



**THE REORGANIZATION OF CANADA'S NATIONAL
SECURITY INFRASTRUCTURE:
SEPTEMBER 2001 TO APRIL 2004**

**LA REORGANISATION DE L'INFRASTRUCTURE DE LA
SECURITE NATIONALE DU CANADA: SEPTEMBRE 2001 A
AVRIL 2004**

A Thesis Submitted to the Division of Graduate Studies of the Royal Military College of Canada

By

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Statement of Ethics Approval

The research involving human subjects that is reported in this thesis was conducted with the approval of the Royal Military College of Canada General Research Ethics Board, by way of letter reflecting an approval date of August 23, 2018.

This project is dedicated to the men and women of Canada's national security agencies, whose efforts and successes remain largely unheralded due to the nature of their day-to-day taskings. At the same time, they are the 'sharp end of the stick' when it comes to fulfilling the government's primary function-the safety and security of its citizens. "If you want applause, join the circus" was the final catch-phrase in the film *Argo*, which covered the now familiar escape of American embassy staff out of Tehran with the assistance of the Government of Canada. This is an apt credo for those have chosen to serve in this field.

I would also like to dedicate this project to my family. To my wife Louise who planted the seed to seek a higher level of understanding in a subject she knows I hold dear to my heart, and who willingly accepted the steady stream of books being delivered to the house. And to my children – Sarah, Patrick, Richard, Jessica and Holly, who offered constant encouragement and inspiration to "keep at it!".

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Abstract

In the immediate wake of the tragic events of 11 September 2001 (9/11), much in the way of academic discourse within Canada focussed on the Government of Canada's (GoC) initial policy and program responses to the threat posed by transnational terrorism. These included the introduction of Canada's *Anti-Terrorism -2001* and *Immigration and Refugee Protection* Acts, the Smart Border Accords and the security budget of December 2001. Political, academic and media communities concentrated their efforts on the introduction of new investigative powers for the state and how they impacted traditional Canadian values and norms, how there was a need to acknowledge and appreciate US security concerns in the aftermath of 9/11 and how this was linked to keeping trans-border commercial traffic flowing, and domestic sensitivities associated with Canadian sovereignty in the face of calls by certain communities within both Canada and the US for fully integrated continental security.

However, little, if any, scholarly attention has been directed towards the rationale and timing behind the reorganization of Canada's national security infrastructure that took place primarily in late 2003 and early 2004 under Prime Minister Paul Martin, that was presumed to be driven largely by the impacts of transnational terrorism. This is the focus of this study. This restructuring included the creation of fifteen different agencies, including the Department of Public Safety and Emergency Preparedness, Canada Border Services Agency, the office of the National Security Advisor to the Prime Minister, and the Integrated Terrorist (Threat) Assessment Centre, amongst other entities.

It is commonly perceived the rationale behind the reorganization in Canada was driven by the need to mimic similar efforts ongoing in the US. Organizational initiatives south of the 49th parallel were being undertaken to address concerns regarding inter-agency coordination and "jointness", or a lack thereof, as identified in the *9/11 Commission Report*, and to prevent against follow-up attacks.

Research supports the view, however, the GoC's primary policy interests regarding the impact that 9/11 may have had on Canada, particularly its relations with the US, were largely addressed by the initiatives noted above and implemented in 2001 /2002. Furthermore, there is no clear evidence there were concerns on the part of Canadian decision makers regarding a willingness to share of information and coordination between Canadian security agencies prior to 9/11 as was the case in the US.

Consequently, the general hypothesis is while there were certainly some similarities between Canadian and US efforts in the reconfiguration of their respective national security agencies, the reorganization of Canada's national security infrastructure, and the timing behind it, was not driven by a need to mimic parallel efforts in the US. Instead, as with other international partners, it reflected an acknowledgement that the threat posed by transnational terrorism touched on a greater number of policy and program centres within the GoC as compared to threats posed by the Cold War. This necessitated an organizational response in support of the need to better manage and integrate the agendas of an increased number of GoC departments and agencies that now had a national security mandate. Beyond that, there was a need to align the organizational infrastructure to support efforts to strengthen the policy and program linkages behind a new national security policy and a counter-terrorism strategy that included the means to provide for prevention, response and recovery from terrorist attacks, and the securitization of non-traditional, "human" security issues.

This study also explores why most of the key organizational changes within the GoC occurred some two years after the 9/11 attacks, and immediately after the political transitioning between the Chretien and Martin administrations.

The reorganization of the GoC's national security infrastructure serves as a case study of punctuated equilibrium theory. This theory suggests that, under normal circumstances, organizational structures typically remain static or undergo modest incremental changes, until driven to undertake some form of comprehensive response to extraordinary, and most often externally generated, circumstances. It also suggests that, while the punctuated equilibrium theory provides an explanation of why and when the organizational changes took place, how the GoC responded was dictated, supported and guided by established organizational and normative institutions consistent with the theory of historical institutionalism.

Resume

Dans la foulée immédiate des événements tragiques du 11 septembre 2001 (11 septembre), le discours académique a été largement axé sur les politiques et les programmes initiaux du gouvernement du Canada (GC) face à la menace posée par le terrorisme transnational. Celles-ci comprenaient l'introduction de la *loi antiterroriste – 2001 et la loi sur l'immigration et la protection des réfugiés*, les Accords sur la frontière intelligente et le budget de sécurité de décembre 2001. Les communautés politiques, universitaires et médias ont concentré leurs efforts sur l'introduction de nouveaux pouvoirs d'enquête et comment elles ont eu une incidence sur les valeurs et les normes canadiennes traditionnelles, sur la nécessité de reconnaître et d'apprécier les préoccupations des États-Unis en matière de sécurité après le 11 septembre et sur la manière dont elles étaient liées au maintien du trafic commercial transfrontalier et aux sensibilités nationales associées à la souveraineté canadienne dans le pays, face aux appels lancés par certaines communautés au Canada et aux États-Unis pour une sécurité continentale pleinement intégrée.

Cependant, peu ou pas d'études ont été consacrées à la logique et au timing de la réorganisation de l'infrastructure de sécurité nationale du Canada, qui a eu lieu principalement à la fin de 2003 et au début de 2004 sous le Premier ministre Paul Martin, présumément occasionnés grandement par les impacts du terrorisme transnational. C'est l'objet de cette étude. Cette restructuration comprenait la création de quinze agences différentes, notamment le ministère de la Sécurité publique et de la Protection civile, l'Agence des services frontaliers du Canada, le bureau du conseiller national pour la sécurité auprès du Premier ministre et le Centre intégré d'évaluation du terrorisme (menace), entre autres.

Il est communément présumé que la restructuration de la réorganisation au Canada était motivée par la nécessité d'imiter des efforts similaires en cours aux États-Unis. Des initiatives organisationnelles au sud du 49e parallèle ont été lancées pour répondre aux préoccupations concernant la coordination inter-institutions et le caractère «conjoint», telles qu'elles ont été identifiées dans le *9/11 Commission Report*, et pour prévenir les attaques potentielles subséquentes.

Les recherches confirment toutefois que les principaux intérêts au niveau des politiques gouvernementales concernant l'impact potentiel du 11 septembre sur le Canada, en particulier ses relations avec les États-Unis, ont été largement pris en compte dans les initiatives susmentionnées et mises en œuvre en 2001-2002. De plus, rien n'indique clairement que les décideurs canadiens étaient préoccupés par le partage

d'informations et la coordination entre les agences de sécurité canadiennes avant le 11 septembre, comme c'était le cas aux États-Unis.

Par conséquent, l'hypothèse générale est qu'il existe certes des similitudes entre les efforts du Canada et des États-Unis dans la reconfiguration de leurs agences de sécurité nationales respectives, mais que la réorganisation de l'infrastructure de sécurité nationale du Canada et son timing ne sont pas nécessairement motivés par la nécessité d'imiter efforts parallèles aux États-Unis. Au lieu, comme d'autres partenaires internationaux, cela reflétait la reconnaissance du fait que la menace posée par le terrorisme transnational touchait un plus grand nombre de centres de politiques et de programmes au sein du gouvernement du Canada par rapport aux menaces posées par la guerre froide. Cela a nécessité une réponse organisationnelle à l'appui de la nécessité de mieux gérer et intégrer les programmes d'un nombre croissant de ministères et d'organismes du GC qui ont maintenant un mandat en matière de sécurité nationale. Au-delà, il était nécessaire d'aligner l'infrastructure organisationnelle pour soutenir les efforts visant à renforcer les liens entre les politiques et les programmes à la base d'une nouvelle politique de sécurité nationale et d'une stratégie antiterroriste, qui prévoyait notamment les moyens de prévenir, de réprimer et de récupérer des attaques terroristes, et la sécurisation des questions de sécurité non traditionnelles «humaines».

Cette étude explore également pourquoi la plupart des changements organisationnels clés au sein du GC ont eu lieu environ deux ans après les attentats du 11 septembre et immédiatement après la transition politique entre les administrations Chrétien et Martin.

La réorganisation de l'infrastructure de sécurité nationale du GC sert d'étude de cas de la théorie de l'équilibre ponctué. Cette théorie suggère que, dans des circonstances normales, les structures organisationnelles restent généralement statiques ou subissent de modestes changements progressifs, jusqu'à ce qu'elles soient amenées à apporter une forme de réponse globale à des circonstances extraordinaires, le plus souvent générées à l'extérieur. Cela suggère également que, même si la théorie de l'équilibre ponctué fournit une explication de la raison et du moment des changements organisationnels, la réponse du gouvernement du Canada a été dictée, soutenue et guidée par des institutions organisationnelles et normatives établies conformes à la théorie de l'institutionnalisme historique.

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LIST OF ABBREVIATIONS

AQ: Al-Qaeda

CATSA: Canadian Air Transport Security Authority

CBRNE: Chemical, biological, radiological and nuclear

CBSA: Canada Border Services Agency

CCR: Cross Cultural Round Table

CIA: Central Intelligence Agency (US)

CSE: Communications Security Establishment

CSIS: Canadian Security Intelligence Service

CT: Counter-Terrorism

DCI: Director of Central Intelligence (US)

DFAIT (Department of Foreign Affairs and International Trade, now GAC)

DHS: Department of Homeland Security (US)

DND: Department of National Defence

DNI: Director of National Intelligence (US)

FBI: Federal Bureau of Investigation (US)

FEMA: Federal Emergency Management Agency (US)

FINTRAC: Financial Transactions and Reports Analysis Centre of Canada

FLQ: Front de libération du Québec

GAC: Global Affairs Canada

GoC: Government of Canada

GOC: Government Operations Centre

GWOT: Global War on Terrorism

HI: Historical Institutionalism

HSC: Homeland Security Council (US)

HUMINT: Human (derived) Intelligence

INSAC: Integrated National Security Assessment Centre

IRA: Irish Republican Army

IRPA: Immigration and Refugee Protection Act

ITAC: Integrated Threat (now Terrorism) Assessment Centre

LTTE: The Liberation Tigers of Tamil Eelam

MI6: Secret Intelligence Service (SIS), UK foreign intelligence service

MSOC: Marine Security Operations Centre

NCTC: National Counterterrorism Center (US)

NORAD: North American Aerospace Defence Command

NSA: National Security Advisor to the Prime Minister (Canada)

NSA: National Security Agency (signals intelligence –US)

NSA: National Security Advisor (Assistant to the President for National Security Affairs- US)

NSC: National Security Council (US)

OCIPEP: Office of Critical Infrastructure Protection and Emergency Preparedness

PCO: Privy Council Office

PMO: Prime Minister's Office

PSEPC: Public Safety and Emergency Preparedness Canada

RCMP: Royal Canadian Mounted Police

SIGINT: Signals (technically derived) intelligence

Sol-Gen: Department of the Solicitor-General

TTIC: Terrorist Threat Integration Center (US)

USCG: United States Coast Guard (US)

USNORTHCOM: United States Northern Command (US)

WMD: Weapons of mass destruction

“The face of the threat is so different that an emerging issue or trend is not always recognized as being problematic until it has escalated” – Solicitor General Lawrence MacAulay, December 1999

PREFACE

IT WAS A BEAUTIFUL LATE SUMMER MORNING ON SEPTEMBER 11, 2001

At 8:46 on the morning of Tuesday September 11, 2001, the time when the first Boeing 767 aircraft struck the north tower of the World Trade Centre in New York, I was in my office in one of the departments of the Government of Canada (GoC), most likely reviewing e-mails incoming late from previous day or those arriving earlier that morning. It was a perfect, sunny, late-summer day, and many of my colleagues were still lamenting the all-too-quickly passing of the summer vacation season given the “Ferris Bueller”-like conditions of the day.

Some ten minutes later, the first reports of the north tower strike were being broadcast on cable news networks, and word quickly passed through the office of emerging events. While the impact of such a tragedy was immediately evident on a number of fronts, I seem to recall not being able to intuitively connect the possibility of such a ‘collision’ given the sophistication of current navigation and accident-avoidance technologies in modern jet aircraft. Obviously gross human error must be a factor. In any event, a number of us gathered in the office where the closest television set was located, just in time to see the live images of a second aircraft strike the south tower. The disbelief of the little group gathered in the office was palpable, no doubt simultaneously echoed throughout the international community. A little more than half an hour later, American Airlines Flight 77 struck the Pentagon. Flight 93 crashed into Somerset County in Pennsylvania just after 10:00 a.m., when the aircraft’s hijackers decided to down the plane before the cockpit door was breached by passengers seeking to overcome them. It was subsequently presumed the ultimate target of Flight 93 was either the White House or the Capital Building. Along with thousands of Americans, citizens of many countries, including twenty-four Canadians, died that day.

The immediate impact of the events of 9/11 on those in the office was a blanket lockdown of federal buildings in Ottawa. Some complained we should get the rest of the day off instead. Given there was absolute certainty that there was no clear or immediate broad-based understanding behind the ‘who’ and ‘why’ and possible extent of the attacks, a lockdown seemed to be the only option available to those responsible for the protection of Canada’s federal public servants.

The World Trade Centre had previously been successfully attacked by persons engaged in what could be considered ‘proto’-transnational, jihadist-based terrorism in 1993, (followed by planned but interrupted attacks on the New York subway system and other landmarks). In Canada, the case of the “Millennium Bomber” in 2000, served as a harbinger of future domestic links to transnational terrorism. Nevertheless, religious-based ideological attacks against Westerners, though not unfamiliar, were something that was perceived as occurring ‘abroad’. These included kidnappings and car bombings in Lebanon between

1982-1992, attacks on the Khobar Towers in Saudi Arabia in 1996, the US embassies in Nairobi and Dar Es Salaam 1998, and the USS *Cole* in Yemen in 2000. Domestic terrorism in North America was something that was typically generated by right-wing extremists (Oklahoma City bombing), leftist anarchists or special interest groups that were locally based. These incidents were considered a law-enforcement / criminal issue, resulting in counter-terrorism strategies that were responsive in nature. However, like the attack on Pearl Harbour some sixty years previous, 9/11 dramatically altered the American (and western) psyche regarding the nexus between externally generated attacks against the homeland. Furthermore, it soon became clear that terrorism had assumed a vastly enhanced but nebulous global dimension and infrastructure. There was no clearly identifiable target or state that could suffer retaliation for the attack. Furthermore, terrorism was no longer limited to activities of groups whose acts of violence tended to result in minimal casualties. Technology had put unprecedented destructive power into the hands of a small group of people. It was, as noted by Anthony Campbell, “a revolution in terrorist affairs.”¹

Some broad academic debates related to the 9/11 attacks and transnational terrorism continue to this day. First, to what degree is transnational terrorism ultimately politically motivated, as the objective of terrorism was traditionally viewed? Or is it driven by a religious ‘jihadist’ ideology that ultimately seeks to establish the universal application of a belief system based on a strict application of 8th century theological law regarding the conduct of both individuals and states.² It was observed in a Senate of Canada report that terrorist groups motivated by religion “appear to have a different value system from traditional terrorist groups and appear less concerned about causing high civilian casualties in a terrorist action. Traditionally, terrorist groups eschewed mass slaughter lest it prompt abhorrence of the group and rejection of their aims.”³ On the other hand, Laqueur notes, “Religious fanaticism is an obvious factor in motivation, but the countries in which most Muslims live (India and Indonesia, for instance), have been largely free of suicide terrorism.”⁴ And outside of a group’s core leadership, are regional ‘affiliates’ of terrorist groups really that committed to a certain belief system, or are they merely piggybacking with a particular group’s leadership for funding or training but, at heart, their objectives are indeed more traditional- nationalist, ethnic or even criminal in nature? In any event, as noted by the United States 9/11 Commission report, “In the post 9/11 world, threats are defined more by the fault lines within society than by territorial boundaries between them”⁵

Second, there have been differing views within academia to the degree that 9/11 really ‘changed things’. On the one hand, for example, Robert Kagan noted 9/11 didn’t result in a “doctrinal revolution” when it came to US engagement abroad, one based on a post-Cold War foundation of the pursuit of liberal hegemonic interests as opposed to being the leader of the Western anti-communist coalition. Rather,

¹ Anthony Campbell, “Canada-United States Intelligence Relations and Information Strategy” in *Canada Among Nations 2003*, *Coping with the American Colossus*, eds. D. Carment, F. Hampson, N. Hillmer, (Toronto, Oxford University Press, 2003), 158.

² Martin Rudner, “International Terrorism Dimensions of a Security Challenge” in *Terrorism, Law and Democracy*, (Ottawa, Centre for Security and Defence Studies- Carleton University, 2002), 10.

³ Government of Canada,, *The Report of the Special Committee on Security and Intelligence-Chapter 1* (Ottawa, 1999), <https://senate.ca/content/sen/committee/361/secu/rep/repsecintjan99>

⁴ W. Laqueur , *A History of Terrorism*, (Transaction Publishers, London, 2016)(Originally published as “Terrorism’ in 1977), xi

⁵ National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, (New York, W.W.Norton And Company, 2004) 361-62

American foreign policy merely had to be adjusted by encompassing a more expansive and global strategy, while still reflecting more narrowly defined post- Cold War interests, in this case national security.⁶ He also added “America did not change on September 11. It only became more itself.”⁷ Other “unruffled” observers suggested the attacks merely brought America “into the club of the vulnerable” to which the rest of the world had already belonged.⁸ Richard Betts posited that “The notion that the 21st century required a whole new approach to a whole new ballgame [in response to the threat of transnational terrorism] may of course seem intuitively right, but it is, in fact, wrong.”⁹ Even as it pertained to Canada, Kent Roach noted “September 11 did not change everything. Rather, it accelerated a number of pre-existing challenges already faced in Canada”¹⁰ David Jones adds “Sophisticated Canadians are aware that 9/11 changed the world for the United States. However, only a tiny minority of Canadians believes that it likewise changed the world for Canada”.¹¹

Of course many others (Hoffman, Wright, Bergen, Crenshaw, Lacqueur, et al) have suggested transnational terrorism, in the aftermath of 9/11, resulted in a paradigm shift underpinning the construct of Western national security, foreign and defence policy, and the need to re-assess the perception of threats and risks from non-state, transnational terrorism facing countries and governments around the world.

In this context, transnational terrorism was new, in that it reflected, to some degree, the structure of a post-Cold War globalized economy. The free flow of monies (funding), populations (operatives), networked cells (characterized in some circles as “leaderless jihad”, but with more extensive partnering) , and the use of social media (unparalleled access to potential recruits and adherents), provided terrorist groups with the capacity to undertake attacks anywhere in the world, as opposed to operating in a defined state or region. Furthermore, the US administration’s response to the attacks of 9/11, the “Global War on Terrorism” (GWOT), provided the subsequent policy and strategic underpinnings for the “Bush Doctrine” and its parallel pillars of unilateralism and pre-emptive/preventative interventions abroad, Afghanistan and Iraq being the most obvious examples. Even traditional allies, including Canada, were put on notice as to US intentions related to its security going forward, when President Bush stated “Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists.” It was clear going forward that the Bush administration would judge the rest of the world “by American standards, and not the other way around.”¹²

Third, there is debate about whether Al-Qaeda (AQ) specifically remains a relevant, hierarchical, organization after it was forced to relocate from Afghanistan and which remains under constant counter-

⁶ Robert Kagan, “The September 12 Paradigm”, in *Foreign Affairs*, (September / October 2008), <https://www.foreignaffairs.com/articles/2008-09-01/september-12-paradigm>

⁷ Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York, Alfred A Knopf, 2003), 85

⁸ Stephen Clarkson, “Uncle Sam and US One Year Later: The Geopolitical Consequences for Canada of September 11th”, in *Canadian Issues*, No, 12 Vol 2. (Toronto, University of Toronto, September 2002), homes.chass.utoronto.ca/~.../Uncle%20Same%20and%20Us%20One%20Year%20Later...

⁹ Richard Betts, “How To Think About Terrorism” in *Wilson Quarterly*, Vol 30, No 1 (Winter 2006),46

¹⁰ Kent Roach, *September 11: Consequences for Canada*, (Montreal, McGill-Queens University Press, 2003), 15.

¹¹ David Jones, “When Security Trumps Economics: The New Template of Canada-US Relations”, in *Policy Options*, (June-July 2004), 7

¹² Joel Sokolsky, “Between a Rock and a Soft Place: The Geopolitics of Canada-US Security Relations “ in (ed) H. Segal, *Geopolitical Integrity*, (Montreal, The Institute for Research on Public Policy, 2005), 303

terrorism pressure, or whether the same events resulted in it practically disappearing as a hierarchically structured entity. Hoffman leads the school of thought that AQ continues to provide strategic direction to associated or affiliate AQ groups worldwide.¹³ Alternatively, Sageman suggests that AQ is now more of an ‘ideology’ that, while it inspires a disparate number of terrorist groups or individuals around the world, it no longer provides leadership or strategic direction (“leaderless jihad”).¹⁴ This is characterized in more colloquial terms as the ‘bunch of guys’ theory.

Despite an institutionalized pronouncement that “there can be no more important obligation for a government than the protection and safety of its citizens”, and that “security is the foundation of our prosperity”¹⁵, in the Canadian context, Wark notes, like other western countries, “The extent of the threat revealed by the 9/11 attacks came as a shock to the political system. Canadian responses to security threats post 9/11 were a reflection of the trauma occasioned by the event”.¹⁶ Madame Justice Constance Hunt of the Alberta Court of Appeal observed the events of 9/11 resulted in a “changed landscape that had sweeping effects on all sectors of Canadian society.”¹⁷ Clearly, the events of 9/11 had a significant impact on the GoC’s policy agenda, as safety and security rocketed to the top of the policy batting order, at least for the first few years after 9/11. This was due to the need to be seen as ‘doing something’ in response to public angst, to address US concerns regarding its northern border, and to contribute to greater cooperation and coordination at the international level in response to the nature of the threat. In parallel, the topic of terrorism received unprecedented attention on the part of academia, law makers, the media, and operators alike (unfortunately resulting in many “instant experts”).

The attacks impacted Canada-US relations in the immediate period after 9/11, driven by US concerns regarding the security of the Canada-US border. This reflected a broader and deeper concern in certain US communities with Canada’s perceived lack of due diligence or security concerns when it came to its immigration and refugee policies and programs. The view that “security trumps trade”¹⁸ also implied possible adverse ramifications for cross-border commercial traffic, a core element of Canada’s economic infrastructure, if Ottawa did not immediately and effectively address Washington’s perceptions and concerns about the GoC’s lax immigration practices.

Prior to 9/11, Canada had not been immune to domestic terrorist attacks, or as serving as a base for facilitation and support networks for terrorist groups centred abroad. But other than the FLQ bombings and kidnappings in the 1960 and early 1970s, and isolated incidents by special interest groups (e.g. attacks on electrical power stations), terrorist attacks that occurred in Canada were largely viewed as tangential events that were linked to independence movements or grievances of communities located abroad. The Air India bombings of 1985, attacks on Turkish diplomats by aggrieved Armenians, support

¹³ Bruce Hoffman, “Why Osama bin Laden Still Matters, in *Foreign Affairs*, (May 3, 2008) <https://www.jstor.org/stable/i2003264>

¹⁴ Marc Sageman, *Leaderless Jihad: Terror Networks in the Twenty-First Century* (Philadelphia, University of Pennsylvania Press, 2008)

¹⁵ Government of Canada, Privy Council Office of Canada, *Securing an Open Society: Canada’s National Security Policy*, (Ottawa, Government of Canada, April 2004) vii, 1

¹⁶ Wesley Wark, *National Security and Human Rights Concerns: A Survey of Eight Critical Issues in the Post 9/11 Environment*, (Ottawa, Canadian Human Rights Commission, 2006), 16

¹⁷ D.Daubney, W.Deisman, D. Dutra, E.Mendes, P. Molinare, *Terrorism, Law and Democracy*, (Montreal, The Canadian Institute for the Administration of Justice, Les Editions Themis, 2002), 195

¹⁸ Then US Ambassador to Canada Paul Celucci, quoted in an article in the *Globe and Mail*, March 23, 2003

networks and funding for the Liberation Tigers of Tamil Eelam (LTTE), Hezbollah or HAMAS, were perceived as outcomes of the domestic affairs of others, and not a direct threat to the safety of Canadians or Canadian interests. As suggested in this study, even in the aftermath of 9/11, some Canadian decision makers did not see Canada as being as directly threatened by transnational terrorism as compared to the US. Nevertheless, as early as 1987, a Special Senate Committee of Canada report on terrorism and public safety noted “In the Committee’s view, international terrorism presents a major challenge to Canada, to Canadian policy, to intelligence and to law enforcement, currently and for the foreseeable future.”¹⁹

The resulting effects of 9/11 on Canada, and the need for a suitable and sustained policy and program response on the part of the GoC, focused on three main drivers. First, the need to respond to US security concerns regardless of whether Canadian decision makers did not view the threat in the same way. Second, the need to develop a national counter-terrorism strategy that had prevention at its core (previous strategies focused primarily on response). Third, the realization that the threat posed by transnational terrorism required strategies and policy coordination that touched on a much more diverse range of policy centres within the GoC (transportation, immigration, health, border control, terrorist financing, local government and private sector participation) as compared to the nature of the threat posed by Cold War antagonists and associated response strategies.

Much academic investigation has been applied to the GoC’s initial policy responses to the events of 9/11 during the first year after the attack. The investigation and research conducted in support of this study focuses instead on the rationale and timing behind how Canada’s national security infrastructure was reorganized in the aftermath of 9/11, which took place mostly in late 2003 and early 2004. This is an area of study that has remained largely untouched.

Public expectations related to safety and security in Canada, and the associated policy responses on the part of government, represent something of a dichotomy. The GoC’s *Open Society* national security policy of 2004 states that the safety and security of its citizens is the prime responsibility of any state. Taken to the extreme, and especially in the case of terrorism, citizens expect their governments to provide 100 percent protection, together with the means to ensure this will be accomplished.²⁰ Against this backdrop, safety and security at the domestic level was not, in reality, traditionally high on the political agenda of any Canadian government in the years prior to 2001. The attacks of 9/11 temporarily changed this dynamic. However, as the nature of the threat from transnational terrorism became better understood over time, and measures deemed appropriate in response were implemented, and even in the aftermath of isolated terrorist incidents within Canada since 9/11, domestic public safety and security is faced once again with having to compete for a place on the national policy agenda against more politically pressing social-economic issues.

The threat posed by transnational terrorism reflected a very different kind of threat than did conventional armed conflict. Because of its use and acceptance of mass, indiscriminate terror, an opaque command structure, the use of embedded cell networks, and globalized facilitation infrastructures, the new threat was exceptionally complex. David Charters suggests that a response to the threat was made all the more

¹⁹ Government of Canada, Senate of Canada, *The Report of the Special Committee on Terrorism and the Public Safety*, (Collingdale PA, Diane Publishing Co. June 1987), 8

²⁰ Ruth Hubbard and Gilles Paquet, *Probing the Bureaucratic Mind*, (Ottawa, Invenire, 2014), 21

difficult as “Canada’s organizational, legal and policy instruments have not always been adequate or appropriate to the task of counterterrorism and may not have kept pace with the changing character of international terrorism.”²¹ While this observation has considerable validity, the leadership of security agencies around the world, especially those of liberal-democratic western states, would agree that Canadian decision-makers were not alone when it came to not fully appreciating the nature of transnational terrorism and the paradigm shift in the management of the national security agenda that was required in response. As a result of its efforts, while Canada has not necessarily gained a comparative advantage in comparison to its partners abroad, its improved security and intelligence infrastructure has enabled it to act at the domestic level to prevent and respond to terrorist incidents, and with a much greater degree of utility and credibility than in the past.

Experience obtained in thirty-seven years as a public official within the GoC, serving largely in a capacity as a policy and strategic analyst in both operational and strategic environments (many of these years in the service of the GoC’s national security community) has been invaluable in helping me focus on key policy, programming and ‘machinery-of-government’ issues associated with the conduct of this study, and in the construct of data collection methodologies.

I would like to express my appreciation to those individuals who took the time to share with me their experiences and perspectives related to the events of the day. While most no longer serve as key decision makers within political and bureaucratic domains, they nevertheless remain incredibly busy on a day-to-day basis. They were willing to respond in a positive and candid manner to my efforts to probe their thoughts and views on the subject matter at hand.

²¹ David Charters, “The (Un)Peaceable Kingdom? Terrorism and Canada Before 9/11, in *IRPP Policy Matters*, Vol 9, No 4, October 2008), 3

CHAPTER 1

INTRODUCTION: WHY ARE YOU READING THIS? WHAT THIS STUDY INTENDS TO DO AND WHY IT MATTERS

Before any journey, it is always best to situate yourself relative to your ultimate destination. This is to help provide some guidance and context on how the journey can best be accomplished, and what the expectations are along the way. This is the purpose of this opening, introductory section. In broad terms, it situates this study relative to associated studies that have been previously undertaken, and explains why this study brings some scholarly ‘value-added’ to the field of Canadian national security studies. It also identifies key questions that require investigation in support of the final conclusions of the study, introduces the reader to how the study serves to link ‘theory’ to events, and how the latter serves as a case study for the former.

We must cultivate a leadership in whom we trust, an educated populace of mature citizens well aware of the trade-offs implicit in the human condition, and institutions that can adjust to the changes that protecting our rights-under the conditions imposed by reality.- Phillip Bobbitt ²²

There can be no greater role, no more important obligation for a government, than the protection and safety of its citizens.- Government of Canada ²³

As noted by Hubbard and Pacquet:

Public administration is a complex affair of *menage a trois*. It pertains to the interactions among elected officials, bureaucrats and citizens in the face of various challenges, ranging from the need to ensure stability in the provision of public goods required by the citizens, to the obligation to improvise and innovate in refurbishing the stewardship of the public household to redesign new frames of reference because the socio-economy is being transformed. There are a lot of subsidiary characters-holy and unholy- carousing around the main actors and pretending to add value to the game. Some perform useful intermediation services; others are agents of distortion and value reducing.²⁴

Governments are required to continually innovate in order to be able to provide citizens with the key services they depend on. The safety and security of Canadians and Canadian interests is identified as *the* number one policy priority of the government. ²⁵ It is within this context that the focus of this study is to

²² Philip Bobbitt, *Terror and Consent: The Wars for the 21st Century*, (New York, Anchor Press, 2009), 542

²³ *Open Society National Security Policy*, vii

²⁴ Hubbard and Pacquet, *Probing the Bureaucratic Mind*, 1

²⁵ *Open Society policy*, vii

explain the rationale and timing behind the organizational changes to Canada's national security infrastructure in the aftermath of the events surrounding the terrorist attacks of 9/11.

The Canadian government's efforts in the initial few months after 9/11 focused on priority policy interests that were largely, but not exclusively, to address comprehensive US policy and program responses to the attacks. Canadian economic (trade), sovereignty and Canada-US security issues were addressed mostly through domestic legislation and bilateral agreements with the US undertaken within the first year of the attacks. But moving beyond the Canada-US nexus, the main challenge for all countries that were a potential target of global terrorism in the immediate post-9/11 period, was that policy and program responses were required for a problem that was acknowledged early on as being both long-term, not entirely understood or well defined and, at the time, planned and executed by unfamiliar non-state entities residing abroad. A considerable body of academic work has focused on the GoC's initial policy and program responses, with studies examining the co-mingling of issues related to bilateral security issues with the US, security, economy and trade, Canadian sovereignty, and human rights and privacy laws.

However, the most significant organizational changes to Canada's national security framework took place some two years after the 9/11 attacks, in the period between December 2003 and April 2004 with the coming to power of the majority Liberal government of Paul Martin, and, in parallel, the release of Canada's first and only national security policy entitled *Securing an Open Society: Canada's National Security Policy*. This suggests there were ongoing internal policy and timing issues and discussions regarding the organizational structure deemed necessary to support Canada's national security response to the range of threats (i.e. not just terrorism) to Canadian society within two Liberal administrations (Chretien and Martin) and between the events of September 11 and the lead-up to the April 2004 release of the *Open Society* policy.

In order to contribute scholarship on this specific issue, the focus of this study will be investigating the GoC's underlying rationale, as to the 'logic', structure, and timing, behind the reorganization of Canada's national security agencies in the aftermath of 9/11. This is an area of study that has remained largely untouched. Most of the primary research in support of this study was gathered through interviews that provided the perspective of members of the small group of key elected or senior officials who were tasked with developing the GoC's response to the 9/11 attacks, or the subsequent reorganization of Canada's national security infrastructure. The period under examination will span from September 11, 2001 to the release of the *Open Society* policy in April 2004.

It is quite possible that the rationale or 'business case' behind the number of organizational changes that were undertaken in the period under study was not homogeneous. Further investigation may point to a number of different rationales, all of which had merit from a policy or program perspective at the time. Nevertheless, the GoC strategy to address the threat from transnational terrorism touched on a greater number of non-traditional policy centres within the GoC when compared to the Cold War. It is not appropriate to suggest the complete absence of any government machinery processes in place to coordinate security-related issues prior to 9/11. However, strategic management of the national security agenda, particularly at the domestic level, assumed a greater policy profile post-9/11. This demanded the need for an organizational infrastructure that promoted greater policy and program interaction, and cooperation, coordination and the means for information exchange between a greater number of players with a security mandate within the GoC. This study argues this was the main driver behind the

reorganization of Canada's national security community, and was a product of Canada's institutions, political processes, systems, culture, and history. A separate but parallel line of inquiry examines the possible issues behind why a majority of the key organizational changes took place some two years after September 2001, under a new Martin administration.

There are two prevailing interpretations or assumptions as to why Canada organized its national security infrastructure the way it did in the post 9/11 period. First, it tried to replicate, as best as possible, the organizational restructuring that was taking place in parallel in the US - the creation of the Office, and then Department, of Homeland Security being the best known. Second, and somewhat related to the first, the reorganization was required to facilitate greater cooperation between national security agencies in Canada, to mitigate the impact of the 'stove-piping' of information and intelligence amongst agencies. The inability or unwillingness to share information between US security agencies was identified in the immediate post-9/11 period, and ultimately in the 9/11 Commission Report, as being one of the main causes of the resulting 'intelligence failure' that characterized the 9/11 attacks. Consequently, challenges with information and intelligence sharing amongst existing security agencies were assumed to exist in Canada as well and, by extension, were perceived as being one of the key drivers behind the reorganization of Canadian national security agencies.

As this study suggests in subsequent chapters, an argument can be made *within the broadest of contexts*, that Canada did indeed mimic organizational restructuring initiatives being undertaken in the United States, in that both countries were obliged to focus on organization initiatives that served to enhance domestic security capacities and the related role of civilian agencies in the aftermath of the 9/11 attacks. However, the study also argues the hypothesis that *Canada's specific organizational initiatives related to the reorganization to its national security infrastructure post 9/11 were undertaken to support policy and strategic responses that were, for the most part, uniquely Canadian*. In order to support or refute this hypothesis, a number of key questions are posed:

- Does the nature of Canada's reorganization of its national security infrastructure suggest it was actually mimicking similar efforts in the US? Wise notes from a theoretical perspective that "When goals are ambiguous, or the environment creates uncertainty, organizations are often modeled on other organizations. Particularly for new organizations, which could serve as sources of innovation and variation, leaders will seek to overcome the liability of newness by imitating established practices in the field."²⁶ While it is important to identify where similarities with US efforts did in fact exist, it is just as important in support of the hypothesis to identify where they did not.
- Given a demonstrated awareness by Canada's national security agencies of transnational terrorist groups in the pre-9/11 national security structure, is there any evidence to suggest there were challenges associated with the sharing of information and intelligence, and coordination amongst agencies, similar to those identified in the US? Were there challenges in this regard at both the strategic/ policy/analytical level (in support of a strategy based on 'prevention') as well as the ability to form an operational or tactical response to an actual event?

²⁶ Charles Wise, "Organizing for Homeland Security" in *Public Administration Review*, Vol.62 No. 2 (March /April 2002), 132

- If the answer to these questions is an unambiguous “No!”, what then were the main factors or drivers that led to the restructuring of Canada’s national security infrastructure? Were Canadian organizational responses determined specifically by Canadian requirements, or at least not specifically linked only to developments in Washington?
- Did established institutional frameworks actually enable the GoC to be better positioned than US agencies to respond to the threats posed by transnational terrorism in the aftermath of the 9/11 attacks?
- Was the restructuring considered comprehensive or merely tinkering?
- In parallel to exploring why the reorganization took place, this study will also examine when the changes occurred. While some took place in the immediate aftermath of 9/11, most took place in a five month period between December 2003 and April 2004, more than two years after the attacks. Why was this the case?

This study argues that in most cases, reorganization was undertaken 1) as a means of ensuring better policy, program and information management related to the issue of national security that had unexpectedly assumed greater visibility and a higher priority on the government’s policy spectrum; 2) a need to coordinate efforts between an greater number of agencies that now had a security-related mandate; and 3) a whole-of government counter-terrorism (CT) strategy that was now based on prevention, not merely response as was the case prior to 9/11.

This study outlines two main parallel yet related areas of investigation. First, what were the key organizational changes to the GoC’s national security structure that took place (see Appendix A). Second, why and when did the GoC choose to organize the respective components of country’s national security infrastructure the way it did? This study focuses strictly on pre and post 9/11 organizational structure to see where the changes occurred and the rationale and timings behind them. Specifically, the period of investigation ranges from September 11, 2001, to April 2004 when Canada’s first (and only) national security policy was released.

The study will also examine where previous scholarly efforts related to the GoC response have been focused. It concludes that these efforts have almost exclusively considered the GoC’s policy and programming outcomes that took place within the first year after 9/11. Consequently, the research conducted in support of this study, and the value added in terms of scholarship writ large, is to be contextualized as being both exploratory and explanatory in its overall approach.

As such, theory and methodologies deemed most appropriate for the conduct of this research were identified and selected on the basis of exploring new ground, albeit linked to events that were historically ‘tangible’. This led to a research framework that is ‘qualitatively’ and ‘case-study’ based, as detailed in the chapters devoted to theory and methodology. The study argues that the theory behind ‘historical institutionalism’ serves to provide an explanation of how and why the GoC was positively situated to

respond to the need for organizational change. In parallel, the study supports the theory of ‘punctuated equilibrium’ and why unanticipated, external events (9/11 and resulting threats from transnational terrorism) served as the driver behind the comprehensive restructuring of the GoC’s national security infrastructure, one that had remained largely stagnant over the Cold War and immediate post-Cold War period. A key outcome of this study will provide an account linking final conclusions to data analysis, data collection methodologies, and over-arching hypothesis and theories suggested at the outset of this study.

The goal of this study is not to address whether the reorganization of Canada’s national security infrastructure resulted in any greater efficiencies, either in terms of the machinery of government processes or day-to-day operations, or whether considerable incremental resources dedicated to national security in the wake of 9/11 were appropriately assigned or applied. Nor does it address the introduction of new strategies, policies or programs that, while pertaining to national security, were undertaken within existing departments or agencies. Finally, while partnerships with the security agencies of other governments continued to be a key element of the GoC’s national security strategy, this investigation focuses almost exclusively on the domestic realm. While the events of 9/11 resulted in increased networking between GoC national security agencies and foreign partners of all kinds, these relationships, new or established, did not require the creation of any new departments or agencies in order to create or maintain these contacts. Consequently, while the importance of these external relationships as part of a broader GoC counter-terrorism strategy is acknowledged, the programs and processes related to the conduct of these relationships is not examined.

While many senior officials on both sides of the border were generous with both their time and perspectives, the over-arching views and analysis of this study are those of the author.

In order to provide a contextual platform for the investigation of the key questions of this study noted above, it is important to provide something of a limited historical narrative of where Canada was positioned from a national security perspective prior to, and immediately after, the 9/11 attacks. This is provided in the next chapter.

CHAPTER 2

WHAT DO WE DO NOW THAT IVAN'S GONE?

While the sudden collapse of the Soviet Union removed the threat of both nuclear and conventional threats against western states and irritating 'wars of national liberation', it also required an unanticipated redefinition of what 'national security' entailed. While national security departments and agencies were being tasked with a number of new and unfamiliar roles in the post-Cold War environment (e.g. "responsibility to protect") at the same time, national security budgets were being slashed as part of pronounced 'peace dividends'. We also see that transnational terrorism in its embryonic forms was starting to resonate with western intelligence and law enforcement agencies. This chapter provides an outline of where Canada was positioned from the perspective of national security policy (or the lack thereof) and the role of intelligence in the period leading up to 9/11, and how the GOC reacted in its immediate aftermath. This is necessary to provide some contextual grounding for the study of the organizational changes that were to follow.

Canada's National Security Strategy and Threats Prior to 9/11

In his well-read tome on offensive realism, *The Tragedy of Great Power Politics*, John Mearsheimer outlines "the stopping power of water", suggesting how large bodies of water limit the power-projection capabilities of potentially threatening land forces. "Not even the world's most powerful state can conquer distant regions that can be reached only by ship."²⁷ While Mearsheimer draws particular attention to the strategic advantages geographic isolation afforded both the UK and US over the last two hundred years, (and notwithstanding threats such as ballistic nuclear attacks, global financial crisis and pandemics, and cyberattacks, that prompted Secretary of State Madeline Albright to suggest "the idea of an ocean as protection is as obsolete as a castle moat"²⁸), Canada has also been well served by its hemispheric isolation from land-based threats of the type that preoccupied states in Europe, Asia and Africa for centuries. Canada has been characterized as "a fire-proof house, far away from inflammable materials."²⁹ The natural geographic defensive perimeter was buttressed by Canadian and American bilateral

²⁷ John Mearsheimer, *The Tragedy of Great Power Politics*, (New York, W.W. Norton and Co., 2001), 84.

²⁸ Stephen Walt, *The Hell of Good Intentions: America's Foreign Policy Elite and the Decline of US Primacy*, (New York, Farrar, Strauss and Giroux, 2018), 60

²⁹ David Bosold, and Nik Hynek, *Canada's Foreign and Security Policy: Soft and Hard Strategies of a Middle Power*, (Don Mills, Oxford University Press, 2010), xvi, with a reference to Canadian Senator Raoul Dandurand's League of Nations Assembly declaration in 1924.

commitments to hemispheric security and military cooperation in 1938 (Kingston, Ontario) and 1940 (Ogdensburg, New York), with the effect that US military capabilities would, according to President Franklin Roosevelt, be directed in support of Canada should the latter face threats from abroad “by any other Empire”. To the degree that it could, Canada would also undertake to employ measures to the extent that “we can reasonably be expected to make it”,³⁰ Prime Minister Mackenzie King reciprocated on behalf of Canada by stating that an “enemy force would not be able to pursue their way, either by land, sea or air, to the United States, across Canadian territory”. These arrangements, and Canada’s subsequent reliance on an American security umbrella, have been characterized as “foregoing a vulnerable pure sovereignty in favour of a truncated, but better secured, sovereignty by cooperating with the United States.”³¹ From 1957 to the present, mutual defensive integration of North America has been further supported organizationally, albeit in a limited operational manner, by the creation of the North American Aerospace Defence Command (NORAD) under a binational command structure.

Consequently, and in addition to the GoC’s ability to shift funding normally dedicated to investments in domestic security to other policy and programming envelopes (a position decried by President Trump at a recent G7 meeting, whereby he stated the US was no longer going to subsidize the social welfare nets of allies by underwriting their costs of national security), Canada’s national security policies and programming traditionally linking foreign, defence and national security policy, have been externally focused, often characterized as being an “expeditionary strategic culture.” From a defence and national security perspective, Canada has traditionally adopted the view that security of the nation was best served by positioning its security perimeter as far away from its own shores as possible.³² Subject to having the ways and means to do so, it also enabled the GoC to be discretionary as to where, when and how it chose to engage in conflicts and interventions abroad in support of this broader strategy.

In the aftermath of World War II, and in response to perceived Cold-War threats posed by the Soviet Union, Canada’s role and presence in Europe via NATO was a key part of its broader, multilateral-based foreign policy. Efforts centred on Canada’s contributions to the defensive, conventional force mandate of NATO, and where successive Canadian governments had deemed countering threats to the security of Europe as being in the Canadian national interest.³³ In between 1951 and 1959, Canada was fourth in NATO members in per capita spending, and at its height in 1961, Canada had 14,000 troops in Germany.³⁴ Even in the post–Cold War period of the 1990’s, when the Canadian military was struggling to define

³⁰David Beatty, “The Canadian Corollary to the Monroe Doctrine and the Ogdensburg Agreement of 1940” in *The Northern Mariner/Le Marin du Nord*, I, No. 1 (January 1991), 4

³¹ P. Lagasse, “Northern Command and The Evolution of Canada-US Defence Relations”, in *Canadian Military Journal*, (Spring 2003), 16

³² John Blaxland, *Strategic Cousins: Australian and Canadian Expeditionary Forces* (Montreal, McGill-Queen’s University Press, 2006),105. See also L.A. Delvoie “Canada and International Security Operations: The Search for Policy Rationales” in *Canadian Military Journal*, (Summer 2000). Pgs. 13 and 15, and The Standing Senate Committee on National Security and Defence, “*Defence of North America: A Canadian Responsibility*” (September 2002) , Elinor Sloan, “The Road From September 11: Canada-US Defence Relations in the Terrorist Era”, eds. D.Carment, O Hampson, N, Hillmer, N., *Canada Among Nations 2004*, (Montreal , McGill-Queens University Press, (2005),165

³³ Louis A. Delvoie, “Canada And International Operations: The Search for Policy Rationales” in *Canadian Military Journal*, (Summer, 2000), 18

³⁴ Andrew Cohen, *While Canada Slept: How We Lost Our Place in the World*, (Toronto, McLellan and Stewart,2003), 45

its *raison d'être* and funding was being slashed, much of this external focus was supporting regional security in Europe. "By the latter half of the 1990s, Canada was more focused on Europe and NATO than it had been in the closing decades of the Cold War."³⁵ Some 27,000 Canadians served in the Balkan conflicts, resulting in 23 fatalities.³⁶

In parallel, a core activity of Canada's interventions abroad was the iconic service of its military assets in support of peacekeeping efforts during the Cold War era, and to "peace making" in the post-Cold War period (i.e. the 'Blue Helmet' initiatives). In recent examples of Canada's interventions abroad up to 9/11, and even in consideration of its efforts in Afghanistan post 2005, it has been suggested that Canadian military efforts abroad were not necessarily viewed as being game changers in terms of a resolution of regional issues, but more to serve broader GoC foreign policy objectives and strategies in support of having a "seat at the table" when it came to other foreign policy initiatives.³⁷

At a more strategic level, with (now Russian) nuclear missiles no longer being an immediate existential threat to North America, the "A-list" of Cold-War security problems related to the domestic environment seemed empty, so "policy and strategy focused on B-and-C-level problems instead" in places like Bosnia, Kosovo, Somalia, Iraq and the Persian Gulf, and Haiti.³⁸

In terms of threats to domestic security, Cold War-related espionage and foreign influence investigations conducted by civilian law enforcement and national security agencies predominated, initiated by the defection of Soviet cypher-clerk Igor Gouzenko in 1948. In the immediate post-Cold War era, there was increased attention paid to efforts to prevent the proliferation of weapons of mass destruction (WMD) and the export of "destabilizing technologies" as a result of the collapse of Soviet control of these assets.³⁹ There was a view within the national security community that Canada could potentially serve as a conduit for WMD-type material used in attacks by both state and non-state entities.

As to the threat from terrorist attacks prior to 9/11, most fell into three distinct categories – nationalist, urban terrorism and anarchistic- with demonstrated overlaps between both. Nationalist or separatist - based terrorist groups in Israel/Palestine, Ireland, Lebanon, Algeria, Columbia, India, Sri Lanka, Nicaragua, Peru, the Basque section of Spain, and the FLQ crisis of 1970 in Canada, serve as examples. In parallel, one-off attacks by leftist radical groups undertaking a 'propaganda by deed' approach, based in Italy, Germany, Japan, France, and the US in the 1970s,(often with state support from Warsaw Pact national intelligence agencies), sought to create Marxist or socialist societies by overthrowing conservative, capitalist-based governments. Though not viewed as an existential threat, they were a persistent presence.⁴⁰ Latin America (e.g. El Salvador, Bolivia, Peru) served as the prime focal point for

³⁵ David Haglund, "Are We the Isolationists? North American Isolationism in a Comparative Context" in *International Journal* (Winter 2002-2003), 5.

³⁶ Cohen, *While Canada Slept*, 66.

³⁷ J. Sokolsky and C. Leuprecht, "Defence Policy Walmart Style: Canada's Lessons in 'Not-So-Grand' Strategy", in *Armed Forces and Society*, Volume 41 Issue 3, (2015),

³⁸ Carter, A. *The Architecture of Government in the Face of Terrorism* in *International Security*, Vol. 26 No 3. (Winter 2001-2002),1.

³⁹ Government of Canada, *Security Intelligence Review Committee Annual Report 1993-94* (Ottawa, 1994) www.sirc-csars.gc.ca/pdfs/ar_1993-1994-eng.pdf, 2-7.

⁴⁰ According to FBI statistics, the United States experienced more than 2,500 domestic bombings in just 18 months in 1971 and 1972, with virtually no solved crimes and barely any significant prosecutions .See Eric Alterman,

what was termed ‘urban terrorism’ during the 1970s. The Oklahoma City bombing and sarin gas attack in Tokyo, both in 1995, were typical examples of ‘outliers’ driven by right wing extremism and a skewed vision of the apocalypse respectively.

Within post-Cold War Canada specifically, the Air India tragedy of June 1985 that resulted in 329 deaths, attacks on Turkish diplomats by Armenian terrorists that same year, and ongoing funding and facilitation activities in Canada in support of the Liberation Tigers of Tamil Eelam (LTTE) and Hezbollah, were seen as support by elements of local diaspora for nationalist causes located abroad, but not representing a threat to ‘Canadians’ at the domestic level. Nor were these attacks or facilitation and fundraising efforts for terrorist groups in Canada seen as having an objective of changing Canadian government policies, positions or activities, which was accepted as the ultimate objective of terrorist groups to date (the debate between how jihadist terrorism was to be characterized, as mentioned previously, notwithstanding).

This view received something of an official sanction in the Solicitor General’s reports to Parliament in both 1997 and 1998, and CSIS’ Public Report of 2000, which focused on the fact that “The threat from international terrorism will continue to be associated with homeland conflicts. Most terrorist groups have a presence in Canada and they promote their causes by providing logistical support and safe havens, raising and exporting funds openly or covertly in support of terrorist activities and intimidating immigrant communities into supporting them.” And despite previous acts of terrorism on Canadian soil, not one of the potential activities conducted by terrorist groups in Canada listed in the Sol-Gen’s 1997 report included the possibility of a direct attack by externally-based terrorists on Canadians, within Canada.⁴¹ Furthermore, the Commission of Inquiry into the Investigation of the Bombing of Air India 182 noted “the Government and the Canadian public were slow to recognize the bombing of Flight 182 as a Canadian issue. This reaction was no doubt associated with the fact that the supposed motive for the bombing was tied to alleged grievances rooted in India and Indian politics.”⁴² A Senate report from 2002 noted “The willful destruction of the lives of so many Canadians aboard the Air India flight in 1985 should have served as an early warning, but the fall of the Berlin Wall lulled many Canadians back to sleep,”⁴³ despite the fact the bombing represented an attack by Canadians against Canadians.

This binary domestic/external view of the nature of the terrorist threat continued despite growing evidence of the globalization of terrorism, and an acknowledgment by the national security and law enforcement agencies of western countries, that they were being used by known transnational and nationalist terrorist groups as facilitation and recruitment centres. Although the World Trade Centre had been successfully attacked by persons engaged in what could be considered ‘proto’-transnational, jihadist-based terrorism in 1993, religious-based ideological attacks against Westerners, though not unfamiliar, were something that occurred ‘abroad’. Kidnappings and vehicle-borne improvised explosive devices

“Remembering the Left-Wing Terrorism of the 1970s”, in *The Nation*, (April 14, 2015)

<https://www.thenation.com/article/remembering-left-wing-terrorism-1970s>

⁴¹ Government of Canada, *Solicitor General Annual Reports to Parliament*, (April 1998 , December 1999)

<http://svaa0538.csis.gov.ca/cgi-bin/starfinder/o?path>

⁴² Government of Canada, *Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182*, (2010), 38. publications.gc.ca/collections/collection_2010/bcp-pco/CP32-89-4-2010-eng.pdf

⁴³ Government of Canada, The Standing Senate Committee on National Security and Defence, “ *Canadian Security and Military Preparedness*, (February 2002), <https://www.publicsafety.gc.ca/lbrr/archives/cn62428396-eng.pdf>

bombings in Lebanon between 1982-1992, the attacks on US facilities and embassies in Khobar, Nairobi and Dar Es Salaam in 1996 and 1998 respectively, evidence of a Philippine-based plan to blow up eleven airliners over the Pacific in 1995 (Operation “Bojinka”) and the attack on the USS *Cole* in Yemen as recently as 2000, only served to reinforce this view. Even as late as March 2001, planning by the new Bush administration’s security leadership to counter the threat posed by AQ was based on the notion that a strategy for dealing with the group would best be framed within the context of regional strategies and policies, particularly for Afghanistan and Pakistan. Furthermore, there was no *reliable* reporting to suggest that AQ was planning attacks in the US, perhaps because most credible reporting on AQ activity was being driven by the Central Intelligence Agency (CIA), which collected information abroad and, as suggested by Scahill, it may have been more interested in expanding its para-military capacities in response to the threat posed by AQ, but also abroad.⁴⁴ Osama bin Laden’s 1996 *Declaration of Jihad on the Americans Occupying the Country of the Two Sacred Places*, and his subsequent *fatwah* of 1998 providing religious justification for the killing of all Americans, both civilian and military wherever possible, nevertheless provided unambiguous evidence of the intent to target the ‘far enemy’ on the part of that particular terrorist group.⁴⁵

A number of public annual reports by the Canadian Security Intelligence Service (CSIS) released prior to 9/11 also documented concerns about the rise of transnational terrorism networks in Canada and abroad,⁴⁶ and prior to 9/11, two-thirds of CSIS’s resources were already devoted to counterterrorism.⁴⁷ In a presentation to the Special Committee of the Senate on Security and Intelligence in 1998, then CSIS Director Ward Elcock stated that CSIS was investigating some 50 organizational targets and 350 individual terrorist targets and that “Canada’s intelligence, police and immigration departments have been warning the Government for years that the world’s major terrorist groups had established offshore bases in Canadian cities, and that they were using Canada as a staging ground for political and religious violence around the world.”⁴⁸ (although a Special Senate Committee report from a mere ten years previous had stated ““Neither has Canada been a major haven or base for terrorists conducting operations in other countries”).⁴⁹ Ahmed Ressam, the Millennium bomber, whose planned attack had clearly shaken US security officials, had trained in Afghanistan and had joined a cell of Algerians in Montreal who were intent on attacking targets in the US. Elcock’s biggest concern was that, while he was of the view that few of the targeted groups or individuals at the time posed a threat of a direct attack in Canada, in the absence

⁴⁴ 9/11 Commission Report, 203-204, Jeremy Scahill, *Blackwater: The Rise of the World’s Most Powerful Mercenary Army*, Nation Books, New York (2009), 333

⁴⁵ This does not include an official investigation looking into the possibility of a connection between Ramzi Yousef, who attacked the World Trade Centre in 1993, and Timothy McVeigh, regarding the Oklahoma City bombing in 1995. See *Chairman’s Report: Oversight and Investigations Subcommittee of the House International Relations Committee-The Oklahoma City Bombing: Was There a Foreign Connection?* <https://www.hsdl.org/?view&did=468530>

⁴⁶ Government of Canada, *Solicitor General of Canada, CSIS Annual Reports – 1998, 1999, 2000*, <http://svaa0538.csis.gov.ca/cgi-bin/starfinder/o?path>

⁴⁷ Ward Elcock interview and notes on Elcock presentation in CIAJ notes

⁴⁸ Ward Elcock, *Submission to the Special Committee of the Senate on Security and Intelligence*, (Ottawa, June 24, 1998). It is interesting to note that with the passage of time and the proliferation of terrorist groups there are now only 54 groups currently listed under the *Anti-Terrorism Act*

⁴⁹ Government of Canada, *Senate of Canada, Second Report of the Senate Special Committee on Terrorism and the Public Safety*, (1989) [https://www.publicsafety.gc.ca/cnt/rsrscs/lbrr/ctlg/rslts-en.aspx?a=%22Canada.+Parliament.+Senate.+Special+Committee+on+Terrorism+and+the+Public+Safety+\(2nd+%3a+1989\)%22](https://www.publicsafety.gc.ca/cnt/rsrscs/lbrr/ctlg/rslts-en.aspx?a=%22Canada.+Parliament.+Senate.+Special+Committee+on+Terrorism+and+the+Public+Safety+(2nd+%3a+1989)%22)

of a serious counter-terrorism strategy on the part of the GoC, Canada would be viewed as an unofficial state-sponsor of terrorism⁵⁰.

Nevertheless, from a North American perspective, “Osama bin Laden wasn’t [taken as] a serious domestic threat, presumably because his attacks theretofore had been in foreign environments.”⁵¹ It wasn’t until the tabling of the 1999 CSIS Annual report in June 2000 where there was something of a recognition of the nexus between externally generated threats to Canadian security at the domestic level, and the unique ‘globalized’ characteristics associated with transnational terrorism. The report stated “the challenge for the government lies in preventing foreign-rooted issues from becoming domestic security problems.”, and specifically referencing “Sunni Islamist Extremism” and Osama bin Laden as the “pre-eminent international terrorist threats.”⁵²

There was something of an existing GoC policy related to counter-terrorism in place prior to 9/11, the *National Counterterrorism Plan (NCTP)*, under the mandate of the Solicitor General. Its purpose, however, was not strategic in nature. It was more a responsive, procedural check list for federal departments clarifying lines of authority in the event an attack took place (i.e. RCMP had investigative lead). In the period leading to 9/11, there wasn’t a single incident considered serious enough to trigger an activation of the NCTP, so its utility or effectiveness was never tested.

In summary, prior to the events of 9/11, Canada’s efforts related to national security, absent a viable conventional threat to its own territory, (and other than the October Crisis and Air India incidents, attacks that were conducted in Canada but were considered “amateurish”⁵³) were directed externally, and based almost exclusively on using military assets to support foreign, defence and national security policy. The events of 9/11 resulted in a rapid, paradigm shift in the focus of Canada’s efforts related to national security efforts, if only temporarily (2001-2004). Other than a brief intervention in Afghanistan in 2002 with approximately 2000 troops, efforts were directed exclusively, and uncharacteristically, to continental and domestic security, with a focus on the role of civilian law enforcement and national security assets. Put somewhat colloquially, focus was on the “home game” where the stakes for the state were much higher, as opposed to the “away game”, where interventions could be more discretionary.⁵⁴

The Effects of the 9/11 Attacks.

The response in the US to 9/11 “came against the background of a lack of much history of terrorism, particularly in recent times and certainly externally-based terrorism and a perception that with the ending of the Cold-War, the United States had regained the historical protection of two broad oceans: thus the double shock on 9/11 of seeing both its low relative vulnerability infringed upon and limitations on its classic effort to defend the nation beyond its own shores”.⁵⁵ Prior to 9/11, top US officials believed the terrorism threat could be contained abroad and that significant adjustment to US domestic strategies were not required. During the Clinton administration, “Democratization, however hazardous and unpredictable

⁵⁰ Ward Elcock quoted in *Terrorism, Law and Democracy*, 32

⁵¹ Bobbitt, *Terror and Consent*, 301

⁵² CSIS annual report June, 2000

⁵³ Charters, *The (Un)Peaceable Kingdom?* 28

⁵⁴ Sokolsky, ‘Between a Rock and a Soft Place: The Geopolitics of Canada-US Security Relations’ in *Geopolitical Integrity*, 299

⁵⁵ Robert Hunter, “Terrorism and War” in *The Oxford Handbook of War*, (eds).Julian Lindley-Finch, Yves Boyer Oxford, UK, Oxford University Press, 2014), 203-204

the process may be, [was seen as] the key to eliminating terror over the long term.”⁵⁶ “The existing mechanisms for handling terrorist acts domestically was trial and punishment for acts committed by individuals; sanctions, reprisal, deterrence or war for acts by hostile governments. The actions of AQ fit neither category. Its crimes were on a scale approaching acts of war, but they were committed by a loose, far-flung, nebulous conspiracy with no territories or citizens or assets that could be readily threatened, overwhelmed, or destroyed.”⁵⁷ The ineffectual, cruise missile reprisal by the US against AQ targets in Afghanistan and Sudan in response to the 1998 embassy attacks clearly demonstrated this.

9/11 resulted in at least one major intervention abroad, (Afghanistan), contributed to the initiation of a second (Iraq), and led to the development of a major counterterrorism industry (academics, contractors, advisors and “experts”, government agencies) in many countries. The impacts of transnational terrorism continue to resonate politically (“zero tolerance”) even though isolated terrorist attacks in Western countries, while regrettable, are not seen to pose an existential threat to the fabric of society. Nevertheless, and as it pertained to Canada, a Senate report from 2002 put things succinctly by observing “September 11, 2001, demonstrated clearly that threats to Canada’s national interests are not as remote as many Canadians had believed them to be.”⁵⁸ Jeffrey adds “The need to reassure Canadians of their own safety drove the Liberals into uncharted waters. Not since the invocation of the War Measures Act in 1970 had a federal government been confronted with such a perceived threat to the state and its citizens.”⁵⁹

By virtue of its geography, socio-economic ties and history, Canada, and therefore its federal government, could not help but be impacted by how domestic security had assumed priority status from a policy perspective by the Bush administration. The events of 9/11 resulted in a comprehensive review by the US administration of its relationship with all allies, including Canada. Whereas Canada had some flexibility and discretion as to when, where and how it chose to support US interventions abroad, it was fully expected by the US administration to tow the line when it came to continental defence against attacks from transnational terrorism. “There was no question of invisibility in Washington, as the Americans have already taken, and continue to take, ample note of Canadian deficiencies in terms of its domestic and counter-terrorism efforts”⁶⁰ Furthermore, whereas in the past they had been relatively free of any linkage, for the first time in Canada-US relations, issues related to security and the economy, became fused with such speed and sense of urgency that the policy implications were not immediately understood by the GoC.⁶¹ Clearly, the GoC’s traditional balancing act between promoting closer economic relations with the US and the pursuit of distinctly Canadian foreign policy that was not tied to the US ‘hip’, became “increasingly tenuous since 11 September 2001.”⁶²

⁵⁶ Walt, *The Hell of Good Intentions*, 30

⁵⁷ 9/11 Commission Report, 348.

⁵⁸ Government of Canada, *The Report of the Special Senate Committee on National Security and Defence: Canadian Security and Military Preparedness* (February 2002)

<https://sencanada.ca/Content/SEN/Committee/371/defe/rep/rep05feb02-e.htm>

⁵⁹ Brooke Jeffrey, *Divided Loyalties: The Liberal Party of Canada:- 1984-2008*, (Toronto, University of Toronto Press, 2010), 355

⁶⁰ Sokolsky, *Between a Rock and a Soft Place*, 317-318

⁶¹ D.Carment, F. Hampson, N. Hillmer (eds.) *Canada Among Nations 2003-Coping with the American Colossus*, (Toronto, Oxford University Press, 2003), 13

⁶² Bruce Doern, *How Ottawa Spends 2003-2004: Regime Change and Policy Shift*, (Don Mills, On., Oxford University Press, 2003), 14

For their part, key US officials perceived Canada's liberal immigration and refugee programs as posing a threat to US domestic security, and that Canada, by extension, was a haven for foreign terrorist groups. "On September 12, the world's longest undefended border became, in the eyes of US media, government and general public, a wide-open door through which terrorists could flood."⁶³ This view was nevertheless ironic given that none of the 9/11 terrorists entered the United States via Canada, and that they, in turn, managed to remain in the US for several months, overstaying their visas, evading detection and avoiding deportation, doing flight training and reconnaissance, all without detection by US agencies. As noted by David Haglund, "If the sprawling US Immigration and Naturalization Service and the vaunted American intelligence services could not have prevented the establishment of Al Qaeda sleeper cells in America, how could the relatively "laid-back" Canada, with its propensity to underspend on defence and security, minimize the gravity of the threats?"⁶⁴ Be that as it may, the Ressam (Millennium bomber) affair, and the case of a Palestinian convicted of planning an unsuccessful pre-9/11 bombing of the New York subway system, who had gained access to the US via Canada, were seen as recent examples of Canada's porous border and lack of attention to security issues. This was augmented by the established connections of Canada's Khadr family to Osama-bin Laden, and clear evidence of facilitation networks of a number of terrorist groups in Canada, all of which suggested these individuals were not "isolated weeds in a field of flowers". Finally, US officials were aware that 36,000 individuals in Canada that were subject to a deportation order could not be located, let alone expelled."⁶⁵ Kitchen and Sasikumar, quote one US congressman as commenting that "Canada's immigrants are threatening because they demonstrate an unsuccessful adoption of traditional Canadian values, or at least, a lack of assimilation."⁶⁶ And regardless of the fact that none of the 9/11 hijackers made their way to the US via Canada, American decision makers continued to see the Canadian border specifically as a liability, and wondered in general whether the northern "trusted partner" had the political will to pull its share and do its part.⁶⁷

These perceptions ushered in a paradigm shift in terms of Canada-US relations. Despite historically strong economic bonds between the two countries, the pronouncement by then US Ambassador Celluci that security would trump trade created something of a panic within the corridors of power in Ottawa. Bilateral merchandise trade amounted to \$569 billion in 2001, and 83 percent of Canada's exports flowed to the US at that time (90 percent in the case of Ontario). The US was buying no less than 38 percent of Canada's GDP. \$1.9 billion worth of daily trade and 500,000 people crossed the border every day.⁶⁸ Conversely, only 25 percent of US exports went Canada. This meant that Canada cared more about its economic interests in Washington than the other way around, given its "lopsided" dependence on exports to the United States.⁶⁹ The tightening of the border in the days immediately following 9/11 demonstrated

⁶³ Waddell, C. "Erasing the Line: Rebuilding Economic and Trade Relations after 9/11", in (eds). D.Carment, F. Hampson , N. Hillmer, *Canada Among Nations 2003-Coping with the American Colossus*, (Toronto, Oxford University Press, 2003), 59,

⁶⁴ David Haglund, "North American Cooperation in an Era of Homeland Security", in *Foreign Policy Research Institute*, (Philadelphia, PA. ,Fall 2003) , 678

⁶⁵ Jones, *When Security Trumps Economics*, 8

⁶⁶ Veronica Kitchen and Karthika Sasikumar, "Canada (En) Counters Terrorism: US-Canada Relations and Counter-Terrorism Policy", in *Terrorism and Political Violence* , Vol 21, (2009) , 160

⁶⁷ Bernard Stancati, "The Future of Canada's Role in Hemispheric Defence" in *Parameters*, (Autumn 2006), 114

⁶⁸ Stephen Clarkson, "Uncle Sam and Us One Year Later: The Geopolitical Consequences for Canada of September 11th", in *Canadian Issues*, No, 12 Vol 2. (University of Toronto, September 2002), 16

⁶⁹ A. Cohen, "Canada-American Relations: Does Canada Matter in Washington?" in (eds). N Hillmer and M.Mallot, *Canada Among Nations -2002:A Fading Power* (Toronto, Oxford University Press, 2002), 39, and R. Whitaker,

the impact restricted border flows could have on the free-flow of goods across the border. Long lines of trucks and lengthy delays at the border crossings (the lineup of trucks at the Detroit-Windsor crossing was 36 kilometers on September 13) and airports undermined the just-in-time economy that was a by-product of the 1989 Free Trade (NAFTA) agreement. It was therefore in Canada's interest to demonstrate to US administrations and decision-makers that Canada was a full partner in the security of the continent in general, willing to protect the national security of Canada in the face of the new threat posed by global terrorism, and sincere in its efforts to address the security concerns of the US. "For Canada, winning cooperation on the economic issues meant proving it could be serious about enforcing security."⁷⁰ In a media interview in the immediate aftermath of 9/11, Deputy Prime Minister John Manley, who was appointed by Prime Minister Chretien as the GoC lead and single spokesperson in dealing with US concerns stated "I felt the greatest risk to Canada as a result of September 11, was to the economy."⁷¹ In developing an appropriate policy and program response, the Government of Canada had to balance the need to address very real US perceptions about Canada's security gaps and, on the other hand, domestic concerns about the protection of individual rights and Canadian sovereignty in the face of perceived US 'bullying'. Was the alternative to possible economic exclusion total inclusion, within the context of a broader "Fortress North America", with common immigration, refugee, intelligence and security policies, and with even greater military integration than had taken place during the Cold War?⁷² As noted by Sokolsky, 'Canada's prosperity, standard of living and the basic well-being of its citizens depend upon the unfettered access to the American market. This is "national security" at its most basic'⁷³ Put more starkly by historian Desmond Morton in 2004 "Americans may remember 9/11; we must remember 9/12, when American panic closed the US border and shook our prosperity to its very core."⁷⁴

The shock of "9/12" notwithstanding, there was not an immediate or widespread appreciation by all Canadian decision makers on the nature of the new threat posed by transnational terrorism. Some were "highly dubious of the American characterization of the threat and were therefore equally dismissive of the unique vulnerabilities of the U.S."⁷⁵ The US was seen as replacing "the old totalizing logic of the Cold War with a new totalizing logic that saw terrorist networks led by Al-Qaeda as a latter-day version of the Communist International."⁷⁶ Nevertheless, while some Canadian decision makers were of the view that Canada did not face the same direct exposure to the threats and risks posed by transnational terrorism as compared to the US, even after 9/11,⁷⁷ and that the GWOT was primarily an American rather than a multilateral struggle, Canada was nevertheless obliged to demonstrate to US officials it took hemispheric security seriously, and that it was in a position to prevent threats to the US from developing within Canada. Again, the events surrounding the Ressam case in 2000 provided enough of a recent example for US officials to consider hardening the border and to question Canada's capacity, or

G.Kealy, A Parnaby (eds)., *Secret Service: Political Policing in Canada from the Fenians to Fortress America*, (Toronto, University of Toronto, 2012), 433

⁷⁰ A. Cohen, *Canadian- American Relations*, 55

⁷¹ A. Thompson, *Can Canada Still Lay Claim to Being Glorious and Free?* (Toronto Star, September 9, 2002)

⁷² Clarkson, *Uncle Sam and Us: One Year Later* 15-18

⁷³ Joel Sokolsky, "Realism Canadian Style: National Security Policy and the Chretien Legacy" in *Policy Matters*, (Montreal, Institute for Research on Public Policy, June 2004), 34

⁷⁴ *Desmond Morton, "Partial text of a speech...to the opening banquet of a Canadian conference of the inter-university seminar on armed forces and society," Toronto, i October 2004.*)

⁷⁵ Bobbitt, *Terror and Consent* ,65

⁷⁶ Whitaker et al, *Secret Service: Political Policing in Canada* 431

⁷⁷ Notes of the author from interviews: W. Elcock, M. Cappe

willingness, to take security seriously.⁷⁸ In 1998, then CSIS Director Elcock noted on the public record that “Transit [as part of facilitation activities by terrorist groups located in Canada] to and from the United States and other countries has been provided” and that “individuals or groups here have had direct or indirect association with the [1993] World Trade Centre bombing....”⁷⁹ These events, and the persistent but unsubstantiated view that several of the 9/11 terrorists accessed the US via Canada, led to Canada being specifically singled out in the US *Patriot Act*. Signed into effect in October 2001, it contained a section entitled “Protecting the Northern Border”, including a proposal to triple the number of US border personnel.⁸⁰ It must also be reinforced that in the climate of the time, security agencies were preoccupied with the possibility of follow-up attacks against American targets. These concerns were not necessarily misplaced. According to his confessions and information gathered by US authorities, Khalid Sheikh Mohammed, the alleged mastermind behind the 9/11 attacks, had planned six terrorist attacks against the American homeland between 9/11 and his capture in 2003 in order to prove Al-Qaeda’s sustained capabilities to attack the US.⁸¹ Furthermore, the impact of the Madrid rail bombings of March 2004 on the political landscape in Spain was not lost on observers. As a result, Al-Qaeda was viewed as having a sophisticated understanding of the potential outcomes of its attacks in the west, and that they were undertaken to achieve specific political outcomes to AQ’s benefit. It was believed at the time that Al-Qaeda could undertake other attacks in the US to influence the outcome of the 2004 Presidential elections.⁸²

As a result, it is not unreasonable to suggest that many of the resulting and immediate post- 9/11 GoC programs and policy efforts were driven primarily in response to American security concerns related to protecting its northern ‘back door’, and the linkage of these concerns to the flow of commercial goods across the Canada-US border. Beyond undertaking specific measures to assuage US concerns, implicit in these initial efforts was that Canada was now obliged to develop a strategic approach to transnational terrorism that was based on identifying threats before they occurred (i.e preventative), not one that was responsive and after the fact as was the case prior to 9/11.

The immediate efforts generated by the GoC involved the promulgation of the *Anti-Terrorist Act 2001* in an extraordinarily short time in the aftermath of 9/11 (December 2001), the *Smart Border Accord*, also in December 2001, and the *Immigration and Refugee Protection Act* (June, 2002). A security budget of \$7.7 billion tabled in December 2001 and outside of the regular budget cycle, supported a prevention-based counter-terrorism strategy, although an accompanying comprehensive national security policy was not forthcoming until early 2004. \$1.6 billion was allocated to intelligence and policing, \$1 billion went to

⁷⁸ Ahmed Ressay is an Algerian al-Qaeda member who resided Montreal, Quebec. On December 13, 1999, he was detained by US border control officers while trying to enter Washington State on a ferry that had originated in Victoria. It was ultimately determined he had planned to bomb Los Angeles International Airport on New Year’s Eve. He was ultimately sentenced to 37 years on terrorism-related charges.

⁷⁹ Elcock, Senate Committee presentation

⁸⁰ Patriot Act : <https://www.justice.gov/archive/ll/highlights.htm>

⁸¹ L. Vidano, “The Evolution of the Post 9/11 Threat to the US Homeland” in (eds). B. Hoffman and F. Reinares, *The Evolution of the Global Terrorist Threat : From 9/11 to Osama Bin Laden’s Death*, (New York, Columbia University Press, 2016,) 17

⁸² George Friedman, Epilogue extract from *America's Secret War: Inside the Hidden Worldwide Struggle Between the United States and Its Enemies* (October 2004), 2

immigration screening and enforcement, and \$2.2 billion went to the creation of a new air passenger screening agency.⁸³

The *Anti-Terrorist Act -2001* had four primary objectives: to prevent terrorists from getting into Canada and protect Canadians from terrorist acts; to activate tools to identify, prosecute, convict and punish terrorists; to keep the Canada-U.S. border secure in support of Canada's economic security; and to work with the international community to bring terrorists to justice and address the root causes of violence. The *Act* went farther than most countries in defining what constituted 'terrorism' and related criminal offences, and there were concerns it was promulgated with little in the way of consultation with key stakeholders. Its efficacy in actually preventing future terrorist attacks was also questioned.

Second, and driven largely by Canadian officials to balance both security and economic interests, the *Smart Border Accord(s)* of December 2001 provided a framework to use new technology and methods to ensure that commercial goods and persons could get across the Canada –US border at pre-9/11 volumes, but also to ensure that security was not compromised. The *Accord* comprised of a thirty-point action plan for implementation, reflecting that future border security initiatives would be driven by enhanced harmonization of policies and operations. It involved the development of a "secure card" for permanent residents; improved screening of refugee claimants; the sharing of passenger lists on flights between Canada and the United States; the development of an "automated immigration database" as well as shared customs data, the development of an "integrated approach for processing truck, rail and marine cargo away from border", criteria for the creation of small, remote joint border facilities".⁸⁴ It also implemented the Safe Third Country Agreement between Canada and the U.S. Under the Agreement, refugee claimants are required to request refugee protection in the first safe country they arrive in, not 'cherry pick' a final destination.

The *Immigration and Refugee Protection Act* went on to assuage US concerns with Canada's perceived porous refugee and asylum-candidate programs by providing for the removal of non-citizens on the basis of evidence of security concerns not disclosed in the potential deportee review process, detention of permanent residents and foreign nationals on the grounds of national security, and inadmissibility of non-citizens on the basis of a variety of national security transgressions.

The introduction and promulgation of the *Anti-Terrorism* and *Immigration and Refugee Protection* acts, the *Smart Border Accord* and the approval of a comprehensive security budget only months after 9/11 served, in an extraordinarily short period of time, to both indicate to US officials that Canada was sincere in its efforts to respond to the threat of global terrorism, but also the need to protect the cross border flow of goods to and from the US, which was a key national interest to Canada.

Canada also contributed to initial combat efforts in the hunt for Al-Qaeda terrorists abroad when it sent special forces and an infantry brigade to Afghanistan in 2001 and 2002 (some elements remained in-country between 2003-2005 as part of Operation Athena). Canada's initially modest contribution and mandate were expanded considerably in 2005-06. "In sending Canadian forces down range to Afghanistan, even in modest numbers, "the Chretien government sent an unambiguous signal to

⁸³ Whitaker et al, *Secret Service: Political Policing in Canada*, 435

⁸⁴ Smart Border Web site: <https://2001-2009.state.gov/p/wha/rls/fs/18128.htm>

Washington, that Canada was fully on-side. For Ottawa's main priority was not peace in Afghanistan. It was credit with Uncle Sam in a situation starkly different from the Cold War.”⁸⁵

From an intelligence collection and analysis perspective, the ambiguous threat environment of the 1990s, and the role of intelligence agencies in that environment was quickly transformed 180 degrees. Efforts were now to be focussed not only on the threat posed by Islamist extremism, but by *Sunni* Islamist extremism -initially originating abroad, but more focused on domestic-based threats as time went on.

Yet even with the introduction of these initiatives, a US report from October 2003 still expressed concerns related to Canada's security challenges. In its report entitled “*Nations Hospitable to Organized Crime and Terrorism*”, the Federal Research Division of the Library of Congress continued to point to security challenges associated with the US' northern border. These focused, still, on the linkages between Canada's geographic position vis-à-vis the United States and its Charter of Rights that evidently made it easier for terrorists to operate in Canada for nefarious purposes. Canada's liberal immigration programs continued to be referenced specifically– the success rate of asylum seekers relative to other Western countries provided as the explanation why Canada's policies resulted in it being “a primary transition point for smuggled aliens, [having] a high threshold for grounds for removal as a result of criminal activity, the release of refugees until their claims are heard and a poor record of deportation if claims are denied as compared to other western countries, and poorly resourced border control agencies.”⁸⁶

These initial efforts in the immediate post-9/11 era represented something of a parallel yet separate line of discourse on the part of the Chretien government. On the one hand, the Prime Minister was confident enough in the House of Commons to state “We are dealing with a worldwide problem, but I am not aware at this time of a cell known to the police to be operating in Canada with the intention of carrying out terrorism in Canada or elsewhere.”⁸⁷ This was something of an odd pronouncement given the existence of public reports on the part his law enforcement and national security agencies that suggested a number of terrorist groups were in fact well established in Canada. In this context, journalist Stewart Bell suggested the federal government approached the issue as something of a public relations matter (i.e. convincing Canadians that the threat was minimal and contained), rather as one that warranted action and enhanced security capacity.⁸⁸ Furthermore, the Prime Minister commented in his autobiography, as it pertained to the day itself, “As long as I was being kept fully informed of what everyone was doing and knew that everything was under control, I didn't worry about not being able to hold a special Cabinet meeting until everyone was back in town. There were no collective decisions that had to be made, no controversial options I wanted to test out on my colleagues. I had full confidence in my Ministers and their officials.”⁸⁹ There is perhaps a little bit of Monday morning quarterbacking in this reflection. In the immediate period after the attacks, some effort would have been undertaken by national security agencies to determine if there was indeed any sort of Canadian connection to the attacks. Had there been so, I'm sure the reflections of the PM would have been quite different.

⁸⁵ Clarkson, *Uncle Sam and Us: One year later*, 3.

⁸⁶ Federal Research Division, Library of Congress, , *Nations Hospitable to Organized Crime and Terrorism*, (Washington, October 2003),145-149, https://www.loc.gov/rr/frd/pdf-files/Nats_Hospitable.pdf

⁸⁷ Parliament of Canada, Hansard (Ottawa, Sept 17, 2001)

⁸⁸ Stewart Bell, Conference notes, “Canadian Terrorists” in *Terrorism, Law and Democracy*, 15-22

⁸⁹ Rt. Hon Jean Chretien, *My Years As Prime Minister*, (Toronto, Vintage Canada, 2008), 29-30

Furthermore, this somewhat laissez-faire approach, together with PM Chretien's more realistic assessment that Canada was less at risk than the US, didn't entirely square with the fact that \$7.7 billion dollars was invested in national security initiatives in the 'security budget' of December 2001. As noted in the March 2004 report of the Auditor General, absent any sort of 9/11 GoC post-mortem or official pre-9/11 security strategy or policy, it is difficult to assess whether this level of funding was either excessive or inadequate. Nevertheless, the amount of funding, cobbled together in a relatively short period of time, was significant. And despite the view in certain communities that Canada did not face the same level of threat as did the US, the reasoning behind the funding is quite easily explained. It lies in the incentives political leaders face when dealing with uncertain dangers. In the immediate period after 9/11, when the threat was not entirely understood and the fear of follow-up attacks was still present, "leaders overreact[ed] to terrorism because they receive daily reports about possible attacks and they fear the possible consequences of appearing insufficiently vigilant....Excessive vigilance is wasteful, but it shields officials from accusations of not having done enough to protect the nation."⁹⁰ "PM Chretien couldn't get away from the fact that things had changed, and something had to be done. Plus people didn't know what was happening and so erred on the side of caution. There was a sense that 'we were responsible for everybody' and that stuff had to be done on our watch."⁹¹

In addition, and from a less abstract perspective, to keep commercial goods flowing across the border, and to get the message across that Canada was not being used as a platform for terrorist attacks against the US and other allies, the Prime Minister's officials were trying to cobble together, with unprecedented urgency, statutes, programs and policies to address the threat now directed at domestic security. Concerns by the US regarding its northern border notwithstanding, the events of 9/11 also created something of a paradigm shift in the security consciousness of the Canadian public at large, at least temporarily. "The panic regime of the post 9/11 period showed that anxious publics are willing to put up with many more intrusions, interceptions, delays and questions as was the case before September 11. When it comes to terrorist incidents, the public tolerance in the US (and Canada) is zero. The standard demanded by the public from the government is perfection even though everyone knows that such a standard is virtually unachievable."⁹² Cohen suggests there was a "curious psychological game at play. The Prime Minister worried about being seen as too pro-American in a country that was traditionally wary of Americans, hence his guarded public statements in the early hours. Then, having realized that public support was running ahead of the government in support of the US, he agreed to virtually everything the United States asked."⁹³ In any event, the issue was officially laid to rest by the *Open Society* policy of 2004 when it stated "The September 11 attacks demonstrated the profound effect an event in the United States could have on Canadians, and the need to work together to address threats. Canada is committed to strengthening North American security as an important means of enhancing Canadian security."⁹⁴

In 2004, the GoC, under then new Prime Minister Paul Martin, released its first (and the GoC's only) national security policy entitled "*Securing an Open Society: Canada's National Security Policy*". The

⁹⁰ Walt, *The Hell of Good intentions*, 161.

⁹¹ Jeffrey interview.

⁹² Frank Harvey, "The Homeland Security Dilemma: Imagination, Failure and Escalation" in *The Canadian Journal of Political Science* Vol 40. No 2,(2007), 3

⁹³ Cohen in "*Does Canada Matter*", 45

⁹⁴ *Open Society* policy, 5

policy stated “There can be no greater role, no more important obligation for a government, than the protection and safety of its citizens.”⁹⁵ The first-ever policy of its kind in Canada, *Securing an Open Society* served to reiterate the need for a whole-of-government approach to “protecting Canada and Canadians at home” and reflected an integrated approach to security issues across government, focussing on three core national security interests: protecting Canada and Canadians at home and abroad; ensuring Canada would not serve as a base for threats to our allies; and contributing to international security.⁹⁶ It served as policy coverage going forward for an integrated or seamless approach to national security, linking for the first time prevention, response and recovery elements. It also provided, for the first time, a strategic framework for the GoC to give some rationale to decision making and priority setting within the national security agenda, and within the broader GoC policy agenda at the time. In addition to focussing on traditional national security issues (intelligence, border security, transportation security, emergency planning and management), it also provided for additional frameworks to improve information, intelligence and security policy integration, and identified and included non-traditional ‘human security’ threats such as organized crime, environmental security, pandemics and natural disasters as national security priorities as part of a broad, all-risks approach. The policy stated, “The threats we face are not limited by terrorism. The SARS outbreak demonstrated the power of individuals to intentionally transmit threats around the globe at the speed of air travel” As such, “it sits in contrast to the traditional association of security with the state, involving little tangible reference to the security of its inhabitants. Today, these inhabitants have become the central focus on Canada’s domestic security agenda.... Including reliance on discourses of public health and critical infrastructure designed to protect human life.”⁹⁷ The need for a more holistic view of the threats facing states was being increasingly reinforced within a number of academic centres, for example by Buzan/ Waever (the “Copenhagen School”), and by Bobbitt, who stated as his rationale for non-traditional security items / human security: that “Relieving the suffering and devastation caused by disasters such as pandemics, earthquakes, hurricanes, etc. call on many of the same resources as the efforts against terrorism and proliferation.”⁹⁸

It is submitted these ‘non-traditional’ items were included in response to a number of recent high-visibility issues for which the Canadian government of the time felt compelled to respond from a policy perspective. These included the SARS outbreak of 2003, the Walkerton water contamination scandal of 2000, and the Northeast Power Blackout of 2003. And while one pundit at the time suggested the Martin Government would have a job selling the vision of the policy to the Americans, who would find it “typically woolly and Canadian”⁹⁹, the overall direction of the policy, linking prevention with response and recovery, and the inclusion of ‘human security’ items, was not inconsistent with the depth and breadth of the mandate of the US Department of Homeland Security.

The policy identified a role for both civilian agencies and the Canadian military to protect people, property and key infrastructure at risk to both human and naturally-generated threats. Burgess and Owen suggested “To the policymaker and the development organization, the very malleability of [the term]

⁹⁵ Ibid, pg vii

⁹⁶ Ibid, pg vii

⁹⁷ C. Bell, *The Freedom of Security: Governing Canada in an Age of Counter-Terrorism*, (Vancouver/ Toronto, UBC Press, 2011), 29

⁹⁸ Bobbitt, *Terror and Consent*, 3

⁹⁹ Tonda McCharles, “Super Ministry Covers Security, Crisis Issues”, In *Toronto Star*, (December 13,2003)

‘human security’ is its principle attractiveness.”¹⁰⁰, in that its goal to link prevention with response and recovery strategies, was coupled with its recognition that security embraced personal, national and international elements. As noted below, the objective of an all-response capability coupled with a broad definition of what constituted ‘security’, and along a wide threat continuum (personal, national,, international) suggested (or more likely demanded) that some form of an organizational response would be required to keep the myriad moving parts under control and focused on common objectives. Thus, *Open Society* served as the policy foundation for the creation of a number of new security-related agencies and offices, described in greater detail later in this study. It also served as the first somewhat ‘official’ attempt by the GoC to publicly engage with Canadians on what the GoC’s views, objectives and visions were as they pertained to national security.¹⁰¹

While considerable attention has been paid by a number of different communities as to how the events of 9/11 impacted Canadian –US relations, it cannot be forgotten that efforts undertaken within Canada to bolster its domestic security in the face of transnational terrorism were being replicated in other countries around the world. In that sense, while the threat had become trans-nationalized, so too had global efforts to counter it. The need for strategic and operational interoperability and cooperation amongst Western countries in the areas of immigration, customs, aviation security, intelligence and law enforcement and information sharing, became a common theme within the international security community going forward, and it continues to this day. Although taken primarily to meet immediate domestic and bi-lateral challenges, the steps Canada was taking to restructure its national security infrastructure would put Ottawa in good company. One of the outcomes of this shift to a domestic, preventative and civilian-based response was a reorganization of Canada’s national security infrastructure. Why and when this reorganization took place is the subject of this study.

Before focusing on the narrative associated specifically with this study, and in order to demonstrate the utility of this study in terms of its scholarly ‘value-added’, the next chapter examines how the actions of the GoC and its response to the threat posed by transnational terrorism have been examined by the academic community to date. What have previous efforts examined, and what scholarly gaps does this study attempt to fill?

¹⁰⁰ J.P Burgess and T. Owen, What is Human Security? Editors Note” in *Security Dialogue*, (Oslo, Peace Research Institute, 2004), 345

¹⁰¹ “Securitization” is an accepted concept within the fields of international relations and security studies. The definition and impact on political systems is most succinctly captured in the seminal work of Buzan, Waever and de Wilde (Copenhagen School) entitled “Security-A New Framework for Analysis” (1998), pgs 23-26. Securitization suggests that a particular issue is represented as an existential threat “requiring emergency measures and justifying actions outside the normal bounds of procedures.” Along the political spectrum, an item can be “securitized” in response to public or civil society demands for action. Arguably this is one reason why non-traditional items were securitized in the *Open Society* national security policy. Alternatively, an issue can be securitized at the initiative of the government, The assumption of responsibility by the GoC for passenger screening is an example of this as discussed later. More nefarious or despotic governments may choose to securitize the protection of religious, ideological or critical norms and values.

CHAPTER 3

STANDING ON THE SHOULDERS OF OTHERS (LITERATURE REVIEW)

One of the primary objectives of dissertational research is to bring some scholarly ‘value-added’ to the chosen field. This is accomplished in part, by undertaking a review of works and efforts already in place. Such a review helps position the study in question – whether it is being undertaken to support or refute established theories, hypothesis or narratives, and in doing so, or perhaps as a broader objective, whether new investigative and research ground is being broken.

The chapter is organized into two different periods. The first is the post-Cold War academic focus on the need for a new national security policy for Canada, and commentaries associated with what role intelligence would play in a post-Cold War environment. The second deals with academic examination of the GoC’s initial policy and program responses to the events of 9/11. The study identifies that five main topics were examined from a scholarly perspective in the context of the GoC’s initial response. More importantly, the review indicates that little, if any, research has been undertaken on why and when the GoC undertook the comprehensive organizational changes it did. Consequently, this study is both exploratory and explanatory in nature, and as such, seeks to add to existing scholarship on Canada’s national security.

There is no question that 9/11 had a transformative impact on the national discourse as it related to national security in Canada. Not surprisingly, as national security assumed a greater profile on the agenda of various Canadian governments, there was growing, unparalleled attention paid to the issue within a number of communities. Fascination with the topic of transnational terrorism provided for an ever increasing number of journals and articles, documentaries, websites, studies and dissertations as compared with the discourse associated with the Cold War, covering security, human rights, terrorism and democracy. This was driven primarily by the fact that “Canada, like other nations, has been forced to consider afresh the language of domestic and international security and to worry about the extent to which new realities might profoundly alter the established norms of a democratic society.”¹⁰² As quoted by Laqueur, however, “This huge and ill-defined subject has probably been responsible for more incompetent and unnecessary books than any other outside the field of sociology. It attracts phoney and amateurs as a candle attracts moths.” He adds “Ten years of debates on typologies and definitions have not enhanced our knowledge of the subject to a significant degree. The study of terrorism can manage with a minimum of theory”¹⁰³

Previous academic efforts have focused on two primary areas of investigation. Prior to the events of 9/11, and in the immediate aftermath of the Cold War, there was discourse within Canada’s defence and national security policy and academic communities on the need for a formal national security policy that

¹⁰² Wesley Wark, *National Security and Human Rights Concerns*, 1,

¹⁰³ Walter Laqueur, *A History of Terrorism*, viii, x

would serve to link foreign, defence and national security policy and strategy going forward in the new external environment. This new post-Cold War environment featured:

- Economic, political, military and cultural globalization, that resulted in enhanced integration and benefits for some, and fragmentation or exclusion for others;
- The increasing role of non-state actors, many of which shared a fear of, and hostility to, the West;
- The emergence of an increasing number of fragile states absent superpower sponsorship, with the resulting impact of ‘identity politics’ – nations, clans, tribes, religions, etc.- on national or regional stability;
- A single, unipolar superpower;
- A growing nexus between transnational crime, corrupt regimes and terrorist groups;
- Increased competition for finite resources;
- A trend indicating a growing number of attacks on Westerners globally ¹⁰⁴
- In light of several well publicize events of ethnic cleansing (Bosnia, Somalia, Rwanda), the introduction of the concept of “responsibility to protect” (R2P) (and in parallel, “nation building”) that was championed in part by Canada’s own Minister of Foreign Affairs Lloyd Axworthy, and policy issues regarding a rationale for intervention versus non-intervention; and, relatedly,
- A broader focus on the protection of civilians, and the rule of law, as opposed to conflict for the sake of gaining territory, wealth or promoting a certain ‘ism’ or ideology.

Within this context, and absent a national security policy, how were threats to Canada’s national security to be identified, defined, prioritized, and resourced? How were external interventions by Canadian agencies or the military in support of either national security or foreign policy objectives to be rationalized?

In the immediate period after 9/11, much of the academic focus was on the initial policies and programs the GoC implemented to address the threat posed by transnational terrorism and issues related to bi-lateral security relations with the US. The resulting debates could be considered as concentric circles. At the centre, the focus was whether Canada was obliged to adopt a ‘hard policy’ approach, where it was suggested that, for the benefit of the economy, Canada needed to integrate as much as possible with US security initiatives to address US concerns. The importance of the US to Canada’s economic security precluded much in the way of policy wiggle room. This was countered by the view that Canada had the ability to adopt a proactive, soft power, ‘defence against help” approach that ensured that the US was not otherwise obliged to implement policies that were contrary to Canadian interests. The next circle of academic discourse focused on three main themes: that the GoC was more concerned about the impact of the 9/11 attacks on Canada-US relations than the threat actually posed by transnational terrorism; that Canadian policy was understood to be separate but cooperative for those concerned with protecting Canadian sovereignty; and that Canada’s comprehensive, but more measured, incremental approach to the events of 9/11 as compared to the US, proved to be appropriate.

The outer ring focused on specific academic research and analysis that examined the policy/ program emphasis on prevention, what policy or program ‘success’ would look like, US concerns related the

¹⁰⁴ Bobbitt, *Terror and Consent*, 62

security of its northern border, to keep commercial goods flowing across that same border, and what part Canada would play in the US administration's 'preclusive' Bush Doctrine. Broadly speaking, the ultimate question was how could the GoC best develop a policy and programming framework that would enable national security and law enforcement agencies to protect their publics, preserve the flow of commercial traffic at the Canada-US border and address US concerns regarding the security of its northern border, without compromising cultural traditions related to the rule of law, human rights, privacy, and Canadian sovereignty?

While there was an obvious tangential connection of "organization" to these issues, there was not a substantive comprehensive body of work on whether there was a need to adjust the prevailing national security organizational structure in consideration of the new threat being faced, or the organizational initiatives that were ultimately undertaken.

Need for a National Security Policy / Policy Linkages

With the collapse of threats to the West in the post-Cold War environment, much of the discussion within operational and academic communities focused on the need for some sort of policy nexus in Canada between foreign / diplomatic, defence, and national security policy communities in the new post-Cold War environment (Delvoie, Sokolsky, Boulden, MacNamara-Fitzgerald, Maloney, Doran-Pratt, Selbie). The situation is perhaps best summarized in a 2000 article by former Ambassador and DND Assistant Deputy Minister (Policy) Louis Delvoie where he stated "There is in fact a policy vacuum which must be filled if the Canadian government is to avoid unproductive or unnecessarily dangerous undertakings which are of questionable value to the country and that may indeed be inconsistent with its interests."¹⁰⁵

As noted previously, Canada's traditional view regarding national security was based on pushing the security perimeter abroad as far as possible, and this involved a strategy that closely linked foreign and defence policy. This nexus is captured in a quote attributed to then Deputy Prime Minister John Manley in a February 2002 Senate report where he stated "A credible foreign policy is dependent upon a robust defence policy."¹⁰⁶ Consequently, much of the academic discourse of the time focused on the "demise of policy" in the post-Cold War environment, and the rationale (or lack thereof) for future interventions abroad for increasingly diverse reasons (peace keeping, "peace-making", nation-building, and humanitarian reasons). Commentaries suggested that external expeditions were justified more on the basis of ambiguous "principles" rather than national interests, and there was a lack of policy commonality that would help explain to Canadians why resources were being dedicated to certain regions experiencing some form of internal instability, but not others. Delvoie added "While there were many factors which helped to explain this new activism, none had much to do with a re-thinking of Canada's foreign policy or national interests."¹⁰⁷

¹⁰⁵ L.A Delvoie, "Canada and International Security Operations: The Search for Policy Rationales" in *Canadian Military Journal*, (Summer, 2000) ,13

¹⁰⁶ Special Senate Report 2002,

¹⁰⁷ Delvoie, *Canada and International Security Operations*, pg. 19

What Role for Intelligence?

Fyfe notes “It is sometimes said that Canada lacks an intelligence culture, presumably because intelligence has not been seen as playing a significant role in our history, or in the analysis of foreign policy questions. We have not been among those nations that assume intelligence is vital to an effective foreign policy agenda.” Fyfe added that as result of 9/11, “we may see at least an erosion of the anti-intelligence culture, if intelligence material routinely becomes a valuable input to policy decisions, or if security threats are both more frequent, and more frequently lead to convictions.”¹⁰⁸ Whitaker added that the years between 1989 and 2001 represented “a somewhat formless post-Cold War era for intelligence agencies.”¹⁰⁹ As Wark observed, “It would not be unfair to say that the Canadian intelligence community was a community in search of a mission in the decade-long post- Cold-War period.”¹¹⁰

The decade prior to 9/11 did present something of a frustrating conundrum for Canada’s national security and law enforcement agencies, particularly as it related to an increased demand for intelligence requirements and capacities, and the role intelligence would play in what would amount to ‘the next big thing’. Farson observed:

For the first time in half a century, dramatic changes in national security policy-at both the international and national level- became politically acceptable. This was a dramatic blow to the intelligence agencies whose practices, and indeed reasons for existing, were now being questioned.....Fundamental questions began to be raised about what type of intelligence activities would be required in this ‘new world order’TheIntelligence managers were not only not prepared for the new environment, but were trying to redefine what intelligence was.¹¹¹

At the policy/strategic and program levels, the main focus of discussion continued to concern the external environment. The Cold War threat environment that was typically state –centric, and therefore largely manageable and ‘predictable’ in terms of monitoring both external and domestic (espionage) threats, was morphing into a much more diversified and asymmetric threat spectrum. While espionage was still present, there were now calls on the community to assess threats posed by the domestic spillover from regional and national instabilities elsewhere as noted previously, (Algeria, India, Sri Lanka, Lebanon, Ireland, Turkey, Israel/Palestine) that brought with them elements of terrorist organizations, transnational organized crime (and the increasing nexus of organized crime and terrorism funding), WMD proliferation, support for Canadian interventions abroad (Somalia, Gulf War 1, Balkan instability) and the first inkling of cyber-attacks, employed by a variety of non-state actors who were hard to identify and even more difficult to access or infiltrate. Even with a nod to the recognition that Canada’s security preoccupations were traditionally focused abroad, there was a growing need to both identify and understand how overseas issues with a nexus to terrorism could become domestic security issues for Canada. This lack of ‘target focus’ would have created challenges in terms of inter-agency cooperation in advance of September 11, 2001, as unlike the Cold War or the CT initiatives post 9/11, there was a distinct lack of understanding in identifying a common threat within the security and intelligence

¹⁰⁸ Greg Fyfe, “The Canadian Intelligence Community After 9/11”, in *Journal of Military Strategic Studies* Vol. 13 Issue 3 (Spring 2011) , 11

¹⁰⁹ Whitaker et al, *Secret Service: Political Policing in Canada*, 431

¹¹⁰ Wesley Wark, *National Security and Human Rights Concerns*, 19

¹¹¹ Stuart Farson “Accountable and Prepared? Reorganizing Canada’s Intelligence Community”, in *Canadian Foreign Policy Journal*, Vol.1, No 3. (Fall 1993), 43

communities. Border agencies were largely focused on contraband, law enforcement on criminal activities, the military on ‘responsibility to protect’ expeditions abroad, and national security agencies were morphing from espionage and foreign influence threats to counter-proliferation and transnational terrorism.

As a result of the diversification of the threat, traditional national security agencies were expected to expand their roles and mandates, and other non-traditional departments and agencies were being asked to develop intelligence and investigative capacities. This suggested that some effort would be required going forward to ensure there was enhanced and sufficient coordination between an increasingly decentralized national security community, and to prioritise collection and investigative efforts. As early as 1989, a Senate Report noted the challenges related to the “analysis, and the gathering, coordination, and dissemination” of intelligence”. Apparently, little had been done to effect change within the myriad of departments and agencies involved in these activities. This led the Committee to wonder whether intelligence from such diverse sources could be processed quickly and effectively. ¹¹²

Two Senate of Canada reports (1987, 1989) ¹¹³ identified that, while past efforts had been dedicated towards the collection of information, the diversity of the threat now required more resources to buttress the analytical capacity of intelligence agencies. Specifically, an increase in long-term strategic thinking was required by decision makers in order to enable them to define “national interests”, and to identify in advance the long-term threats and risks posed to those same interests. The Cold War threat environment required efforts to establish what the intention of the enemy was, as both their origin and capacities were generally well known. This meant the intelligence process could focus on collection. In the new environment, and particularly from a counter-terrorism perspective, while stated intentions of respective terrorist groups were well known, not knowing where threats could originate or what the capacity was of various groups to conduct nefarious activity suggested there was a need for much more emphasis on strategic planning, coordination, and assessment, and getting intelligence products to decision makers on time. At the same time, while the threat picture was becoming more complex, and demands for information on the part of decision makers from a number of different government agencies and communities increased in kind, governments elected to slash existing budgets both as part of the ‘peace dividend’ resulting from the collapse of the Soviet Union, and in the case of Canada, to get its fiscal house in order.

Between 1995 and the 9/11 attacks, the most significant threat to global stability, other than regional instability resulting from conflict within individual countries, was deemed to be the proliferation of WMD or CBRN (chemical, biological, radioactive, nuclear) generated-attacks by ‘rogue nations’ or non-state entities. ¹¹⁴ In his presentation to a Senate Committee in 1998, then CSIS Director Elcock described it as the “issue du jour” and the FBI characterized WMD’s as “perhaps the most serious potential threat facing the United States today.” ¹¹⁵ This was due to a possible loss of control of Warsaw Pact Cold War CBRN stockpiles resulting from the collapse of communist regimes throughout Eastern Europe and Central Asia,

¹¹² Farson , *Accountable and Prepared*, 53

¹¹³ Government of Canada, *The Report of the Senate Special Committee on Terrorism and the Public Safety*, Report I (1987), and Report II (1989) (Ottawa)

¹¹⁴ Elinor Sloan, “The Road From September 11: Canada-US Defence Relations in the Terrorist Era” in (eds) D.Carmet et al, *Canada Among Nations 2004*, 157

¹¹⁵ Ward Elcock quoted in *Terrorism, Law and Democracy*, 9, 1999 Senate report chapt. 1

and the risk that certain CBRN inventories could wind up on the open , or black, markets, and available to the highest bidder for nefarious purposes. Even though the G8 pledged some \$32 billion to secure nuclear stockpiles in the former Soviet Union and other Warsaw Pact countries, it was estimated that only 20 percent were properly secured.¹¹⁶ The International Atomic Energy Agency (IAEA) reported in 2005 there were more than a hundred nuclear smuggling incidents since 1993, eighteen of which involved highly enriched uranium, the key ingredient in an atomic bomb and the most dangerous product on the nuclear black market.¹¹⁷ A number of government reports in the late 1990s, both US and Canadian, serve as evidence the subject of CBRN proliferation and protection of critical infrastructure was receiving at the time. (The US *Defence Against Weapons of Mass Destruction Act* (1996), The US Commission to *Assess The Ballistic Missile Threat to the United States ((1997)* , the *Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction* (1999), CSIS's report of December 1999, *Chemical, Biological and Nuclear (CBRN) Terrorism*).¹¹⁸ Although focused on the CBRN threat posed by terrorists, one report concluded somewhat prophetically “the US had no ‘coherent, functional strategy for combatting terrorism”, and that the US administration’s programs for combatting terrorism were “fragmented, uncoordinated and politically unaccountable.”¹¹⁹

With the growing evidence of the presence of transnational terrorism groups in the 1990’s, a few key US-based scholars, (Hoffman, Crenshaw, Laqueur, Jenkins) started to examine the issue. However, as noted by Andrew Silke, there was a shortage of researchers with a continuing interest.

Prior to 9/11, the study of terrorism was carried out on the periphery of academia. The funding available for researchers was extremely limited and the number of researchers prepared to focus a substantial element of their career on their subject was paltry. In most cases it was harmful to an academic or research a career to follow such interest, and most of those who were genuinely interested in the subject found they had to incorporate other issues into their work in order to remain professionally viable.¹²⁰

In a separate contribution on the issue, Silke added “Only 2 percent of articles [in the two leading journals *Terrorism and political Violence*, and *Studies in Conflict and Terrorism*] with a group focus prior to 9/11 examined Al-Qaeda. As a result, Al-Qaeda did not even manage to make the top twenty list of terrorist groups which received the most research attention.”¹²¹ Alex Shmidt goes on to note that “It was not only the intelligence community that was taken by surprise: academic

¹¹⁶ Bobbitt, *Terror and Consent*, 101

¹¹⁷ Council on Foreign Relations, “Loose Nukes”, (January 2006) <https://www.cfr.org/backgrounder/loose-nukes>

¹¹⁸ Col. J. Selbie, *Homeland Security: A Canadian Perspective* (Carlisle PA., US Army War College, April, 2001) ,2-8, 16

¹¹⁹ First and Second Annual Report of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction Executive Summaries pages viii and iii respectively

¹²⁰ Andrew Silke *The Road Less Travelled: Trends in Terrorism Research 1990-1999*, paper distributed at the International Conference on Countering Terrorism Through Enhanced Cooperation, (September, 2000), 17-18

¹²¹ Andrew Silke, “The Impact of 9/11 on Research on Terrorism, in (eds.) R. Magnus, *Mapping Terrorism Research: State of the Art, Gaps and Future Direction* (London, Routledge, 2004), 84

researchers had also largely neglected to notice the rise of Al Qaeda, which had been founded as early as 1988.¹²²

In Canada, and from a more operational perspective, discourse focused primarily how the new Canadian Security Intelligence Service (CSIS) was evolving since its creation in 1984.¹²³ With the end of the Cold War, the agency's initial priority target- foreign espionage and influence – had given way to investigations of various groups involved in homeland conflicts that were spilling over into Canada (the Irish Republican Army, Middle Eastern Groups, Sikh nationalists) and right and left wing groups residing within Canada. Commentaries tended to examine specific files as they came to light. The most comprehensive external examinations considered the roles of the RCMP and CSIS in the Air India bombing, and their respective inability to translate security intelligence into legal evidence in terrorism cases – a situation that remains a challenge to this day as a result of the difference in defined thresholds related to the collection of information and its corresponding use in evidentiary proceedings. A secondary investigation, driven largely by media articles, involved the McInnes-Bristow affair (where a paid CSIS informant used taxpayer's money to create a white supremacist group), and the resulting narrative suggesting the need for some degree of parliamentary oversight for the agency,¹²⁴ again an issue that resonates to this day.

Post / 911 Commentaries

As noted by Mary Kaldor, “ the ability to maintain order, to protect individuals in the physical sense, to provide a secure basis for administrative capacities, to guarantee the rule of law, and to protect territory externally are all primary functions of political institutions from which they derive legitimacy.”¹²⁵ Bobbitt adds “The tension between national security and civil liberties fluctuates from normal times to crisis. When people fear their security is threatened, they are often willing to acquiesce in incursions of civil liberties..... Conversely, when people feel secure, they are inclined to bridle at even minor constraints on their personal liberties.”¹²⁶

It is within this context that much has been written on five key areas of academic investigation that focussed on how Canada initially responded to the threat posed by transnational terrorism and US security concerns, and how events of 9/11 impacted the tradition of maintaining the longest undefended border in the world.¹²⁷ First, discussions examined the form and content of Canada's initial policy / legislative responses aimed at making the prosecution and detection of terrorists easier representing, as Bobbitt noted, a “confluence of strategy and law on the part of governments, and consent and legitimacy on the

¹²² A.P Schmid, “The Literature on Terrorism” in (ed) A.P Schmid, *The Routledge Handbook of Terrorism Research*, (London, Routledge, 2013) , 459

¹²³ A. Stuart Farson, “In Crisis and in Flux? Politics, Parliament and Canada's Intelligence Policy” in *Journal of Conflict Studies* Vol. 16. No 1. (Spring ,1996)

¹²⁴ Government of Canada, Office of the Auditor General, *The Canadian Intelligence Community: Control and Accountability* : (Ottawa, November 1996) <https://fas.org/irp/world/canada/docs/oag96/ch9627e.html>

¹²⁵ Mary Kaldor, *New and Old Wars*, (Stanford, California, Stanford University Press, 3rd edition, 2012), 187

¹²⁶ Bobbitt, *Terror and Consent*, 241

¹²⁷ Ronald Daniels, Patrick Macklem, Kent Roach (eds). “*Essays on Canada's Anti-Terrorism Bill*” ,(Toronto, University of Toronto Press, 2001), Kent Roach, “*September 11, Consequences for Canada*, (Montreal/ Kingston, McGill Queens University Press,2003),

part of those governed.”¹²⁸ These included the lightening-fast promulgation of the *Anti-Terrorism Act of 2001*, and the *Immigration and Refugee Protection Act (IRPA)*, measured against traditional Canadian concepts of human rights and privacy law, and the increased securitization of Canada’s liberal immigration policies and programs respectively. Second, significant attention was directed towards the issue of how Canadian sovereignty could and should be maintained against US concerns about Canada’s ability and commitment to contribute to bi-lateral security. The GoC was being asked by certain communities to distance itself from the US from a sovereignty perspective, at the very time when the US was looking for increased cooperation, interoperability and intelligence sharing in response to the threat. In both these cases, the narratives suggested an outcome going forward would result in a zero-sum game: an increase in the security powers of the state would undermine Canada’s traditions related to human rights and privacy. Greater cooperation with the US on security policy and programs would negatively impact on Canada’s sovereignty.

Third, the immediate investment of \$7.7 billion dollars¹²⁹ in a “National Security” budget, following funding cuts throughout the previous decade, gave rise to questions of whether previous across-the-board cuts were based on any actual post-Cold War threat analysis or national security strategy for the 21st century. Fourth, there was scholarly focus on government efforts to address the angst in Canadian political and economic communities regarding how new US concerns about border security with its northern neighbour had the potential to impact a core Canadian economic interest- cross-border commercial activity between the two countries. Finally, and in light of the transnational character of jihadist-based terrorism, there was debate as to whether Canada required a dedicated foreign intelligence agency. While a wide array of voices waded in on any or all of these subjects, discourse was led primarily by a core group of Canadian academics over the first few years after 9/11. This group included Kent Roach, Reg Whitaker, Wesley Wark, Craig Forcese and Ronald Crelinstein.

These respective areas of investigation served to suggest, in turn, that there were four primary communities of thought within government, academia and the media, that would govern policy discussions on national security going forward, even to the present day: those promoting an enhanced security relationship with the US, and possibly greater integration with US security initiatives; those who desired to sustain Canadian sovereignty to the greatest *practical* extent (“defence against help”), while recognizing legitimate US security concerns ; those whose focus was on maintaining Canadian values related to human rights and privacy and minimizing incremental security powers of the state; and those whose primary interest was ensuring that cross border commercial traffic with the US was not impeded.

It is put forward that those narratives that suggested GoC policies and programs in the immediate aftermath of 9/11 were overly intrusive when it came to human rights, or undermined Canadian sovereignty (the efforts of Kent Roach and Craig Forcese are good examples) were somewhat in tune with the view of certain pockets within the GoC that the immediate, direct threat to Canada posed by transnational terrorism did not equate to the threat faced by America. Consequently, measures taken were actually unnecessary as the nature of the threat to Canada was sufficiently addressed by existing laws or

¹²⁸ Bobbitt , *Terror and Consent*, 17, 19

¹²⁹ Government of Canada, Office of the Auditor General of Canada, *Report of the Auditor General to the House of Commons, Chapter 3- National Security in Canada-The 2001 Anti-Terrorism Initiative* (Ottawa, March, 2004), 8

programs, and that initiatives were being undertaken only to assuage US demands for supporting a “Fortress America” mentality.

On the other hand, a good case can be made, as Charters suggests, that it didn’t really matter if the measures undertaken represented policy and program overkill relative to the actual threat to Canada, if measures taken by the US at the border resulted in an appreciable slow-down in the flow of economic activity, impacting on a key pillar of the Canadian economy.¹³⁰ Furthermore, and in line with the response of other Western countries to the threat, national security policy at the domestic level had to adjust by employing security and counter-terrorism strategies that were centred on prevention and prediction. In the past, counter-terrorism strategies had focused on protocols for ‘after the fact’ response and recovery. While response and recovery remained elements of a broader national security strategy, prevention became pre-eminent. The statutory, program and budgetary initiatives that were undertaken provided the necessary means and ways to do so. Would the government been equally taken to task if measures were not implemented to restrict the ability of terrorist to operate freely within the country, putting Canadians and other allies at risk, with Canada becoming an “unofficial state sponsor of terrorism”?¹³¹ In the event of an attack, would the absence of preventative measures lead to a response on the part of the GoC that was more ‘authoritarian’ in nature (e.g. *War Measures Act*)? Though his thoughts applied to the US, Bobbitt’s observations apply equally to Canada when he stated “In this instance, one may question if we have been well served either by the government that aggressively overreached, or by the civil liberties lobby that appears to be in a state of denial about the global terrorist threat.”¹³²

Considerable academic discourse (Roach, Whitaker, Charters, Wark, Rudner, Daubney, Stein, Cotler, et al) was focussed on the drafting and promulgation in December 2001 of the GoC’s Bill-C36, which ultimately became the *Anti-Terrorism Act 2001*. The new *Act*:

- Defined what constituted ‘terrorism’, a terrorist act and terrorist offences under the law, essentially covering not only violence but property damage and interference with essential services;
- Created sanctions for persons or charitable groups who knowingly provided funds in support of terrorism;
- By way of amendments to the *National Defence Act* provided statutory authority for the Communications Security Establishment (CSE), the lead GoC agency for signals intelligence (SIGINT);
- Provided for the introduction of “investigative hearings”, where persons who were suspected of having information related to a terrorist group were obliged to provide that information in front of a judge; and:
- Provided for the arrest of persons on the grounds of ‘reasonable suspicion’ that an arrest was necessary to prevent the carrying out of terrorist activity

¹³⁰ Charters, *The (Un)Peaceable Kingdom* 36

¹³¹ Stewart Bell, “Blood Money: International Terrorist Fundraising in Canada” in (eds. N. Hillmer and M. Molot in *Canada Among Nations: A Fading Power*), 188

¹³² Bobbitt, *Terror and Consent*, 257

The latter two provisions were particularly controversial, and ultimately the *Act* included a sunset provision for these sections after five years of the *Act's* promulgation unless it could be demonstrated they were still required.

Issues related to the *Act* were debated extensively within a number of communities (academic, legal, policy, practitioners, media), ranging across a spectrum of discourse that suggested it posed a real danger to *Charter* rights and the right to protest and dissent, those who suggested some tinkering to some of its more controversial clauses was all that was required; and those who suggested it didn't go far enough in providing law enforcement and national security agencies with the tools they required to meet the new threat. At the core of these discussions was whether the *Act* could not only withstand judicial scrutiny within the context of Canada's *Charter of Rights and Freedoms*, but more fundamentally whether new investigative powers being sought by the state undermined basic Canadian norms and values. Debates also considered whether the proposed measures provided any 'value added' in terms of prevention, over measures that were already in place or, alternatively, whether there was a need for legislation that reflected the particular characteristics of terrorism as distinct from other criminal activity, and that focussed on prevention as opposed to 'after the fact' criminal prosecutions. Unlike the US and UK, Canada did not have any specific anti-terrorist legislation in place before 9/11 (the FLQ was declared an 'unlawful association' for the purposes of prosecution), nor did it have anything in the form of a national security policy to provide any sort of guidance in unchartered waters.

Consequently, the first few GoC initiatives post 9/11, including the introduction of the *Act* were seen by some as being largely reactive. There was also a view that the speed at which the Bill was promulgated did not allow for the usual policy discourse that would have been traditionally been undertaken on such a high-profile issue. Comparisons with counterterrorism legislation of other countries, primarily the US and UK, were also undertaken suggesting, in part, that Canada's definition of 'terrorism' within the *Act* was too sweeping. It was argued that the *Act* impeded legitimate dissent, and that the notion of criminalizing 'motive' (for religious, political or ideological purpose) would serve to target those who held extreme political or religious views, but who did not choose to act violently in support of them. Other voices were concerned there was not sufficient oversight of how law enforcement or national security agencies applied the new powers under the *Act*. Other tangential issues were also examined in the context of the *Act*, including whether non-citizens suspected of, or charged with, a terrorist offence could, or should, be deported to countries where they possibly faced torture, whether the use of torture (or 'aggressive interrogation') would be appropriate if it served to prevent the loss of innocent lives resulting from a terrorist attack, and whether certain communities would be subject to profiling.

On the other hand, and as noted previously, there was a need to provide a statutory framework that provided for the prevention of terrorist activities, in which the gathering of intelligence became of central importance. The need for a strategy based on prevention rather than merely a responsive, after the fact approach was reflected in reports prior to 9/11.¹³³ While there was a view that existing criminal law served to provide law enforcement agencies with the tools necessary to counter terrorist activity, there were also compelling arguments to support the position that current laws did not enable prevention, but

¹³³ Government of Canada, The Senate of Canada, *The Report of the Special Committee on Security and Intelligence* (January 1999) , <https://senate.ca/content/sen/committee/361/secu/rep/repsecintjan99>

only pursuit and prosecution after the fact. Even in those instances, cases were difficult to prosecute as there was rarely a completed criminal act under pre-*Act* laws. In support of a preventative strategy, a statutory framework was necessary to provide security and law enforcement agencies with the means to understand how terrorists operated, what their tendencies were, and to make illegal some of the more peripheral facilitation activities associated with terrorism acts (financing, recruitment, information sharing). More important, one outcome of the enhanced capacity of security agencies under the *Act* would be their ability to provide decision makers with more accurate and timely information on either immediate or emerging threats so that appropriate policy and program responses could be developed.

Furthermore, in the wake of the 9/11 attacks, it was discovered that Canada had been slow to implement some key UN conventions (e.g. *International Convention for the Suppression of Terrorist Bombings* UNSC 52/164, *International Convention for the Suppression of the Financing of Terrorism*, UNSC 1373) related to counter-terrorism on the domestic front, and that required Canadian legislation to implement. UNSC 1373 obliged the GoC to establish a terrorist listing regime and to create financial sanctions against listed entities. This was accomplished by adopting an omnibus approach to ratification and implementation through the *Act*. As Wark observed, “By emphasizing the need to meet international law obligations, the Canadian government was able to stress the threat posed by terrorism was not just domestic, but also to international security and to argue that C-36 was an appropriate contribution to a broader international effort against terrorism.”¹³⁴ By putting the *Act* in an international context, the GoC was able dispel ‘any hint of a unique or unnatural Canadian response, and leaving room for suggestions that Canadian legislation is, comparatively, relatively mild.’¹³⁵

The *Immigration and Refugee Protection Act*, (IRPA) promulgated in June 2002, was not limited to issues of security. Its enactment in the period immediately after 9/11, however, was likely driven by the need to demonstrate resolve on the part of the GoC to assuage US perceptions that Canada’s immigration and refugee policies were contributing to, and facilitating, the threat posed by transnational terrorism. Even though Canada received a generally favourable review of its post 9/11 efforts in the Department of State’s “Patterns of Global Terrorism 2002” document (“Cooperation with Canada remains excellent.... Cooperation with Canada is a model for bilateral cooperation”), the only substantive knock involved concerns related to immigration: “Canadian laws and regulations intended to protect Canadian citizens and landed immigrants from government intrusion limit the depth of investigations”¹³⁶ According to Roach, “The giant, genial nation known for its crimson –clad Mounties and great comedians, had also become an entry point and staging ground for Osama bin Laden’s sleeper cells..... Canada’s liberal refugee and immigration policies are of particular concern.”¹³⁷ Its promulgation also reflected the GoC’s response to obligations imposed by UN Security Council Resolution 1373 that obliged states to “prevent the movement of terrorists or terrorist groups by effective border controls on the issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents...before granting refugee status, all States should take appropriate measures to ensure that the asylum seekers had not planned, facilitated or participated in terrorist acts; and States

¹³⁴ Wark, *National Security and Human Rights Concerns*, 9

¹³⁵ Ibid, 10

¹³⁶ Department of State, *Patterns of Globalization 2002* (Washington, 2003),74
<https://www.state.gov/documents/organization/20116.pdf>

¹³⁷ Kent Roach, *September 11: Consequences for Canada* (Kingston-Montreal, McGill-Queens University Press ,2003) 6

should ensure that refugee status was not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation were not recognized as grounds for refusing requests for the extradition of alleged terrorists."¹³⁸ In the immediate aftermath of 9/11, there was also some public support for tightening immigration and refugee policies, particularly those that came from Muslim countries.¹³⁹

The new legislation reflected the outcome of stakeholder consultations at the domestic level that had actually commenced in 1994, essentially attempting to update Canada's immigration laws that reflected "contemporary globalizing forces, but constrained by nostalgic politics", and to "bring the law in line with practice, even in an area dominated by discretion."¹⁴⁰ It was the result of bilateral discussions with the US to improve border management that had commenced around the same time, but that had stalled for a variety of reasons, including a lack of resources and political momentum in both countries to implement proposed changes.¹⁴¹ Consequently, as Dauvergne stressed "September 11 did not alter the trajectory of immigration law's crack downs, but it hastened its pace and smoothed its progress."¹⁴² It provided more clarity on the various definitions of groups of various immigrant or refugee applicants (family, economic, refugees) and the administrative processes related to their vetting in the hopes of obtaining citizenship.

Sands suggests that the US was driven at this particular point not only by the immediate events of 9/11 but also by the results of its investigations related to "proto-Al-Qaeda" activity in the US (the 1993 attack on the World Trade Centre, and disrupted attacks planned subsequently against various New York landmarks and its subway system). Investigators were concerned with both the ease that the individuals involved gained access to the US, and their ability to travel freely within the country¹⁴³ and they called on lawmakers to address the threat. He also posits that IRPA legislation and the Smart Border Declarations of December 2001, in which Canada and the US pledged to improve procedures and information sharing, "were not a new beginning so much as a new commitment of political will and adequate funding to follow through on good ideas that had languished for want of both prior to 11 September."

The *Act* did contain a number of security-related provisions, addressed in sections pertaining to the "inadmissibility" of certain applicants located abroad. Section 34 identified terrorism as a grounds for inadmissibility (as well as "serious criminality" or "misrepresentation"- read forged documentation or untruths related to personal information). Most of the *Act* provides for measures for prohibiting or interdicting persons before they arrive in Canada. However, while section 34 provisions provided for protection via inadmissibility provisions at the point of origin or at access points into Canada, significant attention from a number of domestic communities related to the provisions in the *Act* that addressed removal of non-citizens for terrorism activities who were already residing in Canada. In the immediate aftermath of 9/11, and until charges under the *Anti-Terrorism Act* became more common place, this was

¹³⁸ UNSC Resolution 1373 https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdf

¹³⁹ Roach, *September 11*, 144

¹⁴⁰ Catherine Dauvergne, "Evaluating Canada's New Immigration and Refugee Protection Act in its Global Context", in *Alberta Law Review*, Vol. 41. No. 3 (2003), 726, 729

¹⁴¹ Interview with John Manley

¹⁴² Dauvergne, *Evaluating Canada's New IRPA Act*, 738

¹⁴³ Chris Sands, "Fading Power or Rising Power? 11 September and Lessons from Section 110 Experience, in *Canada Among Nations-2002, A Fading Power?* 50-65

accomplished via the 'security certificate' regime. At the time of promulgation, the Minister of Citizenship and Immigration had the authority to issue a warrant for the arrest and detention of the person named in a certificate if there were reasonable grounds to believe that the person was a danger to national security or to the safety of any person, or unlikely to appear at a proceeding for removal (s.74 -82 of the Act).

Security certificate protocols were first introduced in 1978 initially as a means to mostly resolve sensitive diplomatic issues relating to foreign individuals charged and arrested for espionage or foreign influence activities while in Canada. The certificate regime enabled the individual charged to be returned to the home country with little fanfare or diplomatic angst. They were later applied to non-residents charged with criminal activity (some with a nexus to terrorism -militant Sikh and Tamil activities) in the 1980s and 1990s.

The security certificate regime received considerable attention from the legal, media, and academic communities in the post-9/11 environment with the detention of a number of individuals, both immediately prior to and after 9/11. Concerns regarding the certificate regime emerged in light of the fact that persons subject to a certificate were treated on the basis of a different (lower) standard than Canadian citizens. Those detained under a certificate could be detained indefinitely, that evidence presented to a judge in support of the issuance of a certificate was undertaken in secret, all absent any legal representation on the part of the person concerned. Furthermore, and in light of the *Suresh* decision of the Supreme Court, (2002), the GoC was unlikely, in most circumstances, to deport or return someone to a country where they risked being tortured, given individuals detained under a certificate with a demonstrated nexus to terrorism often claimed refugee status. (The Court ruled deportation was nevertheless constitutional in exceptional cases where there was a serious security risk to Canadians).

Three outcomes of *IRPA* are of interest to note in the context of broader GoC counter-terrorism policies and strategies. First, while the national security agenda between 2001 and 2004 was focussed domestically, the processing of visas, passports, student and work permits etc. in the country of origin, continued in their own way to push the security perimeter beyond domestic shores. Stephen Clarkson pointed out that "Canada's security perimeter now extended to every visa office, seaport and international airport, whether Heathrow, Charles de Gaulle, Frankfurt or Tokyo, from which dangerous weapons could be shipped or potential terrorists could arrive, presenting themselves as immigrants or refugees who had lost their destroyed documents, or innocent -looking tourists with dollars to spend on site-seeing in the Rockies."¹⁴⁴ In short, "a domestic security capacity required international knowledge."¹⁴⁵ Second, as noted by Roach, immigration law served as the main statutory authority to address threats posed by non-resident individuals who were deemed to be involved in terrorism in the immediate aftermath of 9/11, and until charges under the *Anti-Terrorism Act* became more common place.¹⁴⁶ Third, the *Act* served to statutorily securitize, to some degree, the management and screening of persons across the Canada-US border the same way the Smart Border Accords provided for the continued transit of commercial goods

¹⁴⁴ Clarkson, *Uncle Sam and Us: One Year Later*, 4

¹⁴⁵ Fyfe, *The Canadian Intelligence Community After 9/11*, 3

¹⁴⁶ Kent Roach *The 9/11 Effect: Comparative Counter-Terrorism*, (New York, Cambridge University Press, 2011), 364

(the means of enforcement of the *Act* came later in 2004 with the creation of the Canada Border Security Agency).

As to the issue of sovereignty, discussions within the political, academic and media communities focused on two main topics. First, the degree to which Canada was capable of resisting US efforts in support of a continental “fortress North America” approach to security with the agenda being largely driven by US interests. Second, the extent of American leverage over Canadian decision making in security, defence and foreign policies and the tremendous pressure faced by the GoC to comply with US security initiatives, both domestic and external, given the significant integration of the economies of the two countries and the ability of the US to stymie cross-border commercial traffic. As stated by Roach, there were “concerns that Canada was trying too hard to please the American government in its new war against terrorism and that the long-term consequence of September 11 would be an erosion of Canadian independence and difference from the United States” and that many Canadians seemed prepared to sacrifice sovereignty for security and prosperity.¹⁴⁷ Furthermore, towing the line with US policy did not necessarily guarantee a blank cheque when it came to cross-border trade, as ongoing disputes regarding US imposed tariffs protecting the US timber and agricultural sectors were exacerbated in 2002 with the introduction of new tariff regimes. For their part, certain members of the Canadian “nationalist” community saw an opportunity for the GoC to differentiate Canada’s response to 9/11 from that of the US, by adhering to its values-based human rights and immigration policies, and continued support for a multilateral approach to interventions abroad. Broadly speaking, and as noted by Whitaker, “On matters of Canadian sovereignty, in North America, there is considerable continuity between the Cold War and the war on terrorism. Both crisis extended quickly from the security sphere to the economic sphere and from there to the political and cultural dimensions of Canadian nationhood.”¹⁴⁸

On balance, and with hindsight, it would appear that initial concerns related to Canada’s loss of sovereignty, or a propensity to follow the United States down any path or, conversely, those fearing US economic retaliation in the event that Canada did not take its security obligations seriously unless there were substantive efforts at almost full integration, were largely misplaced. As will be examined in greater detail later, the terms and conditions of the Smart Border Accords (and related Safe Third Country Agreement concerning the treatment of refugees seeking to transit between the two countries) were negotiated with, not dictated by, the US, and were in fact driven largely by Canadian interests that had been the subject of bilateral discussions between the two countries prior to 9/11.¹⁴⁹ And while Canada did introduce new visa requirements for a limited number of countries post 9/11, it did not support full visa program integration with the US. New information and intelligence sharing protocols were also established, or existing ones reinforced, between US and Canadian law enforcement and national security agencies, either on the basis of negotiated bilateral agreements or through sharing regimes enable via statute (the Mahar Arar file being an example of over-eager info-sharing). While Canada did provide in 2001 and 2002 a limited number of troops to hunt down Al-Qaeda operatives residing in Afghanistan, it

¹⁴⁷ Roach, *September 11: Consequences for Canada*, 6, 12

¹⁴⁸ Reg Whitaker, “Keeping Up With the Neighbours: Canadian Response to 9/11 in a Historical and Comparative Context, in *Osgood Hall Law Journal*, 41.2/3 (2003), 258

¹⁴⁹ Manley interview. Mr. Manley commented Canada had its own concerns with US border security capacities. The 9/11 terrorists accessed the US under US border security protocols, 50 percent more criminals were stopped trying to get into Canada from the US than the other way around, half of Canada’s refugee claimants entered from the US, and most guns used in crimes in Canada were imported illegally from the US.

was only for a six-month period. Furthermore, Canada did not elect to participate in the US led-coalition intervention in Iraq. While Canada was prepared to cooperate with the then newly created US Northern Command (USNORTHCOM), including joint planning, it was not in favour of a joint command or full integration of military assets as was the case for the North American Aerospace Defence Command (NORAD). (In all fairness, the US was probably not actively pursuing full integration in any event). Finally, even though Canadian agencies were a net consumer of products generated by the massive (in comparison) US national security infrastructure, they nevertheless had the capacity to analyze and assess information and intelligence from a distinctly Canadian perspective for the benefit of domestic decision makers.

The GoC did choose to remain largely silent regarding American 'extra-legal' activities or programs conducted in the course of the GWOT (renditions, Guantanamo, torture and the treatment of prisoners), which did fly in the face of Canada's traditional values and norms. It was also obliged to respond to US-driven programs related to aviation security in the immediate aftermath of 9/11, (presence of air marshals on certain flights, sharing of passenger information) which in some cases was seen as being counter to Canadian privacy law, so as not to risk losing landing rights for Canadian carriers at US airports.

Those issues notwithstanding, it is clear that Canada was able to make significant policy choices independently, in some cases (Iraq) causing the ire of some US officials, without serious political repercussions from Washington. For all intents and purposes, Canada was the driver behind the Smart Border Accords which provided a framework for the continued transit of commercial goods across the border, the GoC's main, immediate policy concern post 9/11, even more than the threat posed by transnational terrorism. The GoC refused to implement a visa program that targeted individuals born in the Middle East or Central Asia, as was the case in the US. It maintained a principled approach to its foreign policy regarding interventions abroad (multilateralism).

It was put forward the Smart Border Accord(s) compromised Canadian sovereignty, but in reality, while it did reflect "some harmonization of policy, it is suggested it represented "a triumph of Canadian diplomacy and of the Canadian vision of the border security problem. The price paid was small in comparison to the possible economic consequences of the more security-focused American approach. Negotiations also demonstrated to American officials that Canada could be trusted security partner, separating this from the more extreme punditry that surfaced in the media".¹⁵⁰ As noted by Whitaker,

The Canadian policy dilemma has been how to reassure the United States sufficiently on border security so that commercial traffic can be maintained, while not surrendering a critical degree of Canadian sovereignty in the process. Everything that Canada contributes to the war on terrorism in the immediate period after 9/11 relieved US pressure on the border..... all of these have helped maintain Canadian economic security by reassuring the US that Canada is enforcing adequate security standards on its own.Critics in Canada who have characterized these measures as too little (from the right), to those nationalists on the left who have tended to see them a sellouts of sovereignty, have unanimously missed the point of the Canadian strategy. The Canadian government has tried to avoid being trapped into sweeping negotiations on a mega-agreement over a Fortress North America ... Instead the Canadian government has engaged the American in a series of

¹⁵⁰ Wesley Wark, "Learning Lessons (And How) in the War on Terror: The Canadian Experience" in *International Journal*, Vol.60. No.1 (Winter 2004-2005), 84

incremental negotiations, segmented but linked, which have had the cumulative effect of mollifying American security concerns while keeping the flow of cross-border commerce more or less intact.”

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In the wake of a decade-long reduction in federal budgets, resources required to address the threat posed by transnational terrorism were quickly deemed to be inadequate. This was presented as evidence that, according to Wark, “the pursuit of an illusionary outcome of the ‘peace dividend’ at the end of the Cold War, had been unwise. Spending on national security and intelligence had been particularly affected by the search for a peace dividend, and the matter had to be righted urgently after 9/11”, as there were multiple areas of vulnerability where funding was required.¹⁵² As an example, between fiscal years 1993/94 and 1998/99, CSIS’ budget was decreased by 37 percent, and its workforce reduced by 26 percent.¹⁵³ Overall, between fiscal years 1990/91 and 1998/99, total funding for the national security and intelligence community was reduced by 28 percent.¹⁵⁴ These are staggering numbers when additional demands were being placed on the security agency in a post- Cold War environment that, in the Solicitor General’s own words, was “constantly changing and becoming more difficult to predict.”¹⁵⁵

An initial allocation of \$280 million was directed to national security and law enforcement agencies with a dedicated \$7.7 billion dollars, spent over five years, being identified in the “security budget” of December 2001.¹⁵⁶ A subsequent report by the Auditor General suggested that the budget strategy going forward was not based on any form of analysis or assessment from a threat / risk perspective, nor on the basis of any sort of after-action “hot –wash” on the Canadian operational response to 9/11 or even prior events such as the Ressam affair¹⁵⁷. This represented an “unwillingness to create more effective methods for dealing with national security crisis in the future”, or the need for any sort of related institutional reform. Essentially, policy and programs were being introduced, “on the fly”. The budgetary approach was confirmed in an interview with a senior Cabinet member who suggested the budget was developed on the basis of programs that were otherwise already ‘on the shelf’ in federal national security and law enforcement agencies, or were required to improve police and law enforcement capacities that had been reduced as a result of the budget cuts of the 1990s, therefore enabling a quick identification of funding requirements to meet the federal funding cycle.¹⁵⁸ Consequently, initiatives were largely in support of department or agency specific programming, and did not necessarily reflect a concerted effort in identifying programs that would promote inter-agency policy or programming coordination. Perhaps this served as evidence that there were no concerns related to the inter-agency exchange of information or intelligence at the time.

¹⁵¹ Whitaker, *Keeping up with the Neighbours*, 254-255

¹⁵² Wark, “*Lessons Learned*”, 83

¹⁵³ Government of Canada , *CSIS Public Report*, (Solicitor –General of Canada, Ottawa, 1998)
<http://svaa0538.csis.gov.ca/cgi-bin/starfinder /0path>

¹⁵⁴ Government of Canada, *The Report of the Special Committee on Security and Intelligence*, (Ottawa, 1999),
<https://sencanada.ca/content/sen/committee/361/secu/rep/repsecintjan99-e.htm>

¹⁵⁵ Government of Canada , *CSIS Public Report*, (Solicitor –General of Canada, Ottawa, 1999)
<http://svaa0538.csis.gov.ca/cgi-bin/starfinder />

¹⁵⁶ Government of Canada, Auditor General Report- *National Security in Canada, -The 2001 Anti- Terrorism Initiative* .(Ottawa, March 2004) ,9

¹⁵⁷ Wark,” *Lessons Learned*”, 73

¹⁵⁸ Manley interview

It is nevertheless a testimony to the effectiveness of the parliamentary system and those decision makers charged with responding on the part of the GoC (and a boost to the theory of historical institutionalism) that a funding pot of that magnitude could be identified and approved in such a short period of time, most likely sourced from other socio-economic programs that would have provided more political credit for the government of the day than did initiatives related to national security. The significant shift in funding for security initiatives was a direct result of the GoC judging it had to be seen as ‘doing something’ in the aftermath of the 9/11 attacks, in the absence of any previous indicators that was a need to significantly upgrade national security capacities. Whether the sweeping reallocation to security was in direct response to the actual threat, or indirectly as a result from US concerns about its northern border and the potential economic impact for Canada, Whitaker notes “9/11 did have immediate and dramatic consequences with respect to how the Canadian government does business.”¹⁵⁹

Consistent with the view that several authors stressed that Canada’s security concerns had typically been focused on threats that originated abroad, together with the globalized nature of transnational terrorism, the events of 9/11 also re-invigorated the debate, within both the GoC and academia, as to whether Canada warranted a dedicated foreign intelligence service, akin to the Central Intelligence Agency (CIA) in the US, or the Secret Intelligence Service (MI6) in the UK (Parkinson, Hensler, Pratt, Cooper). The crux of the argument in support of a dedicated service was: 1) the complexity and scope of threat posed by transnational terrorism demanded an enhanced capacity via human intelligence (HUMINT) to ascertain the capacity and intentions of terrorist groups located abroad, inasmuch as they potentially affected Canada’s domestic security (i.e. by direct infiltration or use of agents); 2) that Canada, as a net importer of intelligence, was becoming increasingly reliant on information provided by allies, who may have their own interests and agendas reflected in the construct of their respective intelligence products. Conversely, the need for economic and political intelligence in support of other national policies could not be obtained from partner agencies, nor was it within CSIS’ mandate to collect intelligence abroad in these areas. Its foreign operations do not involve conducting offensive operations for the GoC in other countries. 3) Given the number of GoC agencies involved in collecting information in other countries using both human and technological means, there needed to be a central repository (i.e. a foreign intelligence agency) where the information could be brought together for a more holistic assessment. 4) While national security agencies are allowed by statute to investigate espionage activities by foreign states within Canada, they do not have the ability to target foreign agencies abroad for infiltration in support of counter espionage or counter intelligence efforts.

What proponents of a distinct foreign intelligence service seem to miss, however, is that both CSIS and the RCMP, and indeed other agencies such as CSE, CBSA, Global Affairs Canada (GAC), and DND already have the capacity and mandate to collect intelligence and information abroad, whether covertly or overtly, in support of their respective programs. To this end, and notwithstanding its focus on domestic matters prior to 9/11, Whitaker, notes that, both in response to the transnational threat posed by Islamist extremists, and to “pre-empt the bureaucratic space in Ottawa opening up for the possible creation of a foreign intelligence agency and to take possession of the new ‘space’”,¹⁶⁰ then CSIS Director Elcock undertook an aggressive program to increase the number of CSIS stations abroad, and to broaden activities abroad from merely liaising with partner agencies to the conduct of actual operations, which was fully within the mandate of the Service (the actual location of sites other than publicly announced

¹⁵⁹ Reg Whitaker, “More or Less Than Meets the Eye? The New National Security Agenda” in (ed.) B. Doern *How Ottawa Spends: 2003-2004: Regime Change and Policy Shift*, (Don Mills, On. Oxford University Press, 2003), 47-48

¹⁶⁰ Whitaker et al, *Secret Service: Political Policing in Canada*, 470

location in Washington, Paris and London remains classified). When all is said and done, the only slice of the intelligence pie that Canada does not or did not have a mandate to collect on, as compared to the US for example, is information obtained covertly through human sources on the political-economic affairs of a country located abroad. (Section 16 of the *CSIS Act* provides for such collection domestically). While the capacity to engage in intelligence and information collection abroad across a spectrum of departments and agencies already exists, the question is not whether there is a need for yet another agency, but whether existing means for collection are being sufficiently resourced, and if the information obtained abroad is being brought together and analysed sufficiently in existing organizations such as Integrated Terrorism Assessment Centre (ITAC), and the policy and analytical sections within the Privy Council Office (PCO).

The call for a separate foreign intelligence agency notwithstanding, the effective operational security and geographical remoteness of most terrorist groups of the time or even those currently in place, (Al-Qaeda, Hezbollah, etc.) make it extremely difficult to infiltrate these groups by human sources. Consequently, there was significant reliance on technological means (SIGINT) of intelligence collection by most agencies in order to compensate for the loss of HUMINT capabilities. More recently, however, with encryption technologies that were once the sole domain of military or state security services now commercially available to anybody, even technical means of collection are becoming increasingly difficult to employ.

Overall, the discourse within the policy, legal, media and academic communities over the past twenty years, as it pertained to issues of national security, has focused on the following issues:

- The need for a coherent national security policy and strategy in a post- Cold War, globalized environment;
- Where intelligence efforts would be focused in this same context;
- The need for legislation and other program initiatives that provided the framework for a preventative counterterrorism strategy, and how these were perceived against traditional Canadian values regarding the rule of law, human rights and privacy;
- The need to respond to US concerns regarding Canada's commitment to bi-lateral-based security and the links to key economic interests of Canada (cross border commercial traffic), and the potential impacts on Canadian sovereignty.

For a number of reasons, and notwithstanding Lacquer's comments regarding the proliferation of instant CT experts in the immediate aftermath of 9/11, the commentaries originating in a number of communities on the GoC's immediate response to the events of 9/11 can be seen as a necessary and valuable contribution to the discourse surrounding the evolution of GoC strategies over time. The main reasons behind this conclusion include:

- The absence of existing CT-related legislation or a national security policy that would have otherwise provided some form of an overarching roadmap for the way forward. At the very least, the GoC was not as well served as was the US when it came to the volume of pre-9/11 reports that hinted at the threat to come and the need for some form of suitable response;

- The unanticipated shift from an externally-based security strategy to one that had a domestic focus, implemented largely by civilian agencies;
- The shift to a strategy that was based on prevention, and an increased role for intelligence, something that, as has been suggested, Canadians were traditionally uncomfortable with; and
- The ‘unknowns’ and unfamiliarity associated with the threat posed by transnational terrorism.

Many authors (Forcese, Roach, et al) suggested the relationship between security and individual rights or privacy, and issues of sovereignty, resulted in a zero sum game, and that the GoC over-reacted in its agenda to the events of 9/11. What they failed to appreciate, however, is that unlike the US or UK, Canada did not have dedicated terrorism –related legislation or policies in place at the time of the attacks. Consequently, it was required in short order to invoke statutes that defined what constituted “terrorism” (not easy to do), appropriate sanctions and charges under the Criminal Code, articulate the means of enforcement, and that recognized an enhanced role for intelligence within and between a greater number of policy centres, as key elements of a new national paradigm whose success depended on a preventive strategy. Nor was the need for such provisions driven exclusively by the United States. The nature of transnational terrorism dictated that Canada be seen by its international partners as taking the necessary steps, on a proactive basis, to reduce the threat.

It would have been interesting to see what the nature of the discourse would have been had Canada served as a transit point for the 9/11 terrorists, elected to engage in, or actively support, the variety of ‘extra-legal’ activities adopted by the US administration in support of its GWOT, or worse, and more sobering, been subjected to a successful attack resulting in a significant loss of life.

None of these discussions, however, touched on in any great detail, if at all, what organizational changes within Canada’s national security community should have, or could have been, undertaken to support broader policy or program objectives. This is somewhat surprising given there was a general acknowledgment that the threat environment had changed significantly, that law enforcement and national security agencies had assumed greater powers, and an expanded national security community within Canada would require some enhanced means or mechanism for interagency coordination and setting of priorities.

Even at the time when most of the significant organizational changes were made (2003-2004), there was little if any academic discourse on the rationale behind the reorganization. Consequently this study is not seeking to contrast its arguments against any that currently exist in this regard. Furthermore, and as detailed later in this study, the primary sources for the view that the GoC’s reorganization efforts were mimicking those in the US came largely from media articles at the time, and by some (likely unscripted) comments from key Cabinet ministers.

In the following pages, this study explores and explains why and when the Government of Canada (GoC) chose to reorganize its national security infrastructure the way it did in the immediate few years after the events of 9/11.

The research gap that has been identified means this study will be both exploratory and explanatory. It will be investigating issues that have yet to be addressed in any detail, and providing evidence of why the GoC did what it did, and when. The exploratory and explanatory nature of this study suggests that certain methodological approaches to the research to be undertaken are more appropriate than others.

Furthermore, research has to be undertaken within some form of theoretical framework, whether already established or one that is suggested as being new. The next two chapters provide a rationale for both the theory and methodologies applied in support of this study.

CHAPTER 4

THEORETICAL FOUNDATIONS

As noted by Marshall and Rossman, “A proposal for the conduct of any research represents decisions the researcher has made – that a theoretical framework, design and methodology will generate data appropriate and adequate for responding to the research questions and will conform to ethical standards.”¹⁶¹ As such, the researcher is presented with a number of choices from among a myriad of options for crafting appropriate research questions, methodologies, theories and data collection processes and analysis. Working backwards, the researcher is ideally able to provide a demonstrable and credible nexus between final conclusions, data analysis, data collection, hypothesis and theory.

This section provides a brief history of main organizational theories, and the rationale behind why one overarching theory- historical institutionalism- serves to provide a theoretical explanation of how the GOC was able to respond in the manner and time it did. In parallel, and complementary to historical institutionalism, the theory of punctuated equilibrium serves to help explain why, after little in the way of organizational change within the GoC’s national security infrastructure was undertaken prior to 9/11, the GoC ultimately felt compelled to undertake the comprehensive changes it did.

The purpose of any research theory is to guide a researcher’s work within established or accepted academic traditions. Some studies may seek to establish theoretical breakthroughs to the benefit of broader scholarship. That is not the case for, or intent of, this initiative.

One benefit of having previous scholarly works related to the issue at hand is that some trailblazing work on possible theoretical frameworks would have been undertaken, and therefore reflected in the literature review of research initiatives. This would have provided a basis to either support or critique previous efforts and adjust appropriately as required for the purposes of the research at hand. As this is not the case for the subject matter of this study, part of the research of this investigation has been dedicated to identifying and justifying the application of both macro and micro (subfield) theories in order to provide some sort of framework to ultimately link final conclusions with stated hypothesis and research questions.

In terms of the theoretical ontology (the study of the reality of the situation), much of the research in support of this study was devoted to assessing common assumptions of the whys and wherefores behind the reorganizations that took place. These include the notion that they were undertaken to mimic parallel reorganization efforts in the US, and to address concerns related to information sharing amongst Canadian national security agencies, as was well publicized as one of the main factors behind the intelligence failure that was 9/11 in the US.

Together, Bevir and Steimo suggests there are four broad traditional theoretical concepts or “philosophies’ that guide typical social science research. These include modernist empiricism (knowledge

¹⁶¹ C. Marshall and G. Rossman, *Designing Qualitative Research (6th Edition)*, (Thousand Oaks CA, Sage Publications, 2016) ,66

from accumulated facts), behaviouralism, rationale choice and institutionalism, together with their respective associated epistemologies and ontologies.¹⁶² Bevir suggests empiricism ‘divides the world into discrete discontinuous units... and makes sense of these discrete units by means of formal, ahistorical explanations such as calculations, typologies, and appeals to function.... Claims to knowledge are justified inductively by reference to accumulated facts based on experience.. and historicism [is rejected] in favour of formal approaches such as classification and correlation – they treat history as a source of data, not a way of explaining data.’¹⁶³

In an effort by social scientists in the 1950s and 60s to mimic the characteristics of pure science research that were in vogue, advocates of behaviouralism sought to provide an alternative to modern empiricism by injecting scientific methods into social science research (termed “physics-envy” by Steimo). Essentially behaviouralism flipped the historical hypothesis-theory relationship by suggesting that, as within the pure science world, any theory that is developed should be able to apply in perpetuity, time and space. Problems such as poverty, war, injustice etc. were common in all regions, and were just as important as anything being studied by ‘real’ scientists. Consequently a ‘Cartesian’-based general theory-where everything is governed by basic laws, or ‘grand theorizing’, - would govern the construct of hypotheses, which would in turn be structured to either confirm or refute established theory via experimentation or other factual experiences. As with modern empiricism, behaviouralism adopted an ahistorical approach. Behaviouralism suggested that political institutions were “so malleable and efficient as to be virtually irrelevant”.¹⁶⁴ History may be interesting but it didn’t lend itself to variables that could be measured or counted. Behaviours, however, are measurable- economic position, votes, attitudes- whereas institutions are not. Institutions are seen as merely a solution to social problems or an arena for political discourse.¹⁶⁵ Behaviouralism as a theory began to languish when it was realized identifying an all-encompassing ‘law of politics’ was perhaps somewhat overambitious.

Rational choice theory suggests that individual or group decisions are based on strategies that are designed to maximize benefits to either the individual or group concerned as the primary motivating factor, albeit within established norms and values. (“We cooperate because we get more with cooperation than without it.”).¹⁶⁶ Essentially it reflects an internal cost/benefit study, based on a deductive as opposed to inductive approach. It too rejects the notion historical narratives have real causal relevance. But while the goals, strategies and preferences of an individual or group, and the strategy for achieving the same, are legitimate issues for consideration, can they be identified, and the ways and means for implementing necessary strategies be undertaken, absent some notion of context that history provides? What factors

¹⁶² Mark Bevir, “Meta-Methodology: Clearing the Underbrush”, in (eds) J.Box-Steffensmeir, H.E.Brady, D. Collier *The Oxford Handbook of Political Methodology*, (Oxford, Oxford University Press, 2010), 49 Sven Steimo, “What Is Historical Institutionalism?” in (eds) D. Della Porta, M.Keating, *Approaches to Social Sciences* Cambridge, Cambridge University Press, 2008). Bevir suggests that in the application of these traditional theories, political scientists do not typically engage in the necessary investigative rigour establishing their respective ontologies and epistemologies. He notes other theories – falsificationism, meaning holism, Bayesianism. It is not the intent of this narrative to delve into his arguments in any detail whatsoever.

¹⁶³ Bevir, *Meta-Methodology: Clearing the Underbrush*, 51

¹⁶⁴ Ellen Immergut, “Historical Institutionalism in Political Science and the Problem of Change: in (eds) A. Wimmer, and R.Kossler, *Understanding Change :Models, Methodologies and Metaphors*, (London,Palgrave/Macmillan, 2005) , 238

¹⁶⁵ Steimo, *What is Historical Institutionalism?* 155

¹⁶⁶ *Ibid*, 162

must be considered in identifying why one option going forward is better than others? What institutional 'choke points' exist that may thwart the pursuit of interests? How do preferences, interests and issues change over time or vary across societies?

In contrast to the more scientific approach adopted by behaviouralists, historical institutionalists view the theory-hypothesis relationship in more traditional terms. They remain skeptical of the application of general theories as a source of hypothesis. Advocates of institutionalism support a process of analytical induction in which small-N comparisons and case studies generate mid-level theories. History provides for more timeless variables, mechanisms and processes, and historical institutionalists ascribe real existence and causal powers and outcomes to institutions (which may include informal rules and norms) and structures. Historical research traditions articulate procedures to enhance the credibility of statements about the past, to establish relationships, and to determine possible cause-and-effect relationships. Many social science research studies have a historical base of context, so systematic historical analysis enhances the trustworthiness and credibility of the study.¹⁶⁷

Institutions have intrinsic properties that help explain outcomes and events, and they shape who participates in the decision-making machinery and, like rational choice, their strategic behaviour.¹⁶⁸ Historical institutionalism "represents an attempt to illustrate how political struggles are mediated by the institutional setting in which they take place. In general, historical institutionalists work within a definition of institutions that include both formal organizations and informal rules and procedures that structure conduct."¹⁶⁹ Put another way, and in the context of this study, there is some importance attached to how political institutions influence political behaviour, which in this instance would be the reorganization under investigation. In an increasing amount of comparative politics studies, "institutions kept popping into their analysis" as a means of explaining why similar policy issues amongst countries were addressed by different responses, contrary to what would have been expected under behaviouralism.¹⁷⁰

It is within that context that this study has adopted historical institutionalism as its broad theoretical framework. Its *raison d'être* supports the view that parliament, (and more specifically the Cabinet as the 'executive' charged with being the key decision-making forum in the GoC), and the related 'institutionality' of GoC machinery, together with a limited number of senior members of the bureaucracy, were key in determining the rationality and timing behind the organization of Canada's national security infrastructure. While punctuated equilibrium theory (see below) will serve to suggest why and when changes to the GoC's security community were undertaken, historical institutionalism will serve as the explanation behind how it was done. Consistent with the objective of this research, Steinmo notes "What the HI scholar wants to know is why a certain choice was made and/or why a certain outcome occurred."¹⁷¹ As he argues, "By deepening and enriching their understanding of the historical moment and the actors within it, they are able to offer more accurate explanations for the specific events

¹⁶⁷ Marshall and Rossman, *Designing Qualitative Research*, 166

¹⁶⁸ Bevir, *Clearing the Underbrush*, 53

¹⁶⁹ Stev Steinmo, Kathleen Thelen, Frank Longstreth, in "Historical Institutionalism in Comparative Politics" in *Structuring Politics: Historical Institutionalism in Comparative Analysis*, (Cambridge, Cambridge University Press, 1992), 2

¹⁷⁰ Steinmo, *What is Historical Institutionalism?*, 158

¹⁷¹ *Ibid*, 163

that they explore than had they treated their variables outside the temporal dimension.”¹⁷² Marshall and Rossman add “Historical research traditions articulate procedures to enhance the credibility of statements about the past, to establish relationships, and to determine possible cause-and effect relationships. Many research studies have a historical base of context, so systematic historical analysis enhances the trustworthiness and credibility of the study.”¹⁷³ In short, historical institutionalists are interested in the vagaries and challenges associated with the examination of specific cases and explanations as opposed to prediction that is an outcome of the more linear approaches under behaviouralism or rationalism – more of an interest in causality versus correlation if you will.

Though not directly the focus of research in this work, it is suggested that the ability of the GoC to respond on a timely basis to the immediate policy challenges to Canada resulting from the 9/11 attacks was a creature of the government of the time being able to employ the tools and mechanisms inherent in the Westminster system of government, including the Cabinet executive, ministerial accountability and the machinery of government. Broadly speaking, while many observers are correct when they suggest that security does not typically resonate high on the political agenda of any Canadian government, the GoC has nevertheless demonstrated its ability at times to quickly mobilize appropriate responses to the crisis at hand within the framework of established parliamentary and machinery institutions. Consistent with this view, the subsequent reorganization of the national security community post 9/11 can be construed as a creature of parliamentary machinery processes, notwithstanding the fact that key decisions on its structure and timing were undertaken by a relatively small group of high-ranking members of Cabinet and senior bureaucrats. (This latter point would serve to support the view that how and where individuals or sets of actors are located within specific institutions influences the respective power they wield, or interests they have, in the course of efforts going forward – the “where you stand depends on where you sit” theory).

Consequently, history matters. In this context, Canada has had a tradition of placing national security low on the batting order of political priorities. As a result of 9/11, it had to alter this approach significantly and quickly to construct policy and programs that focused on a domestic strategy, as opposed to an expeditionary defence and security emphasis, that had a civilian as opposed to military focus, and that required a counter-terrorism strategy that was preventative as opposed to one that was merely responsive. Established institutions and systems were key in enabling the GoC to respond in this transformative manner. Historical institutionalism, therefore, serves to illustrate, and support, how context serves as an important consideration both in terms of the construct of the research methodology going forward, and the operating or machinery framework that key players were obliged to respect in considering how the reorganization of Canada’s national security community was to unfold.

Organizational Theory

Organizational theory represents the outcome of a diverse stream of research. There are myriad ideas on what drives the need for reorganization, how best to reorganize, what factors influence how reorganization is undertaken, how best to assess the efficacies resulting from reorganization, and so on. This study considers a limited number of mid-level or ‘sub’-theories that serve to explain stability and

¹⁷² Ibid, 165

¹⁷³ Marshall and Rossman, *Designing Qualitative Research*, 166

change in organizational structures, within the broader social science theories noted in the preceding section.

At issue is how organizational change within the GoC, and specifically the restructuring that took place in the aftermath of 9/11, is linked to the influence that established institutions and systems have on political and policy outcomes within the GoC as suggested by the broader theory of historical institutionalism. It is argued that the institutions that influence the conduct of affairs within the GoC are typically conservative or prone to maintaining the status quo. Looked at another way, they are structured on the basis of centuries of tradition and resistant to change for a number of reasons – familiarity and comfort with established bodies (even though they may not be operating to their greatest potential), uncertainty or discomfort with the inability to predict how change could impact established practices, or merely the time, effort and cost required to make the necessary changes. As further noted by Steinmo, Thelen and Longstreth, political infighting associated with institutional change can get messy and dirty, and be drawn out. “Battles over institutions are important precisely because broad policy paths can follow from institutional choices.”¹⁷⁴ Energies spent on bureaucratic infighting detract from the need to focus on the implementation of policies or programs.

So within the application and context of historical institutionalism, how do you explain the comprehensive changes within the GoC’s national security community that were undertaken in a relatively short period of time? First, as argued above, it was the nature and structure of Canadian institutions within the context of broader HI theory that explained how the GOC responded in a timely manner to the policy challenges resulting from the 9/11 attacks, even though intuitively HI would seem to suggest established institutions would result in a ‘go-slow’ approach as noted above. Second, and more illustrative, is the consideration of a mid-level theory that serves as a theoretical nexus behind the rationale, or cause for, the organizational changes under investigation, while situated within or in parallel to, the higher-level HI theory outlined above. Some key streams of organizational theory are presented below for comparative purposes.

Rational thought, rational decision making or the “rational-comprehensive” approach to organizational change is merely a specific application of broader rational thought theory, for example, within economic or commercial contexts, to organizational theory. Accordingly, changes to organizational structure are undertaken on the basis of ranking values and objectives. Next, alternative solutions are identified and analysed, accounting for all potential factors and variables. Finally, decision makers identify the alternative that is deemed to be the most effective in delivering the most positive outcome in terms of satisfying the objectives identified at the beginning of the process.

In parallel to rationale thought theory, organizational theory evolved substantially with Christopher Lindblom’s model of incrementalism (1959)¹⁷⁵ which sought to demonstrate the durability of organizations and decision making. Lindblom suggested that most political institutions were intuitively conservative in nature, a creature of both institutionalism and history, and that in periods of crisis or uncertainty, they tend to “muddle through” with modest incremental changes in order to reduce risk. The realities of a typical operational environment suggested decision makers had neither the time nor resources to undertake comprehensive examination of options demanded by the rationale choice model, each time the demand to reorganize arose. “In short, people don’t stop at every choice they make in their

¹⁷⁴ Thelen, Steinmo, Longstreth, *Historical Institutionalism in Comparative Politics*, 22

¹⁷⁵ Charles Lindblom, in “The Science of Muddling Through” in *Public Administration Review*, Vol.19.No2. (Spring 1959), 91

lives and think to themselves, “now what will maximize my self-interest?” Instead, most of us—most of the time—follow societal defined rules, even when doing so may not be directly in our self-interest.”¹⁷⁶ Consequently, expedient and modest organizational solutions are undertaken that serve to fit the bill at the time, with a nod to having some form of rationale that justified the logic for moving forward. Many small organizational changes are enacted that may, or may not, ultimately result in comprehensive organizational change over time.

Lindblom took aim specifically at traditional rational decision making theory, and its attempt to apply “scientific” methodology to the realities of public administration and organizational theory. He suggested that costs and timings associated with the need to undertake comprehensive examinations of options and impacts of how organizations should or could evolve in response to changes in the external environment (referred to as “cognitive costs” by True, Baumgartner and Jones)¹⁷⁷ required too much effort and took away from focussing on immediate challenges facing decision makers. The identification of these same costs and benefits under a rational decision making approach were often difficult to quantify for the purposes of rigorous comparison.

The problems associated with large-scale reorganization exact a high cost in terms of presidential energy, political capital, and good will. They take up valuable time and must be traded off against other policy priorities. Turf battles must be fought with Congress, the bureaucracy, and interest groups who are all jealous of whatever power they have and will not give it up without a fight.¹⁷⁸

Furthermore, he suggested that getting a consensus on, or aggregating, objectives and values from a variety of stakeholders on a timely basis would be next to impossible in the real world.

Or as the legendary Canadian Diplomat, Charles Ritchie wrote in his diary on 7 September, 1945:

I must skim through everything with my mind concentrated on immediate practical implications. If I try to be objective and to comprehend all the issues, I am lost... This is the way policy is made on a hand-to-mouth basis out of an overworked official by a tired politician with only half his mind on the subject.¹⁷⁹

While there was a recognition that incrementalism injected some reality into organizational theory, it soon got bogged down into theoretical semantics, mostly in defining what was meant by the term ‘incrementalism’. “For the most part, the volumes of work on incrementalism...got stuck in this dispute.

¹⁷⁶ Thelan, Steimo, Longstreth, *Historical Institutionalism in Comparative Politics*, 8

¹⁷⁷ True, J., B. Jones, F. Baumgartner, “Punctuated Equilibrium Theory: Explaining Stability and Change in Public Policy Making”, in (eds.) C. Weible and P. Sabatier, *Theories of the Policy process (4th Edition)*, (New York, Routledge 2018), 176

¹⁷⁸ R.S. Conley, “Reform, Reorganization and Renaissance of the Managerial Presidency: The Impact of 9/11 on the Executive Establishment”, in *Politics and Policy*, Vol. 34, No. 2.(2006), 307

¹⁷⁹ Charles Ritchie, *The Siren Years: A Canadian Diplomat Abroad, 1937-1945*, Toronto. Macmillan of Canada, 1984 (retrieved on line at <https://books.google.com/books?id=kvyf9wOyn3UC&pg=PT328&lpg=PT328&dq=Charles+Ritchie+that+is+how+policy+is+made,+on+a+hand+to+mouth+basis&source=bl&ots=UCcgoN2LeW&sig=ACfU3U2kWGWSsZ8MIM5fs8o0dqNRzNT8Tg&hl=en&sa=X&ved=2ahUKEwjLoZmZquzgAhUDWN8KHSRfCjsQ6AEwAHoECAYQAQ#v=onepage&q=Charles%20Ritchie%20that%20is%20how%20policy%20is%20made%2C%20on%20a%20hand%20to%20mouth%20basis&f=false>)

.....The ambiguity over the meaning of “small changes” left many dissatisfied and uninterested in the research question.”¹⁸⁰

More importantly for this particular study, historical examples were identified where comprehensive yet rapid organizational changes were undertaken within US agencies in response to externally-driven events – mobilization in support of efforts in WW I & II, the emergence of Cold War threats and Soviet nuclear capabilities, the exploration of space, the Arab oil embargoes of 1973, etc. Incrementalism did not seem to apply in these circumstances.

Consequently, and for the purposes of this study, it is suggested that the theoretical framework described as “punctuated equilibrium” is most appropriate as a useful lens within which to conduct the necessary research. As introduced by Baumgartner and Jones (1991, 1993) punctuated equilibrium as a theory has, like rational thought, been applied across a broad spectrum of both applied and social sciences, ranging from supporting Darwinian theories of natural selection and species evolution, to the need to significantly change policy (akin to reorganization) in response to external factors. In the context of this study, it serves to explain why, and when, the changes to the GoC’s national security infrastructure took place in the aftermath of 9/11. As applied to organizational change, the theory posits that extended periods of systemic stability –even gridlock- are at times subject to increasing pressure “and sometimes a crisis atmosphere to dislodge established ways of thinking...”.¹⁸¹ The theory states, in sum, that institutions/organizations are characterized by long periods of institutional stability, periodically “punctuated” by crisis that bring about relatively abrupt organizational change, that usually emanate from changes in the external environment” and by forces external to the decision maker, when combined with internal pressures for change. (Steimo and Thelan - 1992, Krasner- 1984, Jones, True and Baumgartner- 2006). After the relatively short upheaval process, stasis sets in again. Punctuated equilibrium served to suitably address one of the challenges to incrementalist theory noted above, which noted that, while organizational stability is clearly observable for the most part in most organizations, there were also flashes of infrequent but significant organizational changes in response to evolving external factors, and where “a fundamental reinterpretation of the role of government takes place.”¹⁸²

In the Canadian context, the events of 9/11 and the new threats posed by transnational terrorism are consistent with punctuated equilibrium theory, and ultimately created the political will necessary to undertake the most significant organizational changes to the GoC’s national security infrastructure. It specifically serves to support the hypothesis that reorganization was required to accommodate the fact that the threat posed by transnational terrorism touched on a greater number of policy centres within the GoC as compared to previous threats to Canada’s national security. Jones, True and Baumgartner support this view, and note that comprehensive reorganization often provides the ability of additional actors to become involved in new policy areas, and that “Typically, the newcomers are proponents to changes in the status quo, and they will often overwhelm the previously controlling powers.”¹⁸³ They add:

¹⁸⁰ Scott Robinson, “Punctuated Equilibrium Models in Organizational Decision Making “ in (ed.) *The Handbook of Decision Making*, (Hoboken ,N.J., Taylor and Francis, 2006) , 136.

¹⁸¹ Conley, *Reform, Reorganization and Renaissance of the Managerial Presidency*, 307

¹⁸² *Ibid*, 307

¹⁸³ True, Baumgartner, Jones, *Punctuated Equilibrium Theory: Explaining Stability and Change*, 157

When an issue moves higher on the political agenda, it is usually because new participants have become interested in the debate. When a policy shifts to the macro-political institutions for serial processing, it generally does so in an environment of changing issue definitions and heightened attentiveness by the media and broader publics. It is then that major change tends to occur..... New actors may insist on rewriting the rules and on changing the balance of power, which will be reinforced by new institutional structures as previously dominant agencies and agencies are forced to share their power with previously dominant agencies and institutions are forced to share their power with groups or agencies that gain new legitimacy.¹⁸⁴

The fact that a number of additional policy centres were engaged as part of new GoC counter-terrorism strategies, beyond the typical law enforcement and national security agencies, supports this observation specifically, and the suggestion that the punctuated equilibrium theory serves as an appropriate lens through which to examine the events as they unfolded. Robinson concludes “The results of the True, Jones, and Baumgartner study were initial confirmation that the punctuated equilibrium theory was plausible as a description of the outputs of an organizational decision process.”¹⁸⁵

In the case of the specific events under examination, punctuated equilibrium is not to be viewed as being taken to the extreme. In other words, 9/11 did not result in a breakdown of established institutions and systems themselves. Thus there was no theoretical challenge to suggest that historical institutionalism results in institutions shaping politics until they break down under punctuated equilibrium, at which point politics likely shapes how subsequent institutions are created. In fact, just the opposite occurred- the inherent characteristics of Canada’s political systems remained rock-hard and enabled the GoC to respond in a timely and organized manner to the threats posed by transnational terrorism. Changes in the external environment resulted in new goals, strategies and organizations being pursued within the confines of existing institutions.

There are three key challenges associated with the application of the theory. First, how does one adequately determine what is merely incremental, and what is material change, over time? Was the magnitude of the organizational change within Canada consistent with the principles of punctuated equilibrium that would suggest the reorganizations were both material and represented large scale departures from the past? If there is a view that Canada was already better positioned to react to the events of 9/11 as compared to the United States, does the punctuated equilibrium theory apply? In response, it is argued the study need not be limited in scope to how Canada compared to the US. Rather, one should ask whether comprehensive organizational changes were required more to respond to the nature of the external threats and risks posed by transnational terrorism that became self-evident as a result of 9/11, and the outcome or result of national security assuming a greater profile within the national political agenda. Furthermore, does a lack of reorganizational initiatives in the Chretien government, broadly speaking or specifically as it related to national security, represent an appropriate benchmark for what followed, or was his approach more of an aberration when compared to the organizational efforts of other previous administrations? In this instance, a judgement was required, based on a review of the

¹⁸⁴Ibid, 159

¹⁸⁵ Robinson, *Punctuated Equilibrium Models in Organizational Decision Making*, 139

nature and scope of significant changes to the national security infrastructure in the decades leading to 9/11.

Second, how does the theory address the issue of timing? In Canada, the majority of the organizational changes were undertaken some two and a half years after 9/11. In 'government-time', this may not be considered unusual. As noted by Lindblom, options take time to consider and deliberate, and other policy issues compete for attention in the political agenda. But were there other reasons why the bulk of the organizational changes occurred when they did, and if so, is there any way to accommodate these reasons within the punctuated equilibrium theory? And while trying to disaggregate Canadian outcomes from organizational efforts in the US, were the timings of Canada's reorganization materially different from those south of the border?

Third, one of the key complaints against the theory by its critics is that there is something basically flawed, with the idea that political, institutional or organizational reforms "are purely a product of fate.", and that there is no 'agency' as it relates to the role of human beings (i.e. the influence of 'ideas' or comprehensive change as an outcome of socio-economic movements, trends or a plurality of social interests, such as the creation of the welfare state for example, or more recently the shift from "big-G" government to "small-G" government).¹⁸⁶ Indeed the role of the complexities associated with the human factor is what separates social science from pure science. It could be effectively argued that had the Chretien government continued, the changes may not have occurred at all given his personal distaste for any form of comprehensive reorganization. Romanelli and Tushman address this argument, at least as it applies to the transition between the Chretien and Martin governments. They suggest that within the context of punctuated equilibrium theory:

Chief executive officer succession...should increase the likelihood of organizational transformation.New chief executive officers stand uncommitted to the strategies and policies established by their predecessors. Moreover, their information and experience may lead them to have different understandings of effective or appropriate organizational actions than their predecessors had. Finally, new CEO's often begin work in an atmosphere of expectancy about change. The periods closely following their installation provide the best opportunity signalling new regimes are in place.¹⁸⁷

While the preceding views may represent legitimate challenges to the theory, an established nexus between events of 9/11, and how they served as a driver for the subsequent organizational change, can be sufficiently established within the context of punctuated equilibrium theory for the purposes of this study.

The need for a major and timely change in organizational structure in response to an emerging crisis as per the theory may not lend itself to the most optimum long term, strategic response to the issue at hand. While this study does not look at the efficacies resulting from the reorganization that took place, this was not the case for the Canadian experience in any event. The reorganization was undertaken to respond and support, in part, a counter-terrorism strategy that was necessarily being created on the basis of

¹⁸⁶ Steinmo, *What is Historical Institutionalism?* 168

¹⁸⁷ Elaine Romanelli and Michael Tushman, "Organizational Transformation as Punctuated Equilibrium: An Empirical Test", in *The Academy of Management Journal* Vol. 37, No. 5. (Oct. 1994), 1145

‘prevention’ as opposed to merely ‘response’ in order to mitigate the new threats posed by transnational terrorism. And, assuming a period of some fifteen years represents an adequate measure of time, thus far, there have not been any substantive changes to Canada’s national security organization since 2003-2004.

This study, therefore, employs two theories that are employed in parallel and that serve to compliment each other in terms of application.. How are the two theories linked?

Within the context of historical institutionalism, political institutions and accepted norms and values influence political behaviour. Furthermore, institutions in Canada are typically conservative or prone to promote the status quo, a phenomena described as ‘path dependency’. Like historical institutionalism, the concept of ‘path dependency’ suggests that ‘history matters’, and certain practices are based on historical preference or use, and from a political perspective, institutions change less than may be expected and may actually serve to constrain advancement. This is because policymakers make assumptions based on personal agendas or experience that tend to favour more cautious decision making. While path dependency is typically applied as a theoretical tool to examine macro examples of causality, over a longer period of time, using large n statistics (e.g. levels of income linked to industrialization, state consolidation and democracy, etc.), at the same time, it can also offer indications of where “deviant outcomes” or instances of exceptionalism” exist.¹⁸⁸ So while a traditional approach to policy development would suggest that policies would typically be developed adopting a bottom-up approach from within the GoC bureaucracy, involving comprehensive consultations between the GoC and the public or key stakeholders, the urgency (and exceptionalism) to develop policy responses to both US concerns and the threat posed by transnational terrorism in the aftermath of the 9/11 attacks (punctuated equilibrium) resulted instead with polices, programs and resources being developed, allocated and approved by a very small group of senior decision makers and within an extremely short period of time. The outcomes, both from a policy and organizational perspective, while developed within an administratively truncated process, were nevertheless undertaken within constitutionally and normative accepted institutional processes (historical institutionalism).

Historical institutionalism serves as an explanation of how the GoC was in a position to respond to the events of 9/11, including its organizational restructuring, in such a dynamic and extraordinary fashion. Punctuated equilibrium serves to explain what drove the need for organizational change in the first place, again in support of the story provided by this study. There is no intent to suggest one has paramouncy over the over. Both are applicable for different reasons.

The methodology behind how the study was conducted serves to support the application of the overarching theories that have been identified and selected, and the most appropriate ways and means for obtaining answers to key research questions that support, in turn, selected theories and stated hypothesis. This is the subject of the next chapter.

¹⁸⁸ James Mahoney, “Path Dependence in Historical Sociology” in *Theory and Society*, Vol.29. No.4 (Aug. 2004), 508

CHAPTER 5

RESEARCH METHODOLOGY AND DATA ANALYSIS

The way the research is conducted (methodology) and ultimately analysed reflects what, in the mind of the researcher, is the most appropriate way to gather the information necessary to support the objectives of the study. Is this best accomplished through controlled experimentation? Through surveys using ‘large-n’ data sources? Comprehensive reviews of historical records? Embedded observations? Are quantitative or qualitative methodologies better suited to achieve desired outcomes? Perhaps a hybrid of the two? In the case of this study, what is the best means of obtaining information that both supports the application of the overarching theoretical frameworks applied to study, and provides the answers to key research questions that reinforce the hypothesis and the related ‘story’ reflected in the study?

As this study is both exploratory and explanatory, it was resolved that the best way to get answers to the key questions was to solicit the views of a limited group of key individuals who were directly engaged in events at the time. This pool of key decision makers was supplemented by interviews with academic subject matter experts to determine whether the approach to the study and the outcomes that were emerging made sense.

This chapter provides a brief synopsis of various methodological approaches that could have been applied, why the methodology that was ultimately selected was adopted, a description of the methodological process (how information was actually obtained), and how information was organized to permit further analysis of the results.

This study has adopted a qualitative approach to answering key research questions. Given the avenues of inquiry that needed to be investigated in support of the research, it was determined the collection and analytical methodology was exclusively qualitative in nature, adopting a case-study approach. As noted by Marshall and Rossman, “Qualitative approaches to inquiry are uniquely suited to uncovering the unexpected and exploring new avenues.” The challenge in adopting a qualitative approach is, of course, to balance the ability to keep the research focused and logical, while at the same time employing the inherent flexibilities that are the hallmark of qualitative methods. Marshall and Rossman add “One chooses a qualitative approach to understand phenomena from the participant’s perspectives and to explore and discover, in depth and in context, what may have been missed when studies were done with pre-determined assumptions.”¹⁸⁹

In this context, the application of a qualitative approach seems appropriate as a means of linking collection and analysis methodology and the stated research questions. As noted previously, while there have been no previous comprehensive studies associated with the post-9/11 reorganizations, there are pre-determined assumptions associated with why the reorganization was undertaken. And as will be noted subsequently, much of the research data was derived via interviews from the perspective of key

¹⁸⁹ Marshall and Rossman, *Designing Qualitative Research*, 82-85

participants. Conversely, and in general terms, the research required to examine the issue does not lend itself, for practical reasons, to a methodology that employs experiments or quantitatively-based sampling. At the very least, a structured, more clinical interview methodology designed for a quantitative-based methodology, usually involving larger 'n' surveys that facilitate a more quantitative approach ("agree, disagree, no view, etc.'.), would likely not provide for the necessary nuances associated with the importance of context, setting and the mind-set of interviewees that were essential for undertaking data analysis and mapping a course to the research's ultimate conclusions, especially in the context of an exploratory investigation.

Originally, the proposed research framework was going to be based on a 'small-n' cross-case analysis, comparing the degree of post-9/11 organizational change in Canada, to the UK and Australia. An initial survey of these other two countries suggested the events of 9/11 resulted in little in the way of organizational changes within their respective governments. Instead, the primary responses were legislative or statutory in nature, so there would be little 'grist for the mill' in terms of a strong comparative analysis dealing with post 9/11 organizational change. The focus of investigation was subsequently narrowed to Canada only, as there was enough of an unexplored research terrain on its own. While the research involved examined a single phenomenon, it was judged to be suitably 'thick' from a research perspective. Furthermore, the scope of organizational change in the UK and Australia was judged to be modest at best, as the policy responses to 9/11 on the part of those respective governments were based largely on statutory and judicial initiatives. Perhaps this is a topic of interest that can be explored as part of a comparative study research in the future.

The conclusions drawn from this study are therefore based on observations and assessments of data collected from a limited number of personal interviews, not experiments nor a large -n survey pool of interviewees that provided for a detailed statistical breakdown.

In this instance, a case study approach linked specifically to the punctuated equilibrium theory- how the events of 9/11 ultimately drove the need for a comprehensive reorganization of the GoC's national security apparatus - was able to consider questions arising from events that actually happened to specific entities at a specific point in time. That said, the research questions focus on the rationale behind why the reorganization was structured the way it was and why did it occur when it did. Yin suggests that one may choose to employ a case study approach compared with other research methods, when your research questions are 'how' and 'why' questions. He adds "the more that your questions seek to explain some contemporary circumstance, the more case study research will be relevant." As noted by Gerring, "Case studies may be more useful than cross-case studies when a subject is being encountered for the first time, or is being considered in a fundamentally new way."¹⁹⁰ Rocan adds "Case studies, while narrow in focus, allow one to go deeper in understanding the 'granularity' to be found in actual experience."¹⁹¹ A case study approach also enables the researcher to employ multiple sources of evidence, with the hope of strengthening the veracity of raw information obtained, through the 'triangulation' of information sources (construct validity). Ideally, the research will be judged successful if it is possible to provide sufficient

¹⁹⁰ John Gerring, *Case Study Research: Principles and Practices* (Cambridge, Cambridge University Press, 2007),40

¹⁹¹ Claude Rocan (ed.) *Building Bridges: Case Studies in Collaborative Governance in Canada*, (Ottawa, Invenire, (2018), 6

evidence of a prevailing generalized theory as its outcome, while recognizing that where evidence suggests the possibility of potential rival theories, they will warrant unbiased consideration and investigation.

As the source of the primary data was interviews with persons directly involved in the events at hand, a 'historical' methodology was not appropriate, defined as where no relevant persons are alive to report, even retrospectively, on what occurred, and where the researcher must rely on primary and secondary documents, and cultural and physical artifacts are the main source of evidence.¹⁹² A case study approach may use these same sources, but more as a means of attesting to the veracity of the results of interviews or direct observation as the case may be. At the same time, there was no means of, or intent to, precisely or systematically manipulate the responses of interviewees as would have been the case in more clinical, experimental approach to the research. Furthermore, no control was possible over the outcome of how the reorganization took place, which is a key feature of the experimental approach to research. An experimental approach tends to ignore the role or importance of 'context' by controlling it in a laboratory environment.¹⁹³ While the in-depth interview process could be regarded as a form of survey, the limited number of interviews conducted in support of this research would not have constituted a sufficient pool of interviewees in order to establish credible evidence under a more clinical, quantitative approach.

Furthermore, the more structured questions associated with a large-n survey methodology, as suggested previously, would not have provided the interviewer with the means to engage in a two-way discourse to explore the context behind the responses of an interviewee, which was a key source of information necessary in formulating a credible conclusion from the data obtained. The ability of a survey approach to investigate context is extremely limited. This is an important consideration if you support the view that the causal links inherent in the punctuated equilibrium theory are simply too complex to explain for either experimental or survey methodologies.

There was the likelihood that multiple observations would be forthcoming as to the rationale behind the reorganization of various agencies, demonstrating that many factors may have in fact contributed to the complexity of the case in question. Consequently, and applying a case-study approach, it was presumed three possible outcomes or observations were possible. First, an overriding or dominant rationale for the reorganization was not evident. Rather, there was a variety of different drivers that served to create the need for change. Second, there was sufficient evidence to support the view there was an exclusive, dominant driver behind the reorganization. Third, there was a 'hybrid' outcome, suggesting there was an underlying driver, but other peripheral drivers were also present. The benefit of the case-study approach in this instance is that it examined changes to the status quo over a defined 'temporal' period, and that it was possible the research pointed towards both a 'realist' and 'relativist' epistemological orientation – ideally supporting a possible theory as to why organizations developed the way they did, but also accommodating that various interview subjects may provide differing views of why a certain development occurred the way it did.

¹⁹² Robert Yin, *Case Study Research and Applications : Design and Methods*, (6th edition), (Thousand Oaks CA, Sage Publications , 2018), 13

¹⁹³ *Ibid*, 15

The main source of primary data for this investigation was derived from one-on-one interviews with key Cabinet officials and senior bureaucrats who were engaged in the reorganization initiative. As noted by Marshall and Rossman, the primary strategy behind conducting in-depth interviews is to “capture the meaning of experience in the participant’s own words.”¹⁹⁴ This is supported by Holstein and Gubrium who observed “Why is the interview approach an especially useful mode of systematic social inquiry? It lies in the interview situation as an ability to incite the production of meanings that address issues relating to particular research concerns. It is where the respondent has access to a substantial repertoire of interpretive methods and a stock of experiential materials”¹⁹⁵

The purpose of conducting interviews was to obtain insight into the participants’ decisional behaviour, their intentions, reasoning capabilities, and information –processing procedures in a given setting or context. As noted by Dennis Chong, “One of the advantages of the in-depth interview over mass survey is that it records more fully how subjects arrive at their opinions. . . .The way subjects ramble, hesitate, stumble and meander as they formulate their answers tips us off to how they are thinking and reasoning through political issues.”¹⁹⁶ Interviews may also serve to show the influence of personalities on the policy outcomes. An interview yields data in quantity quickly, and provides for immediate follow-up and clarification, question framing and further probing for elaboration. The interviews were supplementary by the use of journal articles from academic and on-line publications, primary government documents and official reports, and subject matter –related texts and books.

Marshall and Rossman note that in most exploratory phases of research, appropriate sampling strategies can only be guessed.¹⁹⁷ In the case of this research, interviews were conducted with a ‘small-N’ (13) pool of interviewees (see bibliography for a list of participants). This was not due to any time constraints or resourcing issues (or lack of interest!) on the part of the author. So why was a more expansive interview pool not pursued?

There was sufficient evidence derived from the literature review, government reports and interviews undertaken to suggest that decisions related to the GoC’s response to the effects of 9/11 were made by a relatively small group of Cabinet members and senior bureaucrats (Clerks of the Privy Council, Deputy Minister levels, termed “super-bureaucrats” by Hubbard and Paquet¹⁹⁸) who were engaged in either machinery or national security issues. These were “elites”- persons of power and influence –considered to be influential, prominent and well informed in an organization or community. They were selected for interviews on the basis of their expertise in areas relevant to the research and on their perspectives on, for example, an organization, a community, or specialized field, and more importantly, as active participants in the government machinery or operational aspects associated with the reorganization that was undertaken. “Valuable information can be gained from these participants because of the positions they hold in social, political, financial, or organizational realms. Elites are also able to discuss an organizations’ policies, histories and plans from a particular perspective, or have a broad view on the development of a policy field or social science discipline. There was level of ‘cultural competence’ in

¹⁹⁴ Marshall and Crossman, *Designing Qualitative Research*, 102

¹⁹⁵ James Holstein and J.F.Gubrium, *The Active Interview*, (London, Sage Publications, 1995,)17

¹⁹⁶ Gerring, *Case Study Research: Principles and Practices*, 45.

¹⁹⁷ Marshall and Crossman, *Designing Qualitative Research* 111

¹⁹⁸ Hubbard and Paquet, *Probing the Bureaucratic Mind*, 100

addressing the issue at hand.”¹⁹⁹ Nevertheless, working with elites places great demand on the interviewer to establish competence and credibility by displaying knowledge of the topic by projecting an accurate conceptualization of the problem through thoughtful questioning. This hard work usually pays off with the quality of information obtained.”²⁰⁰ (See references to the author’s experience in this regard noted below). Interviews conducted with these officials, and GoC reports, confirmed that development and crafting of the GoC policy and program responses to 9/11, including organizational initiatives, were undertaken by a very small group of senior officials, most of whom participated in the interview process. And while subordinate bureaucracies were obliged to implement policies and programs that were ultimately developed, the urgencies of the time did not permit the traditional bureaucracy-based bottom-up approach to policy and program development. They were not consulted. Consequently, from a methodological perspective, there was no ability to survey a large-n pool of individuals, particularly within the bureaucracy, as to the whys and wherefores behind reorganizational efforts. It simply did not exist. There was no issue as to whether the ‘small-n’ interview pool was sufficiently representative of a larger community, it *was* the community. Bazeley notes there is nothing fundamentally wrong with using a small-n approach, when he suggests qualitative research and analysis are expected to seek an insider view of the social world, “working intensively with small samples.”²⁰¹

None of the participants actively involved in decision making at the time were still in government service when the interviews were conducted, and while they would have still been subject to protocols related to Cabinet confidence or national security, there was not as much of a concern regarding necessary discretions and couching responses in relation to ongoing government roles or sensitivities,. Nevertheless, most interviewees continue to be actively engaged either in the corporate world, NGOs or academia.

Three interviews with external academics selected by the author (one American, two Canadian) were undertaken as something of a “systems check” on the research process and to solicit overarching views and opinions of how events unfolded.

An initial roster of interviewees was established by the author on the basis of their roles in the immediate GoC policy and program responses to 9/11, as reflected in both academic articles and government reports. Key players were also identified on the basis of the author’s knowledge and experience with machinery of government and policy development processes within the GoC at the time. Other interviewees were added to the roster in the course of the conduct of other interviews, where the interviewee suggested “You should really talk to

Two senior cabinet members, engaged in events at the time (including the first minister of PSEPC and the lead minister on the PSAT initiative), were interviewed primarily to gain insight on the political environment (including relations with the US), issues and policy ‘sensitivities’ that were prominent at the time. All Clerks of the Privy Council within the period under consideration were interviewed to solicit their views on how policy and machinery elements and decisions came together, a key area of research. Senior members of the ‘community’ (former Directors of CSIS, Coordinator of Security and Intelligence and the first National Security Advisor, the first deputy-minister of PSEPC) were interviewed to gain an appreciation of the ‘before’ and ‘after’ 9/11 operating environments and who were key advocates for the need for enhanced policy coordination in the post-9/11 world. The first Secretary of Homeland Security in the US was interviewed to gain insight of American perspectives at the time – the US reaction to the events of 9/11, and how the Canadian response was perceived and in order

¹⁹⁹ Holstein and Gubrium, *The Active Interview* 25

²⁰⁰ Marshall and Rossman, *Designing Qualitative Research* 159-160

²⁰¹ Pat Bazeley, *Qualitative Data Analysis: Practical Strategies*, (London, Sage publications, 2013,), 27

to place the Canadian security reorganization in the context of bilateral relations. As the lead US official in crafting the domestic US response to the events of 9/11, the opportunity to interview Governor Ridge was both insightful and seen as something of a coup for research purposes. While interviews with other US officials could have augmented Governor Ridge's views, his contributions ultimately represented the highest possible level of perceptions of the Bush administration at the time as it pertained to domestic security. Finally, and as mentioned previously, three external subject matter experts (one US and two Canadian) were consulted in order to ascertain whether the research methodology and emerging conclusions seemed to make sense.

Typically, in this sort of historical review, records of decisions, minutes, or 'notes to file' authored by mid-level bureaucrats are a valuable source of data for how government initiatives evolved in terms of options considered, the interests and agendas of individual departments or agencies or their leadership, or hinting at inter-agency turf wars that reorganizations tend to create. Such was not the case in this instance. As noted previously, interviews with key players suggested bureaucracies were not engaged in any meaningful manner in the decision processes, other than their highest-level leadership. Consequently, no efforts were made to seek out sources within mid-level bureaucracies in order to avoid the perception of 'random meandering.'

Once the pool of interviewees had been initially identified by the author, or subsequently added to as a result of the interview process, they were approached by the author via e-mail as to their interest in participating in an interview in support of the research at hand. (See Appendix B). An overview of research context and objectives was provided at the same time. In some cases, executive assistants or administrative personnel served as an intermediary between the author and the targeted interviewee in these initial solicitations. In other cases, responses were received directly from the solicited interviewee. Out of 15 initial solicitations, one was not acknowledged at all, and one declined to be interviewed. In the author's mind, this suggests there was a keen interest on the part of the key individuals involved to get the story out.

Once an interviewee agreed to participate, a subsequent e-mail was sent to provide options as to a date, time and place for the interview. At this time, it was also suggested to the interviewee to think about whether he/she wished her views to be attributed, the means of recording the interview, and where warranted, cabinet confidences would be respected. (See samples in Appendix B). In the end, most interviewees were amenable to having their views sourced. A limited number preferred their views to be referenced but not attributed. Interviewees were fine with the proposed interview approach and format. There were few, if any restrictions, other than an interviewees' views being attributable or not.

A list of interview questions was provided in advance to the interviewee. Questions were provided not to necessarily be answered verbatim in the course of the interview, but more to guide the subsequent discussion. Questions were provided in advance to provide for a sense of the "narrative terrain" but not to necessarily lock or limit the respondent in how the conversation could unfold.²⁰² It was more of a conversational agenda than "procedural directive", more to create a conversation that was fluid as opposed to rigid. Marshall and Rossman note that this is the most typically used type of approach to interviews in qualitative studies.²⁰³ This enabled a two-prong approach to the interview- meeting the

²⁰² Holstein and Gubrium, *The Active Interview*, 76

²⁰³ Marshall and Rossman, *Designing Qualitative Research* 150

needs of specific lines of inquiry, but also putting forth non-threatening relevant questions in an open-ended format.

While most of the same standardized questions were provided to interviewees as a means of increasing the validity of information obtained, a limited number of questions were geared specifically to the interviewee in question, in recognition of their role as a subject matter expert (SME) or to take advantage of background knowledge that was obtained in previous interviews. To the greatest possible degree, questions were structured to filter out any form of bias on the part of the interviewer / author (See sample questions in Appendix C).

All interviews were conducted on a one-on-one basis between the author and the interviewee. Interviews, for the most part, took place over a 90-minute period. Interviews were conducted in Ottawa, Montreal, Washington, Victoria and Toronto. One interview was conducted via Skype to Edmonton. One interview was conducted via telephone in Ottawa. This provided for access to key decision makers and a ready access that greatly increased the quality of qualitative data. A list of interviewees and their respective roles is provided at the end of the bibliography of this study.

In adopting an ‘active interview’ approach as described by Holstein and Gubrium (1995)²⁰⁴, the interviewer and interviewee actively constructed a story and its meaning relative to the investigation at hand. Interviews were both collaborative and potentially problematic- the author /interviewer had to have an awareness of how far to go when it came to engaging and guiding the interview subject without ‘polluting’ a response, and to suppress personal opinion or stereotyping. A more collaborative design to the conduct of the interviews served as a positive counter approach to surveys that tend to adopt “crisp answers to clean questions that can be recovered with professional dispatch”, and that are more characteristic of large-n, quantitative approach, but do not provide any contextual grounding from where the responses from interviewees are derived or where they come from.²⁰⁵ This understanding is just as important as the actual answers received. Consequently, interviews were more ‘flexibly organized’ as opposed to being rigidly structured to solicit an “open and undistorted communication between interviewer and respondent”²⁰⁶ and to facilitate candid expressions of opinions and sentiments. The objective was not to dictate interpretation but to provide an environment conducive to the production of the range and complexity of meanings that address relevant issues, and not be confined by predetermined agendas.”²⁰⁷ The interviewer offers interviewees “the pertinent ways conceptualizing issues and making connections as they pertain to the research topic and the “substantive horizon of ongoing responses.”²⁰⁸ “This is important, not only as a means of better understanding respondents’ perspectives and interpretations, but as a way of cultivating shared awareness and experiences that might be referenced as bases for interview conversations. Background knowledge allows the interviewer to move from the hypothetical or abstract to the very concrete by asking questions about relevant aspects of respondents lives and experience, a particularly fruitful tactic for promoting circumstantially rich descriptions. More

²⁰⁴ Holstein and Gumbrium , *The Active Interview*, 77

²⁰⁵ Ibid vii

²⁰⁶ Ibid 7

²⁰⁷ Ibid 17

²⁰⁸ Ibid 39

to the point, such an approach to the interview methodology conveyed an impression that the views and observations of the interviewees were both valuable and useful in support of the research at hand.”²⁰⁹

That said, interviewees didn’t make things up on the fly, they were reflective, and provided comments based on experience, opinion, and even some emotion – to “connect disparate parts into a coherent meaningful whole, linking fragments into patterns and offering ‘theoretically’ coherent descriptions and accounts and explanations .”²¹⁰ Interestingly, responses were either rationally or ‘emotionally’ driven, or both, depending on where the interviewee was situated in the context of the question. The attentiveness and details in the responses generated under an ‘active interview’ also helped to potentially mitigate any preconceptions on the part of the author.

In three cases, interviews were recorded. The remaining interviews were recorded on the basis of written notes. Both methods of record were retained for subsequent data analysis, in a secured cabinet. In virtually all cases, the interviewees indicated they were open to responding to follow-up questions. This was done following three interviews.

The study’s author’s thirty-seven years of experience in the GoC’s policy/strategic/ intelligence communities helped to identify salient players and issues at hand, and key timing and machinery issues associated with policy development response, what was considered standard operating procedures, and what developments or outcomes were considered unusual or extraordinary. Experience also helped to construct interviewee questions, and to some degree assess the validity of the answers provided (while trying to avoid cognitive bias). Consequently the structuring of the methodological process and the processing of the information obtained can be considered ‘practitioner informed’. While situated in a subordinate position in past lives to those being interviewed, being relatively familiar with the historical and contextual setting of the topic at hand, based on background knowledge, made the interviews more productive, with an ability to guide interviewees in their descriptions of events and to keep the conversation going, while not crossing the ‘objective’ line. This was clearly an advantage in the ‘active interview’ approach. That said, the advantages of conducting a practitioner informed interview could potentially be undermined by cognitive biases on the part of both interviewer and interviewee. There was a risk that responses of key officials would be taken at face value and without appropriate due diligence in assessing the validity of their responses given an unspoken and shared understanding of the events of the day. It is suggested, however, that interviewees had little in the way of motivation to alter the facts as they saw them if the decisions that were made were not being judged as to their resulting efficiencies and whether organizational objectives resulted or not, where their respective responses could potentially be more subjective, guarded or defensive. Instead, they were being asked to recollect the circumstances behind how, why and when certain decisions were made, which would result in a less threatening context for the interviews that were conducted. Finally, a relatively high degree of consistency in the responses between respective interviewees on various issues suggested a comfortable level of veracity in terms of the responses provided.

Background knowledge allowed the author/interviewer to move from the hypothetical or abstract to the very concrete by asking questions about relevant aspects respondents lives and experiences, a particularly

²⁰⁹ Ibid 40

²¹⁰ Ibid 28, 29

fruitful tactic for promoting circumstantially rich descriptions, accounts, and explanations.²¹¹ As a former member of the national security community, some mutual respect was noticeably present between interviewer and interviewee, plus there was implied level of discretion associated with the conduct of the interview both at the time and going forward. This provided for a pre-established level of trust that is key feature of the interviewer–interviewee relationship.

In summary, and when taken together, the theory and methodology ‘logic path’ looks something like this:

Theory: Historical Institutionalism:

Established Canadian institutions (Cabinet as the branch of government that makes and implements the decisions required to maintain the well-being of Canadians, Westminster concepts of ministerial responsibility, senior levels of bureaucracy, historical relationships, norms and values), provided the necessary framework to enable the GoC to respond quickly to the events of 9/11 from a policy and programming perspective, together with allocating the necessary resources and requisite approvals in support of GoC initiatives. As noted previously, initially this involved the need to address US concerns about the security of its northern border, to keep commercial goods flowing across that same border, to provide both strategic and operational frameworks to respond to the new threat posed by transnational terrorism, including a counter-terrorism strategy based on prevention, and to balance the need for an integrated bi-lateral approach to security with the US, together with Canadian sensitivities related to sovereignty issues. Two years later, these same institutions were key in providing the means to undertake a comprehensive and rapid reorganization of Canada’s national security framework. If the concept of historical institutionalism is deemed to also include normative and cultural values, then these also had an influence on the subsequent reorganization (e.g. reluctance to engage in full integration in support of bi-lateral security, institutional sensitivities regarding the full securitization of immigration policies and programs, as was the case in the US). Canada’s historical links with the US (both from a security and economic perspective) also influenced the conduct of Canada’s response to the threat posed by transnational terrorism. Historical institutionalism was the constant variable that provided for the overarching framework for the reorganizations that took place, whether considered from the perspective of individual initiatives, or the sum of the organizational initiatives that took place. At the same time, and as noted previously, historical institutionalism intuitively suggests that changes to government machinery processes or organization would be methodical and ‘conservative’ in nature. What led to such a comprehensive reorganization in a relatively short period of time?

Sub (Mid-Level) Theory: Punctuated Equilibrium:

In the context of organizations, punctuated equilibrium suggests organizations remain relatively static until there is a need for change in response to some sort of crisis that is typically externally generated. In this case, there was a need for reorganization resulting directly from the events of 9/11 and the new and ongoing threat posed by transnational terrorism. Whether this was to mimic similar organizational efforts ongoing in the US or for other reasons, the driver was ultimately an organizational response to the threat represented by the 9/11 attacks. To a lesser degree, a limited reorganization was required to reflect the inclusion of non-traditional, ‘human security’ issues in the *Open Society* policy. As noted previously in

²¹¹ Ibid, 77

this study, these non-traditional issues were securitized in response to a number of isolated, but externally driven, issues (e.g. SARS epidemic, Walkerton tainted water scandal) that warranted a formal policy response on the part of the GoC at the time. This was accomplished through the *Open Society* policy. (internal validity – causation). While historical institutionalism provided the machinery framework under which the GoC responded to the events of 9/11, punctuated equilibrium helps explain why and when the reorganization occurred.

Qualitative Methodology:

Qualitative methodology is recommended as the most appropriate approach for ‘exploratory’ research in the field of social science, which this study is. Furthermore, the primary source of primary data is derived from interviews with key players, which has the benefit of providing context to the responses of interviewees, as distinct from more clinical “yes-no”, “either-or” types of responses necessary under large-n, quantitative methodologies.

Case Study Approach:

The reorganization of Canada’s national security community in the aftermath of 9/11 is a case study of the punctuated equilibrium theory, underscored by the overarching framework provided by historical institutionalism. This case study seeks to be both ‘exploratory’ and ‘explanatory’ in its objectives. Primary data was obtained from in-depth interviews with key persons involved in decision-making, but veracity was obtained to the greatest degree possible through verification by other sources using convergent lines of inquiry (construct validity). Individual organizational initiatives can be examined through a lens of constituting mini-case studies on their own merit. Taken collectively, the span and scope of the organizational changes that were undertaken tell a story that is buttressed by both theories. The author remains relatively confident that if future research on this issue followed the same methodologies and procedures reflected and suggested in this narrative, the same findings and conclusions would result (reliability).

Hypothesis:

When considered at all, it is often assumed that the reorganization of the GoC’s national security infrastructure was undertaken to mimic similar reorganizational efforts being undertaken in the US in response to the 9/11 attacks, which on their own merit were consistent with the punctuated equilibrium theory. In part, it is also suggested Canadian efforts were undertaken in response to concerns also expressed in the US national security and political communities, that challenges associated with the sharing of information and intelligence between US national agencies were the main reason why 9/11 was characterised as an intelligence failure.

This study challenges these assumptions and argues that changes to Canada’s national security infrastructure were undertaken for different reasons. While it a useful starting point to consider the Canadian experience in comparison to how events in the US unfolded, there was a need for the GoC to develop a distinctly Canadian response to the threat posed by transnational terrorism. While some of the resulting changes can be judged as resembling or paralleling US initiatives, there were also significant differences. This study argues that the reorganization that occurred was undertaken in response to the

need to coordinate the activities of, and share information between, a greater number of departments and agencies charged with a national security mandate as a result of the GoCs strategic response to the events of 9/11 and transnational terrorism, and the introduction of the *Open Society* policy. In order to support this hypothesis, a number of key questions were considered.

- What were the similarities with US organizational efforts?
- What were the organizational differences compared with US agencies?
- Intelligence and information sharing within the GoC?
- Was the GoC better positioned to respond to the events of 9/11, versus the US?
- Was the primary driver behind the GoC reorganization the need to coordinate a greater number of departments and agencies that now had a national security mandate?
- Was the scope and span of the organizational changes comprehensive enough to meet the criteria of the punctuated equilibrium theory, or were the changes merely incremental in nature?
- In parallel to exploring why the reorganization took place, this study will also examine when the changes occurred. While some took place in the immediate aftermath of 9/11, most took place in a five month period between December 2003 and April 2004, more than two years after the attacks. Why was this the case?

Plans for Data Analysis

In adopting qualitative analysis as an extension to the qualitative data obtained, the key in the post-data collection phase is to adequately demonstrate the chain of evidence linking the initial case study questions to a case study database (raw research information), to the research's ultimate findings and conclusions. Similar to the methodology adopted to obtain the necessary research data, Bazeley notes that qualitative analysis is "non-linear, contextualized and highly variable" in its own right. He also suggests that qualitative analysis is fundamentally case driven, as it "gives agency to cases, rather than to variables."²¹² In this instance, the overall analytical approach will be one based on interpretation rather than the manipulation of data that is a feature of more controlled or experimental-based methodologies.

While the outcome of this research is exploratory / explanatory in concept, it will be grounded largely in linking data and resulting conclusions to whether there is a link between the rationale for the organizational changes that took place that supports the view that changes were undertaken guided by the theoretical frameworks previously discussed. It doesn't seek to problem solve through the creation of new theory. Since the research is examining a specific issue within a defined time period and building on previous theory, applying time-series analysis is also likely not appropriate. This point is captured succinctly by Bazeley, who suggests "Understanding local causality qualitatively, through identifying the complex network of events and processes in a single case, is an essential basis regularity and diversity in a pattern of causation."²¹³

In developing a collection strategy, of course the primary question is will the strategy selected provide the necessary, reliable information to provide sufficient evidence in supported of the stated hypothesis. There was a risk that views represented by interviewees, and how they were received by the author/ interviewer

²¹² Bazeley, *Qualitative Data Analysis: Practical Strategies*, 3,5

²¹³ Ibid, 6

were, for a variety of reasons, somewhat subjective in nature. How do we know we're getting an accurate read from the interviewee? How does one assess the validity and reliability of their responses? Was there the potential for sanitizing events for individual or group reasons? Did the interviewees misunderstand the context or the nuances of the questions? Was there a hint of personal axes to grind? How would possible 'response bias' impact on the construct validity of the research undertaken? While an interviewee's responses were largely, and quite correctly, a creature of his / her situation and role within a particular decision-making or operational agency, would the nature of the responses be different if viewed from a different paradigm as suggested by Holstein and Gubrium – say, as a member of the Liberal party, or in the context of personal ambitions at the time, or whether a senior DM was inclined to do what was required for the good of the country in his or her mind, as opposed to following to the "t" the dictates of political masters? Again, thee 'where you sit is where you stand' theory.

The veracity of views provided was ascertained through two primary approaches. First, there was an ability to corroborate views and observations via the consistency of information provided in different interviews (think of two suspects being grilled individually in separate rooms on how events unfolded). Second, while in-depth interviews provided the main source of data, there was a need to determine if the general direction indicated by the data derived from the interviews could be verified through other means or sources. Consequently the availability of other sources of data were investigated. These included written records, primarily government reports, evaluations, and print and electronic media. The purpose was to 'triangulate' information from various sources, encouraging convergent lines of enquiry, minimizing errors and biases in the research, as a means of strengthening the construct validity and reliability of the research and data gathering processes. Records of interviews (data) were retained by the author.

In general terms, the outcomes of the individual, respective interviews (views, opinions, historical descriptors) that were recorded by audio means or written records were matched against six key questions of the study (the question of whether the changes that took place were comprehensive or merely tinkering was left to the author). How individual interviewees touched on the key questions is reflected in Appendix D. The subsequent analysis of the responses served to provide the 'story' that served as the means of reaching the conclusions of the study and whether they, in turn, supported previously stated hypothesis and the study's suggested theoretical underpinnings. While this approach served to provide a basis for responding to the individual questions, it also raised whether the nature of the responses generated further questions from a research perspective. Was there commonality in the views expressed by interviewees? Was there a divergence of opinion that suggested more research was required? Did views and opinions differ between those with primarily political interests versus policy and program managers? Were any biases clearly apparent? Where possible, views expressed in interviews were either reinforced or challenged by period pieces (GoC reports, journal articles, media reports) as a means of establishing their veracity.

The outcome of this process is reflected in Chapter 7 ("A Very Canadian Reorganization").

CHAPTER 6

WHAT ORGANIZATIONAL CHANGES TO CANADA'S NATIONAL SECURITY INFRASTRUCTURE TOOK PLACE AFTER 9/11?

This study examines the nature and magnitude of national security sector reorganizational efforts undertaken by the GoC in the post 9/11 environment. Were these efforts “new and institutionally unprecedented”,²¹⁴ and comprehensive enough to fall within the parameters of punctuated equilibrium theory, or merely tinkering around the edges of existing national security infrastructure a la Lindblom? In order to answer these questions, it is necessary to examine what changes to the structure or significant changes to mandates took place between September 2001 and April 2004, the date the *Open Society* policy was released. A number of organizational initiatives or significant mandate changes were undertaken in the immediate aftermath of the attacks. Most of the salient changes, however, were implemented between December 2003 coinciding with Paul Martin assuming the position of Prime Minister, and April 2004, with the release of the *Open Society* policy.

Historical institutionalism provided the over-arching machinery architecture to conduct the changes that were undertaken. It is therefore a ‘constant’ in all cases. Consistent with the theory of punctuated equilibrium, organizational changes, both individually and collectively, were undertaken to support the GoC’s new whole-of-government counter-terrorism strategy that involved a greater number of policy centres as compared to Cold War national security policies. Within this broader context, individual organizational changes served to address gaps in three main areas: policy coordination, information coordination, and operational requirements.

Individual organizational changes noted below are examined from the perspective of whether they serve as a case study on their own merit in support of punctuated equilibrium theory. Collectively, the magnitude and number of changes raise no doubt that this is the case.

In chronological order, the organizational changes undertaken were as follows:

Expansion of the Mandate of the Financial Transaction and Reports Analysis Centre (FINTRAC)

This agency was not created as a result of the events of 9/11, but instead had its original mandate expanded significantly.

Canada’s *National Initiative to Combat Money Laundering*, introduced in 2000, was designed in part to respond to criticisms by the International Financial Action Task Force on Money Laundering, an

²¹⁴ Wark, “*Learning Lessons*”, 85

international, intergovernmental organization founded in 1989 on the initiative of the G7, to develop policies to combat money laundering. The Task Force suggested that Canada's money laundering prevention strategy in place at the time relied almost exclusively on the voluntary reporting of suspicious transactions, and lacked a central financial intelligence unit to receive, analyze, and disclose information related to money laundering. Legislation adopted that same year, the *Proceeds of Crime (Money Laundering) Act*, created a system for the mandatory reporting by financial institutions of suspicious financial transactions, cross-border transfers of large amounts of currency, and certain prescribed transactions, through a regulatory regime linked to the *Act*. The legislation also established an agency, the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), to collect and analyze financial transaction reports. FINTRAC is regarded as Canada's primary financial intelligence unit. While it operates at arms-length from law enforcement, national security, justice and border security agencies, (it is not a law-enforcement agency and has no investigative powers), its *raison d'être* is to provide actionable financial intelligence to these same agencies to help them investigate and prosecute illegal financial transactions that may involve money laundering, and subsequently, terrorist financing activities as noted below

After 9/11, Parliament broadened the scope of the money-laundering legislation to also apply to illegal activities associated with the financing of terrorist activities, as defined in changes to the *Criminal Code* and as provided for under the *Anti-Terrorism Act, 2001*. As noted previously, the provisions of the *Act* were driven, in turn, by the obligations imposed by the UNSC on the GoC via UNSC resolution 1373 regarding the need to link financial sanctions to listed terrorist entities.

Under part 4 of the *Anti-Terrorism Act*, the *Proceeds of Crime (Money Laundering) Act* became the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)*. The new act expanded reporting requirements to include the reporting of suspected terrorist-financing activities, and broadened FINTRAC's mandate to include the detection, deterrence, and prevention of terrorist financing as well as money laundering. The expanded mandate also provided legislative support for Canada's obligations to comply with UNSC Resolution 1373 ("How the international community should address the challenges posed by terrorist financing"). Consequently, since June 12, 2002, suspicious transactions are also deemed to include financial transactions where there are reasonable grounds to suspect they are related to the commission of a terrorist financing offence.

Essentially the *Act* obliges financial institutions, as defined in the *Act*, to report suspicious financial transactions to FINTRAC, which in turn analyses and packages the information for forwarding to law enforcement or national security agencies when it has "reasonable grounds" to suspect that the information may be relevant to the investigation or prosecution of money laundering or terrorist financing. Conversely, these same agencies have a mandate to report suspicious activity they may have observed to FINTRAC for further investigation.

However, FINTRAC's operations and capacity to provide financial intelligence to law enforcement and national security agencies has been limited by strict, mostly privacy-related legislation, designed to protect the privacy of the information FINTRAC receives, safeguards that the Auditor General characterized as "unusual" when compared to similar legislation of other western countries.²¹⁵ The

²¹⁵ Government of Canada, Office of the Auditor General, *Implementation of the National Initiative to Combat Money Laundering* (November, 2004), 6

limitations imposed by legislation has resulted in a lack of meaningful detail that FINTRAC is able to provide on particular transactions to enforcement or investigative agencies. Consequently the information provided by FINTRAC is often regarded by recipient agencies as limited in its utility or application in support of ongoing or new investigations. This view is reinforced to some degree by the fact that the actual number of terrorism financing charges under the *Act* brought against individuals or entities (questionable charities) since its introduction have been minimal. For example, since 2009, FINTRAC has flagged 683 suspected cases of terrorism financing or threats to national security. Of the suspected cases, there have only been a handful of charges and three convictions.²¹⁶ While commentary on the efficacies of the organizational changes undertaken over the timeframe in question is not part of this study, it is nevertheless interesting to note that a Senate report from 2013 observes that there remains “a lack of clear and compelling evidence that Canada’s regime is leading to the detection and deterrence of money laundering and terrorist financing, as well as contributing to law enforcement investigations and a significant rate of successful prosecutions.”²¹⁷ An even earlier Senate report from 1987 accurately captured the challenges associated with tracing terrorist-related funding. “Usually, funds are ostensibly raised exclusively for humanitarian or strictly legal and exemplary objectives. It is not until several stages removed from the actual fundraising that a portion of the money raised may find its way into the support of terrorists. This redirection of funds usually occurs outside of Canada and beyond the reach of Canadian courts and legislation.”²¹⁸

From an organizational perspective, a 2004 report from the Auditor General noted the following:

We believe that to support that process, more effective mechanisms and leadership are needed for co-ordinating efforts both within the federal government and among all stakeholders. At the federal level, the interdepartmental working group chaired by Finance Canada lacks the scope and mandate for effective support of a co-ordinated campaign against money laundering and terrorist financing. The meetings of officials at the assistant deputy minister level lack effective procedures for resolving interdepartmental disputes and ensuring accountability for results. We found, as we had in our audit of the anti-terrorism measures of 2001, that the government did not have a management framework to direct complementary actions in separate agencies.”²¹⁹

Given identified challenges with prosecuting terrorist financing activities under the current regime, and the fact that dollar values associated with money laundering (usually large amounts) and terrorist financing (comparably smaller amounts) call for different investigative approaches, there have been periodic calls for a revised statutory framework dedicated to terrorist financing only.

²¹⁶ Global News, “Why so few terror financing charges and convictions? Good luck finding out” (June 11, 2015)

²¹⁷ Government of Canada, Report of the Standing Senate Committee on Banking, Trade and Commerce, *Follow the Money: Is Canada Making Progress in Combatting Money Laundering and Terrorist Financing? Not Really* (2013) <https://sencanada.ca/content/sen/Committee/411/banc/rep/rep10mar13-e.pdf>

²¹⁸ 1987 Senate report, 36

²¹⁹ Office of the Auditor General *Implementation of the National Initiative to Combat Money Laundering*, 8

Prior to the events of 9/11 it was acknowledged in CSIS annual public reports that terrorist groups were present and operating in Canada, mostly in a facilitation capacity that included the funding of terrorist groups located abroad. Funding operations within Canada for Sikh extremists, the Tamil Tigers and Hezbollah were well known within security circles. Nevertheless, there was no initiative on the part of the GoC to securitize terrorist funding efforts or to sanction groups or individuals associated with these efforts until the events of 9/11 took place. From a jurisprudence perspective, the *Anti-Terrorism Act of 2001* provided the necessary policy coverage to identify terrorist organizations which could be subject to the seizure of property or forfeiture through the terrorist listing process. The *Act* also provided for a change to the *Proceeds of Crime (Money Laundering) Act* by adding provisions related to terrorism financing, and to significantly expand the mandate of FINTRAC to monitor financial transactions that could also be tied to terrorist financing. It is posited that these steps specifically, and the GoC's securitization of terrorist funding in general, would not have taken place, certainly not on an urgent basis, had 9/11 not taken place.

In addition to the mandate change to FINTRAC, legislation also provided for greater information sharing between the Canada Revenue Agency and the RCMP, CSIS and FINTRAC regarding investigations where terrorist groups were suspected of having ties to registered charities. In this regard, the registered charity status of several organizations has been revoked given demonstrated ties to terrorist organizations located abroad.

The original provisions of the *Act* related to money laundering were introduced in response to G7 initiatives well in advance of 9/11. However, the change in mandate to also include terrorist financing provisions within the *Act* was initiated in response to implementing UNSC 1373 which came into effect in the immediate aftermath of 9/11 (September 2001). The tracking processes provided by the FINTRAC mandate also served to support the criminal provisions related to terrorist financing of the *Anti-Terrorism Act 2001* which was promulgated in December 2001. Consequently, the change in mandate fulfilled policy, information sharing and operational requirements. Though not an organizational change per se, the rationale and timing behind this significant mandate change are clearly tied to the events of 9/11 and the international community's response to the attacks, and therefore support the punctuated equilibrium theory.

The Canadian Air Transport Security Authority (CATSA)

Civil aviation has always provided an attractive target for terrorist groups. Modern-day terrorism originated in the late 1960s and early 1970s with the hijacking of civilian aircraft by the Popular Front for the Liberation of Palestine (PFLP) in order to give greater visibility to the aims and objectives of the Palestinian cause and to fund future operations through the receipt of ransoms paid for passengers and crews. Hijackings took a more sinister turn in the mid-1980s when the random execution of individual passengers became more common place as a tactic. The Air India (1985) and Lockerbie (1988) mid-air bombings were pre-9/11 cases of mass murder using civilian aircraft. Prior to 9/11, the mastermind behind the 1993 bombing of the World Trade Centre, Ramzi Yousef, was finalizing plans to blow up eleven civilian airliners travelling between Asia and the US, and to crash a plane into CIA headquarters (Operation Bojinka, 1995). The plot was discovered and interrupted a mere two weeks before it was set to be put into play, but not before a test bomb planted on a Philippine Airlines flight killed one person and injured ten. (Yousef's uncle, Khalid Sheikh Mohammed, was the self-proclaimed

mastermind behind the 9/11 attacks.) In 1994, terrorists from the Armed Islamic Group of Algeria (GIA), hijacked an aircraft in Algiers, killed three passengers and planned to crash the aircraft into the Eiffel Tower.

Even after preventative measures were put in place internationally in the aftermath of 9/11, civilian aviation has continued to be an attractive target for terrorist –The ‘Shoe Bomber/ Richard Reid’ (2001), two Russian aircraft were destroyed by female suicide bombers detonating improvised explosive devices as they were departing Moscow (2004), the foiled ‘liquid and gel’ plot to simultaneously blow up a number of transatlantic carriers, including flights to Canada (2006), the Christmas ‘Underwear Bomber’ (2009), the attempt to blow up two cargo planes over the US using bombs hidden in toner cartridges (2010) and the downing of a Russian charter jet in Egypt by the local affiliate of the Islamic State of Iraq and the Levant (ISIL) (2015). This list does not include attacks on airport facilities, which began in the 1970s by leftist terrorist groups, which continue to this day, the most recent being the attack on the Brussels airport by ISIL supporters/operatives in 2016.

History has demonstrated that attacks against civilian airlines, though relatively inexpensive to conduct, have resulted in significant direct and indirect costs to national governments, economies and industry. They also provide immediate ‘street cred’ to the terrorist groups carrying out such operations, which continue to come up with innovative ways to circumvent prevailing security measures (i.e. authorities are always playing catch-up). As a result, it is expected that civilian aviation will continue to be an attractive target for terrorist groups for the foreseeable future.

Responsibility for civil aviation security in Canada is shared among several federal government departments and agencies, air carriers, and airport operators. Under the *Aeronautics Act*, the Minister of Transport is responsible for the development and regulation of aeronautics and the supervision of all matters related to aeronautics. As the lead federal government department responsible for aviation security, Transport Canada develops policies and regulations, and conducts oversight activities to ensure that industry and the Canadian Air Transport Security Authority are meeting their obligations. Transport Canada is also responsible for verifying Canada’s compliance with international obligations such as those set by the International Civil Aviation Organization (ICAO).²²⁰

The GoC’s response to the threat to civilian air carriers has evolved in parallel to the perceived threat. In order to implement international conventions generated in the 1970s to address the threat posed by hijackings, the GoC’s *Aeronautics Act* was amended in 1973 to require airlines to establish and operate security programs at appropriate airports, although the GoC provided the requisite regulatory regime necessary to establish standards, and provided the equipment to facilitate individual airport programs. Airlines retained private contracting firms to operationalize the screening processes. In the aftermath of the Air India incident, the *Act* was amended once again to provide for significantly more rigorous screening. These measures included:

- More comprehensive screening of all passengers and carry-on baggage;
- The physical inspection or x-ray inspection of all checked baggage (international destinations);

²²⁰ Government of Canada, Office of the Auditor General of Canada, Special Examination Report to the CATSA Board of Directors, *Canadian Air Transport Security Authority*, December 15, 2006), 8

- The acquisition and deployment of 26 explosive detector units, which were in the final stages of testing and development at the time of the Air India tragedy; and
- The acquisition and deployment of additional carry-on luggage x-ray units, hand-held metal detectors and walk-through metal detectors.

Yet even after the Air India incident, issues associated with aviation security did not receive much political or public intervention or interest. As was mentioned previously, Air India was seen as something that was associated with events ‘over there’, and not directly associated with security of Canada.

The events of 9/11 resulted in a paradigm shift in the importance of civil aviation security as a policy issue, resulting in the federal government assuming more direct responsibility for airline passenger and baggage screening in Canada. Given the role civil aircraft played in the attacks, questions were raised at political and public levels regarding the effectiveness of airport security in Canada at the time, as all 19 hijackers involved in 9/11 managed to pass through existing US screening checkpoints and board aircraft without incident.

As hinted at in the introductory chapter, there was a clear case for enhanced ‘securitization’ of the screening process. The threat of terrorism, particularly to civil aviation, was demonstrably acute, and the previous system of privatized or deregulated screening led to inconsistencies amongst Canadian airports which fundamentally threatened the integrity of the system. Running counter to the trend towards operational deregulation in civil aviation, the GoC, assumed a direct operational role in the security of Canada’s civil aviation system.

In conjunction with the immediate post 9/11 security budget of December 2001 (*Budget Implementation Act of 2001*), the Government of Canada allocated \$2.2 billion over 5 years in support of civil aviation security. This included funding for the creation of a new organization entitled the Canadian Air Transport Authority (CATSA) to take over responsibility for the pre-board screening of passengers and their baggage from air carriers. The *Canadian Air Transport Security Act* (April 1, 2002) established the statutory framework to create the Crown corporation with a mandate to undertake the screening of passengers and baggage, as well as controlling and screening non-passenger access to restricted areas at 89 airports across Canada. The law gave the federal government direct responsibility for all airport screenings, a job that airlines had previously outsourced to private security companies.

Operating at arms-length under the regulatory body of Transport Canada, CATSA reports to Parliament through the Minister of Transport. CATSA is subject to, and guided by, legislation, regulations and procedures developed by the GoC in the way that it oversees the conduct of its screening mandates. These acts and regulations include: the Canadian Air Transport Security Authority Act (CATSA Act); the Financial Administration Act; the Aeronautics Act; the CATSA Aerodrome Designation Regulations, the Canadian Aviation Security Regulations, as well as the Security Screening Measures and other standard operating procedures.

Specially, CATSA assumed responsibility for four main taskings related to aviation security.

- Pre-Board Screening (PBS) of passengers and their belongings;

- Acquisition, deployment, operation, and maintenance of explosives detection systems (EDS) for hold baggage screening (HBS);
- Implementing a non-passenger screening (NPS) program for persons accessing restricted areas of airports;
- Implementation of a Restricted Area Identity Card (RAIC) for airport employees working in those same secure areas.

The creation of CATSA closely resembled parallel developments in the US. In November 2001, the Transportation Security Administration (TSA) was established. It too created the obligation of the federal government to assume responsibility for aviation and airport screening. One significant difference, however, was that the TSA was ultimately rolled under the remit of the Department of Homeland Security, one of twenty-two different agencies to be incorporated into the DHS. In Canada, CATSA remained an independent Crown agency, though reporting through Parliament through, and under the regulatory control of, the Minister of Transport. The situation was somewhat different in Europe, where airports are typically managed by a melange of either airport authorities or airlines. Rather than the government assuming direct responsibility for airport screening, additional standards and regulations were typically imposed on airport and airline operators to enhance air passenger security programs.

In conclusion, there was, therefore, clear and formal evidence of the ‘securitization’ of airport security and associated organizational initiatives within the GoC in direct response to the attacks of 9/11- the creation of CATSA. Because the 9/11 attacks were so closely linked to failures in airport security, specifically passenger screening, the securitization of civil aviation was a relatively straightforward step. The use of planes as weapons of mass destruction, evidenced in real-time broadcasts, had a deep impact. Previous to 9/11, in Canada (and the United States) aviation passenger screening was done by airlines, albeit in accordance with national standards set by the transportation authority. Airport security was not regarded as a national security priority, even after Air India. Consequently responsibility for airport security programs was down-loaded to airlines or airport authorities which had management responsibility for Canada’s largest airports. To nationalize airport security — make it part of the governmental structure, through CATSA — represented an expansion of governmental powers that was due to a perceived emergency and existential threat. As part of the GoC’s immediate response to the events of 9/11, \$2.2 billion of the overall \$7.7 billion security budget was identified for aviation and airport security, with most of that amount going to support CATSA’s establishment.²²¹ The creation and funding of CATSA represented another of example of where securitization of a particular process resulted as part of the GoC’s response to the events of 9/11 with demonstrable organizational outcomes- a further illustration of the punctuated equilibrium theory. While the function of aviation security was ongoing pre-9/11, the creation of CATSA represented a significant policy shift in terms of the GoC taking direct responsibility for that function, as opposed to merely serving as the regulator for privately operated firms. More broadly speaking, it also provided a clear demonstration of how

²²¹ Auditor General Special Report 2006 , 7

Canada's institutions were well positioned to facilitate the necessary policy and program frameworks and response on a priority basis when it came to this newly 'securitized' issue.

The Bi-National Planning Group

The traditional *raison d'être* of the North American Aerospace Defence Command (NORAD) was to warn and defend against an externally-based air attack and to warn against missile attacks on the United States and Canada. Its planning scenarios did not envisage a role for NORAD, nor was it designed, to defend an attack from within. As noted in the 9/11 Commission Report, "Its planning scenarios occasionally considered the danger of hijacked aircraft being guided to American targets, but only aircraft that were coming from overseas."²²²

Other than undertaking steps to immediately improve operational readiness on both sides of the border, one of the outcomes of 9/11 was to define a role for NORAD in broader homeland defence strategies, building on its existing capacities, to deal with threats originating both externally and domestically. One planning document dealing with this issue observed "NORAD possesses a wealth of organizational and military experience and a robust infrastructure for command, control, communications, computers, and intelligence that could serve as the foundation for additional missions in homeland security."²²³ Not surprisingly, the unique bi-national construct of NORAD raised policy issues within the two national governments on how this was to be best accomplished. For example, and at the operational level, who had the authority to give the order to shoot down a civilian aircraft (US-military, Canada, the government)? In broader terms, to what degree was the GoC prepared to more fully integrate its military with US counterparts as part of enhanced continental security, always tempered by underlying sovereignty issues within Canada, - the absence of participation in the US ballistic missile defence program being the best known example, albeit beyond the temporal boundaries of this investigation? The US presumably also had a vote regarding the nature of enhanced command and control of its forces in support of homeland security strategies, likely to also include both land and marine assets in a joint command going forward. The US military and administration wished to maintain the ability to pursue unilateral action as warranted. US reluctance in support of more fully integrated militaries became more evident when USNORTHCOM's mandate specified it was to "cooperate", not integrate, with Canadian counterparts. (Under US law and the "Unified Command Plan" and the Goldwater-Nichols Act of 1986, USNORTHCOM is a Combatant Command (COCOM) and therefore is American only. As with all other regional COCOMs, it has a broad mandate which includes shaping strategic relations with states within its area of responsibility). When USNORTHCOM was stood up the US did suggest the two governments consider creating a NORAD-plus which would encompass land and sea defence cooperation, a kind of North American Defence Command. This new bilateral command would not be part of USNORTHCOM, but exist along-side it presumable in much the same what that NATO's European Command works with the COCOM US European Command. This idea was not well-received in Ottawa, but given the post 9/11 mood and the need for Canada to demonstrate seriousness in terms of US security concerns, the solution was to create the Bi-National Planning Group (BPG0, a temporizing measure

²²² J. Jockel, *Canada in NORAD 1957-2007: A History* (Montreal and Kingston, McGill-Queens University Press, 2007), 165

²²³ *Ibid* 178

Rather than entertaining any immediate radical change in NORAD's historical role, the GoC and the US administration agreed on the creation of the BPG to determine the optimum defence and security arrangement to prevent or mitigate attacks against North America (December 2002). Though not a decision-making body, its role was to generate some form of consensus in identifying where opportunities for enhanced coordination existed in traditional air elements, but also potentially with both land and marine elements, and with civil agencies, in response to specific terrorist attacks or natural disasters within either country. The Planning Group was co-led by General-level officers, Canadian and American, and 25-person Canadian and 10 person US military contingents respectively.

The Bi-National Planning Group had three main avenues of focus. At the strategic level, identifying opportunities for joint and combined planning for the defence and security of North America. In a perfect world, this would be articulated through a "Comprehensive Defence and Security Agreement" between the two countries, that would provide a framework for the sharing of information, joint exercises, planning for continental security, and the creation of sub-agreements as necessary.²²⁴ Second, identifying a future mandate and role for NORAD given the collapse of Cold War threats, acknowledging the creation of USNORTHCOM in 2002 and ultimately Canada Command in 2005. Third, what change in functions would need to take place to facilitate a new role? Much of the discussion around this last objective focused on the need to pay additional attention to the maritime dimension of homeland defence.

There was no doubt the creation of the Group led some to believe that an expansion to NORAD's existing mandate would be the ultimate outcome. Indeed, one option considered by the Group involved either the establishment of a single organization responsible for all domains, and bi-national warning and execution in the realms of defence and security,²²⁵ where NORAD assumed an all-domain warning mandate (air, land, sea and cyber) but with a response capability limited to the air domain. Clarkson suggests this was more than acceptable to the communities in Canada who were of the view that enhanced military integration with the US in support of bilateral security was the surest way of protecting the flow of cross border trade.²²⁶

The reality was, however, that any expansion to NORAD's traditional role ran counter to the prevailing efforts and priorities directed to the creation of national commands on both side of the border. In its final report in 2006, the Group actually identified options where NORAD could be wound down in favour of some form of task-force structure that would serve to support both USNORTHCOM and Canada Command. Ultimately, NORAD retained its traditional early warning mandate for externally-based air-based threats, and assumed something of an expanded role for tracking internally-based air threats. It did assume a new mandate for monitoring sea approaches ("maritime situational awareness") to North America, as opposed to assuming responsibility for conducting actual surveillance and control of the sea lanes which would fall to the respective navies and the Coast Guard in the case of the US. It also provided policy coverage to allow for cross-border military assistance in the event of either natural disasters or terrorist attacks on Canadian or American soil. Responsibility for any threats that warranted a direct execution of a 'sharp-end-of-the-stick' response by military assets would fall to either US NORTHCOM

²²⁴ B. Baker, "The Final Report of the Canada –United States Bi-National Planning Group" in *Canadian Military Journal*, (Summer, 2006), 92

²²⁵ *Bi-National Planning Group, Final Report of the Canada- United States Bi-National Planning Group*, (Peterson AB, Colorado, March 2006), i

²²⁶ Clarkson, *Uncle Sam and US One Year Later*, 4

or Canada Command, albeit with greater capacity for coordination between these two like-minded organizations. Questions regarding even NORAD's traditional warning and response mandate against air attack may further arise should the US create parallel capacities as part of its ballistic missile defence program.

The Bi-National Planning Group was wound up in 2006. At the same time, the NORAD Accord, which had been renewed periodically over NORAD's inception, was renewed 'in perpetuity', signed without any expiration date that same year. (The agreement does provide for review at the request of either party, likely to provide for some built-in flexibility to respond to future changes in the threat environment). Jockel suggests this was by design on the part of the newly elected Harper government, that wanted to demonstrate a commitment to binational defence cooperation and to apply some salve to the Canadian – US security relationship after the Iraq and ballistic missile defence contretemps of previous Liberal administrations.²²⁷

The Bi-National Planning Group was created in direct response to the events of 9/11, driven by a need to review both existing policy and operational mandates of NORAD as a result of the attacks. This involved the dual mandate of examining options for enhanced cooperation in support of hemispheric/ homeland security, and more specifically how NORAD's mandate could be expanded (akin, say, to FINTRAC's) in support of an expanded mandate, were driven by the need to articulate a role or vision for military cooperation in support of domestic or hemispheric security as a direct consequence of the 9/11 attacks (punctuated equilibrium). While NORAD's specific mandate was only modestly enhanced ("maritime awareness" or warning), this was driven in part by concerns related to the ability of terrorist groups (not just rogue states) to fashion some form of relatively cheap sea-launched cruise missile or other remote device difficult to detect, that could carry either explosive or chemical or biological agents. It also indicated that there was actually no major constituency within the US military or the Bush administration looking for a more integrated approach to Canada-US defence relations. Furthermore, by 2006, with the Iraq War spiralling out of control, the Bush administration had its plate full, and was largely happy with Canada's post-9/11 response, especially Ottawa's new major 2005 commitment to a combat role in Afghanistan. Consequently, there was not a pressing need or desire to engage in a fundamental restructuring of NORAD.

Integrated National Security Enforcement Teams (INSET)

Before 9/11, public policing in Canada was loosely integrated at the national level. "Integrating policing and security networks were still in an embryonic stage of development, characterized by conflicting mandates, power struggles and jurisdictional turf wars that limited cooperation and collaboration. It took plausible terrorist threats to national security to provide the impetus to overcome these traditional technical, legal, bureaucratic and jurisdictional differences."²²⁸

In the post 9/11 environment, policing (law enforcement) and security integration became a key element of the GoC's broader prevention-based national counter-terrorism strategy, both within the GoC, and between other levels of government. One outcome of the *Anti-Terrorism Act of 2001* was the enhanced criminalization of terrorist activities, with most of the new powers emanating from the *Act* actually

²²⁷ Jockel, *Canada in NORAD 1957-2007: A History*, 183

²²⁸ Christopher Murphy, "Securitizing Canadian Policing: A New Policing Paradigm for the Post 9/11 Security State?" in *The Canadian Journal of Sociology*, Vo. 32, No.4 (Winter 2004), 466

applied to law enforcement entities, whereas the broad collection/investigative mandate for CSIS remained largely the same, only the target had changed. This, in turn, required a greater degree of cooperation and integration between the RCMP and CSIS when it came to identifying and responding to terrorist threats.

Integrated National Security Enforcement Teams (INSET), led by the RCMP, were created in the immediate aftermath of 9/11 and were funded initially by the security budget of 2001. They came on line operationally in 2002. Their mandate is to collect and share intelligence between partners with respect to targets that represent a threat to national security, enforce laws related to national security to bring such targets to justice, and to generally improve the overall national capacity to address threat to national security and to meet the specific mandate responsibilities of the respective partners, albeit at the local level. “The objective of INSETs is to ensure the effective and timely investigation of national security threats through four key strategies: prevention, detention, denial of the opportunity to pursue terrorist activities), and response.”²²⁹ In essence, based on the RCMP’s new powers under the provisions of the *Anti-Terrorism Act*, including an increased role in intelligence gathering, INSETs are to enable the RCMP to engage in ‘intelligence-led’ policing by enabling partner agencies to provide information on hand about threats to Canada’s national security, in support of criminal investigations and prosecutions, again under the provisions of the *Anti-Terrorism Act 2001*. At their creation, INSET teams initially had representation from the RCMP, CSIS, Citizenship and Immigration and Canada Customs and Revenue Agency (now CBSA), and provincial and municipal police forces as appropriate. They were established in Vancouver, Toronto, Ottawa, Montreal, and Edmonton.

The notion of establishing RCMP-led joint task forces or fusion centres was not new. Ad-hoc units had been established during the FLQ crisis and the biker wars in Quebec in the 1990s. More permanent Integrated Border Enforcement Teams (IBETS), where US and Canadian border protection agencies were jointly embedded, were initially created in the mid-1990s, though expanded considerably post 9/11 as part of broader Canadian and US ‘secure border’ strategies. Cooperation with local law enforcement agencies was, of course, common practice in the course of RCMP-led criminal investigations.

Kitchen suggests the genesis behind the creation of the INSET concept was a perception by the GoC that 9/11 represented an intelligence failure due to an inability to connect the intelligence ‘dots’ between agencies. Consequently there was a need to bring relevant law enforcement and national security agencies under one roof at the local level.²³⁰ There is certainly some merit in this view. An organizational mechanism was required to ensure that issues that arose regarding information and intelligence sharing between the RCMP and CSIS that were identified in the course of Air India post-mortems were not repeated. Furthermore, similar integrated teams were initiated in other western countries- Fusion Centres in the US and Integrated Security Units in the UK for example. However, this suggestion has to be contrasted against the view of senior officials, presented later in this study, that there were no similar concerns on the part of the GoC as it pertained to the sharing of intelligence or information between Canadian agencies at the time, in contrast to US views. Kitchen does add, however, an important

²²⁹ Government of Canada, Department of Public Safety, *Integrated National Security Enforcement Teams (Synopsis)* PS website, <https://www.publicsafety.gc.ca/cnt/cntrng-crm/plcng/cnmcs-plng/ndx/snpss-en.aspx?n=131>

²³⁰ Veronica Kitchen, “The Effectiveness and Effects of Canada’s Integrated National Security Enforcement Teams”, in *The Canadian Network for Research and Terrorism, Security and Society*, Working Paper Series, , No. 14-05 (Waterloo, ON, University of Waterloo, June 2014), 1

observation in the context of this study, when she notes “The most important facilitating condition for the integration in Canada was the terrorist attacks of 9/11”, and that subjects of her research had suggested that “Canada was not headed down the path of integrated policing units; that is, there would not have been INSETs had 9/11 not happened.”²³¹

It is therefore suggested there were more substantive reasons for the creation of the INSET teams.

First, given that many activities specifically associated with terrorism were now criminalized under the *Anti-Terrorism Act*, the need to implement a counter-terrorist strategy based on prevention and intelligence, was a drastic departure for the RCMP as a law enforcement agency. It was traditionally focussed on pursuing investigations and prosecutions ‘after the fact’ and within operational frameworks clearly established by law (as it was for the FBI). A mandate and strategy based on prevention involves a framework that is “far more abstract, malleable, and flexible” in terms of how the mandate is to be both interpreted and operationalized, requiring a shift from a “legally limited and reactive crime-control mode to a more anticipatory, proactive, and preventative policing mode.”²³² Instead of responding to real events, law enforcement agencies were now required to predict and prevent attacks from happening. Prevention became the first priority of any investigation, closely followed by the collection of intelligence as a second priority, which the INSET structure was designed to fill. Prosecutions, the *raison d’être* of previous criminal investigations, was relegated to number three in the priority batting order.

Section 6(1) of the *Security Offences Act* mandates to the RCMP the primary role of investigating criminal offences in relation to national security matters. CSIS does not have powers of arrest or detention. When CSIS determines it has sufficient information or intelligence to support criminal prosecution of terrorist activity as defined under the *Criminal Code*, it typically elects to turn the information over to the RCMP for the latter to conduct its own investigation. In turn, RCMP national security investigations are initiated, but are required to meet higher ‘evidentiary’ thresholds for prosecutorial purposes. Again, in this context, the role of CSIS post 9/11 remained relatively unchanged, while the national security mandate of the RCMP took on a much higher priority and urgency within that organization as compared to its more traditional focus on traditional criminal investigations.

In this regard, administrative mechanisms, including CSIS / RCMP Joint Management (or more recently termed ‘One Vision’) teams were established within the RCMP and CSIS almost immediately to ‘de-conflict’ individual investigations and to ensure that operational overlap between the respective agencies is minimized as soon as possible and to the greatest possible degree. The traditional friction between the desire of intelligence agencies to ‘let things play out’ in the interest of expanding the intelligence knowledge on specific targets, and the preference of law enforcement agencies to interrupt or disrupt threats when sufficient information is obtained for prosecutorial purposes will, however, likely always be present.

The RCMP’s mandate and capacity to undertake investigations and prosecutions related to issues of national security had not been totally eliminated when responsibility for identification of threats to national security fell to CSIS in 1984. The RCMP was still responsible for undertaking investigations

²³¹ Ibid, 11-12

²³² Murphy, *Securitizing Canadian Policy*, 458

from a law enforcement and prosecutorial perspective. What changed fundamentally for the RCMP was the number and intensity of its national security investigations that would likely arise in the context of a new preventative counterterrorism strategy, and the creation of new terrorism-related offenses under the *Anti-Terrorism Act* and the *Criminal Code*. On 9/11, the RCMP's National Security Intelligence Branch (NSIB) and National Security Investigation Section (NSIS) were not sufficiently robust enough assume responsibility for these functions to the degree that was warranted under a new strategy based on prevention. Kitchen notes a total of 12 persons worked the NSIS desk at the time of 9/11²³³ (subsequently increased to 285 members some two years later within the INSET framework). Falconer and Mathai suggest that the unexpected and fundamental shift in investigative priorities in an environment of sustained angst or fear of another attack, caught the RCMP unprepared. With neither the time for training nor to get incremental bodies to provide for the capacity for its new mandate, they suggest the RCMP was obliged to transfer officers who were experienced criminal investigators into national security roles. Persons thus re-assigned did not have sufficient experience or expertise in dealing with the ambiguities associated with terrorist investigations, nor familiarity with appropriate policies of how national security investigations were to be appropriately conducted.²³⁴ The blurring of lines between prevention / intelligence priorities and traditional criminal / law enforcement roles conducted within established legal frameworks only served to make decision-making processes for law enforcement officers more complicated. Falconer and Mathai, and others, posit the Arar affair was one unfortunate outcome of this development.²³⁵

Second, the nature of transnational terrorism, and more recently, the threat posed by self-radicalized individuals, resulted in local communities assuming a greater role in national counterterrorism strategies. The shift from 'community-based policing', the popular strategy of the 1980s and 1990s, which stressed police-community relations in support of 'after-the-fact' investigations, to intelligence-based policing, that viewed the prevention of potential threats originating within the community, significantly changed the concept of operations for law enforcement agencies. This manifests itself from two perspectives. Local law enforcement agencies or other sources of community leadership are best positioned to become aware (intelligence) of individuals who are disposed to engage in violent activities, or prone to succumbing to radicalization. Furthermore, as Murphy notes, the new powers provided to law enforcement agencies under the *Anti-Terrorism Act* "were not restricted, as they were in England and the United States, to special federal or national police, but were available to all Canadian public police officers at the federal, provincial and municipal level."²³⁶ Efforts of local law enforcement agencies in support of national security strategies are coordinated at the local level through bilateral discussions or joint task forces such as the respective INSET teams, and at strategic levels through effort of Public Safety Canada, as described subsequently in this narrative.

On the other hand, and notwithstanding an adherence to Canadian values of openness and tolerance reflected in the *Open Society* policy, there were concerns expressed that certain communities may

²³³ Kitchen, *The Effectiveness and Effects of Canada's Integrated National Security Enforcement Teams*, 12

²³⁴ Julian Falconer and Sunil Mathai, "The Anti-Terrorism Act and the Arar Findings: Protected or Democracy Eroded?" in *National Journal of Constitutional Law*, Vol. 21 (2006/2007), 50

²³⁵ *Ibid*, 49-73

²³⁶ Murphy, *Securitizing Canadian Policing*, 455

potentially be subject to greater scrutiny by law enforcement agencies.²³⁷ The decentralization of the powers of the *Act* created concerns within some communities regarding oversight and control over possible misuse of these powers by police forces of differing size and experience in counter-terrorism efforts. The community as a security problem “thus becomes a legitimate space for security policing operations such as disruptions, surveillance, informants, and various forms of social penetration” that serve to “distance local police from the community, increases mutual suspicion, and undermined trust-based relations established through [traditional] community policing strategies...neighbourhood watch is twisted from watching strangers to watching neighbours ”²³⁸.

One challenge that the INSET teams attempt to overcome with the inclusion of local law enforcement agencies is the sharing of classified information between national and local law enforcement agencies. A historical “need-to-know” culture between the two levels of government often stymied the ability of federal agencies to share classified information with local partners. The *raison d’être* of the INSET teams is to overcome this attitude, and provide for an environment that promotes a sharing of intelligence and information for the common good of participating agencies.

The creation of the INSET teams is both derived from, and representative of, the shift from a distinct crime focused, decentralized multi-jurisdictional, operationally fragmented policing environment to a centrally governed, integrated and networked policing and security system, and one whose primary focus is on preventing future terrorist activity. This could only be explained by a better understanding of the exceptional nature of terrorism as a perceived threat to the security of the nation state.²³⁹ INSET teams were created to support a paradigm change to intelligence-led policing (from community-based policing), that was a key pillar in the GoC’s preventative counter-terrorism strategy as reflected in the *Anti-Terrorism Act*, to put integrated operations on a more workable basis operationally, and to promote information sharing between federal and local law enforcement agencies as part of the broader pre-emptive strategy. This change in priorities and methodology, and the creation of the INSET teams and the role they played as part of the broader strategy specifically, would not have occurred, as noted previously by Kitchen, without the 9/11 attacks.

With regard to the IBETS teams, initial teams were created in the mid-1990s. IBETs represent something of a bi-national fusion centre with representatives of both Canadian and US police (RCMP, FBI and local police) and border enforcement agencies. The teams were created to interdict persons at border crossings who represented threats to national security or, for the most part, were known to be linked to criminal activity. Post 9/11 funding served to increase the number of IBETS units across the length of the Canada-US border. The ‘Security Budget’ of December 2001 provided funding for the creation of additional IBETS teams, and there are now more than twenty units in place.

The Canadian National CBRNE Response Team

The GoC’s National CBRNE Response Team, was created in 2002. It is a multi-agency unit tasked with responding to chemical/biological/radioactive/nuclear/explosive (CBRNE) related events that are

²³⁷ Falconer and Mathai , *The Anti-Terrorism Act and the Arar Findings*, 62-68, C. Bell, *The Freedom of Security*, 42-46

²³⁸ Murphy, *Securitizing Canadian Policing* 461-462

²³⁹ *Ibid*, 470

considered to be motivated by malicious intent, including terrorism. The mandate of the National CBRNE Response Team is to conduct high risk searches, stabilize a CBRNE event for the purpose of forensic exploitation and subsequent transfer to consequence management assets and provide advanced CBRNE defense and forensic support to Canadian police agencies.²⁴⁰The team is currently comprised of members from the RCMP, DND/CF, the Public Health Agency, and Environment Canada.

The RCMP members of the team specialize in explosive disposals and forensics, while the Canadian Armed Forces members and DND personnel take the lead on chemical, biological, radiological, and nuclear defence through the Canadian Joint Incident Response Unit (CJIRU), more recently re-named as the Joint Nuclear, Biological and Chemical Defence Company, a component of Canadian Special Operations Forces Command (CANSOFCOM). The Public Health Agency provides emergency medical teams and transportable labs to deal with biological hazards and response to mass casualty impacts. It also provides on-site rapid identification of biological agents. When it comes to dealing with radiological threats, the team leans on the expertise and capabilities of the Federal Radiation Assessment Team. This group is comprised of personnel from the Canadian Nuclear Safety Commission, Defence Research and Development Canada (Ottawa), DND's Director Nuclear Safety, Health Canada, the Radiation Protection Bureau, and Natural Resources Canada.

The CBRNE was created as a result of concerns that transnational terrorist groups would at some point elect to employ weapons of mass destruction. While the issue of WMDs received considerable attention in the post-Cold War period, domestic efforts were largely directed towards interdicting the shipping of WMD-related components abroad from Canada, not that Canada would be subject to an attack using WMDs. Consequently, the group was created to fill an operational gap that was required in response to perceived attack capabilities on the part of transnational terrorist groups that were not previously contemplated. This represents further supports for the punctuated equilibrium theory.

These preceding, organizational changes to the GoC's national security infrastructure took place within the first two years after the 9/11 attacks. The bulk of the organizational changes occurred with the installment of the Martin-led government in late 2003, which significantly restructured government machinery for the management of national security in Canada, and with the promulgation of Canada's national security policy in April 2004. The main reorganizational efforts included the creation of new departments (Public Safety and Emergency Preparedness, the Canada Border Services Agency) and new positions and agencies to support inter-agency coordination at both the strategic/policy and operational levels (the National Security Advisor to the Prime Minister, the Integrated Threat Assessment Centre). In all, ten key organizational changes were undertaken during this time period.

Creation of the Cabinet Committee on Security, Public Health and Emergency Preparedness

Ultimately, the Prime Minister is accountable for the security of the country, relying on the advice and recommendations of ministers that have some element of a national security remit. As with other policy issues, this is accomplished institutionally via cabinet committees, as supported by their respective ministerial bureaucracies. By extension, and consistent with Westminster tradition, these same Ministers

²⁴⁰ Deck re: RCMP CBRNE Operations, National CBRNE Response Team and the Whole-of-Government Approach to CBRNE Response Inspector Ken Faulkner Officer in Charge, RCMP CBRNE Operations (May 2014)

remain accountable to Parliament for the conduct of their respective departments and agencies in undertaking their national security roles and duties.

When 9/11 occurred, the Chretien government had only three Cabinet Committees in place to approve and coordinate government policy: Economic Union, Social Union and Government Communications. (While this limited Cabinet structure has been presented as one that optimized efficiency in decision making, it has also been suggested it was a not so subtle means of centralizing power in the PMO and undermining ministerial authority ²⁴¹).

A Cabinet Committee on Security and Intelligence was in place at one point. It ultimately fell into disuse, and was eventually disbanded by Prime Minister Kim Campbell during her brief administration (June-November, 1993), and not rejuvenated under PM Chretien. This generated a concern there was no active or formal mechanism by which the security community had any institutionalized cabinet-level representation or, conversely, any means on the part of the Prime Minister and Cabinet to exercise control and accountability over the security and intelligence community. The Cabinet Committee on Social Union was designated as the forum for the discussion of security and intelligence issues that may have arisen in the context of broader policy and GoC agenda issues.

The “machinery” tool that was deemed to replace the Cabinet Committee on Security and Intelligence was the Ministers Meeting on Security and Intelligence (MMSI). As the forum between federal counterparts charged with administration of the security file, and chaired by the Prime Minister. The mandate of the MMSI was to “establish priorities for the security and intelligence community, meaning the foreign and defence intelligence priorities, as well as the national requirements for security intelligence,” ²⁴² and to ensure that there was a national consensus on priorities in the areas of intelligence collection, assessment and production.

Beneath the MMSI, there were a number of federal bureaucratic fora, generally comprised of representatives at either the deputy minister or assistant deputy minister level, that were tasked with providing recommendations to cabinet committee members or the Prime Minister’s Office on security-related issues, including policy, programming and resources and, where appropriate, operational issues. These included the Interdepartmental Committee on Security and Intelligence (ICSI), with high level (deputy minister) representation for “regular consideration of security and foreign and intelligence matters”, the Intelligence Policy Group (IPG) which focussed primarily on policy and operational coordination, the Intelligence Assessment Committee (IAC) and the Special Threat Assessment Group (STAG). The concept of having senior-level coordination groups providing Cabinet members with policy advice was nothing new in an ‘institutional’ context, and this practice continues to this day although the names of the respective committees have tended to change over time.

As elaborated below, Jean Chretien was not one to generate bureaucratic overkill. In his own words,

Occasionally, if the government needed to examine a particular issue in more depth... I set up an ad hoc committee, but only on a temporary basis. When you have too many committees and too many documents, everyone gets dragged down in the details and fewer decisions get made.

²⁴¹ Interview with B. Jeffrey

²⁴² Senate 1999 report, Chpt. IV

Moreover, there's little to be gained from having the Minister of Fisheries, for example, perpetually involved in the business of the Department of Veterans Affairs, or vice versa. I wanted the Ministers to be spending most of the time in their own offices, looking after what needed to be done, and making decisions, rather than behaving like quasi-prime ministers trying to tell the whole government what to do.²⁴³

Minister John Manley who had been elevated to the position of Deputy Prime Minister to deal with the GoC response to 9/11, confirmed the Chretien approach. "Chretien didn't like machinery changes. There were few, if any changes from 1993-2004! It takes a long time to absorb changes and things had to be done. You work with the tools you've got, and you don't spend your time trying to invent new processes."²⁴⁴ Deputy Minister Bloodworth confirmed this point. "No permanent committee was required as things were seen as working well within the existing infrastructure."²⁴⁵

These recollections are supported by Hale, who commented that "Chretien Liberalism's cautious, managerial pragmatism has been built on an aversion to the politics of vision or large-scale change-except perhaps as a last resort."²⁴⁶ "True to his word, and in the immediate aftermath of 9/11, the Chretien government created an ad-hoc cabinet committee to coordinate the GoC's initial policy and funding response to 9/11 attacks – the Cabinet Committee on Public Safety and Terrorism (PSAT). The Committee was led by then Deputy Prime Minister John Manley, as the Prime Minister "wanted a senior minister to deal with the crucial issues arising out of the terrorist attacks"²⁴⁷ Departments represented in the Committee included the Solicitor General, Finance, National Defence, Transport, Foreign Affairs, Justice, Intergovernmental Affairs, National Revenue, Citizenship and Immigration, and Health. The scope of the membership, if only regarded as something temporary, was indicative of the expanded community of policy centres that were seen as being impacted by the threat posed by transnational terrorism, and their respective roles in a CT strategy that was to include both preventative and responsive elements. "This was a clear demonstration that the government was not merely reacting to 9/11 with symbolic agenda readjustment, but was serious about materially restructuring government priorities so as to privilege security concerns."²⁴⁸

In his designated capacity as minister in charge of infrastructure and national security, Mr. Manley was tasked with leading the PSAT initiative, coordinating policy, program and funding responses to the immediate policy challenges faced by the GoC. This included, in part, US concerns regarding the security of its northern border and to keep trans-border commercial traffic flowing, and to drive the statutory and funding agendas in support of a broader preventative counter-terrorism strategy. While having only 'ad-hoc' status relative to permanent committees, and no actual decision-making authority, given Mr. Manley's elevated standing status as a senior Cabinet Minister, the security and intelligence portfolio not only now had Cabinet representation, it had strong representation. The PSAT Committee's ad hoc status, Mr. Manley notes, was not material when it came to driving his agenda, as one of the functions of the

²⁴³ Chretien, *My Years as Prime Minister*, 32-33

²⁴⁴ Manley interview

²⁴⁵ Bloodworth interview

²⁴⁶ Geoffery Hale, "Sharing a Continent: Security, Insecurity and the politics of "Intermesticity" in *Canadian Foreign Policy Journal*, 12:3, (2006), 32

²⁴⁷ Chretien, *My Years as Prime Minister* 374

²⁴⁸ Whitaker in Doern, *More or Less than Meets the Eye?*, 47

Committee was to provide recommendations on how \$7.7 billion in new security-related funding was to be allocated. Status was conferred by function, not hierarchy or position. The ad hoc Committee “functioned as a virtual war cabinet.”, and in this context, Whitaker notes the Committee was battling on two interrelated fronts- how best to craft a policy response to the threat posed by transitional terrorism, and the need to provide the US with sufficient assurance the GoC was serious about protecting the US’ northern border without sacrificing Canadian sovereignty.²⁴⁹

The ad hoc committee was disestablished with the creation of the permanent Cabinet Committee under Paul Martin (see below), and responsibility and oversight for the implementation of the ad hoc Committee’s policies, programs and budget items reverted once again to the respective bureaucracies.

In December 2003, newly ensconced Prime Minister Martin announced his intention to establish a permanent cabinet committee related to security, the Cabinet Committee on Security, Public Health and Emergency Preparedness. The title suggested how security was to be defined in the soon-to-be-released *Open Society* policy. The mandate of the Committee was to manage, and provide advice on, national security and intelligence issues and activities, and GOC responses to public health, national disasters and security emergencies. The creation of the now permanent committee was part of a broader expansion of the cabinet committee structure under the new PM in support of his program to eliminate the “democratic deficit”. The initial membership of the Cabinet Committee included the Chair (Deputy PM and Minister of PSEPC), and the Ministers of Justice, Environment, Health, Foreign Affairs, Fisheries and Oceans, Transport, National Defence, Citizenship and Immigration, Public Health (Minister of State) and Civil Preparedness (Minister of State).

Since its initial establishment, although the Committee has gone through a number of iterations, the issue of national security continues to have a dedicated seat at the Cabinet table, something that was not the case in the decade leading up to the events of 9/11.

The creation of the Cabinet Committee represents or ‘personifies’ the central argument of this study: that organizational change was required to provide for integration and coordination between a greater number of policy centres that had a national security mandate as a result of the GoC’s strategic response to the events of 9/11 and the threat posed by transnational terrorism. It also serves to highlight how national security received a significantly enhanced profile as part of the GoC’s broader priority agenda, at least for the period in question.

Public Safety and Emergency Preparedness Canada

When Paul Martin became Prime Minister in December 2003, one of his first acts was to announce the creation a new ministry -Public Safety and Emergency Preparedness Canada (PSEPC).

Given the enhanced importance of national security within the broader GoC agenda and policy priorities, there was a need to augment the status of the department responsible for national security, and to buttress

²⁴⁹ Reg Whitaker, “The Chretien Legacy”, in *Review of Constitutional Studies* Vol.9. No.1-2, (University of Alberta, January-July 2004) https://heinonline-org.proxy.bib.uottawa.ca/HOL/Page?lname=&public=false&collection=journals&handle=hein.journals/revicos9&men_hide=false&men_tab=toc&kind=&page=1

the government narrative to the Canadian public regarding the threat posed by transnational terrorism. Terrorism was something that was traditionally anathema to most Canadians, but now represented a danger which Canadians took seriously in the aftermath of 9/11, and who looked to the federal government to protect them against. While the Solicitor General department (PSEPC's organizational predecessor) was designated in 1984 as the focal point for planning and coordinating the GoC's counterterrorism activities, focussed largely on a 'response' versus 'prevention' strategy ²⁵⁰, a 1999 Senate report noted "There was a lack of acceptance of the Ministry of Solicitor General as the lead Minister to counter terrorism in Canada... There was a need for more resources to give life to the Ministry's counter-terrorism mandate." ²⁵¹ Farson is somewhat more direct in his assessment of the role the Solicitor-General. "Morale and uncertainty plagued the Ministry of the Solicitor General for years.....with Ministers coming and going from the portfolio like a revolving door. As a 'bad news only' department, few up-and-coming political or bureaucratic stars wanted to stay longer than it took to write the assignment on their resume." ²⁵² Charters also notes the Sol-Gen's job was made all the more difficult given "Thirty years after the October Crisis, and with the Air India incident barely touching public consciousness at the time, the Canadian public was not obsessed with terrorism, and neither were parliamentarians." ²⁵³

In response to this situation, while the remit of the new Public Safety department resulted in the department absorbing both a number of existing and newly created agencies, perhaps the most significant organization change, at least in its initial years, was to have it led by the then new Deputy Prime Minister (Anne McLellan). In addition to significantly enhancing the profile of the department around the Cabinet table, it also provided the necessary authority to get things done (e.g. the promulgation of a new national security policy) and overcome potential bureaucratic lethargy in the course of doing so. The tandem of a senior cabinet minister with the mandate for domestic safety and security, in combination with the enhanced status of the newly created position of National Security Advisor to the Prime Minister (see below), significantly increased the profile of the national security agenda both within the political machinery, and with the narrative for the general public. As noted by Wark, "The new public safety department added considerable musculature to what had previously been regarded as a second tier ministry, the old department of the Solicitor General, which it replaced. Appointment of the Deputy Prime Minister to head the new department was another sign that national security had acquired a new prominence." ²⁵⁴

While the new department included those agencies that were included under the former Solicitor General – the RCMP, CSIS, the Correctional Service of Canada, the National Parole Board, and the Canada Fire Arms Centre- it also assumed direct responsibility for the newly created Canada Border Services Agency (CBSA – see below) and the Office of Critical Infrastructure Protection and Emergency Preparedness (OSIPEP) that was housed originally in DND.

PSEPC had four key mandate responsibilities:

²⁵⁰ Charters, *The (Un)Peaceable Kingdom*, 26

²⁵¹ Senate report, 1999, Part 2, 6.

²⁵² Farson, *Accountable and Prepared*, 61

²⁵³ Charters, *The (Un)Peaceable Kingdom* 36

²⁵⁴ Wark, "Lessons Learned", 86

- National security (with a focus at the domestic level), including intelligence, law enforcement and border security;
- Emergency preparedness: planning and coordination within federal entities;
- Consultations and coordination with other levels of government, first responders and the private sector, in recognition that “as threats become more significant, they may require the assistance of the local police, a provincial government, a national government or the wider international community, to address them effectively”²⁵⁵, and consensus on national standards, interoperability, joint planning and exercises, policy and strategy integration; and
- Program evaluation and audits, and providing advice to senior decision makers

While maintaining the previous national security and law enforcement mandates of the Solicitor General, including terrorism, (i.e. the RCMP and CSIS), its mandate now also included the protection of the border and critical infrastructure and emergency management and preparedness. This reflected, as noted above, a full spectrum capacity (prevention, response, recovery) to national security in general, and the threat from terrorism specifically.

On a day-to-day basis, and in support of its mandate, PSEPC was engaged in coordination of national security (including counterterrorism) policy at the strategic level (in parallel with the National Security Advisor); coordination of operational policy within the GoC, and, in recognition that the first line of defence against terrorist attacks and initial responses to incidents typically fell to first responders or efforts at the local level, engagement with other levels of government and the private sector at both the strategic/policy and operational levels. The department’s operational remit was quite varied, somewhat akin to the Department of Homeland Security, including national security, border security, cyber security, protection of critical infrastructure and planning in response to natural disasters, including the preparation of programs and guidelines for the conduct of national exercises simulating response plans by individual agencies and departments. Officials from PSEPC are also expected to provide objective advice to senior decision makers on applicable legislation and governance (ideally in consultation with the National Security Advisor), operational issues such as terrorist entities and ‘no-fly’ listings, developing sectoral strategies for prevention, response and recovery (industrial, financial/charities, trade, transportation), how best to work with private sector entities (particularly social media and utility providers), and engagement with other levels of government and local communities.

As the name implied, the Department also assumed responsibility for emergency preparedness from a national perspective. As suggested by Whitaker, “From the point of view of public anxieties, [natural disaster, critical infrastructure vulnerabilities and pandemics] they have outstripped terrorism as a cause of insecurity.”²⁵⁶ This included the protection of critical infrastructure and response to natural disasters. Prior to 9/11, this function was previously within the remit of Department of National Defence under the existing Office of Critical Infrastructure Protection and Emergency Preparedness (OCIPEP). OCIPEP had a dual mandate- to provide national guidance in protecting Canada’s critical infrastructure (energy, utilities, communications, key IT, transportation, financial systems), and to be the GoC’s main agency on civil emergency preparedness. It also initiated the GoC’s first comprehensive examinations of the threat

²⁵⁵ *Open Society* National Security Policy, 4

²⁵⁶ Reg Whitaker, “Made in Canada? The New Public Safety Paradigm” in B. Doern (ed) *How Ottawa Spends 2005-2006* (Kingston/Montreal, McGill Queens Press, 2006) 84

posed by cyber-attacks, both in general terms and the possible vulnerability of critical infrastructure, building at least initially on the work that was done in support of the continued operational integrity of the GoC's IT systems as part of the 2000 'millennium' strategies .

Given its organizational location within DND, and as noted by an AG report in 2005, the GoC's attitude to emergency response and planning was based on a Cold War approach that was highly decentralized. Traditionally, strategies or programs related to national security and the protection of critical infrastructure were 'culturally' separated within the GoC. But because of advances in technologies, particularly information technology, critical infrastructures had converged and become increasingly linked, perhaps even interdependent. The growth of, and increased reliance on, critical infrastructure, combined with their complexity, made them potential targets for either physical or cyber-attacks.

PM Martin was highly critical of OCIPEP, which he said had "failed spectacularly" in coordinating the federal response to the comprehensive power outage of August 2003.²⁵⁷ The GoC "recognized that organizational improvements in this area would be needed to make the desired progress" towards a more coordinated, focused, integrated and modernized approach to emergency planning and management.²⁵⁸ Consequently, with a view to improving the linkage of various GoC emergency response programs, in parallel with the creation of PSEMP, the OCIPEP function was transferred to PSEPC. The integration of OCIPEP with PSEPC 'merged into a single area the Government's strategic response capabilities for both non-terrorist and terrorist emergencies, and buttressed the ability of the government to effectively connect with provincial and territorial emergency preparedness networks.'²⁵⁹

Going forward, when it came to the security of critical protection or responses to emergencies, PSEPC would provide strategic direction and coordination, while individual departments would carry out their respective activities as mandated under statute or related agreements. Part of the re-set of the emergency preparedness function was a formal policy recognition that "first line responders lie at the heart of our emergency management system and that the federal government will often play only a supporting role."²⁶⁰ Regardless of the government in place at the time, the Minister of PSEPC continues to be the lead on domestic security-related matters within the GoC.

PSEPC addressed policy, information sharing and operational gaps as a result of its creation. It served to integrate policy initiatives between its component parts, and worked in parallel with the NSA on the coordination of broader national security policy issues. Being led initially by a Minister with Deputy-Prime Minister status also gave national security greater profile around the Cabinet table. It served as the GoC lead in coordinating national security information with other level of government, first responders and private industry. It updated, enhanced and coordinated GOC response protocols in the event of an incident within Canada. This study argues its creation was a direct response to an understanding on the part of the GoC of what was required to address domestic threats posed by transnational terrorism, and to

²⁵⁷ Tonda McCharles, " Super Ministry Covers Security, Crisis Issues, in *Toronto Star*, (December 13, 2003)

²⁵⁸ Government of Canada, Office of the Auditor General, *National Security in Canada: The 2001 Anti-Terrorism Initiative: Air Transportation Security, Marine Security, and Emergency Preparedness*, (Ottawa) April 2005) 17 , *Open Society Policy*, 21

²⁵⁹ *Ibid*, 24

²⁶⁰ *Ibid*, 22

demonstrate to Canada's international security partners that the GoC was serious in its efforts to counter the threat.

Canada Border Services Agency

One of the key organizations created in the post 9/11 environment was the Canada Border Services Agency (CBSA). It was announced at the same time as PSEPC in December 2003, although it took two years to complete the integration of its pre-existing elements. It brought together enforcement and intelligence components from the three agencies that had a border security mandate at the time of the 9/11 attacks. Specifically this included the customs services, previously part of the then Canada Customs and Revenue Agency (CCRA); immigration services at ports of entry and most of the Intelligence and Enforcement programs of Citizenship and Immigration Canada (CIC); and the Import Inspection at Ports of Entry program of the Canadian Food Inspection Agency. 5.2 Section 5(1) of the *Canada Border Services Agency Act* sets out the Agency's mandate: to provide "integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants." The rationale of combining the programs of these three agencies under a single portfolio was "To better link these efforts with the policing and broader intelligence community, the agency was brought into the new Department of Public Safety and Emergency Preparedness Canada.... To better integrate our intelligence and law enforcement officials with those responsible for making risk-based decisions on the flow of people and good on our borders."²⁶¹

The CBSA was brought under the PSEPC umbrella, reporting to the Minister of Public Safety, with one of the largest compliments of personnel within the public service (13,000 in 2006-07)²⁶² There appears to be no evidence to suggest the stated focus on better integration was the result of any previously noted concerns about information sharing between the three component sub-agencies (as distinct from the sharing of CBSA information with law enforcement or national security agencies). It may therefore be assumed the rationale behind the integration was both to have the enforcement elements of the three agencies within a single agency for policy and program continuity and consistency, and in having to adapt to a more broader preventative strategy on the part of the GoC, -specifically the need for a coordinated means to receive advance information on goods and people arriving by air and marine travel (airlines and marine carriers are obliged to provide advance manifest information by law to Canadian agencies) -and to share intelligence and related risk analysis.

Prior to 9/11, while there were certainly programs in place to monitor and enforce the prevention of illegal entrants into Canada, much of the core efforts of the respective agencies were focused on seizing what would be considered contraband – substances (narcotics, tobacco), pornography, large amounts of cash, etc. Programs introduced in the late 1990s also served to reinforce the GoC's capacity to interdict 'trafficking' in WMD-related technologies. The events of 9/11, and the resulting Smart Border Accords and the *Immigration and Refugee Protection Act* refocused efforts on the screening of individuals and their goods, considered a key element of the GoC's broader strategy to assuage US concerns about the security of its northern border. Under the *Immigration and Refugee Protection Act*, (IRPA), CBSA officers are focused on the enforcement side of the *IRPA*, authorized to arrest and detain permanent

²⁶¹ Ibid, 43

²⁶² Government of Canada, Office of the Auditor General, *Keeping the Border Open and Secure, _Canada Border Services Agency* (Ottawa, October, 2007) , 3

residents and foreign nationals at ports of entry and within Canada who have, or who may have, breached the *Act*. CBSA does have the power of detention, and persons can be detained seeking entry into Canada if they are deemed to pose a danger to the public, their identity is in question, or there is reason to believe that they will not appear for immigration proceedings. The Agency is also authorized to remove people found to be inadmissible to Canada. In addition to its presence at ports of entry into Canada, and in conjunction with Citizenship and Immigration Canada, CBSA also became the civilian agency primarily responsible for selectively extending Canada's security perimeter abroad through its offices located in various countries.

The broad challenge of CBSA is to maintain the desired balance between an open border and a secure border for the entry of people and goods into Canada. The creation of the Agency did result in some issues that were identified by the Auditor General. That office noted CBSA had faced major challenges in combining the operations of three legacy organizations and carrying out an expanded security mandate.

²⁶³

CBSA was created to address gaps in all three areas. From both a policy and operational perspective, the screening of persons and related enforcement provisions were 'securitized' under the *IRPA Act*. Legislation also provided policy coverage for improved information sharing between national and international partners. Whether one is of the view CBSA was created as part of the GoC's broader counter-terrorism strategy, or in response to US concerns regarding Canada's 'liberal' immigration policies, both were tied directly to the events of 9/11 and the threat posed by transitional terrorism (punctuated equilibrium).

Integrated Threat (now Terrorism) Assessment Centre

The 2004 *Open Society* National Security Policy announced the creation of the Integrated Threat (now Terrorism) Assessment Centre (ITAC). Its mandate somewhat resembles the raison d'être of the US National Counter Terrorism Centre that was created in 2004,²⁶⁴ (although key differences between the two organizations are noted subsequently in the following chapter). Its mandate is to serve as a single-source forum to produce comprehensive threat assessments, which are distributed within the GoC's intelligence community and to senior decision makers, international partners, and to relevant first-line responders such as law enforcement, critical infrastructure stakeholders and the private sector on a timely basis, evaluating both the probability and potential consequences of threats. This allows the GoC to "more effectively coordinate activities in response to specific threats in order to prevent or mitigate risks to public safety."²⁶⁵ Ideally, ITAC provides the organizational framework to detect and disrupt high-risk individuals or groups by sharing and analyzing information between represented agencies, and to share jointly-produced products with both front-line responses and international partners. Typically, ITAC-based assessments focus on the short-to-medium term, or on special events such as the Olympics or G7 events, as opposed to broader strategic or geopolitical assessments. These are usually left to individual

²⁶³ AG report on CBSA, 42

²⁶⁴ The precursor organization of NCTC, the Terrorist Threat Integration Center (TTIC), was established on May 1, 2003. The Intelligence Reform and Terrorism Prevention Act of 2004 renamed TTIC to NCTC and placed it under the Director of National Intelligence.

²⁶⁵ Government of Canada, ITAC website- www.canada.ca/en/security-intelligence-service/integrated-terrorism-assessment-centre.html

agencies or the Intelligence Assessment Secretariat situated in PCO. ITAC is also responsible for assessing and recommending the National Terrorism Threat Level, which is updated regularly.

ITAC is physically housed within the Canadian Security Intelligence Service (CSIS) but is administered as a distinct operating entity. It has representation from a number of different intelligence and law enforcement agencies as mandated under the *Open Society* policy. These include traditional security-based departments: PSEPC, CSIS, RCMP, the Communications Security Establishment (CSE), DND, and CBSA. It also includes Foreign Affairs, FINTRAC, PCO, the Correctional Services of Canada, Transport Canada, Canada Revenue Agency, and representation from two external law enforcement agencies- the Ontario Provincial Police (OPP) and the Surete du Quebec.

If, as suggested previously, there was not a concern regarding the sharing of information between Canada's national security agencies as there was in the US, what then was the driver behind the creation of ITAC? Furthermore, if intelligence coordination functions within the GoC were already being undertaken by a number of existing centres, including high-level committees of the security bureaucracy, and the Coordinator of Security and Intelligence and the Intelligence Assessment Secretariat within PCO, why was there a need to create another agency?²⁶⁶ More to the point, in early 2003, CSIS created the Integrated National Security Assessment Centre (INSAC). The mandate and membership of the INSAC looked much like that of its ITAC successor, in that it was to "use intelligence from many sources to produce timely analysis and assessments of threats to Canada and would distribute these reports to those with national security or public safety responsibilities."²⁶⁷ Was it simply a question of re-branding an existing agency or worse, a duplication of functions?

The 1999 Senate report noted that CSIS made "less-than optimal use" of all the intelligence gathering assets spread across the range of departments and agencies of the GoC. "Many departments have their own eyes and ears in the field as well as their own specialized expertise." Concern was expressed these assets were not "being fully used by, or integrated into, the threat assessment capability."²⁶⁸ But integration of all-source material was not necessarily a problem limited to CSIS if other venues designed to bring all source reporting together were already in place as noted above. The issue was that prior to ITAC, no single federal organisation was responsible for analysing security intelligence or producing threat assessments, not that it wasn't being done or results willingly shared. The work of producing assessments was scattered among disparate agencies at the federal level, as well as provincial policing agencies and even private security agencies.

A number of possible explanations are available behind the creation of ITAC. First, and as noted previously, there was an understanding on the part of the GoC and the senior security bureaucracy²⁶⁹ that transnational terrorism posed a threat to a number of varied policy centres, and that its adaption of globalized networks for nefarious purposes required intelligence from a combination of both traditional and non-traditional or 'non-core' security sources. Trying to obtain a greater understanding of the underlying causes of transnational terrorism, and the tools available to counter them, reached into political and socio-economic remits that fell outside the traditional domestic national security community.

²⁶⁶ AG report, Control and Accountability (November, 1996)

²⁶⁷ AG report Anti-Terrorism Initiative (March 2004) , 16

²⁶⁸ 1999 Senate report chpt III.

²⁶⁹ Ward Elcock interview

Information from both traditional and non-traditional agencies, and the expertise of their respective organizations in support of more holistic assessments, provided for better ‘peer-review’ or debate by analysts, and an analytical counter to ‘group-think’ or other cognitive challenges associated with the analytical process. A fusion-type structure also enabled analysts from respective agencies to be somewhat liberated from the hierarchical chains of command and agendas of their home bases, and they are encouraged to consider broader political and policy interests during the course of their analysis. Conversely, completed assessments are viewed from the perspective of the filters of a wide-ranging spectrum of individual agencies for their own action and information vis-à-vis their respective mandates.

Second, it was understood there was a requirement to deal with established classification and timing issues when it came to the dissemination of assessments, based often on ‘raw’ intelligence, to non-traditional agencies or local first responders. ITAC attempts to address a traditional challenge of providing classified intelligence in usable forms to other levels of government or front-line responders who may otherwise lack appropriate security clearances. The combination of the use of classified material with a ‘need to know’ mentality had curtailed the ability to provide assessments to stakeholders beyond federal national security agencies and senior decision makers. This was confirmed in the *Open Society* policy which stated that ITAC’s fusion-based approach will allow the GoC to “communicate relevant information to first-line responders such as the law-enforcement community.”²⁷⁰ The inclusion of non-traditional and local agencies in the construct of individual assessments, and a commitment to the ‘need to share’ philosophy, mitigated earlier challenges in this regard.²⁷¹

Thirdly, the commitment to boost assessment capacity within the GOC served to address perceptions in certain international security communities that Canada was ‘free riding’ when it came to the balance between intelligence production and consumption. Assessments produced by ITAC are shared with similar fusion centres of Canada’s 5-Eyes partners (US, UK, Australia and New Zealand). ITAC, in turn, serves as the GoC portal and point of dissemination within government for assessments developed by the fusion centres of these same 5-Eyes partners, a clear outcome of the realization that the threat from transnational terrorism resulted in a need for an increased flow in foreign intelligence reporting between international partners.

Finally, CSIS’ INSAC initiative did not receive full endorsement of the GoC’s national security community, and the participation of some key members (PCO, Solicitor General, Foreign Affairs and Citizenship and Immigration) was not forthcoming. With the announcement of ITAC in the *Open Society* policy, it is suggested that membership and participation of certain agencies and departments in ITAC became much less discretionary.

The creation of ITAC served to address two key policy issues. The first was a loosening of the traditional views regarding ‘need to know’ information, so that local front line agencies or the private sector had better access to threat information. Second the *Open Society* policy provided the necessary policy coverage that participation for certain agencies was not discretionary. Of course its creation also served to improve threat analysis through a more holistic analytical approach. ITAC continues to serve as an important information and assessment hub serving a broad spectrum of “clients”, both international and domestic.

²⁷⁰ *Open Society* policy , 11

²⁷¹ Interview with Ward Elcock

National Security Advisor to the Prime Minister (NSA)

Under the Westminster parliamentary system, the Prime Minister is ultimately responsible for the security of Canada. Given the number of departments and agencies with some form of mandate linked to national security issues, it made sense that there would be some type of unit charged with assisting cabinet members and the PMO in coordinating issues of policy and programming, and to monitor activities within the community on an ongoing basis. As Rudner points out,

Organizational proliferation can be recipe for a diffusion, if not confusion, of effort. Coordination will be called upon to focus effort and avoid untoward institutional rivalry between and among the intelligence services that investigate and collect information and analysts who have to make intelligence assessments, if the risk of intelligence failure is to be minimized. Coordination must ensure there is synergy between the security and intelligence community and other related elements in the inter-departmental community...²⁷²

As referenced briefly in a previous section, prior to 9/11, the position of the Coordinator of Security and Intelligence in PCO was in place to fulfill these duties, being responsible for providing coordination to the security and intelligence activities of all government civilian agencies and, through the Clerk of the Privy Council, to advising the PM on security and intelligence matters. The Security and Intelligence Secretariat, also located within PCO, supported the Clerk and Coordinator and itself plays a coordinating role within the intelligence community”²⁷³ Soon after 9/11, the Security Coordinator’s role was grafted on to the position of Deputy Clerk and Counsel, and subsequently the position of Associate Clerk. While this multi-tasking was of some utility from a machinery perspective in the immediate post /911 period, when new CT legislation and policy was being crafted, it ultimately took away from the Coordinator devoting sufficient energies to the coordination function within the national security community. There was a greater need for attention by the Prime Minister to national security matters, and with that a need to provide for sustained attention on security matters on the part of his senior advisors. Hence the post of National Security Advisor (NSA), designed to be the senior bureaucratic pipeline to the Prime Minister on issues of national security threats intelligence assessment and coordination of government policy, was announced under the new Martin government in December 2003.²⁷⁴

The NSA has four main responsibilities: providing information, advice and recommendations on security and intelligence policy matters to the Prime Minister; co-ordinating members of the security and intelligence community; along with the Deputy Minister of National Defence, accountable to the Minister of National Defence for the Communications Security Establishment; and overseeing the intelligence assessment function, specifically the production and co-ordination of intelligence assessments for the Prime Minister, other ministers and senior government officials. The NSA also works in cooperation with the Minister of PSEPC with integrating threat assessments and providing a framework for interagency cooperation and policy.

The significance of a full-time NSA means there is a senior deputy-minister level official that has the institutional support to assist the Prime Minister and the PMO, and the Clerk of the Privy Council, in

²⁷² Rudner, *International Terrorism Dimensions of a Security Challenge*, 12

²⁷³ AG report; ,Control and Accountability (November, 1996)

²⁷⁴ Wark, “Lessons Learned”, 86

managing and coordinating the facets of the security and intelligence system to determine where and when and how the coordination mechanisms need to change. It is important to note that, unlike his /her American counterpart, the NSA's responsibilities did not initially include the foreign and defence policy remit within PCO, although there was obviously close cooperation between the two policy centres within PCO. Other than the oft quoted comment of then US Ambassador to Canada Celluci that security trumps trade, American scholar Charles Doran provides a possible explanation for this outcome. "While the 'political-strategic' dimension dominates American foreign policy, from the Canadian perspective this dimension is secondary to the economic and commercial dimension."²⁷⁵ In other words, the primary focus of foreign affairs is driven by economics and commerce. This view is reinforced somewhat by the views of former CSIS Director Ward Elcock and a Clerk of the Privy Council that the primarily commercially-driven foreign affairs mandate at the time didn't wish to be side-tracked unnecessarily by the sometimes ambiguous and 'dirty' world of security and intelligence collection, even though it was notionally seen as having responsibility for the management of Canada's national security strategies abroad (and which largely involved the use of CF forces)²⁷⁶.

One other point to consider is what roles an incumbent NSA was expected to cover off in comparison to the mandate of the Coordinator of Security and Intelligence, the position that existed in PCO before the NSA position was announced in December 1993. The consensus of those who either held either one of the two positions was there was not much difference in the roles at all.²⁷⁷ While it would appear the actual functions of the NSA related to the consolidation of intelligence or policy setting between agencies did not change much over what the Security Coordinator did, there was nevertheless the same consensus that the main benefit related to the creation of the NSA position was that the incumbent was now free to be dedicated to dealing exclusively with national security issues (i.e. no more functions associated with non-security government processes), at a Deputy Clerk level, and to having more direct access in terms of briefings and policy recommendations to PMO and Cabinet. So while there may be some legitimacy to the view that the creation of the position of the NSA was a bit of organizational window dressing given the functions of the position did not differ significantly over what was there before, the elevation in status of the function did result in some positive 'process' benefits for the security and intelligence community.

Unlike the Director of National Intelligence (DNI) in the US, the NSA does not have line responsibility for any budgetary/resource or jurisdictional authorities associated with the departments and agencies that made up the Canadian security community and with which it serves as the main policy and program coordinator.

The division in responsibilities between domestic and foreign –based national security issues was not fully resolved until much later. Although the nature and threat from transnational terrorism served to break down the traditional distinction between domestic and externally-based threats, policy coordination was divided within PCO between the National Security Advisor and the distinct but parallel Foreign and Defence Secretariat. According to the information unit of PCO, the Foreign and Defense policy advisor began reporting to the National Security Advisor for policy coordination purposes at some point between

²⁷⁵ As quoted in Sokolsky, "Realism Canadian Style", 19

²⁷⁶ Ward Elcock interview

²⁷⁷ Interviews with Ward Elcock, Richard Fadden, Rob Wright.

October 2011 and September 2012, although it wasn't able to suggest why there was an organizational change of heart in this regard.²⁷⁸

In summary, when it came to the mandate of the NSA as compared to the 'Security Coordinator' position that preceded it, there was not much change in role or function when it came to the coordination of national security issues. The main change was that the NSA incumbent was no longer 'double-hatted' when it came to his/her functions within PCO. Instead, the NSA was to deal with items of national security only. It is argued this was due in part to the greater number of departments and agencies that had a national security mandate, requiring a greater span of control and responsibility on the part of the NSA when it came to the incumbent's coordination functions.

Public Health Agency of Canada

The creation of the Agency was announced in the *Open Society* policy, and was established in September 2004, in part as a response to the SARS outbreak in 2003, and was confirmed as a legal entity in December 2006 by the Public Health Agency of Canada Act. The Public Health Agency of Canada is the main GoC agency responsible for public health in Canada. From a national security perspective, the Agency's primary goal is to enhance the GoC's response capacity to either 'man-made' or natural health-related emergencies by developing national strategies in collaboration with provincial or local health agencies. This includes training, research, engagement with international counterparts, provision of specialized equipment, and ensuring stockpiles of necessary supplies are in place and updated. As noted previously the Agency is a member of the GoC's CBRNE response team.

While the Agency assumed a role within the remit of traditional security activities, primarily as a key player in the planning of, and responding to, CBRNE and bioterrorism attacks, the role of the new Agency within the GoC's broader national security strategy became evident with the release of the *Open Society* policy. The policy's specific reference to public health emergencies, 'securitized' the GoC's response capacity to events that would fall under the Public health remit, and spoke to "the necessity for Canada's approach to public health emergencies to be more than strictly local or national in its orientation, and to proactively contribute to the building of a more resilient international public health architecture. This approach must also seek to continuously include the public health dimension in the ongoing national security debate".²⁷⁹ Part of this new mandate included greater consultations with local first responders, and the need to reach consensus with various levels of government on national standards in support of developing a national public health management system.

Maritime Security Operations Centres

In the US, only one agency has traditionally assumed the role of guarding the maritime approaches to the American coast- the US Coast Guard (USCG).²⁸⁰ The USCG is an armed, enforcement agency, and is a

²⁷⁸ E-mail from PCO Information Unit, February 18, 2019.

²⁷⁹ *Open Society* policy, 29

²⁸⁰ According to some scholars, there is nothing to stop the USN from "guarding the maritime approaches to the American coast." As with other parts of the US military, there has long been a tendency to hide behind the 1878 Posse Comitatus Act, and this continued after 9/11, the establishment of USNORTHCOM notwithstanding. As Filicetti and Luce observed in 2004: "the US Navy perceives itself to have less authority to conduct some national

branch of the US armed forces, with a law enforcement mandate in both domestic and international waters. At the time of 9/11, it was managed under the auspices of the Secretary of Transportation, but was subsequently rolled under the Department of Homeland Security as part of the US's post- 9/11 security agency restructuring. (Under a wartime footing, it reverts to administration by the Department of Defence).

In Canada, responsibility for maritime surveillance, enforcement and control is more diffuse, and the appropriate agency lead depends mostly on the circumstances of an individual event. From a management/oversight perspective, the Minister of Transport has the lead for policy coordination and regulation. The PSEPC Minister has the mandate for policing and enforcement. The Minister of Defence has the lead for coordinating a response to a maritime threat and search and rescue. Operationally, the agencies involved include the Royal Canadian Navy (assisted as appropriate by the Royal Canadian Air Force), the RCMP for police and enforcement functions related to criminal activity (supported by the Navy as required), the Canada Customs and Revenue Agency and Citizenship and Immigration Canada (functions now assumed by the CBSA) for cases of illegal migration and container security, Transport Canada that has overall mandate responsibility for marine security, the Department of Fisheries regarding fishing vessel traffic data as well as its own expertise in conducting surveillance and analysis in support of the protection of fish stocks, and the Canadian Coast Guard, reporting to the Minister of Fisheries and Oceans, to oversee search and rescue (again with support from the Navy as appropriate), ice breaking in the arctic, maritime navigation, traffic management and pollution control. Although the Canada's Coast Guard has no enforcement mandate, it may serve as an operational platform for enforcement functions of other GoC enforcement agencies.

Clearly, given the number of agencies and the different mandates and agendas involved, some form of organizational cohesion was required. In order to bring together operational and intelligence coordination between the assorted GoC agencies involved in coastal management, the *Open Society* policy announced the creation of Maritime Security Operations Centres (MSOC) in a limited number of locations across Canada (Halifax, Victoria, Niagara). The MSOC mandate is to collect and analyze vast amounts of information from the marine environment in order to identify security threats, through interagency staffing and collaboration, which in turn allow the MSOCs to support an organized response to potential marine threats and avoid duplication to both efforts and resources." The ongoing project implementation of these centres is led by DND for two coastal centres and by the RCMP for the centre covering the Great Lakes and St-Lawrence Seaway.²⁸¹ Like ITAC and the INSET teams, the MSOCs essentially serve as a maritime security fusion centre, where information and intelligence gathered by individual agencies is brought together to provide an overall, comprehensive assessment of potential threats to Canadian interests along its coasts. Integrated assessments are then sent to the respective agency headquarters and to integrated operations centres such as the GOC (see below).

Given the MSOC's multi-dimensional mandate (criminal, fisheries, SAR, defence, pollution control), it cannot be stated unequivocally that its creation was a direct result of the events of 9/11. Even though the

defense missions as threats get closer to America." (Gary Felicetti and John Luce, "The Posse Comitatus Act: Liberation from the Lawyers", *Parameters* Autumn 2004, p.106)

²⁸¹ Government of Canada MSOC Overview, Canada Coast Guard web page, <http://www.ccg-gcc.gc.ca/eng/CCG/Maritime-Security/MSOC>

timing of its creation corresponds to other initiatives, its role related to counterterrorism efforts is only a part of a much broader mandate. Its mandate does mesh with the broader, non-traditional items reflected in the *Open Society* policy.

Government Operations Centre (GOC)

Prior to 2004, a number of ‘situation centres’, ‘operation rooms’ or ‘crisis management centres’ existed throughout the GoC, which would come into play in the event of a terrorist incident- within the RCMP, CSIS, Foreign Affairs, Transport Canada, National Defence, and others. An AG report identified 27 different operations centres across the federal government.²⁸² The existence of multiple centres had the potential for operational redundancy, or at worst, being counter-productive during efforts undertaken in response to a terrorist event if different directions were forthcoming from different centres. The *Open Society* policy stated “We cannot allow organizational silos to inhibit our ability to identify and respond to threats to the Security of Canada.”²⁸³ It was identified that there should be one central crisis management centre for the GoC, staffed by officers from appropriate departments and agencies, and operated on a 24/7/365 basis. A centralized operations centre would be distinct from a parallel function for policy coordination, which would likely be situated within PCO or the newly created Public Safety department.

Consequently, the *Open Society* policy announced the creation of a new Government Operations Centre (GOC) to be housed within PSEPC. The GOC would serve as the main conduit for providing alerts within the GoC’s national security community (presumably via the operations centres located within individual agencies), other levels of government and select international partners. Specifically, the GOC:

“.....provides an all-hazards integrated federal emergency response to events (potential or actual, natural or human-induced, accidental or intentional) of national interest. It provides 24/7 monitoring and reporting, national-level situational awareness, warning products and integrated risk assessments, as well as national-level planning and whole-of-government response management. During periods of heightened response, the GOC is augmented by staff from other government departments/agencies (OGD) and non-governmental organizations (NGO) who physically work in the GOC and connect to it virtually.”²⁸⁴

At one point, it was envisaged that the GOC would provide direction (command and control) as to what federal entity would take the lead on specific events as they arose (e.g. RCMP? DND? Health?). Eventually, however, it was resolved the federal lead would be determined by pre-established plans or protocols in place in response to a specific kind of events.

Cross Cultural Roundtable on Security (CCRS) and the National Security Advisory Council

Consistent with PM Martin’s broader ‘democratic deficit’ agenda, the establishment of two public advisory councils were announced as part of the *Open Society* policy, as a means of bolstering the public

²⁸² *National Security in Canada: The 2001 Anti-Terrorism Initiative: Air Transportation Security, Marine Security, and Emergency Preparedness* 2005, 21

²⁸³ *Open Society* policy

²⁸⁴ Government of Canada , Public Safety Website, Government Operations Centre, <https://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/rspndng-mrgnc-vnts/gvrnmnt-prtns-cntr-en.aspx>

debate on national security issues. One objective of the new policy was to provide a means of educating the public, for the first time, on what the GoC's clearly articulated national security policies were.

In recognizing there were certain communities that may have felt they were particularly susceptible to scrutiny on the part of security and law enforcement agencies based on ethnic and religious affiliations, the *Open Society* announced the intention to create the Cross Cultural Round Table, comprised of "ethno-cultural and religious communities from across Canada."²⁸⁵ Its goal was to "Improve understanding on how to manage security interests in a diverse society and... provide advice to promote the protection of civil order, mutual respect and common understanding" and to engage in candid and frank discussions as "the seeds of conflict and extremism can take root even in the most tolerant of settings."²⁸⁶ Through outreach meetings organized by CCRS members situated within specific communities across the country, between representatives of law enforcement and national security agencies and local community leadership, the CCRS were mandated to provide the GoC with advice on national security issues.

Bell notes "Though the roundtable claims to reflect the diversity of Canada, its membership is structured so that "diversity" stands in for non-white racialized communities. ...According to the structure of the roundtable, it is not ethnicity, religion or culture of non-whites that poses a risk....[consequently, the GoC's] working assumptions about the backgrounds of terrorists is empirically questionable."²⁸⁷ In other words, the very creation of the Roundtable itself actually served to stigmatize the very communities it was supposed to reassure. Based on my personal experience, this is not the case, and no specific ethnic groups were ever targeted in the absence of a sufficient level of information on hand to satisfy the thresholds necessary to achieve the requisite approvals to open individual investigations. Rimsa addresses the issue more succinctly when he stated "Only someone with no understanding of CSIS [or perhaps other national security agencies that depend on human sources] would claim that CSIS operates with prejudice and uses profiling in a negative sense. If this were the case, there would be no information forthcoming from the Canadian ethnic communities on which CSIS depends. In short, the lifeblood of CSIS would be drained."²⁸⁸

The National Security Advisory Council was also announced in the *Open Society* policy, and became functional in 2005. It comprised a panel of national security experts, with a mandate to provide confidential views on security issues, and third-party evaluation on relevant GoC programs and policies. While the Council may have initially had some marginal utility in the construct of the GoC's national security policies and programming, it was ultimately shut down in 2012 as it was determined that it was, by that point, routine for federal security departments and agencies to engage with a broader array of outside experts through other means, and on a more routine, day-to-day basis.

Both councils were created to provide policy advice to the GoC. The Round Table was created to address concerns within certain communities that they would be subject to increased scrutiny as a result of the GoC's new preventative counter terrorism strategies. The Advisory Council was structured to provide recommendations on all matters of national security, and while it may have focused on threats posed by transnational terrorism given the time, its subject-matter mandate was much broader. Its creation cannot

²⁸⁵ *Open Society* policy 2

²⁸⁶ *Ibid*, 2

²⁸⁷ Bell, *The Freedom of Security*, 45

²⁸⁸ Kostas Rimsa, "Spy Catchers" in (ed.) D. Hamilton "Inside Canadian intelligence, (Toronto, Dundurn, 2011),43

be linked specifically to the GoC's counter-terrorism strategy, but can be linked to the broader definition of what constitutes national security within the context of the *Open Society* policy.

Two Other Initiatives.

While falling outside the temporal scope of this study, two other organizational initiatives that ultimately took place warrant some consideration.

When "Canada Command" was created in 2006 as a new unified "joint" (tri-service, regional and functional) command within the Canadian Armed Forces (CAF) it also has been suggested it was created to mimic the creation of United States Northern Command (USNORTHCOM). The standing up of USMORTHCOM on October 1, 2002 was the most recent and significant organizational change to the US' Unified Command Plan as a direct result of the events of 9/11. This marked the first time a single military commander was charged with protecting the U.S. homeland since the days of George Washington.²⁸⁹ Its primary mandates were to conduct military operations to:

- Deter, prevent and defeat threats to the United States, its territories and interests within assigned areas of responsibility; and
- Provide civil support and other assistance to US civil authorities as directed.

The creation of USNORTHCOM represented, at least on paper, a significant shift in the traditional approach to US national security whereby the military would defend the nation's borders (i.e. outwardly focused) while domestic agencies (law enforcement, state administered National Guard units) kept order at home.

Regarding USNORTHCOM's mission statement, the Department of Defence (DoD) did make a distinction between the concept of homeland *defence* and homeland *security*. Clearly it saw its role as focusing on the former. Karen Guttieri notes the USNORTHCOM website suggests "Homeland security (HLS) is not the same as homeland defence (HLD). Homeland defence was defined as "the protection of U.S. territory, domestic population and critical infrastructure against *military* attacks emanating from *outside* the United States."²⁹⁰ Interestingly, this would not seem to include terrorist attacks generated within US borders, nor attacks generated by non-state terrorist groups that don't resort to conventional military assets. Consequently, it would appear DoD is prepared to assume the lead in traditional defence of the Republic, but only a support role in terms of policies associated with homeland security, largely through occasional and temporary aid to civil authorities. While DoD has cited restrictions (especially under the 1878 *Posse Comitatus Act*) for not participating in law enforcement and other domestic activities, the Act doesn't provide for a blanket prohibition, and does in fact enable direct involvement under certain circumstances. There may be more tangible reasons for DoD to resist becoming increasingly involved in domestic issues. Funding for homeland security pales in comparison to that provided for force

²⁸⁹ *A Short History of United States Northern Command*, US Northern Command Office of History, (May 16, 2013) <http://www.northcom.mil/Portals/28/Documents/A%20Short%20History%20of%20USNORTHCOM%20%28current%20as%20of%20March%202014%29.pdf>.

²⁹⁰ Karen Guttieri, "Homeland Security and US Civil-Military Relations", in *Strategic Insights- Centre for Contemporary Conflict*, (Monterey CA, Naval Post Graduate School, August 2003). 2

projection off-shore, and DoD most likely would not want to see limited resources being applied to non-traditional domestic duties.

While the creation of Canada Command in 2006, was consistent with the reasons for the standing up of USNORTHCOM in that it was structured on the basis of a unified command, and there was significant liaison between the two commands, it is suggested it was *not* created to mimic the creation of USNORTHCOM for the following reasons:

- Its creation was not due to a response to any specific terrorist or national security threat, but rather as part of efforts on the part of the then Chief of Defence Staff (CDS)-General Rick Hillier-to undertake a comprehensive overhaul of the CAF's 'corporate culture ' that he perceived as being risk adverse, bureaucratic and non-responsive to mission needs.²⁹¹
- There was little, if any, institutional resistance to the CAF being used as an aid to the civil power at the domestic level, a traditional role of the military in Canada, as set forth under the *National Defence Act's* provision that the armed forces act "in aid of the civil power" when directed.
- Whereas the Commander of USNORTHCOM was 'double hatted' in his role as Commander of both USNORTHCOM and the Canada-US 'binational' NORAD, Canadian personnel in NORAD reported to the CDS in Ottawa, not the Commander of Canada Command. This is because, in the capacity as Commander of USNORTHCOM, he/she reports directly to the US Secretary of Defence. As Commander of NORAD, he/ she also reports directly to the CDS.²⁹²
- As with other unified Commands, USNORTHCOM represented something of a mini-government, with a number of civilian agencies resident in its organizational structure (DHS/FEMA, CIA, FBI, TSA, etc.), constituting a joint task force.²⁹³ While Canada Command would liaise with partner civilian agencies in Canada in the conduct of its mission, these agencies would not have been imbedded within its organizational structure.

The second issue reflected within the *Open Society* policy provided policy coverage for the creation of a National Security Committee of Parliamentarians to oversee and review national security and intelligence activities, to ensure that efforts were being appropriately focused on strategic priorities, that specific operations conformed to legislative and regulatory frameworks, and that general concerns on the part of the public related to national security had a forum for expression. Until 2017, Canada was the only member of "Five Eyes" community without some form of a permanent mechanism for non-Cabinet members of the legislative branch –including members of opposition parties- to review national security activities. The Special Senate Committee on Anti-Terrorism in 1999 concluded, "Canada now lags

²⁹¹ Lt. Gen M.J. Jeffery "Inside Canadian Forces Transformation" in *Canadian Military Journal*, Vol.10, No.2.(2010), 11

²⁹² Andrew Feickert, *The Unified Command Plan and Combatant Commands: Background and Issues for Congress*, Washington, D.C. Congressional Research Service, (January 3, 2013)

²⁹³ United States Northern Command presentation, "Our Role in Defense Support of Civil Authorities"

significantly behind its allies on the issue of parliamentary oversight as the only country that lacks a parliamentary committee with substantial powers of review over matters of national security”²⁹⁴

Despite ongoing support for the establishment of a parliamentary committee within a number of different communities, there was insufficient willingness at the political level to ‘make it so’ in the years after the release of the *Open Society* policy. First, there was concern about how classified information would be managed by elected officials who did not have Privy Council status, and that it would be used for partisan political purposes, perhaps even compromising national security. Second, there was discussion prior to the creation of CSIS in 1984 as to whether oversight would be undertaken by a parliamentary committee, or by an independent entity (i.e. the Security and Intelligence Review Committee- SIRC). The *CSIS Act* established the latter. Third, as with CSIS, the RCMP and CSE already had established oversight mechanisms in place.

However, and consistent with the view that national security touched on a broader community than traditional agencies, the National Security and Intelligence Committee of Parliamentarians was ultimately established by the Trudeau government in November 2017, with a mandate to oversee the activities of 17 departments and agencies that had a national security remit. The new committee had representation from both members of the House of Commons and the Senate, and it reports directly to the Prime Minister (as opposed to Parliament itself).

TABLE 1

Primary Focus of New National Security Organizations

Organization	Policy/Program Coordination	Information Exchange	Operational Gap
FINTRAC		✓	
CATSA			✓
Bi-National Planning Group	✓		
INSET		✓	
CBRNE Response Team			✓
Cabinet Committee	✓		
PSEPC	✓	✓	
CBSA			✓
ITAC		✓	
NSA	✓		
Public Health			✓
MSOC		✓	
GOC			✓
CCR/Advisory Council	✓		

²⁹⁴ 1999 Senate report

In summary, and as identified in Table 1, one can see that the resulting reorganizational efforts touched on three main areas of focus. First, some served to enhance the profile of the national security agenda within the broader GoC machinery and to facilitate greater inter-agency cooperation given the expanded national security remit within certain GoC agencies and to mitigate the threat posed by transnational terrorism process (e.g. permanent Cabinet Committee, creation of PSEPC, headed by the Deputy Prime Minister, enhanced status for the NSA). Second, others were created primarily to facilitate the exchange of information and intelligence between a greater number of policy centres (e.g. FINTRAC, INSET teams, MSOC, GOC, ITAC). These two rationales support the hypothesis of this study, that reorganizations were undertaken to ensure there was an infrastructure in place to support better policy and programming coordination and information exchanges between a greater number of policy centres. However, results also indicate, somewhat unexpectedly, that a third of the initiatives were undertaken to support operational gaps that had been identified, whether to counter the threat, to facilitate the implementation of recent security legislation, or other policy issues associated with the *Open Society* policy (e.g. CBSA, Public Health Agency, Government Operations Centre). Considered both from an individual and collective perspective, most of these comprehensive organizational initiatives were undertaken by the GoC as a direct result of it having to respond to the new threats posed by transnational terrorism and its support networks. The organizational changes were required in part to fulfill the GoC's strategy and mandate to provide for the safety and security of Canadians, and to demonstrate that it was 'doing something'. They were also required to show Canada's international and continental partners that the GoC was prepared to meet its commitments as part of global efforts to counter the threat. It is unlikely these changes would have occurred had the threat posed by transnational terrorism not touched on, nor required a greater role for, an enhanced number of policy centres within the GoC. While each individual initiative could arguably be considered as a case study within the parameters of the punctuated equilibrium theory, collectively, it is argued the span and scope of the overall reorganization effort, whether to respond to the higher profile of security within the government policy agenda, to facilitate coordination between a greater number of policy centres, or to address specific operational requirements, is certainly consistent with the principles of punctuated equilibrium theory.

At the same time, the institutional frameworks in place at the time also provided the respective administrations, primarily under the initial Martin government, to undertake what were perceived to be the necessary organizational changes in a manner commensurate with the perceived urgency, together with the funding to support them as deemed necessary. Within Canada's traditional Westminster and bureaucratic frameworks, and with the benefit of majority governments, a small group of senior cabinet ministers and key officials were able to implement more than a dozen significant organizational changes in a timely manner, and that were deemed necessary either to respond to the threat at the time, or to accommodate human-security agendas as reflected in the *Open Society* policy. The importance of the role of Canada's institutions, and their role in responding to the threat of transnational terrorism and other policy drivers, within the context of the theory of historical institutionalism, is thus fully supportable.

CHAPTER 7

A VERY CANADIAN REORGANIZATION: FINDINGS, ANALYSIS AND DISCUSSION

In the last chapter, we examined the specific organizational changes that were undertaken as part of the GoC's response to the events of 9/11 and the threat posed by transitional terrorism, and the promulgation of the *Open Society* policy. This chapter now looks once again at the changes that were undertaken, together with their nexus to key questions that both comprise the basis for this study's research and to buttress the utility and application of the over-arching theories applied to this study.

As noted previously, there are two common perceptions behind the rationale of why the reorganizations were undertaken: to mimic efforts being undertaken in parallel in the US, and to address concerns associated with the sharing of intelligence and information between GoC national security agencies, again, as was the case in the US.

To argue against these perceptions, the reorganizations that took place are assessed against a number of key questions:

- What were the similarities with US organizational efforts?
- What were the organizational differences compared with US agencies?
- Intelligence and information sharing within the GoC.
- Was the GoC better positioned institutionally to respond to the events of 9/11, versus the US?
- Was the primary driver behind the GoC reorganization the need to coordinate a greater number of departments and agencies that now had a national security mandate?
- Was the scope and span of the organizational changes comprehensive enough to meet the criteria of the punctuated equilibrium theory, or were the changes merely incremental in nature?
- In parallel to exploring why the reorganization took place, this study will also examine when the changes occurred. While some took place in the immediate aftermath of 9/11, most took place in a five month period between December 2003 and April 2004, more than two years after the attacks. Why was this the case?

*“While not always explicitly identifying the causal mechanisms of change, extant proposals seek to remedy multiple perceived dysfunctional attributes of the current organizational system.”*²⁹⁵

Similarities to US Organizational Efforts

One of the main objectives of this study is to discern whether there is sufficient evidence that Canadian post 9/11 organizational initiatives were in fact driven primarily by an effort to mimic the institutional and policy changes taking place in the United States, albeit within the parameters of historical institutionalism and punctuated equilibrium theories. What are the similarities between the initiatives of the two

²⁹⁵ Wise, *Organizing for Homeland Security*, 132

governments, and are they sufficient in either number or scope to support the view that GoC reorganizational efforts merely replicated US efforts? In an anecdote described by Keeble, when a copy of the Canada's *Open Society* was provided to US officials, one noted "the US would be satisfied [with the content of the policy] because the policy looks very similar to what the Americans themselves are doing in regard to national security."²⁹⁶

While there were passing references in various Senate of Canada reports prior to the events of 9/11, regarding the need to restructure Canada's national security structure, they would be considered modest at best when compared with the number of government and congressional reports that were undertaken to assess US national security requirements in the 21st century. The best known was the US Commission on National Security in the 21st Century, more commonly referred to as the "Hart-Rudman Taskforce on Homeland Security." This three-phased report (September 1999 to January 2001) characterised itself as "the most comprehensive review of American security since the *National Security Act* of 1947."²⁹⁷ There were two key observations related to homeland security: the US would become more vulnerable to attacks within the US, and that there was a need for "the creation of a new independent Homeland Security Agency (NHSA) with responsibility for planning, coordinating and integrating various government activities involved in homeland security"²⁹⁸ The report also identified that responsibility for homeland security was dispersed amongst 100 different agency, none of which had primacy.

The report provided significant policy coverage, and served as a catalyst for, the subsequent creation of the Office (September 20, 2001), and ultimately the Department (November 2002), of Homeland Security (DHS) that were created in the aftermath of 9/11 as one of the Bush administration's first initiatives in its broader "Global War on Terrorism."²⁹⁹ Although there was no initial preconception of what the Office or Department would look like, its creation was characterized as "the most significant transformation of the US government in over half a century"³⁰⁰. DHS ultimately brought together, under a single Cabinet position, 22 existing agencies, charged with border and transportation security ("who and what enters the homeland"³⁰¹), emergency preparedness and response (including the Federal Emergency Management Agency- FEMA), CBRN countermeasures and response, the protection of critical infrastructure, cybersecurity and information analysis, and various 'outlier' agencies such as the Secret Service- all without "growing government."

The first DHS Secretary, Governor Tom Ridge, characterized the newly created DHS as a holding company, with a complex relationship between existing enterprises, mergers, acquisitions and start-ups, with a focus on a new collective mission but in parallel with traditional mandates.³⁰² The mandate of DHS was to provide management and coordination of policy and program development, and "architecture development" through an "overarching discipline", to prevent terrorist attacks within the US, reduce vulnerability to terrorism, recover from attacks that did occur, and to assume primary responsibility for coordinating federal efforts with state and local responders.³⁰³ Responsibility for domestic law

²⁹⁶ Keeble, *Defining Canadian Security: Continuities and Discontinuities*, 2

²⁹⁷ Hart Rudman Website – www.nssg.gov/About_US/Charter/Charter.htm

²⁹⁸ USCNS/21 *Roadmap for National Security: Imperative for Change* (US Government Printing Office, Washington DC February 2001), iv.

²⁹⁹ Interview with Governor Tom Ridge

³⁰⁰ <https://www.dhs.gov/creation-department-homeland-security>

³⁰¹ Ibid

³⁰² Ridge interview

³⁰³ Ibid

enforcement and intelligence collection abroad remained with the Department of Justice (FBI) and CIA respectively.

In December 2003, roughly a year after the creation of DHS, the GoC, under then new Prime Minister Paul Martin, announced the creation of Public Safety and Emergency Preparedness Canada. In terms of timings, this study suggests that the one year gap could have provided Canadian officials with the time necessary to structure the new Ministry along somewhat similar lines of the DHS in terms of both mandate and composition, in the interest of not having to reinvent the organizational wheel within a limited period of time. Indeed, the creation of the new Department immediately generated comparisons to DHS (“Taking a cue from the United States, the federal government created an overarching public security ministry to help Canada deal with everything from terrorist threats to natural disasters.”³⁰⁴). The new Minister (and Deputy Prime Minister) Anne McLellan nevertheless went to great pains to explain it was not a “mirror image of the one south of the border”, and that, in the interest of providing a capacity to ensure a more coordinated response to unexpected calamities, “it would have been created regardless of whether the US had created its Homeland Security Department.”³⁰⁵

That said, the creation of the new PSEPC Department did incorporate some mandates that were similar to DHS.³⁰⁶ It served to enhance cooperation between federal intelligence and enforcement agencies, between federal and local entities, to provide the necessary capacity for the coordination of preventative, response and recovery programs, at both the strategic and operational levels, and to bring some executive authority to these same areas. Specifically, and consistent with the DHS’ immediate and primary focus on border security, arguably the most comprehensive reorganization initiative within the national security purview of the GoC involved the creation of the Canada Border Services Agency (CBSA), that was ultimately housed within PSEPC. It amalgamated existing customs operations and enforcement functions with the enforcement branches of the Department of Citizenship and Immigration and the Canadian Food Inspection Agency. The creation of CBSA served to enhance the enforcement and prevention capacity of the ‘human’ element of border control that was legislatively addressed in the *Immigration and Refugee Protection Act* of 2001, and in parallel to the processing of commercial goods under the US-Canada Smart Border Accords.

The reorganization also transferred responsibility for the inter-agency coordination of critical infrastructure protection and emergency preparedness from the Department of Defence to PSEPC, similar to DHS, in recognition that national security required a nexus between both prevention and response capabilities (crisis management and consequence management) within the GoC and with other levels of government and first responders. Within both DHS and PSEPC, it was envisaged that a domestic security strategy would require the capacity to coordinate response and recovery efforts not just for national security issues but in response to threats to public safety from natural or pandemic-like causes, and to augment local resources with federal agencies if so required. So why re-invent the wheel, inasmuch that the agencies to do so were already established (FEMA and OCIPEP respectively)?³⁰⁷ Both DHS and PSEPC would serve as the Cabinet-level departments charged with coordinating federal responses to threats to both the country’s national security at the domestic level, however defined. There was also

³⁰⁴ Jim Bronskill– “Public Safety Ministry Combines several agencies” (Canada Press, December 12, 2003)

³⁰⁵ Drew Fagan, ‘Security agency won’t mirror US operation McLellan says’ (Globe and Mail, December 13, 2003)

³⁰⁶ Rob Wright interview.

³⁰⁷ Ridge interview

mandate recognition that both DHS and PSEPC would serve as the agency responsible for leading the coordination with local governments, first responders and the private sector for response and recovery planning. As observed by Roach, “The new ministry (PSEPC) was designed in part to allow for better integration with the new US Department of Homeland Security as well as a more comprehensive and ‘rationale’ approach to the various risks Canadians face as eventually reflected in the National Security Policy.”³⁰⁸ This view is supported by Keeble, who noted that in many ways, PSEPC “is the Canadian counterpart to US DHS, to ensure the kind of coordination necessary in a post-September 11 world to oversee intelligence and security functions as well as conduct border operations.”³⁰⁹ More broadly speaking, both DHS and PSEPC provided a greater profile and platform for issues related to domestic security within the respective administrations, where both had focused their national security strategies from a mostly external perspective. But it is important to note one distinction that will be addressed in greater detail in a subsequent section. While the mandate to manage a broad threat spectrum of both agencies was consistent, the role of PSEPC in this capacity was largely to coordinate the functions of existing agencies, but without direct line responsibility for some key functions. In absorbing the 22 agencies within its purview, DHS became directly responsible from a line management perspective for the funding, policies, operation, effectiveness and oversight of these same agencies.

The organizational structure and mandates of the RCMP-led INSET teams, and the US national network of fusion centres (New York City’s Joint Terrorism Task Force being the most well-known) are almost identical. They are both designed to promote information sharing at the federal level between agencies and local law enforcement, managing the flow of information and intelligence across levels and sectors of government to integrate information for analysis and further investigation. Intelligence for the purposes of analysis is typically gathered by member agencies. Both organizations had joint-agency precursors that had functioned in support of countering criminal activities. However, and timing issues aside (both were constituted in the immediate period after 9/11), no evidence has surfaced to suggest that the structure and mandate of Canada’s INSET teams were deliberately and specifically organized in a way to mimic their US counterparts. Rather, both were instituted in parallel with “analogous institutions in other countries, by bringing together all relevant stakeholders into common institutions.”³¹⁰ And again, timing issues aside, both the NSA and DNI, and ITAC and the NCTC, had some organizational and mandate similarities, although in the case of both the US agencies the organizational span or mandate was more extensive than their respective Canadian counterparts, as discussed in the next section.

Broadly speaking, a case can be made that reorganizational initiatives within Canada’s national security infrastructure did ‘mimic’ parallel efforts in the US. In both countries, similar organizational and mandate modifications were being undertaken to respond to enhanced and unfamiliar threat levels within the domestic environment, and the accompanying need for new strategies to counter them. This was something that was relatively new to both Canada and the US. In countries that had faced ongoing terrorist-based threats at the domestic level for a number of years prior to 9/11 (UK, France, Israel for example), the necessary organizational changes required to promote greater agency cooperation and domestic security strategies had been undertaken many years before. This is why the responses to the 9/11 attacks in those countries were largely legislative and statutory in nature. To some degree, this supports

³⁰⁸ Roach , *9/11 Effect*, 421

³⁰⁹ Keeble, *Defining Canadian Security*, 11

³¹⁰ Kitchen, *The Effectiveness and Effects of Canada’s INSET Teams*, 1

the views of those who suggested that at the highest of levels, 9/11 didn't really change things, it merely resulted in North America having to catch up with the rest of the world. Consequently, merely comparing Canada's efforts to those of the US is possibly too confining, as both were essentially required to undertake similar organizational changes in response to the new threat environment, but for different reasons.

In both countries, the reorganization was driven primarily to enhance the coordination between federal agencies with a national security mandate and to enhance cooperation with local levels of government, first responders and the private sector. In both countries, organizations were created or adapted to pursue a CT strategy based on prevention as opposed to merely response. In the case of PSEPC and DHS, their respective mandates provided for prevention and response not only to threats posed by terrorism, but to natural disasters and global issues such as pandemics or the environmental security and, at the time, the emerging threat posed by cyber-attacks on key infrastructures. Both departments were expected to provide leadership on the strategic architecture for domestic security going forward, together with policy and program development and implementation. Intuitively, organizations that were structured in the same manner both organizationally or from a mandate perspective, would have facilitated the ability to engage in cross-border discussions, consultations and cooperation.

However, if one still holds to the view that Canada chose to pattern its changes on what was being done south of the border, the devil is in the details as will be outlined in the following section. Furthermore, this study will argue subsequently that from a timing perspective, this was not necessarily the case nor possible. Now we get into semantics. When it is suggested that the GoC tried to 'mimic' or 'duplicate', 'replicate' or 'match' US initiatives, this implies that GoC efforts to reorganize were identical, or almost identical, with those undertaken by the US administration. The following section suggests this was not the case, to the degree that a credible case can be made that the GoC did not in fact elect to mimic US efforts or organizations.

Organizational Differences Compared with US Agencies

While both the US and Canadian governments undertook reorganization initiatives within their respective national security communities, one of the most significant differences between the two programs was that, while the US was clearly committed to buttressing its national security capacity at the domestic level with enhanced border security initiatives and the creation of the Department of Homeland Security, other reorganization efforts and mandates were justified on the basis of also actively countering the terrorist threat at its source abroad. Despite a clear understanding of the organizational challenges created by the pre-9/11 bifurcation of the threat into external and domestic remits, the America organizational efforts to integrate collection and analysis were still focused largely on the threat from abroad and in dealing with it overseas. This left domestic efforts as being perceived somewhat as the poor cousin.

While Canadian initiatives primarily had a domestic focus, many US administration initiatives were linked, either directly or indirectly, to foreign policy and externally-driven objectives. This was promoted by the President's view that he was "tired of playing defence, and that he wanted to play offence", and that catching terrorists one by one or even in cells was not likely to be productive in the long run.³¹¹

³¹¹ 9/11 report, 202

Specifically, “There were...troubling ways in which Bush indirectly transformed the national security bureaucracy. The event that more than any other, prompted this warping was the Iraq war. The result was that the Bush administration was the first presidency in modern history in which the Pentagon served as the overwhelming centre of gravity for US foreign policy”³¹² As early as September 12, the President asked his staff to investigate whether there were any possible Iraqi links to the September 11 attacks.³¹³ While immediate plans for an intervention into Iraq were held in abeyance (with an initial focus on Afghanistan), the narrative of an Iraqi connection to 9/11 increasingly gained traction within key parts of the administration.

The increasing bifurcation of the GWOT between domestic and external responses was further exacerbated by the creation of the Homeland Security Council (HSC) in October 2001, residing within the White House. The purpose of the Council was to assess the objectives, commitments, and risks for the United States, and for making recommendations to the president with respect to homeland security policy. By virtue of its creation, it signalled the established National Security Council would focus on external matters, while the HSC would do the same for domestic issues. It is argued the creation of the HSC was organizationally counter-intuitive for three main reasons. First, it served to promote the bifurcation of the broader US CT strategy that was based on a premise that the threat posed by transnational terrorism was breaking down the Chinese wall between the domestic and global threat environments. Second, it created yet another organization to compete for the attention of the President (similar to the DNI) when national security agencies were trying to improve coordination and sharing of information between agencies, further contributing to the ‘fractionalization’ issue. Third, there is nothing in the *National Security Act* of 1947 that prohibits the NSC from supporting and advising the President on both domestic and external threats. The utility of having two distinct councils was ultimately reviewed under the Obama administration. In May 2009, President Obama merged the Homeland Security Council and National Security Council staffs into one National Security Staff. In February 2014, he renamed the National Security Staff the National Security Council (NSC) staff.

The GoC was not entirely guilt free from adopting the same approach. Prior to, and after the 9/11 attacks, and especially with Canada’s comprehensive efforts in Afghanistan after 2005, the lead for externally-based CT strategies, (policies and programs), including having a big say in identifying priorities for collection abroad, fell under the remit of DFAIT (now GAC), and not the NSA. Consequently, the two streams (domestic national security and foreign affairs/defence) were dealt with in separate and parallel tracks within PCO when it came to policy and programming issues, although there was obviously consultation between the two offices. Following in President Obama’s footsteps, but in reverse, the foreign and defence mandate was ultimately brought under the remit of the NSA for coordination purposes, but not until 2012. At least from the Canadian perspective, a new agency was not created as was the case in the US. Nevertheless, when domestic security initiatives were deemed to have been adequately addressed by the GoC between the years between 2001 and 2004, it also quickly reverted to a similar externally-based security rationale for its intervention in Afghanistan in 2005, one that reflected its more traditional nexus between foreign, defence and national security policy. “At least for a short period, and until Canada became engaged in Afghanistan in 2005, in the war on terrorism, Ottawa actually devoted relatively more in terms of domestic security than did the US where overseas

³¹² James Risen, *State of War*, New York, Free Press, 2006, 64

³¹³ *ibid* , 334

interventions consumed the lion's share of spending. Canadian military spending levels are less significant than budgetary allocations made to other departments and agencies with a more immediate role in homeland security.”³¹⁴ Sokolsky adds “The *Open Society* policy makes a point of re-affirming the overall priority of protecting Canada and Canadians at home, and integrating the military's role into this larger goal. It avoids the kind of artificial distinctions that are present in US policy and thus provides a good basis for pursuing broad based security collaboration with the United States.”³¹⁵

A second underlying and key difference impacting on post 9/11 organizational structures is that for the most part, those US agencies with a clearly articulated national security remit were already established prior to 9/11. While it can be argued the rationale behind the creation of PSEPC and DHS was similar, and the DNI and the NCTC were a bureaucratic response to the need to improve inter-agency coordination, the main difference was that for the GoC, the threat posed by transnational terrorism or the inclusion of non-traditional security issues as identified in the *Open Society* obliged it to spread a national security mandate to a greater number of policy centres (departments/agencies) where none had existed before. This, in turn, required a framework to provide for inter-agency cooperation and consultation between, and GoC direction to, an incremental number of policy and program players. As noted previously in Table 1, most of the organizational changes that were undertaken were to provide for program and policy coordination and information exchanges between a greater number of policy centres. In the US, those players with a national security mandate were already in existence. Indeed, DHS was essentially the result of some 22 existing agencies being brought under line management control of a single Secretary.

From a timing perspective, as noted previously, the DHS was the one agency that could have been a model for the subsequent creation of PSEPC, where the view that the GoC mimicked to the greatest degree its US counterpart has the most credence. As suggested, there were indeed some organizational and mandate similarities. However, there are three key differences between DHS and PSEPC that are sufficiently significant to support the contrary view that PSEPC was not designed to mimic DHS. First and foremost, unlike DHS, federal agencies responsible for both law enforcement (RCMP) and national security intelligence (CSIS) together with their ability to generate and analyse “raw” intelligence using their respective security databases, remained within PSEPC. Both had domestic and international remits. Consequently, organizational challenges regarding cooperation and information sharing between federal law enforcement and intelligence agencies and domestic and global national security mandates faced by US agencies were significantly minimized within Canada given its existing organizational structure.

As noted in a subsequent section, there were no perceived organizational challenges as it related to the ability to share information between federal law enforcement and intelligence agencies.³¹⁶ Nor was intelligence coordination with US agencies an issue. Contact was undertaken at all levels on a regular basis. The creation of PSEPC wasn't driven by the need to improve intelligence coordination within established national security agencies.³¹⁷ Furthermore, the DHS had no raw collection capacity on its own, other than within its customs and border functions (which PSEPC also had). As Governor Ridge

³¹⁴ Haglund, *North American Cooperation in an Era of Homeland Security*, 690

³¹⁵ Joel Sokolsky, “Northern Exposure? American Homeland Security and Canada”, in *International Journal*, Vol 60, No. 1 Winter 2004-2005), 47

³¹⁶ Manley interview

³¹⁷ Bloodworth interview

observed, “DHS was not an intelligence agency. DHS was largely dependent on the provision of information and intelligence from the ‘alphabet agencies’ of both federal law enforcement and traditional intelligence agencies, to support its capacity and mandate for the integration and dissemination of intelligence. CIA was good in this respect. The FBI, despite being the domestic OPI, was more of a challenge. Getting information to the state and local level continued to be difficult as a result. The FBI was slow to move in that direction of the ‘need to share’ versus the ‘need to know’.”³¹⁸

PSEPC included three agencies responsible for the generation and analysis of raw intelligence: CSIS, RCMP and CBSA. In addition, Sokolsky adds “Unlike the DHS, PSEPC does not include immigration, just its enforcement. But whereas PSECPC does incorporate some of the major domestic security, intelligence and law enforcement functions, in the US, the Central Intelligence Agency and the Federal Bureau of investigation have been kept separate from DHS.”³¹⁹ Whitaker furthermore suggests that because the heads of the FBI, and CIA and the DNI all fell outside of DHS, the Department lacked the strategic coordination that was inherent in PSEPC. PSEPC was in a better position from an institutional perspective to adapt and respond to events in a more strategic manner.³²⁰

The second difference related to the organizational location of immigration enforcement and policy. Despite the ongoing functions of IBET teams along the border, and the introduction of the *Immigration and Refugee Protection Act* that served to securitize some aspects of Canada’s immigration processes, if there was a gap between Canada and the US in terms of immigration security, it was an enforcement gap.³²¹ Consequently, the enforcement mandate related to immigration and refugee issues, as provided for under IRPA legislation, was relocated to CBSA (and by extension PSEPC). The aim was to protect against high-risk individuals while “facilitating commercial and individual travel and most importantly, protect the rights of refugees and immigrants.”³²² However, responsibility for immigration and refugee policy and programs writ large remained in Immigration Canada. This differed from the organizational restructuring in the US, where the entire Immigration and Naturalization mandate was transferred from Department of Justice to DHS,

Within a ‘historical institutionalism’ context, this was due primarily to the view that immigration in Canada is not considered a security issue to the same degree as it is in the US, but is viewed instead as part of Canada’s more diverse and ‘welcoming’ culture.³²³ Keeble notes “Immigrants in Canada are embraced in its “multicultural mosaic”, while the United States is a “melting pot.”³²⁴ Even though a Senate report noted in 1999 that Canada’s immigration policies and procedures, associated with existing vetting processes, and in combination with “large volumes of illegal migrants were “ill-suited to the threat environment,”³²⁵ to securitize immigration policy and programming in its entirety was not seen as being politically acceptable and contrary to Canada’s societal values. Prior to the election of 1993, the Conservative Party floated the notion of amalgamating investigative bodies dealing with people coming

³¹⁸ Ridge interview

³¹⁹ Sokolsky “*Northern Exposure*” ,48

³²⁰ Whitaker interview

³²¹ Whitaker in Doern, *More or Less than Meets the Eye?* 53

³²² Tonda McCharles, December 13 2003.

³²³ Author interviews with John Manley, Mel Cappe

³²⁴ Keeble, *Defining Canadian Security*, 14.

³²⁵ Government of Canada, Special Senate Committee, Part 2, (1999),. 7

into Canada and border operations with law enforcement and intelligence agencies in the Solicitor General's department, to create a new 'Ministry of Public Security'. In addition to his aversion to reorganizations, "Given the importance of the immigrant vote to the Liberal Party, PM Chretien labeled this proposal 'cynical and manipulative' and promised not to go ahead with a new super-ministry should he form the next government. Farson notes in this instance, politics got in the way of effective government, and that not continuing with the establishment of a Minister of Public Security for political reasons was "itself cynical and manipulative."³²⁶ Conversely, and despite PM Chretien's views, Dauvergne has suggested that "September 11 did not alter the trajectory of immigration law's crack downs, but it hastened its pace and smoothed its progress."³²⁷

Third, and perhaps most important, the different managerial structures of PSEPC and DHS reflected the distinction within organizational theory between a hierarchical and 'networked' approach. Wise suggests the complexity and highly differentiated nature of transnational terrorism and the more unstable environment it created as a result of the number of potential types of attacks it represents, resulted in the need for greater decentralization of authority and less emphasis on formal structure." He adds "When a crisis is declared and government agencies are found wanting, the call is heard to create a focal point at the highest level to create the needed organizational arrangement and to coordinate federal agencies, The notion of a single point of contact is based on the hierarchical model, and presumes that organizing to meet the new priority of homeland security must begin at the top and be directed downwards. This is not necessarily the immediate priority requirement."³²⁸

While the debate remains as to whether a hierarchical or networked approach results in more timely and better understood decision making, and despite a recognition that greater inter-agency coordination and consultation was necessary, it became clear the GoC believed a more decentralized, networked approach was preferred from a managerial and accountability perspective. It represented a better balance between decentralized action and public accountability. And whether consciously considered or not, a more flexible networked approach recognized that the threat spectrum posed by transnational terrorism necessitated a need not just for one network, but in fact many different networks (e.g. the network involved in a terrorist bombing would not be the same as one to respond to an attack that involved a biological agent).

In addition to traditional security threats, the "Open Society" national security policy of 2004 ultimately identified and included many non-traditional or 'human security' threats within its definition of national security (natural disasters, pandemics, organized crime), that were, as noted above, also considered in the creation of the mandate of DHS. Organizationally, however, the policy did not roll responsibility for mandates and programs associated with the mitigation and response to these threats within a single organization as did DHS. Rather, responsibility for policy and program management was left largely with existing departments or agencies, reflecting more of a 'networked' approach. The DHS with its remit over 22 different agencies, adopted a hierarchical approach.

³²⁶ Farson, "Accountable and Prepared" 61, 66

³²⁷ Dauvergne, *Evaluating Canada's New IRPA Act*, 738

³²⁸ Wise, *Organizing for Homeland Security*, 132, 141

Management of a number of different agencies together with a comprehensive coordination mandate would have been too overwhelming for the capacity of the new Ministry in Canada.³²⁹ While the Deputy Minister of PSEPC and the NSA were charged with providing the capacity for policy / programming integration within the national security community, the *Open Society* policy was fully in tune with traditional institutional relationships inherent in a Westminster-type government. Here, individual Ministers (Health, Environment, PSEPC, Transport and others) remained accountable for the funding, operations, actions and results of their respective departments and agencies, albeit with the framework created by the policy. This was especially evident for those departments charged with responsibility for the non-traditional or ‘human’ issues that were securitized by the *Open Society* policy. As noted by Rob Wright, there was no intent to for PSEPC to have direct oversight of many of the key agencies responsible for issues that were security related. Its role was primarily one of coordination.³³⁰ DM Margaret Bloodworth stated unequivocally “It wasn’t the job of the PS minister to run other agencies that had a security-related mandate.”³³¹

Although it can be argued that coordination among agencies should be institutionalized to some degree, most would also agree that the interagency process does not have to be embodied under a single authority akin to the Department of Homeland Security. The “American super-structure organization has come under fire from critics who charge that it is simply too large to work effectively. It is indeed possible that too much unity and integration can overwhelm a highly centralized system and eliminate independent thinking amongst different component agencies that promotes effective and timely decision making. Governor Ridge noted “The department was a holding company, with existing enterprises, start-ups, mergers, and acquisitions, and this made the integration complex. Plus traditional missions. We had to be right a million times a day as it came to border security, and we had to integrate the capabilities related to border security.”³³²

Thus, while streamlining and coordination process is undoubtedly essential, (i.e. whether line responsibility provided better institutional decision making, and in the absence of line control, where would the policy/program “referee ‘reside?)) it can be argued that executive actions should remain independent and decentralized.³³³ In this vein, Sokolsky suggested “Given the nature of executive governmental power in Canada, the new department –with its minister acting as deputy minister -will likely have a far more powerful coordinating ability vis-à-vis other departments, including national Defence, than the DHS does in the US.³³⁴ Governor Ridge further observed “. Theoretically, the President *could* have made the DHS secretary a member of the NSC (National Security Council). He chose not to. On a day-to-day basis, there was regular contact with the President and I got interaction when I needed it. At the same time, I was worried about the United States, not so much Iraq and Afghanistan.”³³⁵ Quoting one assessment, Sokolsky further notes ‘Far from being greater than the sum of its parts, DHS is a bureaucratic Frankenstein, with clumsily stitched-together limbs and an inadequate misfiring brain. No one says merging 170,000 employees from 22 different agencies should have been

³²⁹ Robert Wright interview

³³⁰ Ibid

³³¹ Bloodworth interview

³³² Ridge interview

³³³ Lannan, *Interagency Coordination Within the National Security Community*, 50

³³⁴ Sokolsky “*Northern Exposure*”, 47

³³⁵ Ridge interview

easy. But even allowing for the inevitable transition problems, DHS has been a disaster: under-funded, undermanned, disorganized, and unforgivably slow-moving.”³³⁶ Whitaker adds “by that point [when PSEPC was being formed], there was more of a hedge against any kind of DHS-type of organization as DHS’s chaotic launch was on everybody’s mind.”³³⁷ Along these same lines, NSA Rob Wright, observed more succinctly, “Nobody wanted to duplicate the DHS. It was a disaster.”³³⁸

Three other ‘case in point’ examples highlighting organizational and mandate differences between Canada and the US are provided. First, as noted above, the rationale behind the primary mission of ITAC – better interagency coordination and dissemination of assessments – resembles at least the initial primary mission of the NCTC, and that the fusion of a number of government agencies in support of this mandate certainly reflects some consistency between the two. But that is where the similarity ends. The original mandate of NCTC was expanded considerably in 2004, most specifically in its role to contribute to both strategic and operational CT planning domestically, but with an increasing focus on US CT efforts abroad. The NCTC became more engaged, under statutory mandate, in both the operational and corporate management side of the US’ broader GWOT strategy. The role of ITAC in Canada’s broader CT strategy, was much more constrained.

The 9/11 Commission Report recommended the establishment of a National Counterterrorism Centre that would “serve as a centre for joint operational planning and joint intelligence.”³³⁹ So in addition to its ITAC-like mandate, it also assumed responsibility for the planning of “discrete counterterrorism tasks” (i.e. specific operations) to be carried out by designated agencies”³⁴⁰, though not actually engaged in conducting actual operations. These tasks meant that the NCTC’s mandate and its related organization went considerably beyond what was envisaged, and ultimately developed, for ITAC’s structure and mandate. The mandate of the NCTC included:

- Providing recommendations on the alignment of CT resources against established budgets, and the identification of knowledge gaps and resource constraints;
- Serving as the centre of excellence within the intelligence community on a number of CT-related issues, including radicalization and counter-messaging, CBRN threats posed by terrorist organizations, and the nature of threats to the US homeland posed by specific terrorist groups ;
- Providing analytical training to CT analysts, and assessing the performance of the CT analytical workforce;
- Housing centralized databases on international terrorist identities to support US federal, local and international partner watch-lists.

³³⁶ Sokolsky – “*Northern Exposure*, 37

³³⁷ Whitaker interview

³³⁸ Rob Wright interview

³³⁹ 9/11 Report, 403.

³⁴⁰ Richard Best , “The National Counter-Terrorism Centre (NCTC)-Responsibilities and potential Congressional Concerns”, (Washington, CRS Report for Congress, Congressional Research Service, December 2011),. 6

On this basis, it is suggested the NCTC's mandate and its related internal organization, went considerably beyond what was envisaged, and ultimately developed, for ITAC's structure and mandate.

Second, in response to underlying concerns regarding the sharing and coordination of intelligence, the 9/11 Commission Report recommended that interagency coordination no longer fall to the Director of the Central Intelligence Agency (DCI) but to a newly created Director of National Intelligence (DNI). Its role would be to "oversee national intelligence centres on specific subjects of interest across the US government and to manage the national intelligence program and oversee the agencies that contribute to it."³⁴¹ Under the *National Security Intelligence Reform Act of 2004*, the DNI position was formally created. While the DNI had managerial oversight of civilian agencies under the National Intelligence Program (NIP) budget, those intelligence organizations with remits under the Secretary of Defence, with their substantively larger budgets, (roughly 75-80 percent of the intelligence budget³⁴²) remained within the Department of Defence (DoD). The DNI was also to "manage and direct the tasking of, collection and analysis production and dissemination of national intelligence by approving requirements and resolving conflicts."³⁴³ With access to intelligence from all sources, the DNI was tasked with ensuring that all intelligence across the foreign-domestic divide was disseminated within the entire intelligence community.

Issues related to the DNI's budgetary role highlight the fact the Canadian NSA does not have any budgetary responsibility for the agencies with a security mandate. The NSA's role is focused on coordination and consultation, with no line responsibilities for the agencies with which it engages on a day-to-day basis.

Third, in the US government, the NSA is the person who conveys and coordinates the advice coming to the President from throughout the government offering his/her own synthesis and analysis and then conveying to the bureaucracy the intent of the President. The NSA also serves as a kind of "clerk" for the National Security Council, an institution which Canada does not have and did not create after 9/11. In addition, the NSA, depending on the preference of the President, may also serve as the President's chief spokes-person on foreign and defence policy with regard to Congress and foreign governments, sometimes to the detriment of Cabinet Secretaries-the all-encompassing Kissinger "gold-standard" model. To fulfill these functions, the US NSA presides over a large staff which mirrors and overlaps with the functions of other parts of the vast American national security establishment. The Canadian NSA operates more like what the original intent of the US position called for: a person who works quietly behind the scenes and out of the public eye and who has "a passion for anonymity." One must also note that the creation of the US DNI did not change the position of the USA NSA. In this sense, the Canadian NSA was less like the American NSA and more like the American DNI in terms of its policy coordination role.

³⁴¹ 9/11 report, pg. 411

³⁴² Mark Lowenthal, *Intelligence- From Secrets to Policy (7th ed)*, (Los Angeles, CQ Press, 2017), 467

³⁴³ *Intelligence Reform and Terrorism Prevention Act of 2004*, 11 <https://www.gpo.gov/fdsys/pkg/PLAW-108publ458/pdf/PLAW-108publ458.pdf>

Finally, interviews with both American and Canadian senior officials noted that, to the best of their recollection, no discussions took place between Canadian and American regarding the GoC structuring its national security agencies to resemble US counterparts.³⁴⁴

The two previous sections have argued that both Canada and the US were obliged to respond in a generally similar fashion to the unfamiliar threat posed by transnational terrorism, especially at the domestic level. Both were obliged to create domestic counter-terrorism strategies that were based on prevention, not just response. Both governments took the opportunity to have their lead domestic agencies expand the concept of national security to provide for prevention, response and recovery elements, and to include non-traditional events such as natural disasters, pandemics and environmental security within their purview. Both saw the need for greater cooperation and coordination with other levels of government, first responders and the private sector as being key to national security strategies. So in the broadest of terms, the reorganizations that occurred within the respective countries were undertaken in response to similar drivers.

Yet there were also enough significant differences to argue that Canadian initiatives did not mimic parallel US efforts. For one, the mandates, responsibilities and remits of the newly created NCTC and DNI went far beyond those of their Canadian counterparts. Second, the DHS assumed direct managerial responsibility for twenty-two existing agencies and departments. Management of security-related mandates within most individual departments in the GoC remained the responsibility of the respective individual ministers. The DHS assumed a hierarchical approach to its organization. Canada's domestic strategy was based on a more networked approach. Third, the DHS did not have the same internal capacity regarding the generation and analysis of intelligence as was the case with PSEPC, which also housed the federal law enforcement and national security agencies. They remained outside the remit of DHS. Fourth, While PSEPC did include a mandate for enforcement of immigration and refugee policies and statutes, policy and program functions remained within Immigration Canada. Finally, there is no recollection by key officials that there were any bi-lateral discussions regarding the need for the GoC to structure its organizations strictly in line with their American counterparts. Consequently, other than at the very broadest of levels, the details provide sufficient evidence that Canada did not mimic US organizational initiatives.

Intelligence and Information Sharing within the GoC

The other common perception related to the reorganizations that took place within the GoC was that they were undertaken to break down organizational stove-pipes that prevented the exchange of intelligence or information between national security agencies, on a timely basis if at all. This was identified as being one of the key causes of the "intelligence failure" that characterized the events of 9/11, as highlighted by the 9/11 Commission report. Did a similar need-to-know, stove-piped culture between security agencies actually exist in Canada?

A March 2004 Auditor General Report suggests "The importance of intelligence in the fight against terrorism cannot be overstated. Coordinating the efforts of the agencies involved is acknowledged as

³⁴⁴ Ridge, Bloodworth interviews.

critical to their overall effectiveness”.³⁴⁵ This view was reinforced in the 9/11 Commission report which stated “The importance of integrated, all source analysis cannot be overstated. Without it, it is not possible to ‘connect the dots’. No component holds all the relevant information.”³⁴⁶ At the risk of overkill, the *Open Society* policy stated “Intelligence is the foundation of our ability to take effective measures to provide for the security of Canada and Canadians. The best decisions....cannot be made unless decision makers are as informed as possible.”³⁴⁷ These views reflected a recognition that intelligence could no longer be applied from what was previously considered a ‘reactive’ perspective, but was instead a key element of CT strategies that were more aggressive, proactive and pre-emptive in their posture.

‘Intelligence’ is typically undertaken in support of four distinct areas, and in support of the strategic / policy, operational and tactical spectrums of each: national security, military, foreign and criminal arenas. Intelligence for the purposes of national security is typically applied to ascertain threats and risks to a nation (public safety), both domestic and originating abroad, either in terms of considering long-term trends for strategic purposes, or in the investigation of specific threats posed by individuals or groups. Military intelligence also looks at long term threat trends, but also the capacity, and the intent when possible, of conventional (state) or non-conventional/asymmetric (non-state) threats, and support for specific operations or tactics. Foreign intelligence examines the political and economic/ trade information of other countries in support of broader government policy in these areas, and criminal intelligence is self-explanatory, and as with other sources of intelligence, is undertaken to examine both long-term trends and specific investigations. As defined within the ‘intelligence circle’ (now updated to the ‘intelligence process’ in recognition the flow of intelligence /information is not necessarily one way), intelligence is refined to ‘information’ through subsequent analysis (i.e. ‘information’ = ‘assessed intelligence’). Information is then dispersed to policy/strategic or operational/tactical clients as a matter of course or as necessary in response to specific events.

Regardless of the agency involved, the collection, analysis and dissemination of intelligence and information faces a number of relationship challenges, some of which have already been touched on. These include

- The sharing of information between different levels of government and the private sector;
- The ability to share information at the international level;
- The use of intelligence between law enforcement and intelligence agencies;
- The veracity and utility of classified versus open sources;
- Collection and analysis capacities; and
- The production of intelligence/ information and the degree it is used by consumers

This study examines the application of intelligence in support of national security, specifically its role in broader GoC counter terrorism strategies, and how 9/11 resulted in a change in focus and priority within

³⁴⁵ March 2004 AG report on Anti-Terrorism initiative, 14

³⁴⁶ 9/11 Commission report, 408

³⁴⁷ *Open Society* policy, 15

national security agencies. Within the US, much of the basis for charges of an intelligence failure in the context of 9/11 stems from challenges associated with the exchange of information between national security and law enforcement agencies at the time, or those with domestic versus global remits. Much of the focus of the criticisms directed towards US intelligence agencies in the 9/11 Commission Report was not directed at individuals or the leadership of these same agencies where ultimate accountability would normally lie, but rather ended up blaming structural organizational flaws inherent within respective agencies as the main cause of their inability to protect the homeland.

In assessing the impact of 9/11 on the approach to intelligence within the GoC, the ongoing 'cultural' challenge between intelligence agencies (intelligence collected for national security purposes), and law enforcement (intelligence collected for criminal, evidentiary purposes) remains. Here it is important to note that certain activities undertaken by terrorist groups or individuals were criminalized under the auspices of the *Anti-Terrorism Act 2001* and the *Criminal Code*. The exercise of collecting intelligence suggests that information is obtained from non-conventional sources, using human or technological means, and to be useful for practical application, typically requires authentication or veracity from a number of different sources for it to become 'actionable intelligence'. The fact that information is collected clandestinely often adds credibility to the information that is obtained, although this should not be taken as a given. History is replete with examples where single source intelligence was acted upon erroneously. Conversely, in this day and age, it is estimated that no less than 80 percent of intelligence estimates are either based on, or verified by, open source information.

For the purposes of national security within Canada, and counterterrorism specifically, 9/11 and transnational terrorism had significant impact on the role of intelligence. The shift to a CT policy and strategy that was grounded in 'prevention' rather than 'response' meant that intelligence was to play a significantly enhanced role within the new approach. In addition to having to work within a more ambiguous, complex and multi-sourced threat environment, intelligence agencies were tasked with identifying 'what could happen' as opposed to 'what just happened'. As emphasized in this study, this was a paradigm shift particularly for the RCMP, as its traditional operational culture was criminal/'after the fact' responses, as opposed to one now demanding both prevention and prediction. There was not as much of a paradigm shift for other agencies such as CSIS or CSE.

Furthermore, transnational terrorism also resulted in a shift in intelligence collection priorities between the 'intent' and 'capacity' of threat sources. During the Cold War, intelligence was largely successful in determining the capacity of Warsaw Pact countries to wage war (the number of aircraft, tanks, ships, the location of ground-based units, etc.). The intent to use these assets was the big unknown at any given time. The threat posed by transnational terrorism is just the reverse. The intention to attack is clearly and openly discussed in the respective manifestos and on-line rantings of terrorist groups. The capacity to act on these intents on the part of groups or individuals is the question at hand. And while the threat/intent of attack may be hyped or overstated – either by the terrorist groups themselves or by national security agencies- there is no way to be completely sure that the threat is indeed overstated or that a terrorist attack will fail. You can be attacked anywhere, by anyone, operating from anywhere.³⁴⁸

³⁴⁸ In the United States, in the aftermath of 9/11, with the, there was a frenetic proliferation of home land security measures at the national, state and local level based upon what some scholars criticized as being driven by an

The intelligence communities of different countries were obliged to adjust their cultures to one that was based on 'a need to share' between different agencies, to support the need for a more holistic intelligence picture that was necessitated by transnational terrorism, and one that involved input and cooperation from all different levels of government and international partners. This was necessary to support a greater demand to share intelligence between agencies, but also raised issues of database interoperability (i.e. the ability of different agencies to 'talk' to each other on common, secure networks).

The GoC's CT strategy demanded that a greater number of policy centres be brought into the intelligence-sharing loop, with a corresponding variety of intelligence requirements. From a client-based perspective for policy making purposes, what would be the intelligence collection priorities of the GoC at any given time, how would this be determined, who would take the lead, and would these priorities be adequately resourced? Did the nature of transnational terrorism, and its network structure, suggest there were organizational or mandate changes required to reflect the graying between externally and domestically generated threats? Historically, CSIS and the RCMP identified domestic-based national security collection priorities, while Foreign Affairs and DND took the lead on prioritizing foreign intelligence collection requirements abroad. CSE contributed to collection efforts for both.

Intelligence failures arise less because of an ability to discern threats, than to properly synthesize and analyse collected information, produce accurate assessments, and ensure the dissemination of intelligence product to those who need to know. Compartmentalization, inadequate coordination and turf battles all mitigate against effective utilization of intelligence.³⁴⁹ In the periods before and after June 23, 1985, there were problems in the relationship between CSIS and the RCMP regarding domestic security that detrimentally affected the surveillance of terrorist suspects and the sharing of information. These came to light particularly in the course of the investigation of the Air India bombings. In this case, the investigation and prosecutions pointed to the difficulty of establishing a reliable and workable relationship between security intelligence and evidence that can be used in a criminal trial. CSIS, unlike the former Security and Intelligence Division of the RCMP, is not mandated to gather evidence to support criminal prosecutions. Rather it is to gather information for threat and risk assessments, that may require the use of sources or operational techniques that are sensitive to, and with the risk exposure, in the course of criminal court proceedings.

This intelligence collection /evidence/enforcement conundrum is not unique to Canada, and it remains an issue of contention that requires constant management and oversight to this day. The 9/11 Commission Report is full of examples of the difficulties posed to effective counter-terrorist strategies by the persistence of "stovepipes and firewalls" between police and security officials. Agencies were notoriously reluctant to share information, and were not able to co-operate sufficiently to disrupt threats to national security. For example, Justice Department guidelines prevented the FBI from communicating what they had found related to the 1993 World Trade Centre bombings or the 1998 Embassy attacks to anyone else

unrealistic fear of "you-never-knowism". (Benjamin H. Friedman and Harvey M. Sapolsky, "You Never Know(ism)", *Breakthroughs* 15 (Spring 2006). The argument was that citizens were more likely to be killed falling off a ladder than dying in a terrorist attack. While this may be statistically true, the death of citizens in a domestic accident does not carry any political significance nor impact and demands for better security, and this makes all the difference.

³⁴⁹ Rudner, *International Terrorism Dimensions of a Security Challenge*, 11-12

in the government. Treating terrorism as a law-enforcement matter activated these guidelines, whose purpose was to insulate the criminal process from political influence in ordinary prosecutions.³⁵⁰

The issues to be considered in support of this study are first, whether anything was seriously wrong in the institutional relationship between CSIS and the RCMP in the period immediately preceding 9/11 that would have impacted on the ability to share intelligence and information as was the case in the US. Second, whether those issues have been correctly identified by both agencies as well as the government, and whether relationships today between all agencies with a national security mandate are based on a framework that stresses that co-operation and consultation are the order of the day. A third, equally important consideration remains the intelligence-evidence debate. If an agency believes that its mission does not include law enforcement, it should hardly be surprising that its agents do not believe they are in the business of collecting evidence for use in a trial. But this misses the point that in an age where terrorism and its ancillary activities are clearly crimes, even the surveillance of potentially violent behaviour may ultimately result in the application of law enforcement/ evidentiary tools to counter the threat. Similarly, police officers are inevitably implicated in the collection of information and intelligence that relate to the commission of a violent crime in the furtherance of a terrorist objective.

One of the salient questions of this study is whether there were challenges associated with information or intelligence sharing between respective GoC national security and law enforcement agencies in the pre-9/11 environment, that were exposed as a result of the 9/11 attacks, and that suggested the need for an organizational fix. Such was the case in the US, as articulated in the 9/11 Commission Report, which ultimately provided the rationale for the creation of the Department of Homeland Security, the Director of National Intelligence, the National Counter Terrorism Centre, and assorted FBI –led fusion centres located across the US. By extension, if there were issues from a Canadian perspective, was any subsequent reorganization undertaken to address the issue of intelligence and information sharing, perhaps mimicking US initiatives?

Questions related to the pre-9/11 levels of cooperation and for some form of organizational response to the attacks within the GoC should not, however, be limited (or confused) with whether they were required strictly to mimic US efforts. Rather, the need for reorganization from an information sharing perspective needs to be considered from the context of whether a number of additional policy centres were now a part of the GoC's broader CT strategy, and were therefore required to become part of the GoC's intelligence community. This was a result of the nature of the threats and risks posed by transnational terrorism. This is an important distinction.

There are varying "official" views regarding the state of how intelligence was managed within the GoC;s national security framework in the pre and post 9/11 environments. References to challenges in this context are quick to point out the outcomes of the various post-mortems associated with the Air India disaster of 1985, and how there was sufficient evidence of institutional stove-piping when it came to the sharing and treatment of intelligence and information between CSIS and the RCMP. Some of this was due to CSIS finding its operational 'legs', having only been created one year previously. Most of the

³⁵⁰ Bobbitt, *Terror and Consent*, 138

challenges, however, can be traced to the age-old cultural divide between law-enforcement and intelligence agencies regarding the collection of information for either intelligence or evidentiary purposes, and the protection of clandestine sources in the course of judicial proceedings. By the time the 9/11 attack occurred, it appeared that many of the initial growing pains between the RCMP and CSIS as it pertained to information sharing had been addressed, though not totally resolved. As the 1999 Senate Report concluded, “Coordination and cooperation between the Royal Canadian Mounted Police and the Canadian Security Intelligence Service appear to have been substantially improved” through the establishment of MoUs on the sharing of intelligence [They] openly share threat assessments on events and visits”³⁵¹, and both agencies were and remain key participants in intelligence fusion centres such as ITAC, and the INSET teams.

Nevertheless, perceived challenges with information and intelligence sharing remained. Cognizant of the criticisms contained in the 9/11 Commission in the way US security agencies cooperated in the pre-9/11 environment, the new Minister of PSEPC, Anne McLellan, on the occasion of the release of the *Open Society* suggested this “was a weakness that has also plagued Canadian agencies” and that funding that accompanied the release of the policy would “go a long way toward fixing the cooperation problem.”³⁵² This view was also shared by members of the Canada’s academic community.³⁵³ Evidence also came from the Auditor General’s report of March 2004 which examined, in part, the GoC’s initial policy and program responses to the 9/11 attacks, which it termed the Public Security and Anti-Terrorism initiative (PSAT). The report, on the surface, was quite clear in its assessment, when it stated “We also found deficiencies in the way intelligence is managed across the government.” On further examination however, the AG’s comments regarding the management of intelligence stem not so much from challenges associated with the flow of information between respective agencies, or the willingness to share information, but more to its concerns that \$7.7 billion in security funding was not based on any sort of formal, government-wide post 9/11 ‘hot-wash’ that could have identified where key policy or programming gaps existed. Instead, funding was used to implement initiatives within individual departments and agencies that were largely already ‘on the shelf’ prior to the 9/11 attacks but that were nevertheless consistent with the objectives of the PSAT initiative. Observed the AG, “Much of the funding was allocated not to establish new programs, but to increase the capacity of existing programs.”

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Furthermore, the AG focused on how the respective bureaucratic committees functioned in terms of the quality and utility of the recommendations related to national security that were forwarded to Cabinet for consideration. The 2004 report noted that while five high-level GoC committees were in place at the bureaucratic level to coordinate the activities of the intelligence community, proposed recommendations for Cabinet consideration on way forward activities were only submitted for consideration where there was a consensus. “When agencies could not reach consensus or discussions dragged on too long, they needed direction from an executive authority.”³⁵⁵ Again, this would suggest that the flow of information between agencies was not the issue. Rather, it was whether the process for recommending policy or

³⁵¹ Senate report 1999 Chpt. 4

³⁵² Jeff, Sallot “*Ottawa Unveils Security Plan to Beef Up Security*”, April 28 2004, *Globe and Mail*

³⁵³ Rudner, *Challenge and Response*, 18

³⁵⁴ 2004 AG report, 13

³⁵⁵ *Ibid*, 14

programming direction, albeit presumably based on intelligence collected, and the nexus between officials and ‘executive authority’, was working as effectively as it could have been.

In addition, the AG report paid significant attention to the challenges imposed on the sharing of information by the lack of interoperable secure communication or database systems between departments or agencies, to the point where the exchange of intelligence and information was being impeded not by an unwillingness to do so, but by a lack of technical capacity. The need for an interoperable GoC-wide classified information system was recommended in a number of reports, and remains an issue to this day. The 2004 AG report suggested the absence of a resolution of the interoperability issue was due to a “lack of central direction.”³⁵⁶ As noted in the *Open Society* policy, “This is a complex project that requires the integration of many different information systems.”³⁵⁷

Finally, examples have been cited where agencies reported legal barriers to information sharing, primarily as a result of privacy legislation that limited the ability of agencies to share information between them. Lerhe has identified a number of specific examples of where the ability to share information between agencies was prohibited due to concerns related to privacy legislation. He suggests, however, that individual agencies may be incorrectly interpreting existing legislation (either due to a lack of diligence or possibly for convenience), as privacy legislation does in fact provide for the sharing of information where issues of national or individual security are involved. He quotes from a report of the Bi-National Planning Group which stated “Although national laws and policies permit the sharing of information, this direction is not routinely being followed at the mid-management and analyst levels.”³⁵⁸ In each of these cases, it would appear the inability to share information or intelligence was not driven by turf wars or a ‘need to know’ culture between agencies as was the case in the US, but by other extraneous reasons – technology, legal, or in the case of dissemination to decision makers, a lack of consensus on national security policy or program recommendations, albeit based on intelligence and information generated within respective agencies.

One legitimate area of concern related to the flow of information and intelligence regarded the ability to share classified information with GoC agencies or, more importantly, other levels of government or the private sector, that were not cleared to receive classified information, such as local police forces or critical infrastructure providers, particularly if it was produced by international partners. This was inconsistent with the view reflected in the *Open Society* policy that first responders and local agencies were a key element of the national CT strategy. As noted previously, this challenge was mitigated to some degree through the creation of ITAC and the INSET teams. ITAC membership provided for the inclusion of key non-federal law enforcement agencies, and for the production of intelligence assessments that represented a balance between the obligation to protect sources and partner intelligence, with the need to provide tactically relevant assessments to all levels of government. The INSET concept provided for the inter-agency sharing of front-line, timely tactical intelligence in support of specific investigations or incidents. Still, as one becomes more removed from those agencies tasked with intelligence collection and analyses, information and intelligence can still be somewhat ‘opaque’ and therefore limited in its utility.

³⁵⁶ Ibid, 20

³⁵⁷ *Open Society* policy, 11

³⁵⁸ E. Lerhe, “Connecting the Dots and the Canadian Counter-Terrorism Effort-Steady Progress or Technical, Bureaucratic, Legal and Political Failure? For *Canadian Defence and Foreign Affairs Institute* (Calgary, March 2009), 4, 9-10

As concluded by the Senate report released two years prior to the events of 9/11,

There is nothing to suggest that the security intelligence community has missed or misapprehended any threats. Furthermore, there is near absolute consistency in the threat assessments made by the Canadian Security Intelligence Service and threat assessments made by provincial authorities and local police forces consulted by the committee. Finally, there is a consistency in the Canadian Security Intelligence Service's international threat assessments with those of the United States, the United Kingdom, and private and academic experts in the field of terrorism. Accordingly, there is no evidence to suggest that deficiencies exist in Canada's threat assessment capability vis-vis terrorism.³⁵⁹

This opinion of the Committee was based on the fact that Canada had not been a major target for terrorists attacks over the past decade, and interviews with partner agencies in the course of the Committee's investigations for their report."³⁶⁰ A similar Senate report from even two years earlier noted the "Security intelligence apparatus has adjusted to the post-Cold War order. Organizations with our security intelligence apparatus are coordinating their activities and that turf battles identified in 1987 have been resolved, managing to stay ahead of the security threats that face us."³⁶¹

Despite the views within a number of communities suggesting there were challenges associate with information sharing between Canadian agencies, those who were actually engaged in the day-to-day response to 9/11 did not share this assessment. The CSIS director at the time of the attacks, Ward Elcock, stated there was no issue in terms of information sharing from a 'stove-piping' perspective as it related to management of the terrorism threat domestically, other than the intelligence to evidence issue which remains to this day. There was nothing that would suggest there was a need for a comprehensive re-organizational fix to facilitate the flow of information, as there were no issues from an intelligence sharing perspective, at least between federal law enforcement and national security agencies in place prior to 9/11. Nor was there the need for a *Patriot Act* equivalent required to remove some of the institutional constraints to information sharing that were present in the US. (although privacy constraints were identified in subsequent reports).³⁶² Elcock suggested the CIA was more concerned about the capacity of the FBI to deal with its new CT mandate, more so than concerns about the RCMP's ability to do so under similar changes in mandate in Canada. (Indeed, one source interviewed for this study implied US national security agencies would engage with Canadian counterparts to find out what their respective US colleagues were up to!). Conversely, the Arar affair was arguably a result of the RCMP being *too* willing to share information with a US partner, a result more of inexperience and growing pains associated with assuming CT / preventative strategies, rather than a reluctance to share information.

This view was supported by then Coordinator of Intelligence and Security within PCO at the time, Mr. Richard Fadden. He quite correctly suggested the community of Canadian security agencies was much

³⁵⁹ 1999 Senate report Chpt III

³⁶⁰ 1999 Senate report Chpt. III

³⁶¹ Chair of Senate Committee (October 22, 1997)

³⁶² Though not generated for the same reasons as the *Patriot Act*, the *Public Safety Act* (2004) *did* provide for enhanced information sharing between departments, largely as a result of the new security mandates of specific departments. Part 5 of the Act amended the *Department of Citizenship and Immigration Act* to permit the sharing of information with other GoC departments and foreign partners.. Part 11 allows for the collection and disclosure of information under *IRPA*. Part 17 augments GoC databases and agencies that can be consulted in relation to terrorist financing.

smaller than the US intelligence community, which provided for greater inter-agency cooperation and consultation, both formally and informally. “If challenges were encountered, we simply picked up the phone.” More to the point, both the federal law enforcement and main intelligence gathering agency were already co-located within the same Ministry (Solicitor –General) prior to 9/11. Although the intelligence community is relatively small, this allows for, and indeed encourages, an inherent cohesion that is impossible in a larger security and intelligence communities. “This is fostered through both the formal interdepartmental structure referenced previously, and also through a “complex of interpersonal and professional relationships and communication links.”³⁶³ Even at the senior Cabinet level, the sharing of information was not seen as an issue. Minister Manley noted “I don’t think that I ever heard there was an issue regarding stove-piping as there was in the US. It never emerged. There wasn’t a problem that one hand didn’t know what the other was doing. Nor was there an external-domestic split. We were already collecting abroad.”³⁶⁴ Furthermore, the then-recent experience associated with mitigating a possible Millennium IT melt-down had served to strengthen inter-agency consultations and fora in the years immediately prior to 9/11.³⁶⁵ The work related to Y2K was not discounted. It was the most relevant and recent whole-of-government exercise that could apply to the 9/11 situation, particularly as it related to key infrastructure.

Mr. Elcock also noted there was not a need for a comprehensive ‘hot-wash’ in the post-9/11 environment as was suggested by the Auditor General’s report of March 2004, at least from an operational perspective. “We had a good handle on the terrorism threat in Canada with the information we had on hand (whether decision makers chose to acknowledge it or not) to the degree that we ascertained pretty quickly there was no direct connections between Canada and events of 9/11.”³⁶⁶ This was supported by John Manley, who was heading up the GoC’s response to the events of 9/11. “There was no hot wash or threat/risk analysis. There wasn’t any time to undertake detailed analysis things needed to get things done, Look how long it took for the 9/11 report to come out (2004).”³⁶⁷ Finally, there was nothing to suggest there were any challenges associated with a willingness to share information with US partner agencies.³⁶⁸

Thus it is evident that the major organizational impacts on intelligence collection and the need for enhanced consultation and cooperation did not arise as a result of the need to remedy challenges that existed prior to 9/11 related to the willingness to share information as was the case in the US. Rather they were in response to the GoC’s more holistic response to the threat posed by transnational terrorism. With CT strategies, policies and programs that were now based on prevention (as opposed to merely ‘response’), and the collection and analysis of intelligence for both high level decision making and specific investigations became paramount. In parallel, with an increase in the number of GoC departments and agencies that now had a national security mandate as a result of 9/11, there was a need to integrate all-source intelligence collected and to engage in analysis that considered input from a variety of sources. As Bobbitt points out, “The most remarkable feature of a preventative CT strategy is that the anticipatory, precautionary attention to possible futures, relies heavily on intelligence and analysis. Rarely before have governments had to rely so heavily on speculation about the future because a failure to act in time could

³⁶³ Senate report 1999, Chapter IV

³⁶⁴ Manley interview

³⁶⁵ Fadden interview

³⁶⁶ Elcock interview.

³⁶⁷ Manley interview

³⁶⁸ Ridge, Sands and Bloodworth interviews.

have irrevocable consequences. This will bring the role of estimative intelligence into new areas of controversy as policy becomes more dependent on intelligence estimates and the requirement the public be informed becomes more exacting.”³⁶⁹ The 2004 *Open Society* policy stated “Intelligence is the foundation of our ability to take effective measures to provide for the security of Canada and Canadians. To manage risk effectively, we need the best possible information about threats and about the intentions, capabilities and activities of those who would do us harm. The best decisions regarding the scope and design of assets cannot be made unless decision-makers are as informed as possible.”³⁷⁰ If this was indeed the case it was a significant shift in the security culture of the GoC. This articulation of the role of intelligence served as recognition that “a long history of peripheral Canadian intelligence operations had come to an end.”³⁷¹ Beyond counter-terrorism initiatives, the securitization of non-traditional security issues as an outcome of the *Open Society* policy expanded the requirement for actionable intelligence and analysis in a number of areas that fell outside traditional concepts of security.

While GoC legislative and funding initiatives in response to the events of 9/11 provided for enhanced collection capacities by a number of departments and agencies, two parallel issues related to analysis warrant further consideration. One challenge that confronts any agency with a national security mandate is the potential for imbalance between the capacity for collection and analysis. Typically there are considerably fewer resources dedicated to the latter than the former, resulting in analysts facing fire-hose volumes of incoming intelligence requiring their attention. This results in the search for the proverbial ‘needle in the haystack’ ‘golden nugget’ or ‘treasure’ on the part of analysts, who are faced with trying to separate ‘noise’ from verifiable, actionable information on an ongoing basis. This situation is supported by the observation by Lannan that within organizations of similar objectives, “ad hoc relationships do develop at the tactical level that eventually allow for mutual understanding of agency tactics, techniques and procedures”. But he goes on to note that cooperation at the tactical level does not necessarily translate to ensure the cooperation necessary at the analytical level that is required for optimum construct of actionable intelligence in kind.³⁷²

In addition, and certainly in the case of those agencies charged with intelligence collection in Canada, there is very limited effort in looking at strategic trends that would benefit the prioritization of national security efforts and resources. More often than not, consumers are seeking information as to ‘what just happened’ or ‘what’s happening’, as opposed to ‘what could happen’?³⁷³ Efforts related to prediction are most likely assigned to prevailing issues as opposed to strategic horizon scanning. There are a number of possible reasons why this is so. First, predicting the future is nebulous at best, and definitely an art, not a science. The number of factors that dictate where a particular issue is headed can be many, as could be the outcome of analysis by different agencies on the same issue. Gleaning any sort of meaning from information on hand is time consuming. The time or resources required for in-depth trend analysis is something that most Canadian agencies don’t have. Second, most consumers of intelligence (such as senior bureaucrats or elected officials) are largely focused on the ‘here and now’, not necessarily what

³⁶⁹ Bobbitt, *Terror and Consent*, 207-291

³⁷⁰ *Open Society* policy, 15

³⁷¹ Wark, “*Lessons Learned*”, 88

³⁷² T. Lannan, “Interagency Coordination Within the National Security Community: Improving the Response to Terrorism”, in *Canadian Military Journal*, (Autumn 2004), 50

³⁷³ As Yogi Berra observed, “It’s tough to make predictions, especially about the future.” https://www.goodreads.com/author/quotes/79014.Yogi_Berra

could happen ten, five or even two years hence. Third, what would be an acceptable level of success when it came to predicting future trends? 7/10? 4/10? The credibility of agencies (and careers!) would certainly be on the line. Nevertheless, it would seem somewhat intuitive that some strategic / long-term trend analysis should be undertaken in support of broader 'predictive/preventative' CT strategies. As noted by Bobbitt, "90% of analysis concentrates on how best to understand what just happened. The analytic profession has never devoted as much attention nor has it developed much technique to address the future. It is often said the job of the analyst is to explain, not predict."³⁷⁴

In conclusion, the organizational changes to the GoC's intelligence and national security communities were not driven by the need to largely address stove-piping issues as was the case in the US. Instead, they were required to address the fact that intelligence collection and analysis assumed significantly greater importance as part of the GoC's broader preventative CT strategy. Traditional Canadian cultural aversions to intelligence, something that did not exist in the US, had to be overcome. Furthermore, the increase in the number of departments and agencies with a national security mandate demanded consultation and coordination of collection and analytical efforts, as well as with other levels of government and the private sector. ITAC, the MSOCs, INSET teams, the mandate of the NSA, and broadly speaking the *raison d'être* of PSEPC, were created for this purpose.

One intelligence sharing challenge that continues to this day pertains to the interoperability of security and intelligence information systems between departments and agencies. This was identified in the Auditor General's March 2004 report (and confirmed by senior-level decision makers as part of this study), which stated "the government as a whole failed to achieve improvements in the ability of security information systems to communicate with each other."³⁷⁵ In that sense, there was, and remains, a degree of IT "stove-piping" between agencies. Nevertheless, this was not seen as a lack of willingness to share information on the part of different agencies, nor was this considered an organizational issue, but one of function and program management. The challenge of protecting intelligence sources and converting 'intelligence' to meet evidentiary thresholds for the purposes of the prosecution of terrorism charges by law enforcement agencies also remains a challenge to this day. The 'goalposts' related to this issue are ever changing, based on periodic legal decisions that impact on the day-to-day conduct of national security operations.

Better Positioned to Respond

To what extent can the theory behind historical institutionalism be reconciled with the sub-theory of punctuated equilibrium that suggested significant organizational change was prompted by external events? If the GoC was institutionally better positioned to respond to the raft of issues generated by the attacks (US security concerns, economic interests, public safety, sovereignty issues), why was there a need for a comprehensive reorganization of the national security infrastructure? The response is that established institutions and norms provided the machinery means and 'cultural' parameters in which policy and organizational responses under punctuated equilibrium were generated. At the same time, it is possible to undertake a comparison with the US security infrastructure to determine whether Canada was in fact better positioned institutionally to respond to the 9/11 attacks. This section focuses on the role that

³⁷⁴ .Bobbitt , *Terror and Consent*, 328

³⁷⁵ March 2004 AG report

historical institutionalism played in establishing the ‘lefts and rights’ of the GoC’s political and bureaucratic machinery and cultural norms, that provided the overarching institutional framework that governed how the GoC conducted its organizational response to the threat posed by transnational terrorism.

Even though the presence of transnational terrorist groups in Canada was publicly acknowledged by security and intelligence agencies prior to 9/11,³⁷⁶ “Parliament, and the public, did not consider counter-terrorism to be a high priority, and therefore it lacked a political constituency. As a consequence, Canada’s organizational, legal and policy instruments had not always been adequate or appropriate to the task of counter-terrorism and may not have kept pace with the changing character of international terrorism.”³⁷⁷ Yet whether by happenstance, the inherent structure of the Westminster and parliamentary systems, previous planning in response to related events (e.g. the potential millennial IT meltdown) or rational thought, Canada was well positioned institutionally to respond to the events of 9/11, and possibly better than US counterparts. As noted by Charters “Canada has responded firmly, even harshly, to major campaigns of domestic terrorism, using both legal and extra-legal measures. This is consistent with its historical experience of dealing with other threats to internal security, and it is an approach that has usually received public support.”³⁷⁸

‘War Cabinets’ in WW I and II, and the Cabinet Committee on Security and Intelligence during the FLQ crisis, were created in response to specific events, were very centralized, comprised a limited number of key individuals, and temporarily assumed the lead in decision-making roles. Their actions were undertaken within accepted parliamentary institutions and practices, and in replacement of normal day-to-day government machinery systems, but there wasn’t a corresponding, comprehensive reorganization within the GoC that occurred in parallel as was the case after 9/11. As noted by Malloy, “As in other Westminster-type systems, the federal executive in Canada enjoys wide discretion to decide rules and regulations without specific legislative approval.”³⁷⁹

The importance of Canada’s Westminster structure of government (Cabinet as the executive function and the responsibilities of ministers), its related political/ bureaucratic ‘machinery’, a recognition of traditional Canadian norms and values, and the existence of majority Liberal governments cannot be understated when it came to responding on a timely basis to both the nature of the threat posed by transnational terrorism and the impacts of 9/11 on the Canadian political agenda. It is argued that Canada was actually better positioned institutionally, as compared to the US, to respond to the events of 9/11 in large part because of established government machinery under the parliamentary system.

Charters notes that at the time of 9/11, security did not have a political constituency or an influential champion. It was not a high priority, nor did the Canadian government or Canadian society “come to terms with the realities of terrorism or with the difficulties of dealing with it.”³⁸⁰ As noted above, at the same time, he notes that Canada has an established history of responding vigorously to the terrorist

³⁷⁶ Government of Canada, CSIS Annual Public Reports- 1998, 1999, 2000

³⁷⁷ Charters, *The (Un)Peaceable Kingdom*, . 3

³⁷⁸ Ibid, 8

³⁷⁹ Johnathan Malloy, “Canada’s War on Terror, Parliamentary Assertiveness and Minority Government”, in (eds.) J. Owens and R. Pelizzo, *The War on Terror and the Growth of Executive Power* (New York, Routledge, 2010), 159

³⁸⁰ Charters, *The (Un)Peaceable Kingdom* 35, 39.

attacks that occurred intermittently in Canada, and that Canadian's lack of tolerance for political violence provided sufficient policy coverage to do so.³⁸¹ This ability to take necessary actions, despite a lack of ongoing concern of the terrorist threat on the part of elected officials and the general public, speaks to the ability of senior decision makers, within the parliamentary system, to centralize and consolidate the necessary decision and authority-making outcomes necessary to deal with individual events on a timely basis.

As noted in the Auditor General's Report of 2004, the crisis period in the aftermath of 9/11 lasted several months. "Ministers and senior managers sought to deal with policy and budget issues on an urgent basis, while, at the same time drafting emergency legislation and guiding it through Parliament."³⁸² In the case of 9/11, decisions were required on a dual track – to respond to the terrorist threat and to assuage concerns of the US administration regarding the security of its northern border. Key senior bureaucrats and Cabinet members, including the Deputy Prime Minister, working with and within the Privy Council Office, including the Security and Intelligence Coordinator, and a number of interdepartmental committees, were able to generate and manage the necessary momentum. They were able to develop, coordinate, generate and manage funding, and obtain the necessary approvals to facilitate policy and programming responses to the events of 9/11, in an extraordinarily short period of time relative to how long it normally takes to implement such initiatives with the GoC . The ability to do so, (albeit with the help of a majority government) speaks to the overarching and established organizational advantages inherent in the august institution known as 'Parliament' .

The bulk of the heavy lifting associated with the construct and administration of the PSAT program was led by key officials within PCO with support from others in the Treasury Board Secretariat and Finance Canada. The structure and processes of this small group of senior officials was "unusual" in the words of the AG. This three-agency committee reviewed proposed spending and program plans for 17 departments and agencies involved in the PSAT initiative before making recommendations for their implementation. This hyper-centralization of policy, programming and resource management in the critical few months after 9/11 was indeed unusual within the parliamentary process, although fully within its constitutional framework. Of interest to note is that the AG comments "There were no formal minutes of discussions or recommendations and few documents recording discussions of proposals."³⁸³ While the bulk of the work and coordination of the implementation of the PSAT programs fell to the usual interdepartmental working groups, its construct fell to a very small, high- level team. In light of the demands of the situation, this core group, believed that it could not afford to entertain the usual interagency discussions (and possible lack of consensus on a way forward) given the policy and programming urgencies dictated by immediate fallout from the 9/11 attacks.

The urgency arose in having to address both key economic and US relations policies, and preventing further attacks. This required the need to "switch off certain multiple constraints" typically associated with the policy and program development process within government. As identified by Hubbard and Pacquet, these constraints included an unwillingness to cooperate, lack of consensus on the way forward, differing agency agendas, a lack of creative thinking, a lack of understanding of the nature of the threat and its immediate impact on Canadian interests, and competing views on the most strategic response – greater integration in support of bilateral security or protection of Canadian sovereignty. Therefore, the

³⁸¹ Ibid pg. 36.

³⁸² AG report of March 2004, 3

³⁸³ AG report of 2004, 9

immediate policy and program policy responses of the GoC were crafted by a limited number of very senior ‘super’ bureaucrats and elected Cabinet members.³⁸⁴ Despite the fact that international terrorism was to touch on a greater number of policy centres, and the crisis did not provide for any sort of routine response, there was little time for the usual bureaucratic knife-fighting and public consultations typically undertaken in advance of the introduction of new legislative, policy and program designs.

As Wark observes,

The creation of the Public Safety department and the formation of a cabinet committee on security were response to a shift in power and national priorities in senior political decision making. They were a recognition that, unlike virtually any other period outside of the two world wars, the post –September 11 environment had made national security a top priority and an issue where concentration of power and authority was important. This was further underscored by the move to create a cabinet committee on security, which effectively replaced ad hoc cabinet machinery established by John Manley to manage the immediate crisis after 9/11. The more permanent cabinet structure was a sign that national security deliberations were understood to be likely to continue to require serious political attention for the foreseeable future.³⁸⁵

As noted by Kitchen and Sasikumar, “That (initiatives) were housed centrally in the PCO, rather than one of the departments such as Foreign Affairs, testifies to the high-level attention that was focused on Canadian-American security relations and the extent to which the relationship is not considered completely foreign.”³⁸⁶ This view was supported by John Manley, the person charged with developing the PSAT initiative and getting it up and running. “Under (then Clerk) Mel Cappe, PCO has the ability to pull together and get results. Tools and levers were already in place and PCO had the ability to do things together that normal line departments aren’t able to do. The [security] budget had been presented and so we had leverage over the departments. All of this was in a climate in which the world has changed and we didn’t know where the dust was going to settle.”³⁸⁷

The inclusion of non-traditional, ‘human security’ issues in the *Open Society* policy also seems to have been developed by a policy team of limited size and absent any sort of comprehensive public consultation. In theoretical terms, the ‘securitization’ of non-traditional items usually suggests an issue is “urgent and existential.” However, societal acceptance of newly securitized issues is only accomplished when “the relevant audience accepts the security argument to the extent that this could be used as a basis for using extraordinary means at fending off the alleged threat.”, and that the securitizing actor and the audience must agree on the definition of such threats.”³⁸⁸ In other words, the securitization process usually requires a comprehensive consultative program on the part of the government, with the governed population, as to what should or could be legitimately securitized.

Though not specifically related to the reorganization study, an observation by Jonathan Malloy, who went to some lengths in examining the role of parliament in the GoC’s response to 9/11, is applicable. While

³⁸⁴ Hubbard and Pacquet, , *Probing the Bureaucratic Mind*, 8

³⁸⁵ Wark’ “*Lessons Learned*”, 86

³⁸⁶ Kitchen and Sasikumar, *Canada (En)Counters Terrorism*, 161

³⁸⁷ Manley interview

³⁸⁸ Patrick Lennox , “From Golden Straightjacket to Kevlar Vest” *Canada’s Transformation to a Security State*” in *Canadian Journal of Political Science* (2007), 1020

there has been significant discourse within the academic community of Canada related to the content of the *Anti-Terrorism Act of 2001* and the speed with which it was promulgated (i.e. lack of traditional consultation), he notes that “There is strong evidence that the Canadian parliament exercised real power in key areas to do with the ‘war on terror’. In the immediate aftermath of 9/11, parliament modified anti-terrorism legislation, rejected the renewal of some important anti-terrorist legislation, and asserted its right to vote on all future military commitments abroad.”³⁸⁹

Aside from political or bureaucratic institutions related to the machinery or processes of government, cultural or normative institutions, most often related to issues of sovereignty, also played a role in the GoC’s policy and organizational responses to 9/11. At the strategic level, and despite support from some communities to do so, there was a political aversion to developing a strategy that was based on a full bilateral security integration with the US. As noted by Minister Manley, “We were not programmed to cross the line to entertain the notion of a perimeter security. It was not somewhere where we wanted to go. We weren’t looking for an erasure of the border.”³⁹⁰ This view is supported by others. “Almost immediately after 9/11, the Canadian government acted proactively to design a policy which addresses Canadian and American security needs without threatening Canadian identity in the sense of its distinctiveness from the US.”³⁹¹ An example of this was the decision not to include the policy and programming responsibilities for immigration within the purview of PSEPC as it was in the US (into DHS), as the securitization of immigration was seen as being culturally inconsistent with Canadian norms. Minister Manley commented further “Whatever it takes, (to fix the border) we had to do it, but we couldn’t be seen to be dictated to by the US.”³⁹²

At the same time, the GoC had to take US security concerns into account. Since Canada could not be seen as being a security liability to the security of the US homeland, and absent efforts to assuage US concerns in this context, the US would likely have initiated measures to secure its border in the interest of its security that could have had potentially detrimental effects on other Canadian policy issues. “Cabinet ministers realized we had to be on top of this. This wasn’t the time for quibbling with the United States. This was a time for trying to ensure they did not perceive us as the soft underbelly.”³⁹³ At the same time, however, the goal of the GoC, was to ensure that there was no need for ‘help’ from the US, other than engaging in negotiated joint Canada – US security and defence initiatives. Rather than adopting a broad sweeping ‘fortress North America’ strategy to the issues at hand, the GoC adopted an issue-by-issue style (e.g. the Smart Border Accords) that reflected a more tempered and practical approach that, in parallel, also served to promote Canadian interests.

The timing and character of the Canadian response to 9/11 is consistent with the view that the mechanisms and norms of government will continue to provide the necessary frameworks to govern further changes to the national security organizational architecture in an extraordinary situation. Did this approach put the GoC in a better positioned institutionally than the US? Or was the US better structured organizationally at the time of 9/11, which would give credence to the view that the GoC’s efforts were undertaken largely to mimic US structures. As noted by Beckley “The US system has more ‘veto points’,

³⁸⁹ Malloy, *Canada’s War on Terrorism: Parliamentary Assertiveness and Minority Government*, 158, 161

³⁹⁰ Manley interview

³⁹¹ Kitchen and Sasikumar, *Canada (En)Counters Terrorism* 161

³⁹² Manley interview

³⁹³ Ibid

(checks and balances spread across the courts, Congress, presidency, and the states) than the parliamentary systems common in other developed democracies.³⁹⁴ This view was supported by former NSA Rob Wright, who suggested that in terms of responding institutionally to the events of 9/11, especially with a majority government, the parliamentary system is less fractured than US government infrastructures. At the same time, he also suggested the placement of the Deputy PM in the new PSEPC department provided for even greater policy cohesion and advocacy around the Cabinet table.³⁹⁵ Whitaker shares this view. He suggests that the executive branch in Canada, especially with a majority government, has a great deal more sway and control over the machinery of government. He too argues the US system results in a decision-making process that is more fractured, and that the power to do things is not as clearly directed at an issue as there are more numerous power bases that may have different agendas – the Executive, Congress, powerful agencies. He termed it a ‘vetocracy’, where any number of chokepoints may exist in the machinery process that ultimately may impact on either policy timings or content. “We don’t like that in Canada, and we never have.”³⁹⁶ Given the unfamiliarity of the threat posed by transnational terrorism, Canada’s established parliamentary and, to a lesser degree, bureaucratic institutions, enabled the GoC to respond decisively in re-setting national priorities in response to what was characterised in some circles as a two-front war – to address both the direct threat posed by transnational terrorism, and the management of the security concerns of our neighbour to the south.

Indeed, despite a well-established and high-profile national security infrastructure, a number of key pre-9/11 reports in the US noted institutional and organizational issues associated with efforts to counter terrorism. As the Gilmore Commission noted in a December 2000 report:

Over the past five years, there have been half a dozen Congressional attempts to reorganize the Executive Branch’s efforts to combat terrorism, all of which have failed. The organization of the Federal government’s programs for combatting terrorism is fragmented, uncoordinated and politically unaccountable.... The lack of national strategy is inextricably linked to the fact that no entity has the authority to direct all the entities that may be engaged.³⁹⁷

Similarly, the comprehensive Hart-Rudman report release just prior to the 9/11 attacks warned that the assets and organizations that existed for homeland security were scattered across more than two dozen departments and agencies in all fifty states. Governor Ridge commented, however, that while the Hart-Rudman reports served as a catalyst for Homeland Security as decision-makers were aware of their recommendations, the main driver behind the creation of the department was the need for a 21st century border-centric agency. “The more muscular parts of the department, they all had border-related functions. The glue initially was to identify those agencies whose primary responsibility had to deal with the border.”³⁹⁸

A General Accounting Office report prior to 9/11 identified more than 40 federal agencies involved in countering terrorism, and more than 100 different response teams.³⁹⁹ The depth and breadth of the

³⁹⁴ Michael Beckley, *Unrivaled: Why America Will Remain the World’s Sole Superpower*, (Ithica, Cornell University Press, 2018), 124

³⁹⁵ Rob Wright interview.

³⁹⁶ Whitaker interview

³⁹⁷ Wise, *Organizing for Homeland Security*, 131

³⁹⁸ Ridge interview

³⁹⁹ Wise, *Organizing for Homeland Security* 131, 134

federal mandates to address terrorism issues actually led to one of the main challenges inherent in the US system- “Who’s in charge?”

“There are nearly 1.4 million men and women on active duty [in the US military]. The Department of Defence employs more than 700,000 civilians, and the Department of State consists of roughly 25,000 foreign-service and civil-service personal, while the intelligence community comprises seventeen different agencies with an annual budget well in excess of \$50 billion and employing some 100,000 people..... The ability of presidents, cabinet secretaries and other political appointees to chart a different course is inevitably constrained by the size, inertia and de facto autonomy of ...permanent members that endure across successive administrations.”⁴⁰⁰

In an article published in 2002, future US Secretary of Defence Ashton Carter, while serving on the National Academy of Sciences Committee on Science and Technology for Countering Terrorism, noted: “The security institutions of the US government are particularly ill-suited to deliver homeland security [in the wake of 9/11]. There is a fundamental inadequacy, as basic as that as a corporation with no line manager to oversee the making of its leading product. The focus of the war model is on foreign perpetrators, the focus of the law enforcement model is on the American citizen. Neither model encompasses the transnational drifter that is characteristic of the al Qaeda operative.... No fundamental changes have been made to the security architecture to create better institutions and capabilities.”⁴⁰¹ This view was ultimately reinforced by the 9/11 Commission Report, that observed, in part “The United States tried to solve the al Qaeda problem with the same government institutions and capabilities it had used in the last stages of the Cold War and its immediate aftermath. The capabilities were insufficient, but little was done to expand or reform them.”⁴⁰²

The challenges noted in a number of reports, articles and journals were many. They included how to break down the Chinese wall between domestic and externally-focused counter-terrorism strategies in recognition of the transnational nature of global terrorism. This meant a need to provide and facilitate a more coordinated approach to the sharing of intelligence and joint planning between agencies; to provide a greater capacity for ‘prevention’ as opposed to after-the-fact ‘investigation’; to overcome a culture of “risk-adverse legalism” in the military and intelligence communities⁴⁰³; and, to the extent possible, and as noted above, provide greater clarity in defining “who’s in charge?”. Governor Tom Ridge, first the Director of the Office of Homeland Security and then the first Secretary of Homeland Security noted “We had to do something different. We didn’t know exactly what that would look like at the “office” level and we were ‘building the plane as we’re trying to fly.’ I started with a staff of 15, and ended with about 150. We needed to build relationships with first responders and local levels of government. That was key. The concept of a department was not initially endorsed, nobody wanted to give up jurisdiction, power and money. [Secretary of the Treasury] Paul O’Neill was the only one who supported it.”⁴⁰⁴ Indeed, the

⁴⁰⁰ Walt, *The Hell of Good Intentions*, 97

⁴⁰¹ Ashton Carter, The Architecture of Government in the Face of Terrorism in *International Security*, Vol. 26 No 3. (Winter 2001-2002) 20-22

⁴⁰² 9/11 Commission Report. 350-351.

⁴⁰³ Kent Roach, *The 9/11 Effect: Comparative Counter-Terrorism*, (New York, Cambridge University Press, 2011),69

⁴⁰⁴ Tom Ridge interview

initial creation of an ‘Office’ within the Executive Branch resulted in something of an organizational time-lag to when a formal cabinet position was created. The impetus behind the creation of the cabinet position was ultimately driven by the realization that the ‘political authority’ or powers of influence and persuasion that were a product of having the Homeland Security ‘czar’ located in the White House were not sufficient to generate the authorities necessary to successfully manage and coordinate the policy and programs of those numerous agencies with a homeland security mandate. The head of Homeland Security needed the ability to act, not just advise and coordinate. There was also the liability that as an advisor to the President, the head of the office had no accountability to Congress, which with its power of the purse and extensive oversight powers, had to be involved in any major initiatives. While the efficiencies resulting from this organizational approach are the subject of other investigations, the point to be made from an institutional or organizational perspective is that the US did not have a pre-established ‘gold-standard’ when it came to how best to structure an organizational response to domestic security. While the Bush administration realized there was a need for enhanced inter-agency cooperation even before the 9/11 Commission report was released, it too spent some time in the immediate period after 9/11 to determine how this was best accomplished.

Given the inherent institutional complexity of the American system, it is not surprising that when it came to the impact of 9/11 on Canada-US relations that it was Ottawa and not Washington that more quickly and coherently set the bilateral agenda on broader issues. With relatively more at stake in terms of the economic implications, the Canadians had done their homework and they had the benefit of a governmental systems that was institutionally more nimble than the US government.⁴⁰⁵ As noted by Minister Manley, “We had less remediation to do. We had better collaboration and cooperation between agencies than the US did. When we first met with Tom Ridge, he had no staff and no levers to operate, other than the power of the White House. We had a whole range of GoC heads of agencies at the first meeting with Tom Ridge weeks after 9/11, and he had his one assistant. I drove the agenda in these weeks.” This view is supported by Clarkson. ““Whereas Ridge took months to get his act together, the centralization inherent in parliamentary government gave Manley immediate command over all the federal government’s relevant programs and officials”⁴⁰⁶ Whitaker adds “In fact, there is very little evidence that Canadian security is any less vigilant than that of America. Canadian and American authorities share common databases on the bad guys; exchange intelligence on a regular, indeed *institutionalized*, basis; and cooperate closely on cross-border enforcement.”⁴⁰⁷ Then Clerk of the Privy Council Mel Cappe noted somewhat ironically that the heads of both the RCMP and CSIS were meeting with US counterparts as early as October 2001, with the message that ‘we’re here to help’! He added the US had few pashtun or farsi speakers on staff as compared to Canadian agencies. From this strictly operational perspective, Canada was much further ahead.⁴⁰⁸

The negotiation of the Smart Border Accord with the US serves as something of a case study in this context. It represented the broader issue-by-issue strategy adopted by the GOC, and demonstrated how the GoC had the machinery and policy tools readily available to protect primary interests, in this case, the ongoing flow of commercial goods across the border while simultaneously addressing US security

⁴⁰⁵ Clarkson, *Uncle Sam and us One Year Later*, 6

⁴⁰⁶ *Ibid*, 6

⁴⁰⁷ Whitaker, “*Keeping up with the Neighbours*, 256.

⁴⁰⁸ Mel Cappe interview.

concerns. For years the GoC had been trying to get Washington to undertake joint measures to improve border security and increase border efficiency. Canada-US border partnership talks had been initiated with the Clinton administration but had not gone far. Once September 11 caused the US to focus on the issue, Ottawa had coherent plans ready to propose. “As a result, the Canadian Embassy in Washington could claim the bulk of the 30-point Smart Border Accord was Canadian inspired.”⁴⁰⁹ “We had been working on Smart Border Accord issues for years. We had an agenda ready for presentation when US was casting about for something to do.” Canada’s positive position was helped somewhat by the direction Tom Ridge received from President Bush. Despite comments from Ambassador Celluci that ‘security trumped trade’, “the President gave me direction to address concerns related to flow of commerce in the immediate aftermath of 9/11. He was getting pressure from border-based industries. This resulted in the genesis of the Smart Border accord. We needed security, but we couldn’t bring trade to a screeching halt.”

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Nevertheless, the Bush administration was not completely devoid of centralizing power when necessary. There are well known examples of inter-agency or Congressional turf wars usually associated with the organizational changes (the role and managerial span of control of the DNI, discussions as to whether the FBI should be rolled into DHS,⁴¹¹ and the role of USNORTHCOM in domestic security). Executive orders were issued related to the creation of the Office of Homeland Security (precursor to the DHS), the NCTC, and for a new Unified Command Plan that led to the establishment of USNORTHCOM.

However, centralization efforts within the US faced other challenges. As National Security Advisor to the President, charged with managing the military, intelligence and foreign policy apparatus of the US government, Condoleezza Rice was viewed as lacking sufficient power and authority to get crucial things done, especially when facing the tandem of Secretary of Defence Donald Rumsfeld, and Vice President Dick Cheney. Both she and the related bureaucracies were forced to play catch-up. Policy related to the US’ externally-based component of the GWOT was being forged by small groups mostly located in the offices of the Vice- President and Secretary of Defence, who were consumed with justifying and facilitating the eventual intervention in Iraq. “The moderating influences of the slow-moving bureaucracy were stripped away. Debate was short-circuited. Interagency reviews of new initiatives were conducted on the run.”⁴¹² And while organizational changes were ostensibly created to facilitate the coordination of all source intelligence, the authority and mandate of the newly-created DNI was, for example, undermined by the creation of the position of Undersecretary of Defence for Intelligence. This new position served to manage the budget for the NSA, the Defence Intelligence Agency, the National Geospatial- Intelligence Agency, and the intelligence components of each of the branches of the US armed forces, a budget that was eighty percent of the total US intelligence budget and that dwarfed that of both the CIA and the FBI combined. As this position was located in Donald Rumsfeld’s DoD, the focus of intelligence collection in 2002 and 2003 was on Iraq. The NCTC was, as noted previously, also focused largely on the processing of intelligence and planning for externally-driven initiatives. US NORTHCOM was, unlike the Canadian CF, and for budget and *Posse Comitatus* reasons, reluctant to become involved in mitigating any threat to the US homeland that was not externally-based. The DoD’s /

⁴⁰⁹ Clarkson, *Uncle Sam and us One Year Later* 6

⁴¹⁰ Ridge interview

⁴¹¹ Ibid

⁴¹² James Risen, *The State of War: The Secret History of the CIA and the Bush Administration*, 3, 64,65.

Pentagon's expanding role in intelligence collection with an external focus was made all that much easier as CIA Director George Tenet "never showed much interest in intelligence reform or reorganization, or efforts to coordinate the entire intelligence community."⁴¹³ The creation of the Counter-Terrorism Evaluation Group, located in the Office of the Secretary of State, with access to raw intelligence, was also bent on establishing a connection between Al-Qaeda and Saddam Hussein, when CIA analysis at the working level suggested there were none. This was a disturbing development that undermined unbiased intelligence reporting and assessments for the purposes of informed policy making.

In conclusion, Canada's Westminster-based constitutional institutions provided for, and enabled, the GoC to establish something akin to a 'war cabinet' in the immediate few months after 9/11. This temporary centralization of power to a limited number of senior Cabinet and 'super-officials' enabled the development of timely policy and programs in response to the events of 9/11, mostly to address US concerns regarding the security of its northern border, and to introduce preventative-based measures within Ottawa's broader counter-terrorism strategy. While this approach did not provide for the usual levels of interagency and stakeholder consultation as part of policy and program development, it did enable timely delivery of legislative, policy and funding initiatives in response to the events of 9/11. These initiatives did result in some organizational changes to the GoC, (e.g. CATSA, INSET team), and important mandate changes (FINTRAC, RCMP). Some two-years later, PM-in-waiting Paul Martin and a select group of advisors laid the plans for the introduction of a number of key organizational changes to Canada's national security infrastructure, and the introduction of Canada's first and only national security policy. Again, evidence suggests the processes involved in these latter initiatives involved a limited number of individuals in the construct of these initiatives, and normal policy and consultative processes were not employed..

Those responsible for security policy and program development determined that events did not allow for the protracted processes typically required in support of interagency and stakeholder groups, together with the associated bureaucratic 'knife-fights' that accompanied these processes. Although commenting on the US process, Risen's observations have equal application to Canada "Under normal conditions, new policy initiatives undergo months, if not years, of study and deliberation in the government's national security apparatus. The national security bureaucracy is maddeningly slow, lacks creativity, and is risk adverse. It is ill suited to fight a nimble enemy in a war on terrorism. Cabinet departments and other agencies, often with different institutional interests, get to have their say on how to shape new proposals and interagency meetings are held to hash out differences. In the process, compromises are made and sharp edges are smoothed."⁴¹⁴

It is argued, therefore, that from an institutional perspective, evidence would suggest the GoC was not in a position of disadvantage relative to the US when it came to developing and implementing the necessary policy and funding responses to the events of 9/11. Consequently, it was not obliged, nor prepared, to respond to the policy dictates of the US, or mimic US responses, in terms of policies, programs or reorganization, due to a position of weakness or uncertainty about the way forward and how best to protect Canadian interests. "The Martin Government's National Security Policy of 2004 clearly suggests efforts to manage its own agenda and to maintain some degree of policy direction on security-related issues with significant cross-border implications".⁴¹⁵

⁴¹³ Ibid, 69

⁴¹⁴ Risen, *The State of War: The Secret History of the CIA and the Bush Administration*, 64-65

⁴¹⁵ Hale, *Sharing a Continent: Security, Insecurity and the Politics of "Intermesticity"*, 33

Indeed, those involved in developing the GoC's response have suggested the GoC was in fact better positioned to respond from both a timing and policy perspective, abetted by established machinery and normative institutions. "On balance, it was our concerns that were largely addressed in the immediate period after 9/11"⁴¹⁶ Thus, the GoC's organizational responses, within the context of the punctuated equilibrium theory, were developed and implemented under an institutional framework that was supported by established parliamentary machinery and cultural norms consistent with the theory of historical institutionalism. Their role in how the GOC's responded over time to the 9/11 attacks cannot be overstated.

More Policy Centres

One of the points raised indirectly in the previous section was the suggestion that the number of US departments and agencies with some sort of a national security mandate was already quite comprehensive even before 9/11. Consequently, the primary driver behind the key reorganizations that took place in the US (DHS, DNI, NCTC) was the need for better coordination, in various guises, between existing agencies. In Canada, the situation was different. It is argued that, in most cases, reorganization was undertaken in recognition that a greater number of policy centres within the GoC assumed a national security mandate following the events of 9/11. The increase in the number of policy centres was required both under the GoC's preventative-driven counter-terrorism strategy in response to the nature of, and threat posed by, transnational terrorism, and the 'securitization' of many non-traditional threats as outlined in the *Open Society* policy. There was a need to create an organizational framework that provided for enhanced cooperation and consultation between an increased number of players, whether at the policy/strategic, operational or tactical levels. The initial ministerial representation in the newly created permanent cabinet committee on security - PSEPC, Justice, Environment, Health, Foreign Affairs, Fisheries and Oceans, Transport, National Defence, Citizenship and Immigration, Public Health and Civil Preparedness- reflected the diversity of portfolios with a national security remit, and would have been perceived as being somewhat unusual in its membership from the perspective of a typical Cold-War committee. There was also a need from an intelligence and information sharing perspective, to loop the new agencies into the GoC's intelligence/ analysis/information sharing network, as distinct from having to break down existing organizational stove-pipes as was the case in the US. This explains, in part, why the reorganization that took place did not mimic parallel US efforts. They were being undertaken for fundamentally different reasons.

Although the national security community in Canada is dwarfed by its American counterpart, a 1987 Senate Committee Report nevertheless noted that Canada's national security infrastructure was both large and complicated, requiring extensive coordination mechanisms and 'lead ministries'.

There are many organizations involved, too much potential for overlap, duplication of effort and 'turf battles, the department responsible for coordinating the government's domestic counter-terrorism policies and procedures is a junior department (the Department of the Solicitor General), there is some bifurcation in responsibilities in support of a broader counterterrorism strategy between the Solicitor General (domestic), and External Affairs (incidents originating

⁴¹⁶ Bloodworth interview

abroad), that there were too many ‘crisis management centres’, and the federal government required an enhanced, centralized threat analysis capability.⁴¹⁷

Some improvement, however, was noted some ten years later when a similar Senate Committee observed “The Committee also noticed a clearly stronger, better defined central leadership and coordination from the Privy Council Office as well as more clarity in and understanding of individual organizational roles and jurisdictional responsibilities since the 1989 report.”⁴¹⁸

While the AG report of 2004 did not specifically site any organizational challenges associated with mitigating the threat posed by transnational terrorism, it did suggest that “the challenges of responding to threats of terrorism have made it clear that cooperation and integration are important tools.”⁴¹⁹ This observation is consistent with the argument of this study that the driving force behind most of the reorganizations that occurred was to bring together an increased number of policy centres that now had a remit in broader national security strategies, whether from a preventative or responsive perspective. The *Open Society* policy explicitly states “Working to prevent attacks...requires a more integrated approach to national security-integrated inside the Government of Canada and with key partners. Such an approach will help us develop a long-term framework to prevent and respond to other types of security threats [and to] address priority gaps in the Governments areas of responsibility.”⁴²⁰ Chapter 2 of the Policy is dedicated in its entirety to the issue of “building an integrated security system”. It states “The increasing complexity of the threats facing Canada requires an integrated national security framework to address them. It is critical for our key security instruments to work together in a fully integrated way to address the security interests of Canadians. The Government is committed to providing the leadership, resources *and structures* (author’s emphasis) necessary to build a fully integrated and effective security system...that ensures that issues and information do not fall between the different parts of the security system.”⁴²¹

One of the challenges is to define exactly what ‘cooperation’ entails at both the policy/political/ bureaucratic and operational /investigative levels. Rocan notes that “The model describing how greater interaction between different agencies or entities goes by many names: network governance, network management, metagovernance, public value management, and where engagement with non-GoC entities is involved, collaborative public management,”⁴²² That said, does the concept merely entail “consultation”, which suggests something less than a full integration of efforts (i.e. the deal is done and we’re just letting you know so you can adjust as you see fit)? Is it what the 9/11 Commission report suggested is “jointness” between agencies, which goes beyond what is typically construed as ‘cooperation’? What is the appropriate balance between a hierarchical system that lends itself to quick decision making as a result of its centralized authority, but is perhaps less able to adapt to changing

⁴¹⁷ 1987 Senate report

⁴¹⁸ 1999 Senate Report, chpt ii

⁴¹⁹ AG report of 2004, 14

⁴²⁰ *Open Society* policy, i

⁴²¹ *Ibid*, 9

⁴²² Rocan, *Building Bridges: Case Studies in Collaborative Government*, 5

conditions, versus a networked model that may have a decision-making process that is less effective and timely, but more adept at adjusting to a new operating environment?

The need for coordination of either intelligence or national security policies and programming was not generated specifically as a result of the events of 9/11. As we have seen, coordination mechanisms had been established in advance of the 9/11 attacks, including the various national security and intelligence committees represented by senior departmental officials, the Security and Intelligence Coordinator (with its accompanying Secretariat) and Intelligence Assessment Secretariat in PCO, and the Integrated National Security Assessment Centre housed in CSIS. So what were the drivers or rationale behind the considerable focus on interagency coordination in both the reorganizations that were announced in December 2003, and those that were created in the *Open Society* policy of April 2004? Given the existence of these pre-9/11 centres for policy and programming coordination, how much of the reorganizations of 2003/2004 were new initiatives, and how many were simply re-branding of existing entities and mandates?

While the consultative network noted above did exist prior to 9/11, it was premised on a different policy and strategic approach to terrorism. The National Counter Terrorism Plan (NCTP) created in 1994, under the mandate of the Solicitor-General, was not a strategy for prevention, but rather a guideline as to who does what during and in the aftermath of a terrorist attack, both at the federal and local levels. While addressing some previous-noted concerns regarding the possibility of either duplication or overlap in the event of an attack, or conversely, something falling between the cracks, it was not designed to be a document that reflected a preventative strategy. It identified that the RCMP would be the lead federal agency, and as such, it reflected a strategy based on a criminal, 'after the fact' approach. Perhaps as a consequence "both the Air India and Arar Commissions were united in a belief that a whole-of-government and increasingly transnational approach was required to deal with the challenges of international terrorism."⁴²³

Whitaker suggests the need for integration "also meant integration across the institutional stovepipes within the federal government's national security activities, and integration across federal, provincial and municipal jurisdictions. The need to work together across these lines had already begun to spur cooperation well before 9/11, but these efforts were accelerated after the shock administered to the system on 11 September 2001"⁴²⁴ (thus consistent with the punctuated equilibrium theory). This study has argued that the challenges posed by inter-agency stove-piping were not quite as comprehensive as put forward by Professor Whitaker. However, his suggestion is valid, and supports this study's hypothesis, that the events of 9/11, and by extension the threat posed by transnational terrorism, did warrant some consideration on the part of the GoC as to whether there were organizational gaps in the existing national security infrastructure that required attention in order to facilitate the appropriate policy and strategic responses that involved a greater number of departments and agencies.

As argued above, the threat posed by transnational terrorism touched on a greater number of policy centres within the GoC as compared to historical Cold War threats. This expansion to the national security community was further augmented by the securitization of a number of non-traditional human security issues as a result of the *Open Society* policy (The Canadian Food Inspection Agency, Health Canada, and Environment Canada, now required some capacity to receive and analyse intelligence

⁴²³ Roach, *The 9/11 Effect*, 419

⁴²⁴ Whitaker et al., *Secret Service: Political Policing in Canada*, 440

material). Consequently, some form of reorganization was required. First, to coordinate and integrate issues of national security, linked to a greater number of players in the national security community, into the broader national political agenda, and for policy/strategic direction related specifically for national security, (Cabinet Committee, NSA, PSEPC). Second, to share intelligence and information among a greater number of source agencies, and on a timely basis in support of a preventative strategy (ITAC, INSET Teams, MSOC, GCC, , FINTRAC). Third, to address identified operational / enforcement gaps (CBSA, CATSA, Public Health Agency). While the rationale behind the timing of when the majority of these changes took place, and how and why specific agencies were created is examined elsewhere in other chapters or sections, the point to be made is that, at the ‘80,000 foot level’, the GOC determined in its wisdom that an appropriate, effective and efficient response to transitional terrorism and newly securitized threats required a new organizational structure that moved beyond the status quo.

The applicability of the change in the GOC’s national security organizational structure to the punctuated equilibrium theory is captured nicely by Innes and Booher in their article ‘*Collaborative Policymaking: Governance Through Dialogue*’.

Unlike periods when conditions are stable or changing slowly, rapidly changing conditions allow greater creativity while bringing risk. More importantly, they offer the opportunity to improve the system so it can be more productive, more adaptive and ultimately more sustainable. The way such a complex system can be adaptive and creative if it is well networked so its various components can co-evolve. It must have distributed intelligence amongst its nodes or agents , each of which have the capacity to make choices based on their local knowledge, and there must be information flowing among these agents as well as regular feedback from its environment. We view collaborative policy making as not just a method which can solve problems when there is conflict in the traditional policy system. It is, even more importantly, a way to establish new networks amongst players in the system and increase the distribution of knowledge among these players. This includes knowledge of each other’s needs and capabilities and dynamics of the substantive problems of society.... The stakeholders must be aware that they cannot meet their interests working alone and that they share with others a common problem so they will continue to work together in response to change.⁴²⁵

For example, with the creation of PSEPC, PM Martin declared “It is clear that a more sharply focused, coordinated approach to public safety and security is long overdue” and that the new Department would “better integrate government to secure the safety of Canadians and protect against and respond to national crisis, natural disasters and emergencies.”⁴²⁶ “Organizational efforts like the creation of PSEPC, ITAC and Canada Command have been designed to better protect Canada and respond to crises.”⁴²⁷

The ‘troika’ of the Minister of Public Safety and Emergency Preparedness, the National Security Advisor to the Prime Minister, and the Cabinet Committee on Security, Public Health and Emergencies, was established for the purposes of enhanced policy, operational and analytical coordination, and has served to

⁴²⁵Judith Innes and David Booher, *Collaborative Policymaking: Governance Through Dialogue* (2007) 37, 40 <https://www.semanticscholar.org/paper/Collaborative-policy-making-%3A-governance-through-Innes-Booher/5d7f9055b554a4f13dee95fec49d985ec32c1b41>

⁴²⁶ Tonda McCharles December 13 2003

⁴²⁷ Elinor Sloan, “Homeland Security and Defence in the Post 9/11 Era” in (eds.) D. Carment, O. Hampson, N. Hillmer, *Canada Among Nations -2004*, (Kingston-Montreal, McGill-Queens University Press, 2005), 111

significantly enhance the capacity within the GoC's expanded national security for doing just that. It has served to bring enhanced stature to the issue of security policy, as there were now a number of high-level avenues of influence and access to the Cabinet table, where none had existed previously. This view was reinforced by then newly ensconced National Security Advisor Rob Wright, who stated to a Senate Committee in February 2004:

The Prime Minister, in his leadership campaign for the Liberal Party, put an emphasis on the need for Canada to have an integrated effort toward responding as a whole-of-government approach to threats to our national security. The commitment has been made to create a national security policy. The commitment was connected to creating a cabinet committee to ensure that all arms of government-the spaghetti- were connected toward that common purpose. Ministers are now engaging in that under the very capable leadership of the Deputy Prime Minister. Transforming my role, from security intelligence coordinator to one of national security advisor, connects these two processes.⁴²⁸

As stated in the *Open Society* policy, "The Minister of Public Safety and Emergency Preparedness and the Cabinet Committee on Security, Public Health and Emergencies, supported by the National Security Advisor, will ensure the development and implementation of the security system described above. The Government also believes that it can benefit from the advice of security experts from outside the Government in evaluating and improving our system. This integrated national security system will help ensure that the six key security activities described in the following chapters (intelligence, emergency planning and management, public health emergencies, transportation security, border security and international security) work together more effectively in meeting the security needs of Canadians".⁴²⁹

This section has argued two fundamental points of this study. First, that the GoC's reorganization was undertaken to address the fact that a greater number of policy centres now had a national security mandate, and that an organizational infrastructure was required to support cooperation and coordination between this new community. It was not undertaken to improve better coordination amongst existing national security agencies as was the case in the US. Furthermore, the need for an organizational structure that resulted in enhanced intelligence, analysis and information sharing within the GoC was not to break down organizational stove-pipes as it was in the US, but to provide, again, for the inclusion of a greater number of centres with a remit for intelligence collection, analysis and the sharing of information.

Was the Span and Scope of the Reorganization Comprehensive or Merely Tinkering?

One of the more subjective or challenging questions is whether the number of organizational changes that took place was sufficient in span or scope to meet the thresholds necessary to qualify under the theory of punctuated equilibrium theory. As noted previously, and for the purposes of this study, punctuated equilibrium theory suggests that "organizational transformations will most frequently occur in short, discontinuous bursts of change involving most or all key domains of organizational activity... and that major changes in environmental conditions will significantly increase the likelihood of revolutionary

⁴²⁸ Rob Wright presentation to Senate Committee 2004

⁴²⁹ *Open Society* policy, 13

transformation”.⁴³⁰ It is argued that the events of 9/11 and the new threat posed by transnational terrorism served as the external driver that prompted the need for the majority of the resulting organizational changes undertaken by the GoC to its national security infrastructure. The main competing theory (incrementalism) as noted previously, is that organizational change is more gradual or incremental, and that small changes on an ongoing basis in policy, strategies or power distributions accumulate to ultimately produce transformational change. To answer this question, organizational changes that occurred need to be considered from three perspectives: whether the organizations were truly new creations, whether the changes were the result of significant mandate changes that were significant enough to equate to organizational change, or whether the new organizations were merely ‘rebranding’, of existing organizations, albeit resulting in greater ‘status’ within GoC Cabinet or machinery hierarchies.

It is submitted that of the fourteen organizational changes that took place as described in this study, eleven can be considered as new organizations that were created to support the GoC’s broader strategies or policies in response to the threat posed by transnational terrorism or the *Open Society* policy. Of the remaining three agencies, while FINTRAC was not originally created in response to 9/11, its mandate was significantly amended post 9/11 to include provisions related to the interdiction of terrorist financing. It is argued that this mandate change was of sufficient magnitude (warranting training, IT systems, updated Memoranda of Understanding with, and processes for, national security and law enforcement agencies, etc.) to serve as a proxy for a new organization. Second, it has also been identified by those serving in the position that, as it pertained to functions associated with the coordination of the GoC’s national security agenda, the role of the NSA did not differ significantly from its organizational predecessor within PCO, the Coordinator of Security and Intelligence. It did provide, however, for increased status of the position within GoC machinery. Third, while the MSOCs were created post 9/11, their functions in support of national security strategies were only a part of their broader mandate, which also included search and rescue, fish stock management, ice flow management activities, etc. It is argued the remaining changes were tied directly to the events of 9/11.

Although Prime Minister Chretien was adverse to organizational change, four of the eleven organizations specifically created in response to the events of 9/11 were initiated under his watch (CATSA, INSET teams, Bi-National Planning Group, creation of the CBRNE response teams). The remaining changes took place within a five-month period between December 2003 and April 2004. If looked at from a historical perspective, the changes that were undertaken, the majority of which took place over a short five-month period, would fall within the definitional parameters of the punctuated equilibrium theory.

Let us revisit Hubbard and Paquet’s quotation from Chapter 1 of this study, where they suggested public administration is a complex affair of *menage a trois* between elected officials, bureaucrats and citizens. Collectively, there is a need to “improvise and innovate in refurbishing the stewardship of the public household to redesign new frames of reference because the socio-economy is being transformed.” This tripartite relationship would suggest that organizational changes within any policy centre would be necessary on an ongoing basis to adjust to changing political and societal landscapes, although they would probably be more in line over time with Lindholm’s ‘incrementalist’ approach. This would suggest, in turn, that a number of organizational changes to Canada’s national security structure, whether

⁴³⁰ Elaine Romanelli and Michael Tushman, “*Organizational Transformation as Punctuated Equilibrium: An Empirical Test*,” 1143, 1145

significant or otherwise, would have taken place in the fifty-plus years between the end of World War II and the attacks of 9/11. However, if one does not include respective governments allowing the Cabinet Committee related to security to lapse into obscurity in the 1990s, only *two* significant organizational changes took place to the GoC's national security infrastructure in the period between 1945 and 2001 – the creation of the CSE in the immediate post-war period (although managed and administered in various guises until officially transferred to DND in 1976), and the creation of CSIS in 1984. Consequently, the scope and span of the changes undertaken in the post 9/11 era can only be considered as extraordinary within a historical context.

Furthermore, the organizational changes that were undertaken were not limited in their application to traditional national security jurisdictions. Indeed, this study has argued the primary *raison d'être* for the changes was a need to engage a greater number of policy centres either in support of the GoC's whole-of-government response to the threat posed by transnational terrorism, or its identification and inclusion of 'human security' issues in the *Open Society* policy. Finally, the scope of the organizational changes that were undertaken has not been repeated in the fifteen years since they were introduced. The return to a 'statis' situation after a period of significant change is also consistent with the punctuated equilibrium theory.

Consequently it is argued that the number of changes, within a limited time-frame, and the span of departments affected by the change, support the argument that the changes were indeed both comprehensive and significant, and that they fulfill the theoretical definitions and parameters associated with the punctuated equilibrium theory.

One alternative approach to answering this particular question is to follow the money trail associated with the respective reorganizations. This study has not attempted this approach. However, it would be of interest to determine how much 'new' GoC funding was attributed in support of the creation of the agencies identified in this study. For example, \$2.2 billion was applied to the creation of CATSA. However, it is assumed that the creation of CBSA, for example, would have involved somewhat less in the way of new monies, as funds for the three existing agencies that were merged to create the new agency would have merely been transferred from their previous departments. It is possible that a different response to the question of the comprehensive nature of the change could be provided if looked at from a strictly 'source of funding' pre and post 9/11 comparison.

Rationale Behind the Timings of the Organizational Changes

This study has thus far argued that the GoC's reorganization of its national security infrastructure did not mimic parallel efforts being undertaken in the US, nor was to break down organizational stove-pipes that had been identified as one of the main reasons for the intelligence failures associated with 9/11 in the US.

In parallel, one interesting question to consider is why the majority of the organizational changes took place some two years after the 9/11 attacks. Intuitively, one would think the GoC would, for a number of reasons, strive to implement whatever changes it deemed were necessary in the immediate post-9/11 period. Why was this not the case? And, conversely, what were the possible drivers behind the Martin government's comprehensive reorganizational efforts that commenced literally on the day he assumed the position of Prime Minister?

There are, in turn, three related salient questions related to this research that have to do with the timing of when the majority of the national security sector organizational changes within the GoC took place late in 2003 and early 2004. First, does this timing support the view that Canadian efforts were undertaken to mimic changes to the organizational structure in the US? Second, is there evidence of any remaining US concerns regarding Canada's commitment to bilateral security that required additional organizational efforts on the part of the GoC, or other bilateral security issues that were commensurate with Paul Martin's coming to power? Third, coming some two to two –and-a-half years after the 9/11 attacks, was this timing a natural evolution of the fall-out from 9/11, or were other issues at play that served to influence when these measures took place?

In order to answer the first question, one approach is to identify when a number of key, comparable, initiatives took place in both countries. It is presumed that there would be some lag time between when new US agencies were put in place and when the Canadian counterparts were established if the latter were structured to mimic US agencies. Conversely, is it possible that comparable machinery processes were in play in Canada, perhaps based on a better 'cognitive' and institutional understanding of the nature of the threat posed by transnational terrorism? To this end, it is germane to look at the timings behind the creation of three key agencies in Canada and the US: the Department of Homeland Security and PSEPC; the National Counterterrorism Centre and ITAC; and the Director of National Intelligence and the NSA. It has already been argued previously that Canada Command was not structured to mimic USNORTHCOM.

The Office of Homeland Security, located within the White House, was created eleven days after the September 11, 2001, terrorist attacks. Pennsylvania Governor Tom Ridge was appointed as the first Director of the Office of Homeland Security. The office was to oversee and coordinate a comprehensive national strategy to safeguard the country against terrorism and respond to any future attacks.⁴³¹ It soon became apparent, however, that without the ability to administer the budgets and policy direction of the various agencies with a homeland security mandate, that the Director would have little in the way of influence in the conduct of those same agencies.⁴³² Consequently the decision was made to integrate some 22 different departments into a single Cabinet level agency, "the most significant transformation of the U.S. government in over half-century." The Department of *Homeland Security Act* was signed in November 2002, and the Department officially began operations on January 24, 2003.

As has been noted previously, the creation of PSEPC was announced some 12 months later, in December 2003. Consequently, based on timings alone, it is not inconceivable that a pre-Prime Minister Paul Martin and his advisors took note of the developments south of the border regarding the mandate and scope of DHS, and sought to develop something similar, albeit with some significant differences as has been noted previously. A case for the 'mimic' position could be made strictly from a timing perspective and all other things being equal.

In January 2003, President George W. Bush instructed the heads of the FBI, Central Intelligence, Homeland Security, and the Department of Defense to develop a Terrorist Threat Integration Center

⁴³¹ The Department of Homeland Security, *The Creation of Homeland Security*, <https://www.dhs.gov/creation-department-homeland-security>

⁴³² Interview with Governor Tom Ridge

(TTIC) to merge and analyze all threat information in a single location. Prior to the establishment of TTIC, individual federal departments and agencies within the US (primarily the CIA and FBI) provided the President with assessments of the terrorist threat. In effect, the White House was forced to synthesize reporting and draw its own conclusions. In the immediate aftermath of 9/11, the administration realized there was a requirement for a designated agency that would serve to collect, analyse and disseminate terrorism intelligence gathered both domestically and abroad, and identify future collection priorities. On May 1, 2003, the TTIC commenced operations, and was mandated to integrate CT capabilities and missions across the government. With the stand-up of TTIC, the US agencies began to better integrate information sharing, watch-listing and situational awareness. In August 2004, and at the recommendation of the 9/11 Commission, TTIC was re-flagged as the National Counterterrorism Center (NCTC) under the *Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004*. Through the *Act*, NCTC gained responsibility for not only integrating analysis and coordinating information sharing and situational awareness, but also for strategic operational planning in direct support of counterterrorism efforts both domestically and abroad.

The creation and mandates of the TTIC and its NCTC reflects somewhat the creation of the Integrated National Security Assessment Centre (INSAC) created in CSIS and its eventual transformation into ITAC. Both the TTIC and the INSAC were created in early 2003. ITAC was announced in April 2004 as part of the *Open Society* policy. The NCTC was created via statute in August of that same year. Both ITAC and NCTC had mandated activities that were over and above those of their respective organizational predecessors. However, the timings behind their creation do not support the view that the GoC was mimicking US efforts. Both the TTIC and INSAC were created in early 2003, and the creation of ITAC was announced some four months before TTIC was rolled into the NCTC through the *IRTPA Act* which was introduced in August or 2004, and not actually signed off until December of that same year.

The position of Director of National Intelligence (DNI) was also created by the *IRTPA Act*. As organizational coordination had been identified early on as one of the main challenges behind the intelligence failure that characterized 9/11, there were immediate calls for the creation of a position that would oversee the overall coordination of the US intelligence community, a task that previously fell to the Director of the CIA. This view was supported by the 9/11 Commission Report.⁴³³ The *Act* and related executive orders designated the DNI as the head of the US' intelligence community and principal intelligence advisor to the President. Although the functions of Canada's National Security Advisor to the Prime Minister are not identical to the DNI, in that the NSA doesn't have the ability to allocate or approve budgets within the GOC intelligence community, it nevertheless represents the closest organizational comparator position and mandate to the DNI. Whether one is of the view the role of the Canadian NSA does or does not represent much of a functional difference over its predecessor (the Coordinator of Security and Intelligence), the fact the creation of this position in Canada was announced in December 2003 does not support the view it was created to mimic its US counterpart. In fact the *Act* creating the position of DNI was not signed off until one year later.

Thus, while one could make the case that the timing behind the creation of DHS and PSEPC respectively does allow for the view that the latter was structured to mimic US organizational efforts, it is suggested the timings associated with the TTIC/NCTC and INSAC and ITAC, and the DNI and NSA, do not.

⁴³³ 9/11 Commission Report , 411

Again, it has already been suggested Canada Command was not structured to mimic USNORTHCOM, other than the fact both represented joint commands.

As noted previously, a number of key legislative, policy and programming initiatives were undertaken under Prime Minister Chretien in the immediate aftermath of 9/11. These included the promulgation of the *Anti-Terrorism Act of 2001*, the *Immigration and Refugee Protection Act*, the Smart Border Accords, and a security budget amounting to \$7.7 billion over five years. While addressing immediate policy concerns related to the security of Canada and its relationship with the US, these initiatives resulted in only modest direct or indirect reorganizational change on the part of Canada's national security infrastructure. And despite the introduction of the *Anti-Terrorism Act 2001*, there had not been a single prosecution under the *Act* when Paul Martin assumed the post of Prime Minister some two years after its coming into force.

So from both a political and policy perspective, what were the possible drivers, from a timing context, to undertake a comprehensive reorganization of the GoC's national security infrastructure from the perspective of a new Liberal regime under Paul Martin, one that would soon be facing an election in several months? Typically, there is little political "goodwill" associated with security initiatives on the part of any government that would translate into enhanced political support by the electorate, especially if the perceived threat to Canada had diminished over time. As early as 2002, and certainly by late 2003 and early 2004, other policy initiatives had returned to the top of the GoC's, and specifically PM Martin's agenda. Prior to ascending to the position of liberal leader and PM, there was nothing specific in Paul Martin's leadership platform, or subsequently electoral platform, to suggest that national security was a priority, other than it would implicitly be part of the broader objective of improving relations with the US. Highlights included fiscal probity, the environment, addressing the existing "democratic deficit", 'a cities agenda', more 'Canadian presence' in the world, health, 'life-long learning and education, and aboriginal policy'.⁴³⁴ "Even when Martin did appear in public to say a line or two, his pronouncements were couched in so many conditional tenses and vagaries that it was impossible to figure out where he stood."⁴³⁵

As noted by Whitaker, "there is a rhythm to the public's attention to national security issues that is not conducive to rational policy development. In the immediate aftermath of a crisis, there is a clamour for remedial and preventative action, but as the crisis recedes other more familiar priorities quickly crowd out security at the top of the public agenda". He adds:

However powerful the impact of 9/11 on Ottawa, it was apparent within a year of the terrorist attacks that the salience of national security and the war on terrorism had dramatically declined on the policy agenda. "Given that there were no terrorist attacks on Canada, and little perceived likelihood of such, it is not surprising that Canadians would quickly revert to previous preoccupations.... Although early polling after 9/11 appeared to indicate the Canadians had radically realigned their priorities, this realignment proved to be ephemeral".⁴³⁶

⁴³⁴ Drew Fagan, "Setting the Stage for a Leadership Shift" (September 20, 2003) and "Martin Adds Two New Priorities" (October 13 2003), *Globe and Mail*

⁴³⁵ Delacourt., *Juggernaut: Paul Martin's Campaign for Chretien's Crown*, 320

⁴³⁶ Whitaker in Doern, *More or Less than Meets the Eye?* 55

This view is supported by then Minister John Manley. “Cabinet was more hands on in the immediate period after 9/11, and it was Cabinet’s main preoccupation. As time went on, by late spring (2002), the temperature had come down. Attention then shifted elsewhere.”⁴³⁷ Issues linked to terrorism were also tainted to some degree by attempts of the Bush administration to rationalize its controversial intervention in Iraq by suggesting a Saddam-Al-Qaeda connection.

Were there other drivers behind the reorganization that were not readily apparent? How does the timing behind when most of the organizational changes took place support the punctuated equilibrium theory? We have seen that some organizational changes took place under the Chretien government. Does the punctuated equilibrium theory still hold if the bulk of the changes were undertaken some two years after the events?

Regardless of what the possible rationale was behind the organizational changes that occurred, the somewhat strained transition between the Chretien and Martin regimes provided little time or willingness for the customary comprehensive discussions between political masters and the federal bureaucracy or with stakeholders, as to how the national security infrastructure should be redesigned. Consequently, it is argued the subsequent outcomes of Martin-based initiatives was once again the result of discussions between a very limited number of advisors, super-bureaucrats and senior cabinet officials. As observed by Wark, “With remarkable stealth, Paul Martin and his team developed and have now unveiled, a surprising and ambitious security agenda.”⁴³⁸ This was in part a creature of the animosity between the Chretien and Martin camps during the run-up to, and during, the transition period. The Martin transition team became increasingly frustrated by Chretien’s unwillingness to allow contacts between it and senior-level bureaucrats. As one member of the Martin transition team commented, “The bureaucracy can’t possibly be able to read accurately our sequence of priorities and the areas of emphasis.”⁴³⁹ Jeffrey and Delacourt suggests Clerk of the Privy Council Alex Himelfarb was ultimately granted permission in March 2003 to talk to Michael Robinson (Martin’s head of his transition team,) to begin speaking about machinery of government issues. This included structures of government, such as cabinet and committees.⁴⁴⁰ Nevertheless, it would appear there was very little in the way of actual transitional discussion between the Chretien and Martin groups as suggested above.

The “remarkable stealth” reference by Wesley Wark noted above is not necessarily overstated. Although this study is focused on questions of ‘why’ and ‘when’, some passing reference to ‘who’ led the policy changes to the security infrastructure is also of some interest from a historical institutional perspective. To a significant degree, Paul Martin’s leadership and transition team (commonly referred to as “The Board”), consisted of individuals with experience in Liberal Party machinery and organization, (polling, focus groups, fund raising, constituency management, etc.) but little, if any, actual government experience, and not well versed in either foreign, defence or national security affairs. This was significant. Under normal circumstances, discussions would take place between political leaders and the relevant bureaucracies on

⁴³⁷ Manley interview

⁴³⁸ Wesley Wark “Marti’s New Security Agenda: Feeling Safe Yet? (December 18, 2003) *The Globe and Mail*

⁴³⁹ Fagin article, “*Martin Adds Two New Priorities*”

⁴⁴⁰ Jeffrey, *Divided Loyalties: The Liberal Party of Canada 1984-2008*, 440, Delacourt, *Juggernaut: Paul Martin’s Campaign for Chretien’s Crown* 337

some of the more tangible aspects related to the creation of new organizations, including the costs of infrastructure , personnel systems, training, and so on, with a view to identifying key assumptions and possible alternatives, regarding a way forward. Ideally, some of the more intangible considerations would also be discussed, other than those dealing with the possible political implications. These would include, for example, the degree to which the creation of a new organization would reduce the terrorist threat, or the possible impacts on privacy or human rights, etc. A lack of policy and government experience clearly would have put the Martin transition team at a disadvantage in this regard.

Jeffrey also suggests that many potential policy initiatives were measured against how they were currently polling, in the context of either the 2003 leadership campaign or the 2004 general election. Indeed, instead of some significant policy discourse applied to why they were addressed, she suggests it was most likely the newly securitized, non-traditional items in the *Open Society* policy were included largely because the SARS pandemic, the Walkerton tainted water scandal and the northeastern power blackout of 2003 were still polling high in the public consciousness at the time, and the policy provided the means to demonstrate the GoC, and specifically a new Martin-led government, was doing something about them.⁴⁴¹

Finally, national security issues received only modest attention during the party leadership and transition periods (how security policy would be handled vis-à-vis the US– “firm but fair”, a commitment to develop a national security policy, a preference for multilateralism).⁴⁴² “What is most striking about the opposition parties is their general lack of interest in talking about national security policy, apart from intermittently pouncing on media stories that promised scandal. This was manifest in the 2004 federal election campaign, when national security issues were ignored by all parties.”⁴⁴³ Nor were security issues any part of Jean Chretien’s ‘legacy agenda’.

So where did the idea of PSEPC, the NSA, and other organizational changes originate, and when did discussions take place to facilitate the ability to announce their creation, some literally on the day Mr. Martin assumed the position of PM? It is argued here that PM Martin’s immediate team didn’t have the necessary policy expertise to craft either the resulting organizational changes or subsequent national security policy, over the period between when Jean Chretien announced his intention to retire in the summer of 2002 and the resulting leadership convention in November 2003. However, the Martin transition team did have the sense to create and reach out to various policy ‘tables’ (specifically a ‘defence and foreign policy’ table⁴⁴⁴) that presumably developed proposals related, in this case, to national security and that would have included a former senior public servant or two. “Academics, business people, social-policy advocates and others with ideas were all busy writing policy papers for Martin.”⁴⁴⁵ Consequently, “The Board” had access to broad array of sources of appropriate knowledge.⁴⁴⁶ It would also be consistent with the contrast in management styles between Messrs.

⁴⁴¹ B. Jeffrey interview

⁴⁴² Dan Donovan, “ Paul Martin on Foreign Policy: Be Fair and Be Firm” in *Ottawa Life*, (December 1, 2003), www.ottawalife.com/article/paul-martin-on-foreign-policy-be-fair-and-be-firm?c=1

⁴⁴³ Whitaker, “*Made in Canada? The New Public Safety Paradigm*, 89

⁴⁴⁴ Marc Resnick e-mail, to the author, January 15 ,2019 ;

⁴⁴⁵ Delacourt, *Juggernaut: Paul Martin’s Campaign for Chretien’s Crown*, 327

⁴⁴⁶ Interview notes, with subject who did not wish attribution. There are notes on specific ‘policy table’ meetings on hand at the Library and Archives of Canada, but they are not accessible until 2060.

Chretien and Martin - the former was 'top down', the latter 'bottom up'.⁴⁴⁷ Who specifically comprised the policy tables for issues of national security, and what organizational options may have been considered, remains a mystery. Any policy table records related to future national security policy issues are locked away in the GoC Archives until 2060. From a research perspective, the inability to access this information creates something of a significant research vacuum. It is not possible to explore or validate what options were presented from various sources when it came to the possible structure of the reorganization going forward, or the decision making process within the PMO that determined how the reorganization would ultimately unfold.

Then Finance Minister John Manley nevertheless adds an interesting piece of information to support the view there was an understanding within senior bureaucracy that some form of organizational change was required. Then Clerk of the Privy Council during the transition period between the Chretien and Martin governments, Alex Himelfarb, came to Minister Manley before Martin was in place as Liberal leader and suggested that the creation a new department (PSEPC) that was being proposed was "custom made for you" (Manley), and that it was convenient to have a counterpart to Homeland Security. "As Minister of Finance, that wasn't my role anymore, but there needed to be something created that would facilitate ongoing one-on-one discussion, at something of a similar level of authority and Cabinet prestige. Every Clerk aspires to do machinery changes. With the change in PM, Alex had the chance to move some things around and give the government a different look, and he sold Martin on it".⁴⁴⁸

The least cynical (i.e. not politically driven) view suggests it would have made sense for the Martin administration to undertake some changes to the national security infrastructure once the immediate policy issues that faced PM Chretien had been addressed, and after there was a better collective understanding of the threat posed by transnational terrorism and what was required to mitigate against it.

Hubbard and Pacquet note "It has not been fully realized that the reluctance to abandon old paradigms, in which so much investment has been made, is often responsible for fundamental learning disabilities....Refusing to spend the requisite time to understand what the new order looks like, how it works, and what can be done to nudge it in a particular direction, because it means having to gain some knowledge of a new and more complex paradigm is considered "a toxic mistake."⁴⁴⁹ Within this context, it has already been noted that philosophically, Prime Minister Chretien was not predisposed to undertake changes to the machinery of government. A review of his administration would suggest little in the way of change in this regard over its lifetime. More specific to the question at hand, Jean Chretien was of the view that, given the nature and uncertainties of the threat, organizational effectiveness and cohesion were best maintained through a status quo approach, and that a move to reorganization would result in unnecessary and unwarranted disruption that would strain the capacity of relevant institutions to both manage the threat and engage in reorganization.⁴⁵⁰ Reorganizations took too long, and a response to the threat as it was understood at the time required getting things done with what you had. There is some merit to the suggestion that the necessary changes to the national security infrastructure had been identified within the senior national security bureaucracy, even perhaps floated at senior government

⁴⁴⁷ Delacourt, *Juggernaut: Paul Martin's Campaign for Chretien's Crown* 316

⁴⁴⁸ Manley interview

⁴⁴⁹ Hubbard and Pacquet, *Probing the Bureaucratic Mind*, 7

⁴⁵⁰ Manley/ Cappe interviews.

levels, during the end of Chretien tenure.⁴⁵¹ However, his demonstrated aversion to organizational change, even after the initial crisis period had passed, torpedoed any chances of comprehensive change to the status quo.

While the threat environment eased somewhat over time, the Martin administration, commencing in late 2003, adopted a somewhat different perspective. With a better, but not total, understanding that came with time regarding the growing complexity of the threats and risks posed by transnational terrorism, there was a need to consider security and safety from a more holistic perspective within the GoC. Friedman commented “US intelligence, even three years after the attack, did not know what Al-Qaeda’s capabilities were. ... This was only partly a result of intelligence failures. It was also, and primarily, due to the excellence of Al Qaeda’s covert capabilities. Not only was the intelligence unclear, but the lack of clarity had to be attributed to Al-Qaeda’s capabilities.”⁴⁵² As noted by Shore, in 2006, even well after the promulgation of the *Open Society* policy, “Like much of the rest of the world, Canada is still wrestling with its [9/11 attacks] impact. Undoubtedly, Canada’s security intelligence and public security apparatus has yet to fully absorb the repercussions of the terrorist attacks and others subsequent to 9/11. Many of the changes are still working their way through the system.”⁴⁵³ Wark commented “Although the organizational reforms undertaken were somewhat belated, they nevertheless signalled that the new Martin government had learned, (through a process that remain mysterious,) something about the more dysfunctional aspects of Canadian national security policy making.”⁴⁵⁴ The Martin government legitimately believed there was a need to further ‘evolve’ the national security infrastructure to provide for even better organizational coordination at both the strategic/ policy and operational levels that would be necessary to support the over-arching direction provided for in the release of the 2004 national security policy.⁴⁵⁵ After winning the Liberal Party leadership, Mr. Martin stated

A national security policy would coordinate military and non-military efforts. It would include national security, intelligence, policing, the Coast Guard, customs and emergency preparedness, all focused on protecting our country against terrorist threats that emanate from beyond our shores, or within our borders.⁴⁵⁶

Ultimately there was a need to consider whether the existing national security infrastructure was technically ill-prepared to the challenges posed by transnational terrorism, and that something more comprehensive than merely tinkering with the existing structure as Lindblom argues, was required. This necessitated a clearer understanding of the threat and risks associated with transnational terrorism together with what sort of organizational competencies were required to mitigate them. This included the need for some form of enhanced central coordination and policy management, and how best to implement a CT and national security strategy that now linked prevention with previously promulgated response and recovery policies. In short, all levels of government required some level of effort to make sense of the new threat environment and what it meant for restructuring their organizations and relationships with

⁴⁵¹ Interview notes, with subject who did not wish attribution

⁴⁵² Friedman, *America’s Secret War*, 3

⁴⁵³ Jacques Shore, “Intelligence Review and Oversight in Post 9/11 Canada”, in *International Journal of Intelligence*, Vol. 19, No.3 (2006), 455

⁴⁵⁴ Wark, “Lessons Learned”, 86

⁴⁵⁵ M. Cappe / R. Wright interviews

⁴⁵⁶ Donovan, “Be Fair, and Be Firm”

other agencies. As suggested by Wise, “the requisites for combatting terrorism are in the process of discovery: the organizations that must be coordinated, and for what purpose are the subject of deliberation and debate, and will shift. Objectives are being formulated and debated, and the authority is ambiguous at best.”⁴⁵⁷ In the context of accepted policy or organizational theory, what was the gap between the current reality and the desired end state, and was the timing for proposed change appropriate? There was likely still something of a residual desire to undertake the necessary changes to the national security infrastructure on the part of the security bureaucracy, in order to bring some cohesion to all its many parts, both strategically and operationally, though not necessarily to mimic similar initiatives ongoing on the US. And while he had suggested that security issues had waned somewhat in the public consciousness by the time Paul Martin became Prime Minister, Whitaker also suggested that the actual threat had not.⁴⁵⁸ This was clearly evident by the March 2004 arrest of Momin Khawaja, and perhaps Canada’s most famous terrorism case and investigation – the Toronto 18- in 2006. Thus the Martin government should be credited with recognizing that some strategic direction for the national security agenda was required, and providing support for the efforts to implement change, knowing there would likely be little political capital gained in doing so.

In addition to possibly considering the time needed to ‘get things right’ in terms of refining the GOC’s policy and programming response to the threat, two other possibilities may have served as the drivers for the organizational changes that would take place under a Martin administration. Both had more to do with the ‘regime change’ between the Chretien and Martin governments. One was a desire on the part of the Martin party leadership to put a new face on a Liberal government. The other was to improve relations with the US in comparison to the Chretien years, and how security was an obvious part of that platform. The net result in the 2002 to 2004 period is ‘regime change’, and policy shift, with the real and imagined legacies of the departing leader clashing with the hoped-for policies imagined within the regime in waiting.⁴⁵⁹

A driving force behind Paul Martin’s transition team’s efforts was the need to demonstrate change. “We felt there was a tremendous desire for change in the country. Martin was to be the agent of positive, manageable change. That was Paul’s cachet”. As noted previously, Romanelli and Tushman have suggested that within the context of punctuated equilibrium, the change to a new ‘CEO’ will significantly increase the likelihood of organizational transformation. Martin’s transition team believed a change in leadership also required the appearance of a significant change in policy direction for the party, rather than a minor course correction. Otherwise, Canadians would ask why would the party have gone through the whole leadership exercise in the first place? This reflected a change to a more right-leaning “business / economics philosophy as opposed to the more left-leaning social agenda that was associated with the Chretien regime”⁴⁶⁰ Quoting columnist Jim Travers, Jeffery also noted “Paul Martin will only offer as many reforms and make as many promises as are necessary to distance himself from Jean Chretien.”⁴⁶¹ Essentially the change was to mimic the change from ‘tired governments’ (Liberal to Conservative or the reverse) but from a ‘tired’ Chretien regime to a new, ‘dynamic’ Martin leadership. Consequently, in terms of pure politics, it has been suggested that, with the change in Liberal administrations, and as there is in

⁴⁵⁷ Wise, *Organizing for Homeland Security*, 141

⁴⁵⁸ Author’s interview with Dr. Reg Whitaker

⁴⁵⁹ Doern, *Governing Unnaturally: The Liberals, Regime Change and Policy Shift*, 10

⁴⁶⁰ Jeffrey, *Divided Loyalties*, 441

⁴⁶¹ Ibid, 410

any change of government (even in this case within the same party), the Martin government wanted to ‘change the face of government’. Consequently, while there were modest organizational changes in the Chretien years, the bulk of organizational changes came almost immediately upon Paul Martin assuming the position of Prime Minister.⁴⁶² From a more practical day-to-day perspective, “Chretien was more “hands off”, Martin was hands-on, and wanted no surprises”.⁴⁶³

One of the primary policy objectives of the new Martin regime was to improve relations with the US administration. “Martin, in alliance with John Manley, [wanted to] fashion closer relations with the Bush administration. Both [saw] the anti-Bush and even anti-American feelings and rhetoric of many Liberal MPs coupled with the slow and cautious Chretien approach to relations with the United States, as often not being in Canada’s interests.”⁴⁶⁴ A number of recent events had served to exacerbate the Canada-US relationship. In the summer of 2000, Raymond Chretien (Jean’s nephew), who was then Canada’s ambassador to Washington, said Canada would be more comfortable if Democrat Al Gore were in the White House instead of Texas Republican George W. Bush. On the first anniversary of 9/11, Chretien told the CBC that the genesis of the terror attacks on the U.S. was western greed and arrogance. Weeks later, his communications director Francine Ducros called Bush a “moron.” Chretien made matters worse by making light of the issue. But Ducros’ putdown unleashed a media storm and she later resigned. Then Liberal MP Carolyn Parrish called the Americans “bastards.” Weeks later, Liberal Cabinet minister Herb Dhaliwal called Bush a “failed statesman.” The perception abroad was that these people spoke in an official capacity for the Government of Canada. This view was reinforced when Chretien did nothing to rein them in.

Ottawa’s position on US intervention in Iraq in 2003 only exacerbated the situation. “Chretien’s refusal to join the coalition against Iraq was seen as the latest, saddest chapter in a pattern of behaviour that reduced Canada, under Chretien, to international irrelevance and needlessly strained relations with the United States..... Worse than being criticized, Canada was being ignored.”⁴⁶⁵ After winning the leadership race, Mr. Martin commented “We are coming to grips with a world in which our closest friend and nearest neighbour –the United States- has emerged as the lone superpower. The longstanding partnership between our two nations-based on commerce and shared values- have been strained in recent times.”⁴⁶⁶

As noted previously, there is no evidence to suggest that US agencies were actively involved in discussions with GoC agencies in how they should structure themselves (other than support from some circles initially for a broader hemispheric approach to security),⁴⁶⁷ nor were there significant concerns expressed on an ongoing basis regarding the security of the US’ northern border in the aftermath of PSAT initiatives, although views regarding Canada’s immigration policies from certain sources were still common. Nevertheless, domestic security was still high on the Bush administration’s agenda, and the Martin team’s focus on polling issues would have been well aware of that. Consequently, initiatives focused on domestic security would have served as a means to buttress PM Martin’s broader Canada-US

⁴⁶² M.Cappe/ R. Wright interviews

⁴⁶³ Author’s interview with Mrs. Margaret Bloodworth

⁴⁶⁴ Doern, *Governing Unnaturally: The Liberals, Regime Change and Policy Shift* 13

⁴⁶⁵ Sokoksky, “*Realism Canadian Style*”, 9

⁴⁶⁶ Donovan “*Be Fair and Be Firm*”

⁴⁶⁷ Ridge interview,

relations agenda. As part of reaffirming Canada's commitment to security, from a political perspective it was also cheaper and more publicly acceptable to promote domestic and bilateral security initiatives. It was less costly than defence and foreign affairs expenditures for interventions abroad (much in the way of domestic security funding had already been announced) and the US probably found initiatives that supported its domestic security more valuable to its interests than modest Canadian contributions to interventions abroad, notwithstanding its disappointment Canada didn't elect to join the coalition of the willing in Iraq.

Prime Minister Martin's April 30 2004 meeting with President Bush was at once an occasion to turn the page from the Chretien era, and a reminder that security still trumped trade on the American agenda. As Jones observed, "Martin begins with an enormous advantage in Canada –US relations,- he's not Jean Chretien" ⁴⁶⁸ Typically the release of a national security policy would have followed on the heels of a more over-arching review of either international or defence policy. This was not the case with the release of the *Open Society* policy. Keeble (who noted the agenda to improve relations with the US was ultimately short-lived) suggests the *Open Society* policy was released just prior to PM Martin's April 30th meeting as an initial step in support of his broader program to improve relations with the US. ⁴⁶⁹

The initiatives undertaken by PM Martin – creation of PSEPC, CBSA, NSA, the Cabinet Committee for security, and a new security policy, served as a signal to the US administration that his government was not only going to maintain existing security policy and programs but improve on them. As noted by Haglund, these efforts at the civilian level, and ongoing cooperation between Canadian and US law enforcement and intelligence agencies, would probably get more credit for Canada within the US administration [at the time]and reflected an understanding that it was still necessary for the GOC to concentrate on what the US really needed from Canada (i.e. border / hemispheric security) as opposed to resorting to its traditional game of undertaking military efforts overseas, where Canada's contributions to coalition efforts would probably be considered modest. ⁴⁷⁰ Furthermore, efforts couched the context of improving domestic security, both funding and programmes, would probably result in an easier sell to the Canadian electorate than increased spending for military expeditionary purposes as in Canada "defence spending never trumps domestic policies and politics.". ⁴⁷¹ Nevertheless, and at the same time, while the United States could logically be said to have had a greater interest in Canadian domestic security efforts than in contributions to the overseas dimensions on the war on terrorism, the overall American focus was on the 'away' game. Thus the Martin government was eventually persuaded that Canada had to make a major commitment to ISAF and NATO efforts in Afghanistan. The road to full respect and confidence in Washington, went through Kabul and Kandahar.

If one accepts the view that the timings behind the reorganization were the result of a realistic understanding and appreciation on the part of the newly ensconced Martin government there was a pent-up requirement to restructure the national security infrastructure, (something that PM Chretien was not prepared to do for various reasons), then the punctuated equilibrium theory has merit as an explanation of

⁴⁶⁸ Jones, *When Security Trumps Economics*, 7

⁴⁶⁹ Edna Keeble, "Defining Canadian Security: Continuities and Discontinuities" in *The American Review of Canadian Studies* (Spring 2005), 2

⁴⁷⁰ David Haglund, "North American Cooperation in an Era of Homeland Security" in *Foreign Policy Research Institute* (Fall, 2003), 690

⁴⁷¹ Sokolsky, "Realism Canadian Style", 37.

why and when Canada undertook the post 9/11 reorganization of its security sector. Major changes were not urgently undertaken in the immediate aftermath of the 9/11 attacks, but there is nothing in the theory to suggest the change has to be undertaken on an immediate basis, only that it is significant relative to the status quo. Consequently, it can be convincingly argued that the reorganization was undertaken to recognize that national security had nevertheless assumed a greater profile on the national agenda, that a greater number of departments and agencies would be involved in the GoC's CT strategy, and that new fora or mandates were required to buttress enhanced consultation and cooperation and both strategic/policy and operational levels between these agencies. By extension, the GOC's CT strategy was driven by a better understanding of the new threat posed by transnational terrorism that was brought to North America by the events of 9/11. While there was likely little political credit with the electorate at the domestic level in undertaking the changes at the time (and not really a significant part of Martin's leadership or election platforms), there was a better understanding that Canada had to have the ways and means to be seen as being a full partner in international efforts (not just with the US) to counter the threat across many fronts.

The organizational changes undertaken to support Martin's broader agenda of improved relations with the US, remain consistent with the punctuated equilibrium theory, although somewhat less direct, as Canada-US relations were still driven in part by issues related to continental and border security, again as a result of the events of 9/11. If the changes were undertaken primarily for domestic political reasons, then the theory has little merit. Changes could just as easily not been implemented, as there was likely little political credit with the electorate in doing so.

In an interview with Mr, Mark Resnick, a key member of PM Martin's transition team ("The Board"), he suggested that all three rationales noted above had legitimate standing when it came to the 'why' and 'when' behind the reorganization of the GOC's national security structure.⁴⁷²

Review and Oversight Provisions.

Though not specifically linked to the key questions associated with the research of this study, how the issues of review and oversight were addressed in the resulting reorganization, or not as it would appear, are also of interest, given their role is always part of the usual discourse when it comes to issues of national security.

This issue is examined from two perspectives. First, whether the GoC's efforts in the immediate aftermath of 9/11, or the subsequent reorganization of its national security infrastructure were undertaken on the basis of any sort of subsequent post-mortem or high level review of the performance of Canada's national security agencies either in advance or during the course of the 9/11 attacks. Second, whether the new reorganization resulted in any additional oversight agencies.

To the first point, the answer is quite simple. No consolidated 9/11 post mortems, 'hot-washes' or assessments were considered in developing options for subsequent reorganizations, for the simple reason

⁴⁷² Resnick interview

that none seemed to have been undertaken or disseminated in the aftermath of events.⁴⁷³ Nor were any *pre-9/11* national security strategies, considered, again, as none existed. Prior to 9/11, the Solicitor General was tasked with developing and maintaining the “National Counter-Terrorism Plan”. As noted previously, this document, however, rather than being strategically focussed, or preventative in its objectives, dealt more with how agencies were to be coordinated in response to an incident.

As noted by the Auditor General, however, and despite calls for and independent review of the same⁴⁷⁴, no comprehensive, high-level, whole –of-government review of the status of Canada’s national security agencies prior to 9/11 (possibly generated by the Ressam affair?), akin to the Hart-Rudman reports in the US, were ever developed.. This has raised questions on whether initiatives, other than the need to respond to issues linked to US security and the flow of commercial traffic across the border, were undertaken on the basis of a pressing need to address any glaring deficiencies or implemented in support of a strategic foundation. Alternatively, were they simply cobbled together to react to, and address, immediate political priorities or agendas and thus were not necessarily driven by an astute and objective determination of what was required going forward. Wark suggests, the latter, arguing that the “process of change and reform of the security and intelligence sector remained disconnected from any explicit lessons- learned process.”⁴⁷⁵

Security agencies, by their very nature, do much of their work in secret, and in some cases this involves intrusive techniques. Consequently, national security agencies cannot be as transparent as other government agencies, or subject to the same degree of scrutiny or debate. While oversight and accountability frameworks are critical in this context, there is an ongoing challenge in balancing the need for measures to protect Canadians at large, ensure national security policies and programs are effective and efficient, and to ensure the human and privacy rights of Canadians are fully respected. At the same time, Parliament was being asked to approve comprehensive changes in legislation, budgets and policy initiatives, while being largely deprived of direct access to any intelligence or assessments except at the very highest levels. At the time of 9/11, Canada’s national security community required half a billion dollars in operating costs,⁴⁷⁶ while having a remit to exercise invasive powers that impacted on personal rights and freedoms. How could parliamentarians be brought into the intelligence loop, being responsible for some form of ongoing review and oversight, without stepping on the operational sensitivities associated with national security?

As noted by Rudner, within the GoC, “The principle duty remains, as ever, to uphold the principles of democratic governance, lawfulness, and civil liberty whilst defending Canada against avowed enemies of those selfsame ideals.” Yet he also suggests “Parliamentary oversight of the Canadian intelligence community was relatively weak as compared to American, British or Australian experiences. Canada’s Parliament was not a forum for deliberations on intelligence, finance, or even operational accountability, while government and the intelligence services tended to limit their exposure to parliamentary scrutiny.”

⁴⁷⁷ Consequently, the question to be posed is whether the changes implemented in the GoC’s comprehensive response to the events of 9/11 were matched by similar efforts in the area of oversight.

⁴⁷³ Elcock/ Cappe interviews.

⁴⁷⁴ Auditor General report March 2004, Wark , “Learning Lessons”, 73

⁴⁷⁵ Ibid, 73

⁴⁷⁶ 1999 Senate report, Chapter iV

⁴⁷⁷ Martin Rudner, “Challenge and Response: Canada’s Intelligence Community and the War on Terrorism” in *Canadian Foreign Policy*, Vol. 11, No.2 (2004), 33-34

Certainly there was significant discourse on the balance between security and human rights when the *Anti-Terrorism Act* was being developed. However, there were not the same level of oversight concerns as compared to the reaction in the US when evidence of some of the Bush's administration's 'extra-legal', activities (renditions, NSA domestic activities, black sites for detention, 'aggressive interrogation' techniques, etc.) became known.

Simply put, the reorganization of the GoC's national security structure did not result in any new agencies or bodies tasked with a mandate for independent review of security agencies. CSIS, the RCMP and the Communications Security Establishment (CSE) already had established independent agencies with a mandate to conduct compliance reviews. Other agencies conducted internal reviews, or were the subject of reviews by the Auditor General, the Privacy Commissioner, the Canadian Human Right Commission, the Commissioner of Official Languages, and most importantly from an operational perspective, the courts. A review by the Auditor General in November 2003 observed that there was a need for "more consistency in the extent of independent review applied to any environment where intrusive investigative measures are used" and that "we would have expected that intrusive powers would be subject to a level of review proportionate to the level of intrusion."⁴⁷⁸ The "*Open Society*" policy of 2004 did suggest there was a need for the creation of a National Security Committee of Parliamentarians. While a subsequent report recommended pursuing the establishment of such a committee and an Act to support its creation was drafted, it died on the order paper when the 2006 election was called, and it was not pursued further by the subsequently-elected Harper administrations. A number of reasons were cited. These included the possible duplication of efforts with already established oversight agencies, the unpredictability of elections and sittings of Parliament, and concerns regarding the use of such a committee for political purposes. Nevertheless, the creation of the National Security and Intelligence Committee of Parliamentarians, a multi-party committee that includes representatives from both the House of Commons and the Senate to review national security and intelligence activities carried out across the Government of Canada, was finally announced in November 2017. It is undergoing initial and formative steps related to its mandate and related processes.

In this chapter, we have aligned the organizational changes that were undertaken and described in detail in Chapter 5, against key research questions posed in support of this study. In terms of outcomes, it is argued that the GoC did not mimic organizational changes being undertaken in the US, nor were they undertaken to address issues regarding the stove-piping of intelligence amongst different agencies. Rather, the reorganization was undertaken to reflect that enhanced policy, program and intelligence/analysis coordination was required between a greater number of departments and agencies that had a national security remit. It has also been argued that the GoC was in fact better organized institutionally (consistent with the theory of historical institutionalism) to respond in a manner and time that were in Canada's interests as opposed to those of the US, albeit recognizing sensitivities associated with America's national security concerns post 9/11.

This chapter has also argued why the timings associated when most of the GOC's organizational changes occurred do not support the view that they were undertaken to mimic US initiatives. And while not undertaken in the immediate aftermath of the 9/11 attacks, they were undertaken at the very least in part,

⁴⁷⁸ Government of Canada, Auditor General of Canada, "The Activities of Security and Intelligence Agencies Are Not Subject to Consistent Levels of Review and Disclosure" (Ottawa, Independent Reviews of Security and Intelligence Agencies-November, 2003) .

to support the GoC's better understanding of the nature of the whole-of-government response to the threat posed by transnational terrorism and to improve relations with the US administration, both directly and indirectly as a result of the events of 9/11. In other words, it argues in favour of the application of the punctuated equilibrium theory.

CHAPTER 8

CONCLUSIONS OF THE STUDY

This study has explored and explained the ‘why’ and ‘when’ behind the GoC’s initiatives to reorganize Canada’s national security infrastructure between the period of September 11, 2001, and April 4 2004, the date Canada’s first (and only) national security policy was released. The historical narrative resulting from this study has been supported by, and placed within the context of, the parallel theories of historical institutionalism and punctuated equilibrium.

It has described:

- the threat environment in Canada prior to 9/11;
- how the GoC interpreted the threat of terrorism in Canada and its responses both prior to and after the 9/11 attacks;
- where academic efforts related to the GOC’s responses to 9/11 have been focused;
- the rationale behind theoretical frameworks and research methodologies that governed the conduct of the research behind this study;
- described the organizational changes that were undertaken in the period under consideration; and
- how the specific organizational changes aligned themselves against key questions that were posed to support the theoretical frameworks and hypothesis suggested at the opening of the study

The period of investigation (2001-2004), driven by the events of 9/11, was unique when it came to the GOC’s broader national security strategies. From the end of WWII to 9/11, the GoC’s approach to national security was focused externally, and as part of broader foreign and defence policies. During the Cold War, this made eminent sense. But even in the 1990’s, this appeared to be the case given the high tempo of external operations (Balkans, Somalia, Gulf War I). In contrast, 2001-2004 reflected a unique period when GoC efforts were directed almost exclusively to the domestic environment, and in consideration of the role of civilian agencies. This resulted in comprehensive legislative, policy, program and organizational changes to the GoC’s national security strategy in general, and to the mandates of specific departments and agencies, that have remained largely intact to this date. With Canada’s comprehensive interventions into Afghanistan starting in 2005, however, the focus was once again pivoted to a whole-of-government approach to efforts abroad.

Despite a view that the GoC reorganized the national security infrastructure in order to mimic US initiatives, the analysis has demonstrated that the changes to Canada’s national security infrastructure were undertaken for different reasons than those in the US. These differences reflect a distinctly Canadian response, generated by the need to understand the nature of the threat from a Canadian context, how best to respond to US concerns regarding its own security, and to incorporate non-traditional threats that became securitized through the *Open Society* policy. While some of the resulting changes can be judged as resembling or paralleling US initiatives from a broad, over-arching perspective, the reorganizations to

their respective national security structures were driven largely in response to the new threat posed by transnational terrorism at the domestic level, and that the possibility of attacks was no longer something that occurred exclusively 'abroad'. Both governments were obliged to provide for an enhanced security infrastructure that provided for a preventive CT strategy. The most comprehensive restructuring efforts of both governments provided for the creation of an agency devoted primarily to domestic security – PSEPC and DHS respectively- with initial priorities focused on border control. Both agencies were structured to reflect a domestic strategy that considered prevention, response and recovery capacities, against a more comprehensive threat spectrum that included threats of both natural and 'globalized' origins, not just terrorist attacks. Both were seen as the lead agency to engage with other levels of government, first responders, and the private sector, in support of coherent, multi-level national security structure. Both had operational and consultative mandates.

However, the 9/11 attacks, and the 9/11 Commission Report that followed, served to shine the light on some specific challenges faced by US national security agencies, including the stove-piping of intelligence and information between respective agencies, and the general question of 'who's in charge?' in the event of an attack. Furthermore, and despite a focus on prevention strategies at the domestic level, President Bush's proclaimed global war on terrorism had a parallel strategy that was directed abroad, one that ultimately became the priority both in terms of effort and resources. The external based strategy, one that saw the US military as its primary tool, was arguably uppermost in the minds of the executive, with long-term incursions into Afghanistan and Iraq and certain 'extra-legal' practices being the most obvious examples. Newly created national security organizations such as the NCTC, and DNI that were created to facilitate greater coordination and inter-agency management were consequently dual tracked from the outset.

From a GoC perspective, key participants at the time have stressed there were few, if any, challenges associated with a willingness to share intelligence and information within GoC agencies with a national security mandate leading up to 9/11. Furthermore, (and while there may not have been an appreciation at higher policy or political levels of the existence of persons supporting transnational causes within Canada prior to 9/11) these same agencies had a good handle on the relative nature of the threat from a Canadian perspective, at least from an operational and investigative perspective. For example they were able to quickly and collectively establish there was no Canadian connection to the 9/11 attack). Despite the fact that national security was not traditionally high on the GoC's agenda, and that counter-terrorism strategies were responsive and not preventative, institutional frameworks and legislation did provide a clear articulation as to who was in charge in the event of an incident. Finally, and with the exception of a brief interlude in Afghanistan in 2002 and the subsequent comprehensive intervention commencing in 2005 in that same country, GoC efforts were focused and prioritised towards the domestic level in the years 2001 to 2004.

It is therefore argued that the main, but not only, driver behind the restructuring of the GoC's national security infrastructure was an eventual understanding on the part of key decision makers that the threat posed by the globalized nature of transnational terrorism required a response by a broader number of policy/agency centres within the GoC. A different whole-of-government response and strategy was required when compared to the threats posed by the Cold War. The number of agencies with a national security mandate was also augmented as a result of non-traditional issues being securitized under the *Open Society* national security policy. The US did not require the same degree of organizational change in

this respect, as the number of agencies charged with a national security mandate even prior to 9/11 dwarfed the number of Canadian agencies, leading largely to the questions regarding both ‘who’s in charge’ and restrictions on the sharing of information between agencies. And while there were no concerns related to the willingness to share information amongst Canadian agencies prior to 9/11, a post-9/11 prevention strategy required that more agencies would be required to collect and analyse information and intelligence in order to provide comprehensive or actionable information to decision makers. Finally, the GoC’s broader CT strategy focused largely on prevention rather than response and recovery which had been the case prior to 9/11. Consequently, the argument can be made that most new organizations and significant mandate changes were undertaken for three main reasons. First to facilitate information sharing among a greater number of agencies that had a security mandate as a result of 9/11 (FINTRAC, ITAC, INSET teams, MSOC). Second, to better articulate and facilitate the pursuit of national security priorities within an expanded national security community and to provide the institutional means to reflect that national security had assumed a higher, and non-traditional profile within the GoC’s agenda (PSEPC, NSA, Cabinet Committee). Third, it has been identified that a third of the changes were undertaken to address operational gaps or support CT-based legislative changes. These included the creation of CBSA and CATSA.

Furthermore, and as argued, any assessment of the Canadian government’s response to 9/11 has to go beyond merely comparing the GoC’s efforts with those of the US. The transnational nature of the new terrorist threat obliged Canada to link its efforts with other international partners that, for reasons stated herein, had already established whole-of-government responses to threats at the domestic level. Finally, and within the context of historical institutionalism theory, one must consider the institutional parameters that came into play in reorganization initiatives. As the Canadian experience demonstrates, “Environmental influences play significant roles in institutionalizing new organizations. Values, goals, and procedures become strongly established, not necessarily because managers choose them as the most efficient and effective, but because of environmental influences and exchanges.”⁴⁷⁹

For both political and ‘cultural’ reasons largely associated with issues of sovereignty within a number of different communities, the idea that there would be full organizational integration in support of a bilateral Canada-US approach to security was a non-starter. There was a recognition within the GoC that there was a need to undertake a ‘defence against help’ posture. For example, the decision to not securitize immigration policy and programs as was the case in the US under DHS reflects a long-held cultural, Canadian perspective. Consequently, there were institutional and cultural incentives to not mimic developments in the US. Established parliamentary and bureaucratic institutions also enabled a timely response on the part of the GoC that served to protect vital economic interests, address the security concerns of the US regarding its northern border, and to demonstrate to the Canadian public that ‘things were being done’. At the same time, the primacy of Canada’s long-term and interconnected relationship with the US could not be disregarded. One reason behind the timing of when most of the changes to the GoC’s national security structure took place was driven in part by then PM Martin’s initial agenda to improve relations with the US.

Most of the organizational changes related to the GOC’s national security infrastructure were announced in the few months between December 2003, when Paul Martin assumed the role as Prime Minister, and

⁴⁷⁹ Wise, *Organizing for Homeland Security*, 132

April 2004, when the creation of a number of other agencies was announced as an outcome of the *Open Society* national security policy. Of course this raised the question of why more changes were not undertaken in the immediate aftermath of the 9/11 attacks, but some two plus years afterwards. One key reason was that as Prime Minister, Jean Chretien was predisposed against undertaking comprehensive reorganizations, not just for national security but as a general principle. While some new organizations or mandates were created or changed in the immediate aftermath of 9/11 (FINTRAC mandate, CATSA, INSET terms), these initiatives were considered modest relative to future changes that took place. In general terms, the PSAT program under Minister John Manley undertaken in the immediate year after 9/11 required little in the way of organizational change to implement, or as part of a broader strategy to be seen as 'doing something'. Furthermore, PM Chretien was of the view that a comprehensive reorganization of the national security infrastructure in the period following 9/11 would detract from the job of developing and implementing the necessary policy responses to protect Canadian interests in the wake of the 9/11 attacks. Given the charge that DHS faced considerable challenges in undertaking the biggest organizational change to the US security infrastructure since 1947, and having to prevent the next terrorist attack on US soil, it can be argued that PM Chretien's approach was somewhat vindicated. Moreover, he was able to focus on his own personal agenda priorities, while letting Minister Manley look after the GoC response to 9/11. Unlike some leaders, he did not feel obliged to become sidetracked exclusively by determining how the country would respond to the events of 9/11.⁴⁸⁰

Given Chretien's approach, it is therefore not surprising that most of the organizational change occurred under the newly ensconced Martin administration, some two years after the events of 9/11. It is surprising that the changes occurred when the initial enhanced profile of national security issues on the GoC's broader political agenda was already beginning to wane. National security issues were almost an afterthought in both Martin platforms for the Liberal leadership or the subsequent election in 2004. So why the need for change?

Three reasons have been suggested as to why this was the case from a timing perspective. First, and the most non-political reason, was that some time was required to get a better understanding of the threat posed by transitional terrorism, and what was required on the part of the GoC to best respond to the threat from an organizational perspective. During the last years of the Chretien administration, and with a better understanding of the threat, a number of stakeholder communities were of the view that some form of reorganization was legitimately required to facilitate the delivery of the GoC's CT policies and strategies, even though as an issue it was no longer front and centre in the minds of the electorate. The recommendations of how best to do so were part of the 'policy table' process undertaken by the Martin transition team leading up to his assumption the role of PM.

The second reason was to continue the focus on domestic security as part PM Martin's broader agenda to improve relations with the US. Even though US concerns regarding Canada's role in the security of its northern border had subsided significantly in the intervening two years, domestic security still remained high on the US agenda. The Martin team's compunction and focus on polling would have readily understood this. Continued attention to the domestic security agenda would have supported Paul Martin's broader agenda for improved US relations, and it would have likely been seen by the Martin team as being more palatable at the domestic electorate level as opposed to justifying military expeditions abroad.

⁴⁸⁰ Jeffrey interview.

Realistically, the US administration probably would have preferred domestic-based initiatives in any event, as it likely perceived Canadian efforts abroad as being modest at best. Third, PM Chretien's lack of willingness to undertake organizational change provided the Martin organization with an opportunity to use national security as another vehicle to distance itself from the Chretien regime and as part of its broader agenda to put a fresh face to government. There is no suggestion here as to whether any of these three reasons had paramountcy within the Martin team. All had some claim to legitimacy as to the rationale behind why the organizational changes were undertaken when they were.

The timings of the organizational changes were important from another perspective, in that key comparative organizational changes – DNI and NSA, NCTC and ITAC, could not have enabled the GoC to mimic parallel US organizational changes. The position of DNI was created after the NSA, and the precursor to the NCTC (the TTIC) was created roughly around the same time as ITAC. The NCTC itself was created after ITAC. The new Canadian NSA position was announced a year before the DNI, and its core functions had been in place before 9/11 in the office of the Coordinator of Security and Intelligence in PCO. PSEPC came one year after the creation of the DHS, so DHS *could* have been used as a model. It has been suggested that this was not the case for other reasons.

Is there sufficient information to suggest that the GoC purposely mimicked how US agencies were being restructured as part of its response to 9/11? At the highest levels, there were some similarities between Canada and the US. Both governments were required to focus their efforts on organizational changes that buttressed domestic security. New agencies were created in both countries to facilitate enhanced capacity for information sharing and coordination albeit for different reasons. Both DHS and PSEPC had mandates that reflected a threat spectrum that went beyond traditional security concerns and included non-traditional security issues. Both agencies included parallel operational and advisory/consultative components, and both were created to consider preventative, response and recovery elements in their policies and programs. Both were identified as being the main point of contact with other levels of government and front-line responders in support of developing nationally integrated plans, procedures and regulations. Of course bilateral discussions and consultations between like agencies were continued or encouraged on a day-to-day basis.

Nevertheless, there were profound structural differences between the two agencies. By integrating and assuming direct line responsibility for twenty-two different agencies, DHS adopted a hierarchical approach to the management of its sub-agencies. PSEPC's mandate was based on more of a networked approach. While the Department does have managerial responsibility for some key agencies (CSIS, RCMP, CBSA), it has, in parallel, a mandate to coordinate with, not directly manage, the many other agencies within the GoC with a domestic security mandate that, institutionally speaking, maintain their respective managerial and accountability independence, consistent with Westminster principles. Other key differences were also noted, the inclusion of law enforcement and intelligence capacities within PSEPC being one, and *not* having policy and program responsibilities for immigration and refugee issues securitized as they were under DHS being another.

The crux of the punctuated equilibrium theory suggests that otherwise static organizations are driven to undertake significant reorganization as a result of external factors or influence. In this case, the theory has been applied as to the whether the GoC's national security infrastructure was reorganized as a result of the events of 9/11 and the new threat posed by transitional terrorism the attacks represented. Were the

organizational changes that were undertaken comprehensive enough to fall within the parameters suggested by the theory?

As explained above, the initial GoC responses to the events of 9/11 under the Chretien government resulted in modest changes to the national security structure. These changes were reflective of the Chretien government wanting to be seen as both 'doing something', and his aversion to reorganization for the sake of reorganization. The lion's share of the changes were announced when Paul Martin became Prime Minister, some literally on the same day, between December 2003 and April 2004. Some of the changes that were undertaken were more in the way of 'rebranding', and represented only modest organization change. That said, that the degree of organizational change within the GoC did meet the key criteria established by the paradigm equilibrium theory. First, the events of 9/11 and the threat by transitional terrorism it represented, required all governments to develop CT strategies based on prevention at the domestic level. While it is noted that this was already the case for some countries, this was not the pre-9/11 situation in Canada. Prior to 9/11, GoC CT strategies, such as they existed, reflected a focus on response and recovery processes that would be implemented *after* an attack occurred. The paradigm shift to strategies based on prevention meant that intelligence collection and analysis assumed a much greater importance. And while there were few if any concerns related to the willingness to share information between GoC agencies engaged in national security prior to 9/11 as there was in the US, the threat posed by transnational terrorism touched on a greater number of policy centres as part of the GoC's whole-of-government response to the threat. The need for enhanced capacity to share information between a greater number of agencies meant that established formal and informal means of consultation and coordination had to be augmented. Second, the events of 9/11 placed the issue of national security higher on the national agenda than it had been for some time, and this required that these matters received a higher level of advocacy within the GOC machinery system as compared to the pre-9/11 environment. Furthermore, the creation of additional agencies required the means to better coordinate policy and programming specifically within the national security community specifically, and broader GOC agendas in general. The permanent Cabinet Committee, PSEPC and the NSA were created for this reason.

Third, national security strategies to meet the threat posed by transitional terrorism, and the types of threats it represented, meant that greater integration was required with other levels of government, first responders and the private sector in an unprecedented manner. While PSEPC assumed the mandate to be the main interlocutor with these other stakeholders, others did so on a day to day basis, including the newly created GOC, the INSET teams, and the Public Health Agency. In addition, one of the key roles of ITAC was to get over the 'need to know' restrictions previously imposed on federal agencies in terms of sharing information with non-federal agencies, so that those at the local level who could be most immediately affected by threats or actual attacks had timely information or intelligence provided to them in advance.

Fourth, a number of key organizational or mandate changes were undertaken to address specific operational issues related to broader GoC CT strategies. The GOC assuming responsibility for the screening of airline passengers and their goods via CATSA, the transfer of OCIEP from DND to PSEPC, and the creation of the Public Health Agency represented these changes. Many of those interviewed in the course of research for this study suggested that the creation of CBSA represented the most significant change of any. To some degree, securitization of the immigration portfolio was undertaken when border control efforts dispersed among a number of different agencies, and focusing

largely on issues of contraband, were united under a single agency. With the establishment of CBSA, priorities more on the enforcement of illegal immigration practices, (the ‘human’ side to border control to compliment the ‘commercial’ program represented by the Smart Border Accords). It also represented the means to project Canada’s security perimeter beyond its domestic shores, through the establishment of CBSA offices abroad. The changes related to border enforcement priorities, mechanisms and capacities were driven by Canada’s obligation to support broader global CT strategies, and concerns expressed by the US regarding its northern border, all as a direct result of the events of 9/11.

Fifth, though not specifically linked to organizational issues, it was noted by several of the key players that 9/11 served to fast-track a number of security-related initiatives that had remained on the shelf for lack of interests. John Manley had indicated that a significant number of border reform initiatives had been tabled by Canada with US officials well in advance of 9/11, but had progressed only haltingly, if at all, due to a political lethargy. A respectable portion of the \$7.7 billion ‘Security Budget’ of December 2001 was allocated to new security programs that lay dormant prior to 9/11 due to a lack of interest (although the AG would have preferred programs that were based on identified gaps as a result of a 9/11 ‘hot-wash’). The overwhelming consensus is that these initiatives would probably not have seen the light of day absent the events of 9/11.

Finally, from a historical perspective, this study has identified that in the fifty plus years between the end of WW II and the 9/11 attacks, only two significant organizational changes had taken place within the GoC’s national security infrastructure. The fact that more than a dozen new organizations were created, or had significant mandate changes, within a two and a half year period after 9/11, speaks for itself.

Therefore, taken together, these key developments demonstrate that the organizational changes undertaken by the GoC, linked to the events of 9/11, do serve as a case study of how the theory of punctuated equilibrium is applied- that significant organizational change was undertaken in response to external events, in this case the attacks of 9/11, and would not have been undertaken by the GOC absent the events of 9/11 and the new threats posed by transnational terrorism that they represented.

The theory of historical institutionalism, in turn, serves as the over-arching theoretical framework that governed the proverbial ‘left and right’ of how the GoC chose to undertake the restructuring of its national security community, and was a constant variable in both the organization of specific agencies, and when considered collectively. While the theory of punctuated equilibrium serves very well as the genesis behind why and when the reorganization was undertaken, historical institutionalism provides the institutional parameters for how the reorganization was undertaken. In this context, historical institutionalism includes three key components: the traditional role of Cabinet and Parliament in the identification and resourcing of policies and strategies, and in parallel the responsibilities of different levels of government as reflected in the Constitution; ‘machinery’ institutions in supporting individual GoC departments and parliamentary business and inter-agency committees; and values and norms that have been institutionalized as part of Canadian culture.

Within the parliamentary system, a party with a majority, as was the case in both the Chretien and early Martin administrations, can quickly mobilize requisite machine elements to address high profile issues. And while the issue of security did not have much visibility within the GoC in the years leading up to 9/11, the GoC was quickly galvanized to react to the events of 9/11 for a variety of reasons. This it did. In

the immediate period after 9/11, a ‘War-type Cabinet’ was created, as it was in the past to address specific threats, comprising a limited number of senior officials, to develop an appropriate policy, program and resource response to the issue at hand. The situation required that consultations with affected GOC agencies and traditional stakeholders that are normally a requirement in policy development be held in abeyance. The result was that the *Anti-Terrorism Act of 2001*, the Smart Border Accords, *IRPA* legislation and a \$7.7 billion security budget were put in place within months of the attack. And even though the *Anti-Terrorism Act* was viewed in some circles as overkill, the parliamentary process did allow for some of its more controversial provisions to have limitations placed on them. These outcomes support the view that established institutions, particularly the role of the Cabinet as the executive of government and established norms and values, actually enabled the GoC to be better positioned than its more institutionally fractured US counterpart to address issues that were of primary interest to Canada, and to develop CT strategies in response to the threat to Canada as it was perceived at the time. It also enabled the GoC to adapt a more pragmatic case-by-case approach to the threat and issues created as a result of transnational terrorism, as opposed to an all-in ‘fortress North America’ strategy that was favoured by some communities.

And though the situation for the Martin transition team was not exactly the same, it did result in policy and organizational decisions related to the national security structure being developed by a small circle of advisors within established Liberal party machinery mechanisms, though outside of traditional policy machinery within the bureaucracy. In this instance however, policy discussions and consultations were held with experts from various policy communities.

Furthermore, and as noted above, the structure of PSEPC, a significant organizational development, resulted in a networked as opposed to a top-down, hierarchical approach adopted by DHS. This reflected a respect for traditional ministerial responsibility, accountability and oversight that was inherent in the traditional Westminster system of government. The Westminster system also clearly delineated that ultimately it was the Prime Minister that was responsible for the security and safety of Canadians, buttressed by the concept of cabinet collective responsibilities.

Canadian values and norms also played a significant role in terms of the GoC’s approach to the reorganization. Sovereignty issues, long a staple in any discussions with US administrations, were raised when some communities were advocating a fully integrated approach to bilateral security. Full integration with the US was clearly a political non-starter for legitimate sovereignty reasons. The reluctance to securitize immigration and refugee policy and programs within PSEPC as did DHS reflected a different cultural approach to how immigration was viewed in Canada as compared to the US.

At the same time, the institutional relationship between Canada and the US regarding the security of North America as reflected in both the pre-WWII Kingston and Ogdensburg commitments still generated a realization within GoC circles that Canada did have an obligation to protect access to its southern neighbour, whether from conventional or non-conventional threats. Canada’s institutional frameworks enabled the GoC to fulfill this obligation from a position of flexibility, strength, creativity and authority, with due consideration of the pressures that *could* have been applied by others had it not been able to do so.

In conclusion, this examination of why and when the GoC elected to undertake the restructuring of its national security infrastructure has successfully demonstrated the nexus of three parallel areas of research that were the focus of this study. First, despite a perception that GoC efforts were undertaken to mimic similar attempts at reorganization in the US, the rationale behind GoC's efforts was indeed much different. Whereas the US already had a plethora of agencies with a security mandate at the time of 9/11, US efforts were undertaken primarily to address challenges associated with the exchange of operational information and intelligence between these agencies. Since there were few, if any, concerns related to the sharing of information between traditional security agencies in Canada, much of the reorganization was undertaken to address the new requirement that a greater number of policy centres were now required to adopt a security mandate as part of the GoC's whole-of-government response to the threat posed by transnational terrorism. The new machinery processes were required to ensure the means and ability to coordinate policy, program and managerial oversight of this expanded community was in place, at strategic, operational and tactical levels.

Second, changes to the GoC's national security infrastructure were driven by the events of 9/11, and by extension transnational terrorism, in that national security at the domestic level assumed a policy primacy that was unparalleled. This required a number of legislative, policy and organizational responses over the four years covered by this study. In this context, the reorganization served as a case study in punctuated equilibrium, in that an organizational structure that had remained static for a significant period of time was obliged to undergo significant change in response to external factors.

Finally, the institutional 'left and right' governing the conduct of how the GoC chose to respond to the events of 9/11 in general, and the reorganization specifically, was consistent with the theory of historical institutionalism. While punctuated equilibrium served to explain why the change was undertaken, historical institutionalism provided the framework, both from an institutional and cultural /normative perspective, of how the reorganization would be undertaken.

In the twentieth century, terrorism was wielded primarily for domestic purposes, seen as an extension of internal politics, as it were, by criminal means. With the creation of Al-Qaeda, and its subsequent affiliates, terrorism was internationalized, using many of the attributes of globalization. Transnational terrorism meant that terrorists could attack anyone, come from anywhere, but not be attributable to anyone, so as not to lend itself to conventional responses. Bobbitt notes

Terrorism appeared as part of the underside of globalization, taking advantage of trans-border movement of funds and persons, and technological revolutions in communications. This has resulted in a greater proliferation of terrorist groups, greater difficulty identifying individuals or groups that are moving targets, and ongoing innovation on the part of terrorist groups. It was already becoming apparent that the consequence of the openness in the international system, economically as much as politically, was taking certain things out of control. The result of globalization was the reduced power of states, movement of capital and people around the world as governments opened their borders. This created opportunities for those who wished to inflict harm on the established order. On September 11 2001, our advanced technologies and our vulnerabilities were combined.⁴⁸¹

⁴⁸¹ Bobbitt, *Terror and Consent*, 62, 143

Kaldor adds “Everywhere, boundaries are being drawn between protected and prosperous global enclaves and the anarchic, chaotic poverty-stricken areas beyond. More often than not, economic and political disenfranchisement, and the rise of failed or failing states has been exploited by terrorist groups through a strategy based on identity politics, one that is backward looking, fragmented and exclusive, tapping into the increasing insecurities of communities that perceive themselves as having no future or opportunity to improve their stock in life.”⁴⁸² In sum, since the late 1980s, religious fundamentalism and extremism conjoined nationalism and ethnic unrest as sources of modern terrorism. As noted by Ward Elcock, those involved in religious-based terrorism, as opposed to nationalist, ethnic or left-wing terrorists encountered previously, “do not worry about offending, they do not care about retaliation, they are uninterested in negotiation, there are no trade-offs.”⁴⁸³

In this international environment, the domestic needs of Canadian security were not substantially different from those of governments elsewhere facing increased threat levels from transnational terrorism. It was just something new in both the US and Canada. As a result of the globalization of terrorism, domestic security had in turn become transnationalized. Defence against terrorism required a generalized sharing of data among intelligence services, which would use the latest technologies for trying to ferret out the dangerous actors and then tracking their movements. While it can be argued that the broader traditional strategy of pushing the security perimeter abroad remained intact (visa offices, airports and seaports, intelligence collection in other countries), in Canada, the immediate response to the 9/11 attacks fell uncharacteristically to domestic civilian agencies as opposed to the conduct of foreign interventions by the military. Keeble adds “the GoC’s human security agenda, which embraced a philosophical framework of ‘freedom from fear’ as opposed to the ‘freedom from want’ that was consistent with liberal hegemony, was not only in keeping with American and Western understandings of the time, but also served as a basis for current priorities placed at focusing threats at home. It is fundamentally about the responsibility of governments to their own citizens.”⁴⁸⁴

At the same time, within North America, the impact of the 9/11 attacks was viewed differently within Canada and the US. As noted by Whitaker, “Despite best efforts to portray 9/11 as an attack on all civilized nations, it was an attack on *American* civil society. The shock waves were absorbed in Canada differently. Canadians recognized the need to bolster their security and expand intelligence on terrorism, both to assist a friend and to help themselves. Canadians also realized they were not a primary target of Al Qaeda. The attack on the World Trade Centre and the Pentagon sent a clear message, however perverse, about American economic and military power. An attack on the CN Tower and Ottawa Defence HQ would send an indecipherable message”.⁴⁸⁵ Consequently, Canada’s reaction to transnational terrorism was conducted on two fronts. Not domestic and externally as was the case for the US as part of its broader ‘Global War on Terrorism’, but instead in response to the actual threats and risks posed by transnational terrorism, and by US expectations as to what Canada would do its part in the interests of North American security in general, and the protection of the US’ northern border specifically. Moreover, Canada’s unique geographic location relative to the US could not be overlooked, and was a key factor in the outcome of events. Indeed, the domestic impact of a future attack on the US

⁴⁸² Kaldor, *New and Old Wars*, 77

⁴⁸³ Elcock, *Submission to the Special Committee of the Senate on Security and Intelligence*, 3

⁴⁸⁴ Keeble, *Defining Canadian Security*, 4

⁴⁸⁵ Whitaker in Doern, *More or less than meets the Eye?*, 45

undertaken by individuals who were determined to have resided in Canada would be just as catastrophic, if not more so, than the impact of an actual attack in Canada. This is one scenario that still keeps security professionals up at night.

While consistent with historical institutionalism and punctuated equilibrium theory, the changes implemented by Ottawa were put in place by individuals. What does the Canadian post 9/11 experience say about how public officials shape public perceptions of success within the public and how do they assess success where preventive investigations have interdicted attacks that could have killed hundreds or potentially thousands, versus a successful attack that has killed less than a dozen? How do political leaders and senior bureaucrats link the amounts spent on national security over the past 15 years with public perceptions of security? Unfortunately, whatever the government has accomplished in the past will seem as falling short in the event of a future attack, “not because the investments accomplished little, but because the accomplishments no matter how great, will never overcome the impact of subsequent failures.”⁴⁸⁶ As noted by Whitaker et al, “Connecting the dots is always easier in retrospect, when we know what events actually took place and when, than in the messy uncertain present when it is not so clear which are the relevant dots, let alone the lines of connectivity, and there are never enough resources available to follow all possible leads.”⁴⁸⁷

The tightrope that the GoC has to walk between its security obligations and the rights of individuals was evident throughout the period covered by this study, and will continue to be so going forward. All too often, in the event of an attack, security agencies face an unfortunate dilemma. They are first charged with contributing to an intelligence failure due to their lack of diligence. “In the aftermath of an attack, political masters and the public are likely to be unforgiving.”⁴⁸⁸ This is often followed, in turn, by criticism that the rights of individuals charged with terrorism offences are not fully respected. Discussions on enhanced security measures inevitably suggest that a zero-sum game exists – more security means less rights, more rights mean less security. Even though the safety and security of Canadians and Canadian interests are commonly presented as being the government’s number one priority, security is traditionally assigned something of a secondary priority, until a terrorist attack takes place. Even then, public, political and policy interest quickly wanes. For whatever reason, Canada has not had to experience the impact of a 9/11 to the national psyche, or a sustained tempo of ever-increasingly lethal attacks as has the UK, France and other European countries. As quoted by Whitaker, former CSIS Director Richard Fadden commented “Many of our opinion leaders have come to see the fight against terrorism not as defending democracy and our values, but as attacking them. Almost any attempt to fight terrorism by the government is portrayed as an overreaction or an assault on liberty.....why are those accused of terrorist offences... more or less taken at their word when they accuse CSIS or other government agencies of abusing them?”⁴⁸⁹ Shore suggests that “While Canadians must be vigilant in their roles as guardians of their democratic institutions, the national interest can be served simultaneously by getting national security

⁴⁸⁶ F. Harvey, “The Homeland Security Dilemma: Imagination, Failure and Escalation: The Costs of Perfection Security in Alliance Politics”, in *The Canadian Journal of political Science*, (Vol.40, No. 2 2007), 278

⁴⁸⁷ Whitaker et al, *Secret Service: Political Policing in Canada*, 509

⁴⁸⁸ Ibid, 509-510

⁴⁸⁹ Ibid, 511-512

right. Canadians cannot be complacent, and their political leaders have no choice but to focus upon achieving the right balance.”⁴⁹⁰

While there were communities in both Canada and the US that suggested a fully integrated security strategy was the best response to the events of 9/11, did the US *really* want full interoperability and integration? As Sokolsky and Lagasse argue, “Congress holds jealously to its powers. A move toward integration that would involve either common political institutions or a supra-national court sensitive to Canadian interests would likely not work for the United States.”⁴⁹¹ “Both Congressional Democrats and Republicans will resist any arrangement that appears to compromise the ability of the US to manage its homeland no matter who their partners are.”⁴⁹²

One interesting question to pose is what would ‘mimicking’ have actually looked like if it had indeed occurred to its fullest extent? For starters, PSEPC would have assumed direct line responsibility for a number of security-related mandates that were otherwise dispersed to other departments and agencies including CATSA, Coast Guard, citizenship and immigration services, and parts of Public Health. Second, ITAC’s roles and responsibilities would be greatly expanded beyond identifying short-to medium term threats. It would have been responsible for maintaining a number of national-security –based databases, and having a role in the planning of operational responses, both domestic and abroad. A position akin to the DNI would have been created, or additional responsibilities mandated to the Canadian NSA, that would have provided direct line responsibility for the planning and budgets of civilian law enforcement or national security agencies. While these changes would appear at first blush as being merely requiring bureaucratic re-alignment within the GoC, as this study has argued, such initiatives would undermine established institutional and normative values.

It was within a year after the release of the *Open Society* policy that Canada’s national security strategy was once again externally focused with its intervention into Afghanistan under NATO/ISAF auspices, and it remained so for many years thereafter. As noted by Hale, however, domestic security was used as one of the key reason behind Canada’s role in that country. “Although domestic politics often trump international cooperation, national governments may use strategic arguments of national security – however framed, to mobilize domestic support, to justify the subordination of particular domestic interests to a higher national interests.”⁴⁹³ Yet the institutional frameworks created between 2001 and 2004 did not become any less relevant as a result. Indeed, they became even more important in parallel with efforts abroad. The terrorism threat evolved and became more ambiguous from those who planned and executed attacks while based abroad. Over time, the primary threat source evolved from externally based groups (such as Al-Qaeda or its affiliates) to those commonly referred to as ‘lone wolves’, ‘self-radicalized individuals’ or ‘wannabee jihadists’ who already resided in Canada, such as the ‘Toronto 18’. The same legal, policy, program and organizational structures that were developed in the 2001-2004 period are the same ones that are used to mitigate the threat posed by domestically-based sources that have come to dominate the terrorist threat to Canada. As Sloan commented, “The nature of the primary threat to Canadian security-international terrorism- combined with the onward march of climate change ,

⁴⁹⁰ Shore, *Intelligence Review and Oversight in Canada*, 462

⁴⁹¹ D, Schwanen, “After 9/11: Interoperability with the US, Not Convergence”, in *Options Politiques* (November 2001), 47

⁴⁹² J. Sokolsky and P. Lagasse, “Suspenders and a Belt: Perimeter and Border Security in Canada-US Relations” in *Canadian Foreign Policy* Vol.12, No.3, (2005/2006), 25

⁴⁹³ Hale, *Sharing a Continent*, 36

the melting Arctic, and the accompanying challenges of criminal activity, and the competition for resources indicate the ‘home game’ will be just as important as the ‘away game’ if not more so, in the not too distant future.⁴⁹⁴

As an engaged, respectful and astute observer of Canada’s post 9/11 security sector reorganization, Governor Ridge raised several germane questions when it comes to assessing Ottawa’s actions. What would have been the response of the GoC had a comparable ‘shock-and awe’ type of attack occurred in Canada? Would there have been a comprehensive post-mortem undertaken similar to the 9/11 Commission report? What challenges would such a report identify in the Canadian context, and would they be all that different than those raised in the US? Would a greater number of challenges associated with information sharing between security agencies at the time of 9/11 be identified? If the attackers resided abroad, would there have been greater pressure to securitize Canada’s liberal immigration policies and programs? If they resided domestically, were the attackers already known to national security agencies, and why weren’t these agencies on top of the threat? Would the Canadian psyche be more in tune with American counterparts? How long would public and political attention be directed towards the issue of national security as it has been in the US since 9/11? “We didn’t think it would happen in the States either.” How would the public respond given the funding and effort that has been invested to date? What happens if there is an attack in the US from persons found to reside in Canada? What other incremental measures could possibly been put in place by the GoC to address US security concerns that would no doubt arise in the aftermath of such an attack?⁴⁹⁵

Questions such as these, even if hypothetical, remain very much on the minds of those who continue to shape and implement Canada’s national security policies. They highlight that for all the policies adopted, for all the structures changed or adjusted and for all the bureaucratic mechanisms streamlined, counter-terrorism is an uncertain enterprise. Nevertheless, it is something of a testament to those involved in the GoC’s response to 9/11 in general, and in the reorganization of Canada’s national security infrastructure specifically during the years between 2001 and 2004, that the legislation, policies, programs and organizations that were put in place over those years have remained largely unchanged in the interim, even as the nature of the terrorist threat evolved over time. They have, by any possible and plausible measure, provided Canadians over the last nearly two decades, with an enviable level of security and democracy. While it may be time to consider updating the 2004 *Open Society* national security policy, it is to be hoped that Canada and the world will not have face an event comparable to 9/11 as the impetus to do so.

⁴⁹⁴ Sloan , “*Homeland Security and Defence Post 9/11*”,111

⁴⁹⁵ Ridge interview

APPENDIX A

ORGANIZATIONAL CHANGES UNDERTAKEN TO CANADA'S NATIONAL SECURITY INFRASTRUCTURE – SEPTEMBER 2001 / APRIL 2004

The key organizational changes, (defined as either changes to structure or mandate) ⁴⁹⁶that were initiated or announced in the period of investigation were as follows:

- At the highest level, the creation of the Cabinet Committee on Security, Public Health and Emergency Preparedness (announced December 2003);
- The creation of the Department of Public Safety and Emergency Preparedness Canada (December 2003);
- The creation of Canada Border Services Agency (December 2003);
- The creation of the position of National Security Advisor to the Prime Minister, housed in the Privy Council Office (announced December 2003) ;
- The creation of the Integrated Threat Assessment Centre (ITAC) (announced in the *Open Society* policy- April 2004)
- The expansion of the mandate of the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) in December 2001 to provide Canadian law enforcement and national security agencies with information related to terrorist financing;
- The creation of the Canadian Air Transport Security Authority (CATSA) was formed April 1, 2002, as a Crown Agency;
- The creation of Marine Security Operations Centres (MSOCs) (announced in the *Open Society* policy);
- The creation of the Public Health Agency of Canada (announced in *Open Society* policy);

⁴⁹⁶ Increased resources or capacities within organizations where there was no change to organizational structure or mandate are not examined in this investigation.

- Create a new Government Operations Centre (GoC) (announced in *Open Society* policy)
- The creation of two key advisory panels: the National Security Advisory Panel, and the Cross-Cultural Round-Table on Security (announced in the *Open Society* policy)
- The creation of DND's Canada Command did not take place until February 2006, but it can be assumed that policy discussions took place in advance of that date on the rationale and role behind the creation of the operational command.
- The creation of a Bi-National Planning Group (BPG) for NORAD (December 2002)
- The Canadian National CBRNE Response Team (2002)
- Integrated National Security Enforcement Teams(INSET) (formed in 2002)

APPENDIX B

SAMPLE SOLICITATION LETTER

Dear _____:

By way of introduction, my name is John Gilmour. I'm a PhD candidate in one of the Royal Military College of Canada's (Kingston) graduate programs, but based out of Ottawa. With my retirement from the federal government a mere few weeks away, I'll have more time to dedicate to the completion of my studies, with a view to teaching as part of a post-retirement 'career'.

The focus of my dissertation research is to examine why the Government of Canada (GoC) chose to restructure the organization of its national security departments and agencies the way it did, in the period immediate following the events of 9/11, to the promulgation of the "Open Society" national security policy of 2004. Much in the way of scholarly investigation has already been applied to the initial GoC efforts in the immediate aftermath of 9/11 (the *Anti-Terrorist Act* of 2001, the Smart Borders Declaration/Accord, and the *Immigration and Refugee Protection Act*). Very little, if any, of the same attention has been paid as to what factors were considered in the creation of Public Safety Canada, the position of National Security Advisor, the Integrated Threat (now 'Terrorism') Assessment Centre, etc. Hence the impetus behind my research.

Reference to the individual's role goes here _____. Initial research would indicate the GoC's response to the events of 9/11 was based to some degree (depending on the source) on US influences, whether it was to assuage US concerns about Canada's commitment to hemispheric security, to replicate the organization changes being undertaken in the US, or that Canadian decision makers were coming to the same realization of their US counterparts that existing structures were stifling inter-agency cooperation and a preventative strategy necessary to address the phenomena of global terrorism.

Consequently, in support of my primary research efforts, I am wondering if it would be possible sit down with you for an hour or so, any time over the next several weeks, and at a location of your choice, to run through some high-level the questions associated with the topic at hand, that would be forwarded to you in advance. While this would be something of a 'structured' interview, any additional insights or views would obviously be appreciated. While ideally I would like to record our conversation for accuracy down the road, I can merely take notes if you would prefer that approach. I am also not asking you to betray Cabinet confidences, but rather seek more your own views.

Your consideration of this request is sincerely appreciated.

Thanking you in advance,

John Gilmour

APPENDIX C

SAMPLE INTERVIEW QUESTIONNAIRE

- Were there any similar pre-9/11 studies or ‘road-maps’ similar to the US Hart-Rudman Commission (January 2001) undertaken to assess national security requirements for Canada in the 21st century? Was the reorganization undertaken as an outcome of any actual national threat / risk analysis or assessment?
- Prior to the events of 9/11, or the resulting post 9/11 reorganization, was there a federal entity had the overall mandate responsibility in crafting a strategy in response to the threat posed by transnational terrorism? Where was that centred?
- Along the same lines, did the subsequent reorganization result in having a single agency/ person ultimately accountable for policy direction and control of three main facets of national security: control of the purse strings, the ability to hire and fire executive, the ability to reach across agencies to reallocate resources as necessary, the ability to set standards for information gathering and personnel. If not, where did the functional authority lie for these respective activities within the GoC?
- How did / does the decision making process re: national security differ between the US and Canada? (Line authorities, role of NSA/NSC, DNI, PCO, PMO, etc.)
- In your view, were US decision makers looking for anything else from Canada in terms of demonstrating and responding to sensitivities to US security concerns, beyond what was initially undertaken in 2001-2002 (Anti-Terrorism Act, IRPA, Smart Border Accord, security budget)?
- The Ad-Hoc Cabinet Committee on Public Security and Anti-Terrorism was created in September 2001 to coordinate the GoC’s initial and time-sensitive response to 9/11. The Auditor General report of March 2004 suggested the Committee provided advice to the PM and Cabinet, but that decisions related to national security programs or policy were actually referred to other permanent Cabinet committees. Is this the case, and why? Why was a permanent Committee not created post 9/11 given security’s enhanced policy profile, until 2004?
- Prior to 2004, how many other Cabinet Committees were mandated to deal with national security issues?

- In general terms, were Cabinet and bureaucratic fora established for security policy integration *prior* to 9/11 considered adequate relative to pronounced *or perceived* threat at the time? And while such venues may have existed, did the output from established fora provide any significant value added to discussions related to priority setting, policy initiatives, funding requirements, etc.?
- Below the Cabinet level, was there any significant change to the bureaucratic consultative process post 9/11 (DM / ADM committees feeding into Cabinet)?
- Was the subsequent organizational structure designed to reflect a political preference for Cabinet to manage issues on a day-to-day basis, or more for strategic direction? Was the executive interested in managing day-to-day operations, or remain sufficiently detached in order to concentrate on strategic issues?
- While there was a graying between domestic and global threats, are you in agreement with the view that there was a GoC organizational bifurcation - Foreign Affairs lead for offshore strategy, and PCO/PMO for 'continental' / domestic strategy? Where would the two parallel streams come together organizationally for policy / program / resource prioritization, and who was ultimately in charge of ensuring coordination between the two streams?
- To what degree was new legislation required to enact / implement the new reorganization?
- Why didn't the new NSA remit include defence and foreign affairs, akin to the US National Security Advisor?
- What was the difference between role and responsibility of the Intelligence Security Coordinator in PCO, and subsequently the position of NSA, created in December 2003? Was there a view that the NSA required a greater analytical capacity?
- Was the Ministry of Public Safety:
 - Created to raise the profile of national security on the government agenda (rather than remaining with a 'B-level' Cabinet ministry- Solicitor General) and to convey the importance of national security within Canada to US administrations, to create a 'cultural shift' regarding how Canadians perceived national security?
 - Created to resemble US Homeland Security in structure, not necessarily for optics, but to break down the Chinese wall between external and domestic

terrorist threats as demanded by the threat posed by global terrorist organizations?

- Was the driver behind the creation of the department- Better policy coordination? Better program coordination? Better “architecture” design? All three?
- Internal GoC discussions related to the creation of Public Safety were initiated soon after 9/11, but the formal creation was not announced until December 2003. What were some of the issues or design options that would have been raised related to its creation. Status quo? A super ministry? A greater nexus between ‘security’, ‘defence’ and ‘foreign affairs’? Was there a general consensus on the way forward, or was there significant debate? Why were possible alternatives not chosen?
- Related PS questions:
 - Why was Emergency Preparedness moved to Public Safety?
 - Was PS regarded as the main interlocutor with provincial and local stakeholders? (for policy input / implementation? Response only?)
 - The DHS included all agencies from soup to nuts within one organizational tent. Why were the issues defined as national security within the 2004 policy generally left within their respective and existing mandates?
- The enforcement side of Immigration Canada was rolled into the new CBSA agency within Public Safety. Why was the balance of the Immigration Canada mandate kept as a separate agency while the USCIS was absorbed within the Department of Homeland Security?
- Why were most of the reorganization initiatives announced in advance of the release of the national security policy or, conversely, two years after 9/11 (or other timing issues that may come to mind)? Was there a difference in philosophies in this regard between the Chretien government and the Martin government that followed?
- In your view, what were the main ‘value added’ outcomes of the reorganization of 2003-2004, and of Public Safety specifically?
 - CBSA / border security?
 - Better coordination within GoC agencies?
 - Better coordination with provincial and local officials?
 - More focused mandate for CSE?
 - Other?

- The 2004 national security policy makes 140 references in a 50 page document to “integration”, “cooperation” and other similar terms. Was the focus on interoperability and integration a pre-emptive response to concerns related to intelligence ‘stove piping’ that were likely to emerge as part of US post-mortems (US 9/11 Commission Report, July 2004) Was there a perception between GoC decision makers at any time that inter-agency cooperation and “jointness” at both the strategic and operational levels was a problem? Was there a clear understanding of the respective roles of Canadian security and law enforcement agencies when it came to CT prior to 9/11?
- What was the main driver behind the ‘cooperation narrative’ reflected in the 2004 “Open Society” policy? If there no were concerns, why the emphasis in the policy to cooperation / integration/ interoperability etc. Cooperation vs. “jointness”.
- Why was ITAC created if there were no concerns re: intel and information sharing?
- Why were ‘human security’ issues (pandemics, environmental security, natural disasters, organized crime) included in the Open Society policy?
- Was the need for enhanced governance / oversight a consideration in the restructuring process?
- Would the Canadian national security machinery continued to have functioned sufficiently and responded adequately to the threat of transnational terrorism absent the organizational initiatives mostly undertaken in 2003/2004?

Appendix D

Key Questions Addressed in Interviews

Interviewer	Similarities with US	Differences with US	Intel/Info Sharing	Better Positioned	Policy/Machinery	Timing
Manley		✓	✓	✓	✓	✓
Fadden			✓	✓	✓	
Sands	✓	✓				
Elcock		✓	✓	✓	✓	
Cappe					✓	
Himelfarb				✓	✓	
Wright		✓	✓	✓	✓	
Ridge	✓	✓	✓		✓	
Bloodworth	✓	✓	✓	✓		✓
Jeffry		✓			✓	
McClellan		✓	✓		✓	✓
Whitaker		✓			✓	✓
Resnick					✓	✓

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List of Interviewees

Hon. John Manley: Deputy Prime Minister, Foreign Affairs Minister and PSAT lead, (October 2000-January 2002), Minister of Finance, (June,2002-December 2003), April 18, 2018

Mr. Richard Fadden: Deputy Clerk, Counsel and Security and Intelligence Coordinator, Privy Council Office,(2000–2002); May 16, 2018

Dr. Christopher Sands: Senior Research Professor and Director of the Center for Canadian Studies at the Paul H. Nitze School of Advanced International Studies (SAIS), Johns Hopkins University, May 20, 2018.

Mr. Mel Cappe: Clerk of the Privy Council, (January 18, 1999 – May 12, 2002), May 30, 2018

Mr. Ward Elcock: Director of Canadian Security Intelligence Service (1994-2002), June 5, 2018

Governor Tom Ridge: First Director Office of Homeland Security (September 20, 2001 – January 24, 2003) / First Secretary Homeland Security (January 24, 2003 – February 1, 2005) , June 7, 2018

Mr. Alex Himelfarb: Clerk of the Privy Council (May 2002- March 2006), June 12, 2018

Mr. Rob Wright: National Security Advisor to the Prime Minister of Canada (December 2003-2005) June 25, 2018

Mrs. Margaret Bloodworth: Deputy Minister, PSEPC (2003-2006), June 28, 2018

Hon. Anne McLellan: Minister of Justice (June 1997-January 2002), Deputy Prime Minister/ Minister of PSEPC (December 2003- January 2006), September 13, 2018 (via Skype)

Dr. Brooke Jeffrey Head of Liberal Party Policy (2002), Professor of Political Science, Concordia University, Author – “Divided Loyalties”, January 10, 2019

Dr. Reg Whitaker: National security academic, University of Victoria, January 16, 2019

Mr. Mark Resnick, Member of Martin transition team (“The Board”), March 4, 2019 (telephone interview)

