

*The Canadian Armed Forces Primary Reserves and Aid to the
Civil Power: Maximizing Service and Minimizing Risk for
Canadians*

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I- Introduction

Since the tragic events of 9/11, almost all western democracies have significantly expanded their national public safety programs in an effort to make their citizens feel more secure. In Canada, these endeavours have included the establishment of the Department of Public Safety, expanding national anti-terrorism laws, and additional efforts to protect critical infrastructure. Nonetheless, these additional efforts at keeping Canadians secure have also corresponded with an increasing number of domestic disaster relief operations assisted by the Canadian Armed Forces (CAF). These domestic operations have ranged from the 1997 Winnipeg Flood (Operation Assistance) to the 1998 Ice Storm (Operation Recuperation), to annually re-occurring domestic operations (Operation Lentus), and most recently, to the COVID-19 pandemic (Operation Laser). During the spring of 2019 alone, more soldiers were deployed to assist with domestic states of emergencies including floods in Ontario, Quebec and New Brunswick, as well

as forest fires in Alberta than were deployed overseas.¹ While the CAF does not highlight specific numbers, all of these domestic operations saw the deployment of the Primary Reserve (PRes) alongside the Regular Force in relatively large numbers, usually in the form of a Territorial Battle Group (TBG).

The 2006 CAF transformation saw the implementation of a new command and control structure aimed at making the military a more efficient and agile organization, able to draw on all service members. Yet the Chief of the Defence Staff, in response to domestic operations, recently noted that while the CAF would always respond to requests for civil assistance, present-day demands have the potential to engage the military beyond its capacities. He noted that "our force structure right now ... is probably too small to be able to deal with [significant] tasks," and that the CAF required more personnel and additional training to handle these new types of domestic operations.² This raises an important question regarding how the PRes can be employed to its maximum potential in future domestic operations or aid to the civil power roles?

Analogous to the CAF's overseas operations, recent domestic operations have been largely based on a concept referred to as *contribution warfare* where available (sometimes niche) assets, rather than decisive ones, are provided to an operation in a coalition environment. Sokolsky and Leuprecht, have labelled this approach the *easy rider*; defined as contributing just enough resources to ensure that the US and NATO allies, or the Canadian public in a domestic setting, respect and value the military effort, but which did not significantly contribute to the overall success of the mission.³ In a domestic context, this can also be interpreted as providing enough forces to be seen as

¹ Darren Major and Salimah Shivji, "Canada's military feeling the strain responding to climate change." CBC News, 24 June 2019 <https://www.cbc.ca/news/somnium-1.5186337>. In 2016, the military responded to only one climate disaster, the wildfire in Fort McMurray. But that number jumped to six deployments in each of the following two years. Also see Christian Leuprecht and Peter Kasurak, "The Canadian Armed Forces and Humanitarian Assistance and Disaster Relief: Defining a Role." 20 August 2020 *Centre for International Governance Innovation*. <https://www.cigionline.org/articles/canadian-armed-forces-and-humanitarian-assistance-and-disaster-relief-defining-role>. The authors highlight that the CAF participated in 30 missions between 2011 and 2020 compared to six between 1990 and 2010, and 10 weather-related missions in 2017–2018 versus 20 between 2007 and 2016, but only 12 such missions between 1996 and 2006.

² Major and Shivji, "Canada's military feeling the strain responding to climate change." <https://www.cbc.ca/news/somnium-1.5186337>

³ Christian Leuprecht and Joel J. Sokolsky. "Defense Policy "Walmart Style" Canadian Lessons in "not-so-grand" Grand Strategy," *Armed Forces & Society* 41, no. 3 (2015): p. 541.

responding to the crisis, but not in a conclusive or decisive manner, which would conceivably save the day. This is best demonstrated in the CAF's support for flooding relief efforts in the National Capital Region in 2019. The CAF reported that it deployed approximately 750 personnel from the local 33 TBG to support to support local community efforts. However, when compared to the 600-9000 volunteers who also contributed to slowing the water from reaching properties and delivering food, it becomes clear that the military effort, while commendable, was not sufficient to resolve the issue. In fact, after the TBG arrived, Pierre Poirier, the Ottawa's head of emergency management was quoted as saying that "we still need all the help we can get."⁴

Nonetheless, when discussing CAF operations within Canada, two significant differences between a domestic operation and an international operation must be articulated. The first is response time where in an international operation, the CAF will almost always have supporting partner nations who have already arrived in theatre to lead or assist in the effort. And second, large numbers of Canadian citizens will not be under a direct threat. In a domestic operation, the likelihood of other state actors arriving first is greatly reduced, and an unknown number of Canadians have been confirmed to be in some form of danger or crisis that has already been proven to be beyond the capabilities of local authorities. This paper will argue that the current organization of the PRes is not properly structured or mandated to support any large-scale and sustained domestic or aid to the civil power operation. This forces Canadian authorities to accept risk regarding their domestic national security, defined by the Department of Public Safety as a "multi-faceted endeavor that requires cooperation across a diverse range of initiatives and programs" including counter-terrorism, critical infrastructure, cyber security and transportation security with an aim to reflect and benefit the interests of all communities."⁵

This paper analyses the role of the Canadian PRes in its assigned roles in and how the organization is currently structured to provide aid to the civil authorities.

⁴ Terry Pedwell, "Ottawa flood victims say more homes would be lost if not for volunteers, military" *Global News*, Updated 30 April 2019. <https://globalnews.ca/news/5217030/ottawa-flood-victims-say-more-homes-would-be-lost-if-not-for-volunteers-military/>

⁵ Government of Canada, National Security, Ottawa, Department of Public Safety, updated 1 December 2015. <https://www.publicsafety.gc.ca/cnt/ntnl-scrnt/index-en.aspx>

Following the introduction, this paper will proceed in three sections. The first section will summarize the framework which empowers the CAF and the PRes to provide domestic assistance to the civil authorities and take note of the PRes' new leading-role that is expected during a domestic emergency. The second section of this paper will discuss the predicament facing Canadians in regard to relying on the PRes for domestic response. The paper then concludes by affirming that, without examining the conditions under which part-time members serve, assigning new roles and responsibilities to the PRes may not set the conditions for success should a large scale or lengthy call out be required.

II - The Canadian Armed Forces, the Primary Reserve, and National Security Framework

While the Canadian state does face emerging threats from domestic terrorism, foreign interference, and espionage, the last time a foreign military occupied Canadian territory was 1812. As such, the likelihood of the CAF having to deter or repel a military incursion or attack on Canadian soil by another sovereign state remains quite low, resulting in a requirement for the CAF to focus on increasing "all-domain" awareness rather than defending the borders.⁶ Unlike the armed forces of most countries, which are usually dedicated to deterrent tasks such as territorial defence and guarding borders, the CAF (when not deployed on expeditionary operations), has the luxury of being able to focus almost entirely on providing domestic assistance to civilians in non-kinetic roles such as search and rescue and domestic crisis response, such as Operation Lentus (the CAF response to domestic forest fires, floods, and natural disasters), or Operation Palaci (CAF support to Parks Canada to control avalanches in Rogers Pass, British Columbia).

⁶ Andrea Charron, "Beyond the North Warning System" *War on the Rocks*. 7 September 2020. <https://warontherocks.com/2020/09/beyond-the-north-warning-system/>

While federal documents such as the *National Strategy for Critical Infrastructure*⁷ recognize that any initial disaster response almost always takes place at the municipal or provincial level involving provincial and territorial governments, law enforcement, and civil society - there is also an expectation that the federal government can play a prominent role in responding to emergency management (once the appropriate level of government has requested assistance). *The Emergency Act* delineates the federal government's powers and responsibilities during a "public order emergency." While the *Royal Canadian Mounted Police Act*, subsection (1) and other police forces are mentioned briefly, unfortunately the *Act* does not articulate how the CAF or other federal agencies should be employed once a request for assistance is received.⁸

Nevertheless, despite the fact that the CAF is not assigned responsibilities under the *Emergency Act* and in many cases is considered the state's last resort, because of their relative size, mobility, and the equipment they possess, the CAF is often seen as the most likely federal organization with the ability to respond and provide domestic support on any large scale. Under Canadian Law, the *National Defence Act* (NDA), Section VI, 273.6 (1) states that

the Governor in Council or the Minister may authorize the Canadian Forces to perform any duty involving public service, and that (2) on the request of the Minister of Public Safety and Emergency Preparedness or any other Minister, the Minister may issue directions authorizing the Canadian Forces to provide assistance in respect of any law enforcement matter if (a) the

⁷ Government of Canada, *National Strategy for Critical Infrastructure* (Ottawa, Department of Public Safety, 2009), p. 2. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/srtg-crtclnfrstrctr/index-en.aspx>. Also see Government of Canada, *An Emergency Management Framework for Canada, Second Edition Ministers Responsible for Emergency Management* (Ottawa, Department of Public Safety, 2009), <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/mrgnc-mngmnt-frmwrk/index-en.aspx>

⁸ Government of Canada, *Emergencies Act R.S.C., 1985, c. 22 (4th Supp.)*, p. 5 <https://laws-lois.justice.gc.ca/eng/acts/E-4.5/page-1.html>. The Act states that that nothing in a declaration of a public welfare emergency shall authorize the derogation from, the control or direction of the government of a province or a municipality over the control or direction any police force over which it normally has control or direction. Also see Philippe Lagassé, "Accountability for National Defence: Ministerial Responsibility, Military Command and Parliamentary Oversight," *Institute for Research on Public Policy Study* No. 4 (2010), p. 8.

assistance is in the national interest; and, (b) the matter cannot be effectively dealt with except with the assistance of the Canadian Forces.⁹

Additionally, paragraph 275 states that “The Canadian Forces ... are liable to be called out for service in aid of the civil power in any case..., beyond the powers of the civil authorities to suppress, prevent or deal with and requiring that service, occurs or is, in the opinion of an attorney general, considered as likely to occur.”¹⁰

As history shows, the military has played a central role in domestic crisis response. Since Confederation, Canadian soldiers, both Regular and Reserve, have helped to maintain or restore the public order over 140 times, notably during the 1970 October Crisis (Operation Essay) and the 1990 Oka Crisis (Operation Salon).¹¹ Moreover, members of the PRes have been called upon regularly to serve in domestic operations or in national emergencies. Over the years, this has repeatedly included rescue operations and disaster management, and rarely, security operations.¹² Most recently, domestic operations such as the above-mentioned disaster relief operations, as well as the latest call outs for the 2019 Quebec flooding and helping to fight forest fires in the Western provinces (both part of Operation Lentus), all included sizeable PRes components.

Under the previous Conservative government’s 2008 *Canada First Defence Strategy* (CFDS) and the current Liberal Party’s 2017 *Strong Secure and Engaged* (much like all the

⁹ Government of Canada, *National Defence Act*. (Ottawa, Minister of Justice, 2015), p. 230 <http://laws-lois.justice.gc.ca>. The National Defence Act is the primary enabling legislation for organizing and funding Canada's military. Oddly, the NDA only makes reference to disaster relief once during paragraph 61(a) which notes that a person accompanying a military unit into a disaster area may also be subject to the Code of service discipline. For all intents and purposes, when it comes to disaster relief, the Act may have to be interpreted as “service in aid of the civil power in any case ... beyond the powers of the civil authorities to suppress.”

¹⁰ Ibid.

¹¹ Jean Pariseau, “Aid to (or of) the Civil Power,” *Historica Canada*, Last edited 7 August 2014, accessed 24 May 2017, <http://www.thecanadianencyclopedia.ca/en/article/aid-to-or-of-the-civil-power/>. For a comparison between Aid to Civil Powers and the War Measures Act, see Dennis Smith, “War Measures Act,” *Historica Canada*, Last edited 4 March 2015, accessed 24 May 2017, <http://www.thecanadianencyclopedia.ca/en/article/war-measures-act/1>. It is important to note here that these events involved mostly Regular troops from 5 Canadian Mechanized Brigade Group (CMBG) in Valcartier, Quebec and that the October Crisis invoked the War Measures Act.

¹² Government of Canada, “Domestic Operations” *Canadian Forces Canada Command*, 7 May 2012, <http://www.canadacom.forces.gc.ca/site/domestic-eng.asp>

previous defence policy directives issued in 1964, 1971, 1987, 1994, and 2005), the CAF has been assigned three essential roles; in order of priority they are essentially – defending Canada (strong at home), defending North America (secure in North America) and contributing to international peace and security (engaged in the world).¹³ Notably, both documents advocate that first and foremost, the CAF must have the capability to ensure the protection of Canadians and the capability to affect our sovereignty. As Leslie, Gizewski and Rostek point out, “a well-equipped and responsive CAF is essential to the Canadian government if Canadians are to believe that they will receive assistance during a crisis.”¹⁴ On a domestic level, in the event of a domestic crisis or disaster, this requires a well-developed capacity to support the civil authorities.¹⁵ In other words, Canadians, most of which are unsure of what exactly it is the CAF does and how it is structured,¹⁶ have come to expect that their military will be there for them in a domestic crises - and that when needed, that the CAF will provide the required resources and work diligently with other federal government agencies to ensure the safety and security of all Canadians, regardless of intensity or duration of the crisis.¹⁷

According to the findings of the Special Commission on the Restructuring of the Reserves, the PRes is currently tasked to perform three distinct roles: “[first] to serve as the basis for augmenting the Regular Force in the first and second phases of mobilization, [second] as the basis for full-scale mobilization, [and third] as the link

¹³ Department of National Defence. “Canada First Defence Strategy.” (Ottawa, Department of National Defence, 2008). Also see Government of Canada, *Strong, Secure and Engaged: Canada’s Defence Policy* (Ottawa, Ontario, Canada: Department of National Defence and Canadian Armed Forces, 2017), p. 81.

¹⁴ Andrew Leslie, Andrew, Peter Gizewski, and Michael Rostek. “Developing a comprehensive approach to Canadian Forces operations,” *Canadian Military Journal* 9, no. 1 (2008).

<http://www.journal.forces.gc.ca/Vo9/no1/04-leslie-eng.asp>

¹⁵ Peter Gizewski and Michael Rostek, “Making Canada First’ Work: Adopting a Comprehensive Approach to Military Operations,” in *Canada and the Changing Security Environment The Canada First Defence Strategy and Beyond*. Edited by Phil Orchard (Vancouver; University of British Columbia, 2008), p. 29.

¹⁶ Murray Brewster, “Military is off the radar of most Canadians: DND poll” CBC News, 20 July 2018.

<https://www.cbc.ca/news/politics/dnd-canadians-military-poll-1.4754083>

¹⁷ Government of Canada, *Canada First Defence Strategy* (Ottawa, Department of National Defence, 2008), p. 7. http://www.forces.gc.ca/assets/FORCES_Internet/docs/en/about/CFDS-SDCD-eng.pdf. Also see Government of Canada, *Strong, Secure and Engaged: Canada’s Defence Policy* (Ottawa, Department of National Defence, 2017). <http://dgpaapp.forces.gc.ca/en/canada-defence-policy/docs/canada-defence-policy-report.pdf>.

between the military and the community at large."¹⁸ In most cases over the past several decades, this system has worked well. The PRes, using a voluntary *call-out* system, has generally been able to generate and employ almost all of the additional forces that the Regular Force has required in order to respond to both domestic and international commitments made by the government. However, while called on to assist in extreme (and expensive) natural disasters, this augmentation system has fortunately yet to be vigorously tested on a large scale that involves hundreds or thousands of domestic casualties or deaths, such as the 2004 Indian Ocean earthquake/tsunami which killed an estimated 230,000 people, Hurricane Katrina in 2005 which caused over 1,800 deaths and \$125 billion in damage in the US, or the more recent 2010 earthquake in Haiti that killed somewhere between 100,000 and 300,000 people and practically destroyed the island.

Like the National Guard in the United States, the PRes in Canada have been factored into in disaster relief planning for a long time. However, over the past two decades, with an increased operational tempo, additional tasks and responsibilities have also been given to the PRes. With respect to domestic operations, the PRes has recently been assigned the task of providing the personnel for the ten Territorial Battalion Groups (which include the Domestic Response Companies) and four Arctic Response Company Groups. As noted in the *Department of National Defence and the Canadian Armed Forces - Report on Plans and Priorities 2015-16*, "these nascent capabilities represent the force employment framework through which the Army Reserve will leverage existing unit structures and capacities and eventually take the land forces lead in domestic operations, with support from the Regular Force as required."¹⁹

¹⁸ Government of Canada, *Special Commission on the Restructuring of the Reserves: Report* (Ottawa, Canada Communication Group, 1995), p. 10. Note that over the years, these roles have developed but have largely stayed the same - and are currently reflected as: "operationally, trained and ready to respond; CAF presence and community connection; and Citizenship, displaying leadership and commitment to country."

¹⁹ Government of Canada, *Department of National Defence and the Canadian Armed Forces - Report on Plans and Priorities 2015-16* (Ottawa; Department of National Defence, last modified 31 March 2015). <http://www.forces.gc.ca/en/about-reports-pubs-report-plan-priorities/2015-reserve-force.page>. To date, PRes domestic operations tasks have included Disaster Relief Assistance, Search and Rescue, Security and Sovereignty Operations, support to law-enforcement and support to major events.

The fact that these new units will be leveraging existing unit structures and capacities aside,²⁰ this represents a fundamental shift from how the CAF has approached domestic response operations over the past several decades. Previously the task of the PRes was to augment the Regular Force in domestic operations, but it is now the government's intent for the PRes to assume the lead and, in a reversal of roles, receive support from the Regular Force as they provide aid to the civil authorities in specific regions. Importantly, this deviates from the long-standing tradition of interoperability with the Regular Force. There is no longer a question of interoperability with the Regular Force as PRes units are now expected to develop into stand-alone entities which are able to lead in domestic operations with Regular augmentation. A model that may not successfully correspond with the terms and structure under which members of the PRes serve.

III - The Dilemma of Employing the Primary Reserves Domestically

The CFDS, while now obsolete, initially highlighted an emerging concern that within the CAF, there was an increasing shortage of personnel.²¹ Additionally, in an attempt to address personnel shortfalls, the Liberal government's *Strong, Secure, and Engaged* increased the authorized strength of the CAF by 3,500 Regular Force to 71,500 and the PRes by 1,500 members to 30,000. Currently Canada's military, while having some success at growing the PRes to over 21,000, is having some difficulties carrying out operations at home and abroad with existing personnel shortages of approximately 1,900 Regular Force members and 5,300 PRes soldiers.²²

²⁰ For additional detail on how the Pres Army Reserve units and groups lacked access to key equipment on deployments, see Government of Canada, *2016 Spring Reports of the Auditor General of Canada Report 5—Canadian Army Reserve—National Defence*, (Ottawa; Office of the Auditor General of Canada, 2016), http://www.oag-bvg.gc.ca/internet/English/parl_oag_201602_05_e_41249.html#hd4b

²¹ Government of Canada, *Canada First Defence Strategy*, p. 15.

²² Government of Canada, "Strong, Secure and Engaged, p. 19. Also see Lee Berthiamume, "Canadian Armed Forces Staffing Levels on the Decline," *Ottawa Sun*, 26 January 2017, accessed 2 June 2017, <http://www.ottawasun.com/2016/01/26/canadian-armed-forces-staffing-levels-on-the-decline>. Many of the shortages occur in key occupations such as engineers, vehicle and weapons technicians, and doctors (specifically social workers and psychologists) and dentists. The Department of National Defence also reported that it currently has about 2,200 civilian vacancies out of an authorized strength of 24,000. Also see Government of Canada, *2016 Spring Reports of the Auditor General of Canada Report 5—Canadian Army*

Combined with this ongoing personnel shortage, there is a realization that in a post 9/11 environment, the definition of national security has unquestionably expanded. There is now a general expectation that the CAF, in addition to maintaining close ties to the community, should be able to do more domestically for Canadians when it comes to public safety, and in a greater capacity than only natural disasters.²³ As the Minister of National Defence stated recently, “Canadians can trust that, in times of need, their CAF will be there for them. As active members of our communities, we are proud to be there for our federal, provincial, territorial, municipal and Indigenous partners when needed.”²⁴ As a result, in an era when many environmentalists are convinced that Canadians will see larger disasters occur more often in our future,²⁵ the CAF can expect to play a greater role in domestic response operations with fewer people - and that the PRes, which currently has a greater personnel gap than the Regular force, will be assigned additional responsibilities and expected to fill this commitment-capability gap.

Pragmatists in national security and defence policy contend that Canadian decision makers have historically done a good job of striking a balance between our essential defence requirements and protecting Canadians - and that there is no cause for alarm.²⁶ Within the PRes, there is a certain amount of pride taken in the fact that whenever the Regular Force has called for augmentation, the Reserves have always provided the numbers requested. With this how-much-is-just-enough approach, they rationalize that the CAF’s international and domestic deployments in support of

Reserve—National Defence, 2016, paragraph 5.35 http://www.oag-bvg.gc.ca/internet/English/parl_oag_201602_05_e_41249.html#hd4b. The report found that the PRes units do not have the number of soldiers they need to train so that soldiers and teams are prepared to deploy when required, and that the average number of trained and attending soldiers in the PRes was actually only around 14,000 instead of the 21,000 that the reported shortages would indicate.

²³ Center for National Security, “National Security and Public Safety,” *Conference Board of Canada*, March, 2017, accessed 2 June 2017, <http://www.conferenceboard.ca/topics/security-safety/default.aspx>

²⁴ Government of Canada, “Update on Canadian Armed Forces’ response to COVID-19 pandemic” Ottawa, Department of National Defence, 7 May 2020. <https://www.canada.ca/en/department-national-defence/news/2020/05/update-on-canadian-armed-forces-response-to-covid-19-pandemic.html>.

²⁵ Chris Turner, “Owen’s Ark: How Calgary Survived the Flood and how Others Won’t,” *The Walrus*, June 2014. p. 29. The author provides an excellent summation on how insurance companies are tracking extreme weather and their expectation that the disasters we face will only get worse.

²⁶ Joseph T. Jockel and Joel J. Sokolsky, “Canada and NATO: Keeping Ottawa in, expenses down, criticism out...and the country secure,” *International Journal* 64, 2 (2009): p. 332. And Philippe Lagassé and Paul Robinson, “Reviving Realism in the Canadian Defence Debate,” *Martello Paper*, no. 34 (Kingston: Queen’s Centre for International Relations, 2008), pp. 13-14.

Canadians have been overall successes. And that when the time comes, the CAF and in turn the PRes, will be able to rise to the challenge with the resources and training that they have on hand. University of Waterloo ecology professor Blair Feltmate calls this approach "management by disaster" and notes that mitigation strategies are usually determined by remembering the scale of the latest crisis.²⁷ Lackenbauer and Lajeunesse contend that Canada's military capabilities, "as they exist today and as they are developing, are limited but suited to the threats they face."²⁸ However, I would argue that as climate change, the changing Arctic environment, and the COVID-19 pandemic denote, the past is not an entirely reliable model for predicting future demands on the CAF, and that this approach does not help to focus contemporary planners who seek to anticipate demands and develop future plans for the safety and security of Canadians. As previously mentioned, the Chief of the Defence Staff has publically stated that in order to respond to climate change, he needs additional personnel to handle domestic emergencies and that his soldiers need additional training to deal with fires and floods (and now pandemics).²⁹ A shifting Arctic environment that allows for new levels of mobility, in addition to increased demands for shipping routes and resource development, has the potential to present the CAF with new unprecedented demands by civil authorities.³⁰ Additionally, when confronted with the COVID-19 pandemic in the spring of 2020, the CAF, in what was a completely unforeseen task, deployed 1700 PRes personnel in Local Response Forces to prevent the spread of the disease in order to provide basic care to 54 provincial Long Term Care Facilities across Quebec and Ontario.

While the CAF does not have a standing mandate to enforce the laws of Canada, CAF domestic operations to date have been regarded as successes. However, when it comes to the PRes there are two major concerns with this approach which need to be

²⁷ Turner, "Owen's Ark," p. 34.

²⁸ P. Whitney Lackenbauer and Adam Lajeunesse. "The Canadian Armed Forces in the Arctic: building appropriate capabilities." *Journal of Military and Strategic Studies* 16, no. 4 (2016): p. 63.

²⁹ Major and Shivji, "Canada's military feeling the strain responding to climate change." <https://www.cbc.ca/news/somnia-1.5186337>.

³⁰ Adam Lajeunesse, "The Canadian Armed Forces in the Arctic: Purpose, Capabilities, and Requirements." *Canadian Global Affairs Institute*, 2015.

https://www.cgai.ca/canadian_armed_forces_in_the_arctic#:~:text=Over%20the%20past%20fifteen%20years%2C%20the%20Canadian%20Armed,Yet%2C%20the%20need%20for%20these%20capabilities%20is%20unquestione.

addressed. First, the conditions of service for the PRes allow for much greater latitudes than the Regular Force who serve under a different type of social contract. When an individual joins the PRes, aside from not being transferable to new locations, there are three distinct terms of service that are different from the Regular Force (as previous pay differentials historically ranging from 15-35 percent illustrated³¹). As a member of the PRes, you are not on any fixed terms of service, you are not compelled to train more than one evening a month in order to remain on what is called “effective strength, and notably you may resign or quit at any time.”³² The NDA reflects this in paragraph 276 which stipulates that “nothing in this part shall be deemed to impose liability to serve in aid of the civil power, without his consent, a ... member of the reserve force who is, by virtue of the terms of his enrolment, liable to perform duty on active service only.”³³ This makes the current system not only voluntary, but one based on a great deal of *ad hoc* risk. It literally means that when any level of government calls for military support, members of the PRes are not compelled to respond regardless of the crisis, and when responding, individuals (and not formed units) may do so basically at their own speed, and for the duration of their choice.³⁴

This is reflected in the force structure of the PRes when responding to a domestic crisis. While somewhat dated, the example is still relevant. During the 1997 Winnipeg

³¹ Government of Canada, *Change in Reserve Force Pay Structure*, 14 June 2019.

<https://www.canada.ca/en/department-national-defence/news/2019/06/change-in-reserve-force-pay-structure.html>. In 2019, the Liberal Government restructured Reserve Force pay to align with Regular Force pay where the demands of service are similar. The new pay structure for the Reserve Force applies the same base pay the Regular Force receives, plus the elements of the Military Factor that apply to reservists making reserve pay now 92.8 percent of the regular Force salary.

³² Government of Canada, 2016 *Spring Reports of the Auditor General of Canada Report 5—Canadian Army Reserve—National Defence*, 2016, paragraph 5.58 http://www.oag.bvg.gc.ca/internet/English/parl_oag_201602_05_e_41249.html#hd4b. The report notes that “Pres members serve and train on a voluntary basis. Therefore, it is not possible for unit commanders to know if all their soldiers will take part in scheduled activities. For example, in 2015, when PRes units met for their annual large-scale collective training events across Canada, only 3,593 soldiers (26 percent of trained and attending soldiers) attended these exercises.”

³³ Government of Canada, *National Defence Act*, 230. For additional clarification, also see Government of Canada, *Queen’s Regulations and Orders: Volume I - Chapter 23 Duties in Aid of The Civil Power* (Ottawa; Department of National Defence, current to 26 October 2015). <http://www.forces.gc.ca/en/about-policies-standards-queens-regulations-orders-vol-01/toc-23.page>.

³⁴ Government of Canada, *National Defence Act*. Ottawa, Minister of Justice, 2015. <http://laws-lois.justice.gc.ca>.

Flood, two composite reserve companies of around 100 people each were created from units within the Manitoba-Lakehead Area (now called 38 Canadian Brigade Group). One full time sub-unit was created and deployed with the regular force for the duration of the flood, and one part time sub-unit was created for members who wished to be employed on a day-to-day basis and who reported for work at the armoury in Winnipeg every morning. More recently, this two-tiered approach was also used during the recent 2017 Flooding in Quebec where any reservist who could be employed full time was deployed with the regular force for the duration of the flood and any reservist who was not available for the full duration was turned away, greatly reducing the potential manpower pool. In fact, while considered unrealistic by some, the Canadian Army Command and Staff College (CACSC) runs a domestic response exercise to address the two-tiered system. During the exercise the PRes members who have been called out for service decide to go home *en mass* for a funeral and the Regular Force students have to decide how to cope with this setback - despite the NDA paragraph 283 which states that "The Canadian Forces or any part thereof called out in aid of the civil power shall remain on duty, in such strength as the Chief of the Defence Staff or such officer as the Chief of the Defence Staff may designate deems necessary or orders, until notification that the Canadian Forces are no longer required in aid of the civil power is received from the attorney general of the province concerned..."³⁵

Second, when the CAF undertook its transformation in 2006, Canada Command (CANCOMD) was created in order to distinguish between force generators like the Army and force employers who would command units while on operations. The new headquarters, which has since merged with the Canadian Joint Operations Command (CJOC) in May 2012, was intended to be an integrated national headquarters which would allow the CAF to assemble military resources from across Canada in order to best respond to a crisis or threat. CJOC (Continental), based on principals of decentralization and enhanced cooperation with civilian agencies, is now responsible for the conduct of all domestic operations in the defence and aid to civil authorities within Canada (and North America). Within this Command, six regional Joint Task Force Headquarters (JTFHQs) across Canada were established and are still in use –

³⁵ Government of Canada, *National Defence Act*. <http://www.forces.gc.ca/en/about-policies-standards-queens-regulations-orders-vol-01/toc-23>.

namely, Northern, Pacific, West, Central, East, and Atlantic.³⁶ However, these Headquarters (with the exception of JTF North where all activities are deemed to be operations), while intended to be stand alone, independent entities, were actually superimposed on top of other existing Headquarters and have only a small staff dedicated to domestic operations and no permanent operational units underneath them. For example, in the event of a crisis and the implementation of Operation Lentus the 3rd Canadian Division HQ becomes the JTF West HQ.³⁷ A majority of the Commanders and some of key staff such as operations officers involved are double hatted.

While these new JTFHQs have raised the expectations of military readiness across Canada, there are actually little manpower dedicated to domestic response (the procurement-capabilities debate remains outside of the scope of this paper). This approach has also filtered down to the PRes with units across Canada receiving the tasks of Domestic Response Companies and Arctic Response Company Groups. These composite units receive some training but receive little in the way of new funding, manning, or materials and have an unpredictable response time that can be measured in days to weeks depending on the region and the crisis.³⁸ In essence, the CAF has created a new headquarters structure that has few additional soldiers, and in turn, the Army has created new composite PRes units, based on individual augmentation, with the responsibility to respond in a domestic crisis - but which do not have a legal mandate for ensuring that their soldiers take part.³⁹

³⁶ "Canadian Joint Operations Command," Department of National Defence, Last modified 12 August 2016, accessed 1 June 2017, <http://www.forces.gc.ca/en/about-org-structure/canadian-joint-operations-command.page>.

³⁷ Government of Canada, Joint Task Force West, updated 5 April 2018. <https://www.canada.ca/en/department-national-defence/services/operations/military-operations/conduct/regional-task-force/west.html>

³⁸ Lajeunesse, "The Canadian Armed Forces in the Arctic," https://www.cgai.ca/canadian_armed_forces_in_the_arctic#:~:text=Over%20the%20past%20fifteen%20years%2C%20the%20Canadian%20Armed,Yet%2C%20the%20need%20for%20these%20capabilities%20is%20unquestioned.

³⁹ Government of Canada, 2016 *Spring Reports of the Auditor General of Canada Report 5—Canadian Army Reserve—National Defence*, 2016, paragraph 5.37 http://www.oag-bvg.gc.ca/internet/English/parl_oag_201602_05_e_41249.html#hd4b. As a side note, the only time consent for full-time service is not required is through an order signed by the Governor General acting on the advice of Cabinet.

As Jockel and Sokolsky point out, Canadians find themselves in a unique position when it comes to the use of our military on a national scale. Historically, governments have had the luxury of choosing when and where to commit the CAF in support of Canadians locally. Additionally, while participating in domestic operations under the authority of the Chief of the Defence Staff, the CAF has also had the discretion to determine the level of commitment needed (to the extent that there are forces available) without being overwhelmed.⁴⁰ This has allowed successive governments more flexibility when debating the question of what exactly is the CAF's role domestically and to respond to domestic emergencies without having to mobilize.

As the mayor of High River, Alberta, Craig Snodgrass stated, "one of the biggest lessons learned from the 2013 Alberta flooding was not to ignore the increasing frequency of natural disasters."⁴¹ However, in a new environment where even the Prime Minister of Canada admits that Canadians are now facing unforeseen domestic threats, and admits that Canadians must develop a new strategy that makes communities more resistant and resilient to extreme weather events,⁴² the PRes may no longer be able to respond to a future large scale domestic crisis within their current numbers, organization, and strategic role. As Antonia Chayes infers, if another Hurricane Sandy or major earthquake event was to occur and leave a large number of Canadians homeless for a long period of time, a whole of government response with the PRes as one of the lead components would simply not be acceptable.⁴³

⁴⁰ Joseph T. Jockel and Joel Sokolsky, "Lloyd Axworthy's Legacy: Human Security and the Rescue of Canadian Defence Policy," *International Journal* 56, no. 1 (winter, 2000/2001): p. 18. Also see Government of Canada, *National Defence Act*, Part 6, paragraph 278 which stipulates that "On receiving a requisition in writing made by an attorney general under section 277, the Chief of the Defence Staff, or such officer as the Chief of the Defence Staff may designate, shall, subject to such directions as the Minister considers appropriate in the circumstances and in consultation with that attorney general and the attorney general of any other province that may be affected, call out such part of the Canadian Forces as the Chief of the Defence Staff or that officer considers necessary..."

⁴¹ Raffy Boudjikianian, "Move on, rebuild smarter, elsewhere: flood lessons learned in parts of Alberta." *CBC News*, 12 May 2017. <https://www.cbc.ca/news/canada/calgary/floods-alberta-quebec-ontario-1.4111583>.

⁴² Kathleen Harris, "'Rebuild better:' Justin Trudeau says Canada must brace for more storm devastation from climate change," *CBC News*, 11 May 2017, accessed 7 June 2017, <http://www.cbc.ca/news/politics/trudeau-tour-floods-gatineau-1.4109872>.

⁴³ Antonia Chayes, "Rethinking Warfare: The Ambiguity of Cyber Attacks" *Harvard National Security Journal* 6(2015): pp. 475-519.

While critics would recommend that the CAF not assign a mandate to the PRes in which they cannot successfully and without risk, assume a leading role, I contend that if the government is going to assign the PRes a leading position in domestic response operations, it must then take a hard look internally at the CAF's structure and acknowledge that the current strategy is in need of a review to bring the PRes's obligations and terms of service up to date with their evolving responsibilities.⁴⁴ While the Australian military is researching the idea of dedicating some their reserve military units specifically to domestic response, it is unlikely that this concept would endure in Canada in the face of other pressures such as PRes training, budgets, procurement, and competing international deployments.⁴⁵ Unfortunately, this approach would also not resolve the most pressing issue - the *ad hoc* mobilization of the PRes. Additionally, there is little support currently for the government creating focused non-military civilian domestic crisis response units as they would also be costly, require even more training, and would only be employed a few months of the year.

IV - Conclusion

Throughout its history, the CAF has always been the force of last resort during domestic emergencies. Fortunately, to date the CAF has had the luxury to choose the size, scope, and duration of how to respond to domestic emergencies and provide aid to the civil authorities. However, over the past several decades, due to domestic and global fluctuations, public expectations have now changed as the CAF is called on for additional assistance. More is now expected from the CAF (and the PRes) when responding domestically to local authorities - and the status quo approach may no

⁴⁴ John Selkirk, "Canada's new Defence Policy: Implications for the Army Reserve," *Reserves 2000*, 13 June 2017, accessed 13 June 2017, http://www.icontact-archive.com/rwABoKmm0SW_I6UfC3S5xN_UJzZlaV65?w=2. The author argues that setting higher than achievable expectations for reserve units to meet new roles will be detrimental unless the very real restraints facing reservists are fully recognized and taken into account. Regrettably, past history has shown that similar initiatives have foundered because the expectations of defence planners were unrealistic."

⁴⁵ Marcus Hellyer, "The Australian Defence Force's domestic role (part 2): Time for dedicated disaster response units?" *The Strategist*; Australian strategic Policy Institute, 17 February 2020 <https://www.aspistrategist.org.au/the-australian-defence-forces-domestic-role-part-2-time-for-dedicated-disaster-response-units/>

longer be sufficient to meet the needs of Canadians in crisis. While governments all over the world are often unable to meet expectations and substantially contribute during a natural disaster, Canadians will no longer accept that Provinces, municipalities, private charities, and religious institutions lead mitigation and recovery efforts. Should a large-scale domestic crisis occur, Canadians will expect timely assistance from the federal government in a manner that meets their basic needs. They will want food, shelter, and clothing so that they can sustain themselves. And in many cases, under their new leading role that is expected during a domestic emergency, this will fall to the PRes and local armouries to provide.

Unfortunately, conflicting patterns of increased demand, reduced manning levels, the organizational structure of the PRes, and employment concepts which place additional responsibility on the PRes to force generate and respond to domestic crisis do not coincide (and are in fact diverging). Because of these conflicting patterns, emergency planners are now required to start asking themselves questions about what happens if Canadians need the PRes (and subsequently the Regular Force) in more numbers and for longer than the CAF can provide and sustain. It is in the nation's best interests for the government to be proactive and to ensure that there is a capability to respond to domestic crisis that is at least equal to the danger (and given the Canadian climate, this could be challenging). The gradual pay increases have been a positive first step in attracting reservists to service during times of high operational tempo or crisis, but further investigation and study are required to determine the way forward in order to bridge this emerging commitment- capability gap.

In addition to a rebuilding strategy that makes communities more resistant and resilient to extreme weather events, the Canadian government needs to adapt to the fact that it can no longer rely on organizing the CAF in a manner that allows for contributing what is available (and often what is deemed affordable). While this approach may reluctantly succeed with allies on coalition operations, in a time of domestic crisis, Canadians, once confronted by a domestic crisis that is beyond the scale of the military to support, will likely refuse to accept this and will hold both the federal government and the military accountable to any crisis response that leaves citizens vulnerable. Both politicians and CAF planners must adjust their assumptions and reasoning and look at the demands of each mass emergency or crisis in which the CAF

has the potential to become involved. Instead of sending what is available from the PRes, the CAF should seek to determine what resources will be required to resolve the crisis and develop PRes capabilities to respond accordingly. This will be difficult with current budget restrictions (and even more so in a post COVID-19 environment) which is why additional organization and responsibility, underpinned by added legislation, for the PRes is the recommended solution. This would allow the PRes to structure itself for the greatest additional response with the least amount of new funding.

This approach applies primarily to Canada's PRes, which have been under resourced and allowed to operate on a volunteer basis for decades. In light of the new demands and responsibilities, perhaps the time has come to re-examine the legal and policy conditions under which Reservists serve and seek to amend them so that the organization can maintain its tradition of voluntary service, yet become more professional, and most importantly, more responsive though several changes to the terms of service. The idea of the voluntary call out should be re-examined in favour of a more structured unit focused mobilization as is found in the United States. The idea that attending training once every 30 days equals an effective soldier could be replaced with a legal yet still flexible commitment and obligation to attend 70% of scheduled training. The idea that a reserve soldier can release from the forces when he or she desires, can be replaced with short term, one- or two-year obligatory commitments. That would allow Commanders greater planning capabilities and assured access to pools of labour. But above all, the idea that a reserve soldier on domestic operations can self-select to deploy (or not) under the umbrella of an improvised headquarters is in need of further scrutiny. The CAF is currently in the process of firming up the conditions of PRes employment on domestic operations and the current practice is to only accept volunteers who can commit to operations for a minimum of 7 days. For operation LASER in 2020, the terms of service were more stringent; to be accepted, PRes volunteers had to commit to the entire summer (until 31 August 2020) or they did not receive an employment contract (but this begs the question as to how many PRes members were not able to be employed and the potential pool of labor that was passed over). In essence, if the reserves are going to assume additional responsibility for the domestic security and safety of Canadians and the nation, then it only stands to reason that in addition to increasing their salary, their commitments and responsibility be increased as well.

While increased requirements have the potential to result in negative effects for the PRes and could affect recruitment, especially when changing the amount of required training time and a perceived loss of flexibility, keeping obligations flexible (attending only 70 percent of training), adopting obligations of short durations (one to two years), and clearly explaining the obligations of the terms of service may actually result in the PRes improving the quality and reliability of its members rather than the quantity. Arguments that advocate to increase the size of the PRes do little to address how the organization will respond to a domestic crisis other than to hope that more members will decide to come out and assist. Future research should examine the effect of any additional commitments placed on the PRes and how they could impact recruitment and retention but should also examine if the administrative workload decreases when members are compelled to attend training and make limited commitments to their units.

In the end, Canadians must recognize that if they are to expect more from their armed forces domestically, then the government and the CAF must do more to ensure that the PRes can respond as needed. In addition to any other shortfalls, legislation and organizational structure which may require changes must be addressed. Canadians, if we truly seek to acknowledge that the 21st century will place new responsibilities and stresses on national crisis response resources, will need a new approach, as it pertains to force generation - one that looks past asking how best to “contribute” to both global and domestic crisis, but instead adapts a new posture of questioning what resources are needed to try and *resolve* defence and security issues, both domestic and international. The first step to making modifications needs to start with addressing the domestic response capability-gap. The current approach, which allows the government to respond to a domestic crisis in a manner that it not linked to its actual resolution, forces Canadians to accept unnecessary risk regarding the protection of their lives and property.

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