for claiming jurisdiction over floating ice in the polar high seas. An interdepartmental study in 1960 concluded that a claim to the Polar Basin would entail few advantages of consequence and attract strong opposition by the U.S. and perhaps other countries concerned about freedom of air and submarine navigation in polar regions. In these circumstances where no claim has been made and where no claim is likely to be made by Canada, it is clear that any plans for an expanded level of military surveillance of the Polar Basin would be completely unjustified and misplaced.

20. (As an aside, it may be worth noting that the latest map of Canada published by the Department of National Defense in January, 1959 excludes the Polar Basin from the Canadian Forces command region demarcated by a broken red line around the Arctic Islands. One could infer from publication of this map that Canada has abandoned any claim to sovereignty of this area extending to the North Pole. This could be a source of some public sensitivity if attention were drawn to the apparent inconsistency (in fact, of course, there is no inconsistency) between the new Government emphasis on protection of sovereignty and the Department's map making activities).

21. From the foregoing it can be concluded that there would be no useful purpose or justification for any expansion of the present modest but adequate level of Canadian forces activity in the North, out of concern for the protection of Canadian territorial sovereignty.

Political Sovereignty

22. Canadian forces can, however, play an important role, along with other agencies of government, in protecting and promoting the greatest possible measure of “political sovereignty”, which is a matter of effective control by the Canadian Government over activities taking place on or over Canadian territory. This is not a legal problem but a problem of exercising authority and mobilizing all available resources to enable the Government to determine Canadian policies in the light of Canadian interests. It is a political problem.

23. It is important, however, to recognize that in a highly interdependent world the notion of absolute sovereignty is a fiction and a mirage. According to Stanley Hoffman’s definition: “sovereignty, rather than being a reservoir which can only be full or empty, is a divisible nexus of powers of which some may be kept, some limited, some lost”. Or to quote Mr Justice Holmes, “Sovereignty is a question of power, and no human power is unlimited”. Sovereignty in this sense may be regarded as the exercise of political power in a dynamic international context where relative strength as between two countries is measured not only in terms of military power, but in large measure by the basic resources of the countries concerned in terms of geography, population, economic resources, industrial capacity, national character and morale, quality of government and quality of diplomacy.

24. The major outside limitation or influence on Canadian sovereignty is the predominant presence of American power in our political, economic, social and cultural life. The same is true of our defence posture. Any realistic appraisal of Canadian foreign and defence policy must begin with a recognition of a very high degree of interdependence with that of the U.S. There is little cause for Canadians to lament this high degree of interdependence - it reflects not coercion or subordination, but our willing consent to identify our interests and values closely with those of the U.S.

25. Canadian – U.S. joint defence arrangements in Canada do not detract from Canadian sovereignty in law; on the contrary they confirm that sovereignty. [Marginalia: In addition, of course, they make essential contributions to our security.] They do, however, pose difficult questions for Canadian terms of two further Canadian requirements:

- a. A reasonable degree of policy influence and operational control by the Canadian Government over all military activities taking place in, or closely affecting Canada; and
- b. Canadian self-esteem and patriotic feeling.

26. The Canadian military role in enhancing the Canadian Government's influence and control has been stated in realistic terms by the Report of the Standing Committee on External Affairs and National Defence dated 26 March 1969 (page 9); "Canada must be prepared to incur reasonable expenditures for its own defence in order to maintain its independence and freedom of action as a nation, and to ensure that Canadian interests

are taken into account when continental defence reassures are being considered". What level of expenditures would be "reasonable" is ultimately a matter of political judgment to be weighed against other measures which might be taken by Canada to enhance its independence vis-à-vis the U.S. (for example, by allocations to a Canada Development Cooperation, to "buy back" Canadian resources and industries owned or controlled by U.S. investors).

27. Other countries opt for a different "mix" of military and non-military expenditures, depending on their particular security needs and resources. Iceland, for example, makes no force contribution to its own security and is prepared to rely entirely upon U.S. and NATO allies to provide the necessary defences. In so doing, the Icelandic government has had to pay a large price in terms of a delegation of sovereign authority to the U.S. base commanders stationed in Iceland, who have virtually complete autonomy (subject of course to direction from Washington) in the administration and operations of those bases. This "price" is acceptable to the government and people of Iceland because their painfully limited resources are needed in non-military fields and because the adverse side-effects of a large autonomous foreign military presence in their midst are limited by the very strong cultural and linguistic identity and unity of the local population.

28. Canada has vastly greater resources than Iceland but it would nevertheless be beyond our capacity to provide from our own resources the continental defence systems which need to be located in Canada. Nor do we wish to leave the entire burden of North

American defence to the U.S. and give them large scale access to Canadian bases and Canadian air-space for training and operational purposes. The objection to this course was expressed as follows by the Minister of External Affairs, Mr. Paul Martin on 7 March, 1968:

“This would keep the cost to Canada to a minimum but it would tend to erode our sovereignty as well as any influence we could otherwise have on the development of air defence policies- policies which would inevitably have a significant impact on us.”

Canada has in fact adopted a third course in our defence relations with the U.S. since the beginning of World War II: cooperative arrangements for continental defence.

29. This policy has been based on the recognition that the security of North America from outside attack is indivisible, and that there is no threat to the territorial integrity of Canada apart from the threat of a general nuclear war involving the whole of North America. In other words the problem of “the defence of Canada” has been seen by successive Canadian governments as an inextricable part of the problem of “the defence of North America” and of “the defence of the North Atlantic area”. Apart from a modest investment in forces for purely national roles and tasks such as aid to the civil power, search and rescue and “insurance” against the highly implausible risk of minor territorial intrusions by a 3rd power, all Canadian forces have been developed for roles in cooperative defence arrangements with the U.S., with NATO allies, and, on and ad hoc basis, with other countries in peacekeeping activities.

30. Does the policy statement of 3 April [1969] imply any change in this fundamental view of Canadian defence needs? In the absence of any change in the strategic balance of forces in the world and in the absence of any new threat to Canada, it would be absurd to interpret the statement as implying any change in these basic roles for Canadian forces.

31. The more logical interpretation and, indeed, the only reasonable interpretation is that the new emphasis on “surveillance of our territory and coastlines, i.e., the protection of our sovereignty” means a new emphasis on Canadian participation in joint continental defence activities taking place in, or closely affecting Canada. This is entirely consistent with the guideline that “to the extent that it is feasible we shall endeavor to have those activities within Canada which are essential to North American defence performed by Canadian forces”. It does not mean a requirement for an additional Canadian military presence in remote areas merely for the sake of showing the flag. It does not mean a requirement for additional air and maritime surveillance or reaction forces outside the framework of joint North American defence programs. Such activities would be pointless since, as we have seen, there is no legal need for the protection of Canadian sovereignty and there is no new threat to Canadian security.

32. There is, however, a political need to ensure adequate cooperation and coordination of joint continental defence activities on Canadian territory. To influence planning and to ensure a high level of operational control over these activities Canada must make an adequate force contribution. The requirements of political sovereignty cannot be met by

merely attempting to impose directives from the outside on the plans and operations of U.S. forces operating on a regular basis in Canada. Experience has shown that even with the greatest goodwill and cooperation from the U.S. authorities, full participation by Canadians in plans and operations can be guaranteed only by an integral Canadian force contribution in the activities concerned, together with adequate cost-sharing and command arrangements.

33. How do we determine what contribution is “adequate” or “feasible”? This is the difficult question since we cannot do everything. We must be selective in the allocation of our military resources. In the past this has been an ad hoc process, as Mr. Paul Martin acknowledged when speaking about cooperative defence projects in North America:

“... it has been found that, for a variety of reasons, the actual provision of the necessary manpower and equipment can best be handled through individual national contributions made on an ad hoc basis as requirements are defined.”

It is clearly impossible to lay down any firm guidelines on how much is enough to ensure adequate Canadian influence and control. Decisions on individual joint programs must depend on a variety of factors including use of specialized Canadian resources or skills and the cost-effectiveness of a Canadian vis-à-vis an American input. In addition, it might be possible to define certain guidance principles in terms of financial resources and the functional impact of the activity concerned on Canadian life. For example, one

benchmark which could be applied along with others (but not rigidly) would be a ratio of Canadian to U.S. contribution in roughly the same proportion as the Canadian G.N.P. to the U.S. G.N.P., or 1 to 10. This might provide some rationale, for example, to the scale of our effort in [anti-submarine warfare] in relation to the overall [Standing Naval Force Atlantic – Western Atlantic deployment] effort, and of our effort in interceptor aircraft in relation to overall NORAD interceptor forces. Another benchmark might be the impact or “visibility” of a program in Canadian eyes. For example, it might be preferable to “pay our dues” to ensure Canadian influence, control and presence in highly visible activities such as interceptor or [Airborne Warning and Control System] operations even if it meant more token participation in manning remote communications links.

34. The objection might be raised: Canadian planning should not be concerned with questions of ‘presence’ and ‘visibility’ in the eyes of Canadians - this is a problem for public relations experts and political leaders. It would, however, be shortsighted for the Defence Staff to neglect this aspect. Political sovereignty is not only a matter of influence and control, it is also a matter of being seen in a position of influence and control. A prominent and constructive role for Canadian forces in defence partnership with U.S. forces helps contribute to Canadian self esteem. It can help foster a sense of common accomplishment, national self-respect and, indirectly, national unity. This should, however, be a bi-product of an effective defence posture. It should not be ‘presence’ for the sake of ‘presence’, in the absence of any military rationale. To build a role for Canadian forces merely to satisfy the optical demands of political sovereignty would be to build on shifting sands. It would not be long before somebody noticed that

one visit of the Governor-General, accompanied by an enthusiastic press corps, can provide a sovereign presence to a remote area much more effectively and much more cheaply than a 100 [Canadian Armed Forces] surveillance overflights.

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