



## ***DISARMING ARCTIC SECURITY***

*Briefing papers by Ernie Regehr, O.C., Senior Fellow in Defence Policy and Arctic Security*

December 13, 2016

### **Operation NANOOK 2016 and DND aid to civil authorities**

*The Yukon's late August earthquake, its epicentre near Haines Junction, never made the news, but the emergency response effort was impressive. Municipal and territorial first responders attended the scene, and they were soon joined by volunteers and representatives from affected First Nations communities and additional civilian emergency response teams from as far away as Vancouver. A contingent from the 1st Canadian Ranger Patrol Group arrived, along with several hundred Canadian Armed Forces personnel with equipment that included CH146 Griffon and CH147 Chinook helicopters and CC130 transport aircraft. The Minister of National Defence visited the operation, as did the Commissioner of the Yukon (parallel to a provincial lieutenant governor). At least one other Member of Parliament and one Senator attended, and there were observers from the armed forces of the United States, United Kingdom, and France, as well as a small civilian observer group (including Disarming Arctic Security).*

*The earthquake was in fact an imagined event and the very real emergency response effort was a practice run, organized by the Canadian Armed Forces (CAF) as Operation NANOOK. The Yukon scenario and response – centred around a serious natural disaster requiring a whole-of-government response – accurately reflected a key operational reality for the Canadian military at home – namely, its prominent function of aiding those civilian authorities and operations that have the primary responsibility for ensuring public safety in Canada.*

In Operation NANOOK, an annual northern exercise to practice and train for Canadian military operations in the Arctic, the defence of Canada is less about vanquishing enemies bent on undermining sovereignty and violating our territorial integrity, and more about responding to the kinds of natural calamities and human misadventures that can, in the Arctic's challenging environment, quickly overwhelm the capacity of civilian agencies tasked with restoring and maintaining public safety. Assisting civilian authorities and institutions in a broad range of responsibilities in law enforcement, environmental surveillance, and disaster relief is what the Canadian Armed Forces (CAF) do in the Arctic. Indeed, the dominant day-to-day activity of the CAF in the rest of Canada is much the same. Air space surveillance and control and maritime surveillance of approaches to Canadian territory are undertaken by NORAD, but these are most often not national defence operations in the usual sense of that term, they are actually examples of the Canadian Armed Forces aiding civilian law enforcement agencies, like the RCMP, and the Coast Guard in its mission of promoting the safety, security, and accessibility of Canada's waterways.

So, each year the CAF mount an exercise, sometimes in cooperation with other militaries, notably the US, that focuses on working with Canadian non-military agencies and departments of government<sup>1</sup> with responsibilities related to security and public safety in the Arctic. Hence, this year's training response to a simulated crisis in the Yukon was premised on an earthquake, while another part of the exercise responded to a security crisis in the Rankin Inlet region of Nunavut. In the coming years, rather than Operation NANOOK being a single annual exercise, it will become a framework under which a series of exercises will be conducted throughout each year.

The point of such whole-of-government exercises is not only to practice interoperability and cooperation among diverse organizations, departments, and levels of government, and not only to develop technical operational skills, like rescuing adventurers from isolated mountain ridges or workers and residents from collapsed buildings, it is also to build durable and trusted relations between local communities and agencies responsible for various elements of public safety. Indeed, the relevance and urgency of practicing emergency operations in response to natural and human made catastrophes was highlighted, and regularly commented upon, by the voyage this past summer of the cruise ship *Crystal Serenity* through the Northwest passage with some 1,000 passengers on board – a harbinger of increased sea traffic and therefore increased risk of disaster (quite apart from the environmental and social impacts of cruises and other ship transport through Canada's Arctic waters). As it also happened this year, Griffon helicopters and their crews, because they were in the region for NANOOK and were thus available, participated in an actual operation to find and rescue stranded Alaskan paddlers.<sup>2</sup>

The question of when Canadian Forces become engaged domestically in direct assistance to civilian authorities is answered, not by the Forces themselves, but always by civilian authorities and agencies. A whole-of-government approach to emergencies begins with civilian first responders and draws in various government departments and agencies as warranted, and, in special circumstances, the CAF can be called on to assist as mandated by the National Defence Act and the Emergencies Act.

An important distinction is made between CAF's security-related "aid to the civil power" and its disaster relief "assistance to civil authorities." The former term refers to military aid provided to law enforcement forces to restore and maintain law and order, while the latter term encompasses all other forms of assistance the military gives to civilians responding to emergencies. Examples of military support of civilian authorities in both categories include search and rescue, counter-terrorism, emergencies (natural and man-induced), fisheries and border protection, humanitarian assistance, environmental surveillance, special events, and operations to counter drug and arms smuggling and illegal immigration.<sup>3</sup>

The "Aid to the Civil Power" provision of the National Defence Act allows Provinces through their Attorney General, to "requisition aid where a riot or disturbance occurs or is considered as likely to occur." The request is made directly to the Chief of Defence staff and he/she is then obliged to "call out such part of the Canadian Forces as the Chief of Defence Staff...considers necessary for the purpose of suppressing or preventing an actual or likely riot or disturbance." In other words, the chief of Defence Staff is "required" to provide assistance (although the form and extent of that assistance is determined by the military commander).<sup>4</sup>

The Emergencies Act of 1988 replaced the War Measures Act, and it addresses four kinds of emergencies: two of them domestic, public welfare (natural disasters) and public order (threats to security); and two of them international, threats to Canadian sovereignty and territorial integrity and imminent or actual war.<sup>5</sup>

The Government Operations Centre (GOS)<sup>6</sup> within Public Safety Canada is responsible for monitoring and situational awareness at the national-level and for managing and coordinating what it calls “an all-hazards integrated federal emergency response to events (potential or actual, natural or human-induced, accidental or intentional) of national interest.” The GOC website reports that some 250 events each year require a full risk assessment and coordinated response. In addition, some 30 to 40 events with a national security dimension require the same. Civilian authorities are in charge, and when military assistance is sought, the idea is that the military should be “last in, and first out” – the armed forces are intended to be the agency of last resort and they are not to do jobs or tasks that other groups could do.

Instances of domestic military interventions to restore public order in response to social disruption have been rare. The invocation of the War Measures Act in 1970 in the context of the FLQ crisis, and the Oka Standoff of 1990, when the Quebec Premier requested assistance under the National Defence Act, are the only instances of the CAF intervening in a domestic security crisis in the past 60 years. And there have been only four such interventions since World War II.<sup>7</sup>

That is why the declaration, in recent days, by the Federal Natural Resources Minister Jim Carr drew prominent reprimands when he told a business audience, in the context of pipeline politics, that “if people choose for their own reasons not to be peaceful, then the Government of Canada, through its defence forces, will ensure that people will be kept safe.”<sup>8</sup> The minister subsequently back-tracked from those remarks, and NDP MP Randall Garrison rightly pointed out that “the federal government has no such authority to use our military against pipeline protests.”<sup>9</sup> Armed forces help is requested by the province and the Federal Cabinet can intervene only after the relevant province has indicated that the emergency exceeds the capacity or authority of the province to deal with it.<sup>10</sup>

Canadian political authorities have generally been reluctant to deploy military forces in domestic situations of threats to public order. In September 1995 First Nations communities occupied the Canadian forces’ Ipperwash training camp, following decades of dispute over the federal government’s expropriation of part of the Stony Point First Nation reserve for use as a military training camp. The military withdrew in the face of the Native occupation, and left the response to the Ontario Provincial Police, with the police killing a First Nations member, Anthony O’Brien “Dudley” George, in the context of escalating tensions.<sup>11</sup> At Gustafsen Lake in British Columbia in 1995, the CAF provided the RCMP with armored personnel carriers, assault weapons, and night vision equipment during their confrontation with armed protesters, but the CAF did not directly intervene.<sup>12</sup>

More common are aid-to-civil-authorities operations (the kind practiced in the Yukon portion of NANOOK 2016). In the Spring of 1997, for example, the Red River flooded to extraordinary levels, a public welfare emergency was declared, and the Manitoba Premier requested assistance from DND for personnel to build dikes in southern Manitoba. As the flooding exceeded original estimates, increased military support involved infantry personnel, military police, army engineers, and medical

and service units from the land forces, anti-submarine helicopters (which could land in water), clearance divers and small boat units from maritime forces, and helicopter and transport units and airfield engineers from the air force.

The Canadian military historian Sean Maloney notes that most of the work carried out by the CAF in the Manitoba flood “was analogous to common battlefield functions.” He points out that

“Reconnaissance aircraft, ground units, and satellites kept track of the flood's progress, while search and rescue helicopters evacuated the population. Strategic airlift was used to bring in engineering resources from across the country. Military police handled movement control, while combat arms units controlled looting in evacuated areas. Engineer units built and maintained dikes, and diver units kept track of their integrity. The entire operation would have been impossible without the communications provided by divisional and brigade mobile signals units.”<sup>13</sup>

During the 1998 Eastern Canada ice storm more than 14000 soldiers were involved, and, Joseph Scanlon, a Canadian academic and preeminent disaster response expert, describes the array of services provided:

“The soldiers helped with the cleanup. They assisted at nursing homes that were short of staff. They provided extra ambulances. They picked up and delivered fuel, food, bottled water, and firewood. Some dug postholes for new telephone poles; others helped dairy farmers milk their cows by hand.”<sup>14</sup>

Canadian Forces also responded to the 1999 Toronto winter emergency and the 2003 Eastern North America power failure. In 2005 the Canadian Forces assisted firefighters combating British Columbia forest fires. And in December 2005-January 2006 a drinking water emergency in a Northern Ontario First Nations Community led to the Canadian military providing a water purification system.<sup>15</sup>

That military aid to civilian authorities is a long-established function of the CAF was reaffirmed more than two decades ago in the 1994 Defence White Paper<sup>16</sup> which identified a broad range of Department of National Defence (DND) activities in support of other government departments and agencies. These are now widely acknowledged as key military activities and responsibilities.

In peacetime, and even in the acknowledged absence of any military threat, surveillance and control are key responsibilities of the CAF. National frontiers and territory must be monitored, especially to provide credible assurances of the continuing absence of military threats and to assist civilian law enforcement agencies. And, as the White Paper notes, even though “responsibility for many of the Government’s activities in the surveillance and control of Canadian territory, airspace, and maritime areas of jurisdiction lies with civilian agencies,” the CAF play a role because they have the “readiness and reach” that are not usually available to civilian agencies.

In 1991 the renewed NORAD agreement assigned this North American joint command a role in counter-narcotic monitoring and surveillance. Again, monitoring borders for illegal human crossings as well as contraband prevention is a civilian responsibility, but Canadian Forces’ capabilities, for example monitoring and controlling air approaches to Canada, supplement those of other government departments and agencies.

Fisheries protection is a long-standing role for the Canadian Forces. The fisheries patrol operations are led by the Department of Fisheries and Oceans, but DND contributes extensively with both ships and aircraft in surveillance and control activities. The same goes for environmental surveillance. DND and the Department of the Environment have an arrangement related to environmental surveillance and cleanup, and DND, in its routine surveillance mission, seeks “to identify and report potential and actual environmental problems.”

DND’s responsibilities include emergency preparedness and it thus regularly coordinates responses to emergencies with other departments and agencies. And DND also has primary responsibility for air search and rescue and assists the Coast Guard in marine search and rescue. It operates three Joint Rescue Coordination Centres (JRCC) – Victoria, Trenton, and Halifax – with personnel from the CAF as well as the Coast Guard. Ground search and rescue are the responsibilities of the provinces and local police organizations, but the Canadian Forces also act in supportive roles.<sup>17</sup>

The CAF have also provided emergency disaster relief assistance to the United States under the 2008 Civil Assistance Plan, a bilateral agreement which facilitates the military forces of one country supporting authorities in the other during a civil emergency, once civil authorities have requested help. In September of 2008, after the agreement was signed in February of that year, Canadian CC-177 Globemaster strategic lift aircraft responded to Hurricane Gustav by airlifting patients from the southern US, and CC-130 Hercules transport planes helped in humanitarian relief.<sup>18</sup>

Overseas, humanitarian support for emergency responses is the focus of Canada’s Disaster Assistance Response Team (DART).<sup>19</sup> Soldiers and civilians from Global Affairs Canada deploy on short notice to scenes of natural disasters to complex humanitarian emergencies, but only to “permissive” environments and at the request of the host country. DART’s role is to help stabilize an emergency until local authorities and international aid groups can assume responsibility for recovery and reconstruction. It is not a first responder, but assists when local capacity is overwhelmed. Typical DART tasks include water purification, primary medical care, and engineering help.

Canadian Forces also have a history of working with civilian agencies internationally. UN peace support operations are in fact designed to aid civilian authorities and law enforcement, albeit in less permissive environments, by, among other things, helping to extend the authority and services of a host government to all parts of the country. UN-commanded peace support operations are prominently “aid to the civil power” operations (restoration of order and law enforcement), but experience has also shown that the restoration of order and law enforcement are more likely to be successful if they include humanitarian “assistance to civilian authorities.”

As Maloney has noted, military aid to the civil power and to civilian authorities engages battlefield functions. And while war-fighting is generally assumed to be the primary competency sought by armed forces, in fact, that has not been the primary vocation of contemporary Canadian Armed Forces. The day-to-day military operations in Canada are to aid civil authorities, and briefings at NANOOK 2016, as well as a study by a group of Canadian academics,<sup>20</sup> identify some basic principles which are intended to govern domestic Canadian military operations when war-fighting is not the job and when the lead organization is not the military. The first principle is that civil authorities always stay in charge and that the military plays a subordinate role. Second, military personnel

support civilian authorities and are normally not in direct contact with, or in confrontation with, the public. In addition, communication in such civilian-led operations remain open and unencrypted.

In domestic and international operations, humanitarian principles are central in the service of human security. As the UN's office for the coordination of humanitarian affairs define them,<sup>21</sup> the humanitarian principles are: humanity, the obligation to address human suffering wherever it is found; neutrality, the refusal to take sides in the context of hostilities; impartiality, taking humanitarian action on the basis of need alone and giving priority to those in most urgent need without regard for nationality, race, gender, religious belief, class or political opinions; and independence, autonomy from political, economic, military or other objectives.

When military forces are so extensively engaged in tasks and operations led by civilian authorities, the question arises as to when military aid to civilian authorities in disaster relief, for example, are in danger of compromising humanitarian principles and of militarizing what should remain unequivocally civilian tasks and responsibilities? Internationally, when the legitimacy of the host state's government is actively contested, helping to extend the authority and services of that government to all parts of the country is no longer a neutral or impartial activity. That's a lesson persuasively taught in Afghanistan. As humanitarian organizations cooperated with international forces in humanitarian activities, Afghan civilians increasingly understood that aid as coming with a political agenda, and that aid would be more forthcoming when it reinforced the geopolitical objectives of the international forces, including Canadian forces.<sup>22</sup>

Some analysts point out that Canadian history and legislation, as well as the tradition and relatively modest size of the Canadian Armed Forces, mitigate against the militarization of emergency response in Canada.<sup>23</sup> Indeed, the Canadian goal should be to ensure that the CAF's prominent involvement in aid to civil authorities influences and helps to shape Canadian military culture in the direction of enhancing public safety and human security, rather than the military altering the culture of emergency response. In fact, that was a point emphasized in NANOOK 2016 – namely, if the armed forces are to become more effective in working, not only with, but for, civilian authorities, they will have to develop a better understanding of, and be more responsive to, the culture of civilian first responders and humanitarian organizations.

CAF roles and operations in the Arctic both foster and require effective cooperation with civilian authorities and agencies and regular engagement with the communities of the north. To put it simply, as one official did, security in the Arctic is not about guns. At the site of the imagined earthquake near Haines Junction in late summer, it was clear that firepower is not at the centre of what makes an effective military presence in today's Arctic.

## Notes

---

<sup>1</sup> Non-military partners in the exercise were: the Government of the Yukon Territory, Town of Haines Junction, City of Whitehorse. Champagne Aishihik First Nation, RCMP, Public Health Agency Canada, Transport Canada, Parks Canada, Service Canada, Public Safety, Environment Canada, Transport Safety Board.

<sup>2</sup> David Pugliese, "Op Nanook 2016 wraps up – exercise photos," Ottawa Citizen, 03 September 2016. <http://ottawacitizen.com>

<sup>3</sup> TERMIUM Plus, The Government of Canada's terminology and linguistic data bank. <http://www.btb.termiumplus.gc.ca/tpv2alpha/alpha-eng.html?lang=eng&i=1&index=alt&srchtxt=MILITARY%20AID%20CIVIL%20AUTHORITIES>

<sup>4</sup> Canadian Forces' "Duties In Aid Of The Civil Power," Queen's Regulations and Orders, Volume I, Chapter 23. <http://www.forces.gc.ca/en/> National Defence Act, Section 277. <http://laws-lois.justice.gc.ca/eng/acts/n-5/page-1.html>

<sup>5</sup> Domestically, the Act provides for the proclamation of a public welfare emergency in the event of a real or imminent natural catastrophe; disease in humans, animals or plants; or accident or pollution which pose a "danger to life or property, social disruption or a breakdown in the flow of essential goods, services or resources so serious as to constitute a national emergency." The Act also provides for responses to a public order emergency, defined as "an emergency that arises from threats to the security of Canada" as defined by the Canadian Security Intelligence Service Act. Emergencies Act. <http://publications.gc.ca>

<sup>6</sup> Government Operations Centre, Public Safety Canada. <https://www.publicsafety.gc.ca>.

<sup>7</sup> David Etkin, Kenneth McBey, and Cliff Trollope, "The Military and Disaster Management: A Canadian Perspective on the Issue," Canadian Risk and Hazards Network, n.d. <http://www.crhnet.ca/Library/>

<sup>8</sup> Catharine Tunney, "Jim Carr says military comments not a threat to pipeline protesters," CBC News, 02 December 2016. [www.cbc.ca/news](http://www.cbc.ca/news)

<sup>9</sup> Ryan Maloney, "Jim Carr's Remarks About Using Military At Kinder Morgan Protests Were 'Reckless': NDP," Huffington Post, 02 December 2016. [www.huffingtonpost.ca/](http://www.huffingtonpost.ca/)

<sup>10</sup> The Emergencies Act, Section 25-3. <http://laws-lois.justice.gc.ca/eng/acts/E-4.5/page-3.html#h-15>

<sup>11</sup> Sean M. Maloney, "Domestic Operations: The Canadian Approach," *Parameters: US Army War College Quarterly*, Autumn 1997. <http://strategicstudiesinstitute.army.mil>

<sup>12</sup> Sean M. Maloney, "Domestic Operations: The Canadian Approach," *Parameters: US Army War College Quarterly*, Autumn 1997. <http://strategicstudiesinstitute.army.mil>

<sup>13</sup> Sean M. Maloney, "Domestic Operations: The Canadian Approach," *Parameters: US Army War College Quarterly*, Autumn 1997. <http://strategicstudiesinstitute.army.mil>

<sup>14</sup> Joseph Scanlon, "Canadian Military Emergency Response: Highly Effective, but Rarely Part of the Plan," *Military Review*, November-December 2005.

<sup>15</sup> David Etkin, Kenneth McBey, and Cliff Trollope, "The Military and Disaster Management: A Canadian Perspective on the Issue," Canadian Risk and Hazards Network, n.d. <http://www.crhnet.ca/Library/>

<sup>16</sup> 1994 Defence White Paper, Government of Canada Publications. <http://publications.gc.ca/site/eng/429769/publication.html>

---

<sup>17</sup> Search and Rescue Canada, Department of National Defence. <http://www.forces.gc.ca/en/operations-canada-north-america-current/sar-canada.page>

<sup>18</sup> The Canada-U.S. Defence Relationship, "Civil Assistance Plan," Backgrounder, 04 December 2014, Project number: BG 13.055. <http://www.forces.gc.ca/en/>

<sup>19</sup> The Disaster Assistance Response Team (DART), The Department of National Defence. <http://www.forces.gc.ca/en/operations-abroad-recurring/dart.page>

<sup>20</sup> David Etkin, Kenneth McBey, and Cliff Trollope, "The Military and Disaster Management: A Canadian Perspective on the Issue," Canadian Risk and Hazards Network, n.d. <http://www.crhnet.ca/Library/>

<sup>21</sup> OCHA, <https://docs.unocha.org>

<sup>22</sup> Taylor Owen and Emily Paddon, "Whither Humanitarian Space? Integrating militaries and humanitarian actors in Afghanistan came with a cost." *Open Canada*, 8 June 2012. <https://www.opencanada.org/features/whither-humanitarian-space/>

<sup>23</sup> David Etkin, Kenneth McBey, and Cliff Trollope, "The Military and Disaster Management: A Canadian Perspective on the Issue," Canadian Risk and Hazards Network, n.d. <http://www.crhnet.ca/Library/>