

THE CANADA INSTITUTE

One Issue, Two Voices

Security and Sovereignty: Renewing NORAD

Security and Sovereignty: Renewing NORAD is the third publication in the Canada Institute's *One Issue, Two Voices* series. Using expertise from both sides of the Canada–U.S. border, this series is the Institute's contribution to dialogue on policy issues relevant to the bilateral relationship. The focus of this paper is the upcoming NORAD renewal negotiation process.

In 2006, the current NORAD agreement will expire; efforts are underway on both sides of the border to review the current agreement and make suggestions as to how it can be improved. The two authors, Jim Fergusson of the University of Manitoba and Dwight Mason, former chairman of the U.S. section of the Permanent Joint Board on Defense, discuss the issues facing both countries in the negotiating process and what each of their respective countries hope to gain.

Several important events have occurred since 1996 when the agreement was last renegotiated, most notably the terrorist attacks of September 11, 2001. This publication discusses this particular event and the subsequent creation and implementation of new institutions within NORAD, such as U.S. Northern Command and the Bi-National Planning Group.

Mason and Fergusson explore the difficulty of negotiating a partnership of unequal partners with differing interests. How does Canada's need for sovereignty conflict with the United States' need for security, or does it? What can both sides do to accomplish a truly useful and acceptable agreement?

The publication of these papers will be marked by a binational forum with the two authors in Washington, D.C. at the Woodrow Wilson International Center for Scholars on March 8, 2005, and with speakers and interactive video-teleconferencing in Toronto, Ontario.

This project has been made possible through the efforts of several organizations and many people. First, I would like to thank The Canada Institute on North American Issues for their support of the *One Issue, Two Voices* series. I would also like to thank David Biette, Christophe Leroy, Katherine Ostrye, and Cheryl Hoffmann at the Canada Institute of the Woodrow Wilson Center, and Frank Harvey, Graham Walker, and Ambra Dickie of the Centre for Foreign Policy Studies at Dalhousie University. I wish to thank Rick Halpern with the Centre for the Study of the United States at the Munk Centre for International Studies at the University of Toronto for his assistance with the program in Toronto. In addition, a sincere thank you goes to Dwight Mason and Jim Fergusson for their dedication to this project.

We hope that you enjoy this publication and that it will encourage further dialogue on the topic.

Marcia R. Seitz-Ehler, March 2005

Centre for Foreign Policy Studies, Dalhousie University

Time to Expand NORAD

Dwight N. Mason

The United States and Canada should expand the North American Aerospace Defense (NORAD) Agreement to include land and maritime domains so that North American defense will be comprehensive and seamless across all mission areas and all domains. It is a good time to look at this subject, as both countries are beginning the process of renewing and possibly broadening the NORAD Agreement. Those discussions may well shape the two countries' future defense relationship and the future configuration and missions of the Canadian Forces. This paper will look at where the NORAD negotiations could take the U.S.–Canada defense relationship.

U.S. Priorities for NORAD

The basic objective of the United States in these negotiations should be to expand NORAD to include land and maritime domains so that the defense of North America is seamless across all domains. NORAD was created to respond to the threat posed by the increasing speed at which lethal weapons could be delivered against targets in North America by bombers and, later, by missiles. There was a requirement for systems that could provide the United States and Canada with rapid warning and characterization of threats, agreed plans for immediate response using appropriate U.S. and Canadian forces, and the means to direct that response if necessary. There was no longer time for negotiations and arrangements for each individual event. The result was NORAD, a new bi-national institution, but one whose scope was significantly broader than typical bi-national bodies because it was genuinely operational: it integrated members of the armed forces of both countries into a single structure that reported to both governments, was jointly funded, and shared command responsibilities.

The terrorist attacks of September 11, 2001 showed that our land and coastal defense forces are subject to a similar compression of warning, characterization, and response time. There may be very little warning of major natural disasters, or none at all for a chemical or biological attack, until the effects are noted. In such situations, appropriately trained land forces are likely to be a key resource for the civil authorities, and it seems obvious that it would be at least desirable if not imperative that the land forces of both our countries be able to work together immediately if required, as our air forces can and do now.

There is also now a need for greatly improved and shared awareness of what is transpiring within 500 miles of our coast lines and on the Great Lakes as well as the capability to act swiftly on that information.

In short, there is no longer enough time to work out specific arrangements for individual incidents as they arise in which U.S. and Canadian land and sea forces may need to work together in North America. These requirements strongly suggest that the NORAD Agreement should be expanded to include appropriate land and maritime resources. In the words of an informal Bi-National Planning Group paper, we now need a “comprehensive, seamless defense for CANUS across all mission areas in the aerospace, maritime, and land domains.”¹

At the moment, there is a unified command for the United States in U.S. Northern Command (NORTHCOM) and a bi-national air defense and space-warning command

at NORAD; both of these organizations share the same commander. It seems sensible, efficient, and economical to complete this picture by adding land and sea forces to NORAD and thus achieve for all domains what both countries already have achieved for air: namely, timely warning, characterization, planning, and response in an agreed upon manner using the appropriate resources of both countries as the situation may require. As General Ralph Eberhardt, the then commander of NORTHCOM and NORAD, put it in February 2004, “My intuition is that we need to take NORAD to the next level...For sure, we need to include some kind of maritime piece...and probably some kind of civil support...We should have the ability so if one nation asks, the other is ready to respond on the shelf, ready to go, as opposed to working through the bureaucracy.”²²

In addition to NORAD expansion, the United States should seek to integrate the Bi-National Planning Group (BPG) into NORAD while preserving the former’s mission. U.S. and Canadian joint planning for continental defense, previously done in more than one place, is now centralized in the BPG. It has been successful and is clearly an asset we need to keep and strengthen. The BPG is now collocated with NORAD and NORTHCOM in Colorado Springs. Like NORAD, it is an integrated organization including members from both countries. Its commander is a Canadian who is also the deputy commander-in-chief of NORAD, and it operates under the authority of NORAD. It seems obvious that we ought to move the BPG into NORAD since, for all practical purposes, it is already there.

The United States ought also to propose adding the Military Cooperation Committee (MCC) to the BPG, whether or not the BPG is merged into NORAD. The MCC manages a number of bilateral matters that relate to the responsibilities of the BPG. At this point, particularly if NORAD were expanded, it seems sensible to combine and rationalize the responsibilities now spread between the BPG and the MCC.

Finally, the United States should push for an agreement with an indefinite term. In the past, the intervals between renewals have been as short as one year and as long as ten. There is no convincing reason why we should continue down this track of constantly renewing the agreement. After all, the agreement now allows, as it always has, for termination by either country with notice, and it can be amended when desired—witness the recent agreement to allow NORAD to provide information to the U.S. missile defense program. Finally, renewals are not necessary to permit review of the agreement. Either party can seek a review at any time; NORAD is generally discussed at every meeting of the Permanent Joint Board on Defense (PJBD). If the Canadian Parliament or the U.S. Congress wish to review the agreement or NORAD’s activities, who is to stop them?

Uncertain Prospects for NORAD Expansion

While the reasons to expand NORAD are compelling, it is not clear that the United States and Canada will agree to do so. There are political, bureaucratic, and resource problems impeding expansion.

In Canada, the political problem is sovereignty. Some Canadians believe that an expansion of NORAD will compromise Canadian sovereignty. This fear seems to reflect a misunderstanding of NORAD on the one hand and a wish in some quarters

NORAD – List of Acronyms

ABM	Anti-ballistic missile
BPG	Bi-National Planning Group
CMOC	Cheyenne Mountain Operational Center
GMD	Ground based mid-course ballistic missile defense
MCC	Military Cooperation Committee
NORTHCOM	U.S. Northern Command
NORAD	North American Aerospace Defense
PJBD	Permanent Joint Board on Defense
RCMP	Royal Canadian Mounted Police

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to limit or reduce the density and extensiveness of the bilateral relationship on the other—a wish that the outcome of the U.S. election of 2004 may have intensified. This wish is likely to be frustrated because the main trend in U.S.–Canada relations is toward increasing integration in ever more areas. That trend is probably not reversible because it responds to the wishes of most Canadians and Americans and, in many cases, is the result of their individual decisions and actions.

An expansion of NORAD would not threaten either country's sovereignty, nor would it place Canadian land and sea forces under U.S. command. Canadian air forces are not now under U.S. command at NORAD and never have been. Neither country assigns forces to NORAD permanently. This would not change. Each country assigns them for specific, agreed purposes. Only then do they come under the operational control (not command) of NORAD (itself a bi-national organization). Command, which includes responsibilities over personnel matters such as assignment, removal, discipline, pay, promotion, etc., remains with the sending country. Given NORAD's bilateral character and integrated structure, the officer actually exercising NORAD's operational control over the assigned forces of both countries may well be a Canadian (as was the case for NORAD combat operations on September 11).³

Lieutenant-General George Macdonald, the then Vice Chief of the Canadian Defense Staff, addressed the sovereignty issue clearly and directly before the Canadian Senate's Standing Committee on National Security and Defense on May 6, 2002:

[NORAD] helps preserve Canadian sovereignty through a joint consultation mechanism, a regional structure respecting sovereign boundaries, access to U.S. senior national security officials, limited assignment of standing forces and national approval of actions on a case-by-case basis. Both Canada and the United States can act independently of NORAD and neither is bound automatically to follow the other.⁴

Indeed, it can be argued that participation in NORAD has *strengthened* Canadian sovereignty by allowing Canada to control its air space more effectively using NORAD assets, thus achieving a high degree of control at a low cost—a degree of control Canada would probably be unable to exercise without NORAD.⁵ An expanded NORAD would similarly further strengthen Canadian sovereignty by augmenting its ability to control its maritime approaches.

In Canada, the Navy reasonably fears that it may well be tasked with the mission of controlling Canada's home waters. Besides the Navy, there are three other agencies in Canada involved in maritime security. They are the Coast Guard, the Department of Fisheries and Oceans, and the Royal Canadian Mounted Police (RCMP). The Canadian Coast Guard, a civilian agency without a law enforcement mission, has an ageing fleet of ships and no recapitalization program in sight to reverse this trend. The RCMP, although an armed agency with a law enforcement mission, has few ships, and those it has are small. Canada has created under the command of the Navy two Marine Security Operations Centers, which include members of these three organizations. Thus the writing is on the wall: when the additional responsibility comes, the Navy will have it.

Yet the Navy's own resources are limited. As Peter Haydon of Dalhousie University's Centre for Foreign Policy Studies recently pointed out, "Present fleet capabilities are inadequate for the full range of tasks that need to be carried out under the prevailing defense policy."⁶ Thus a full-time responsibility for coastal defense could force signifi-

cant change on the Navy, from its overall mission to specific equipment requirements.⁷ The Canadian Navy is understandably reluctant about expanding NORAD to include coastal control, lest this new responsibility be definitively assigned to it. Yet it is difficult to see how Canada can perform this mission without making it the Navy's first priority. While this mission would not require all the Navy's assets, it would limit its ability to operate abroad, thus further reducing Canada's ability to intervene overseas.

In the United States there are bureaucratic obstacles to NORAD expansion such as the relationship between the Department of Homeland Security (of which the Coast Guard is a part) and the Department of Defense, NORTHCOM, and NORAD. The Coast Guard has been assigned the primary responsibility for United States coastal control. But NORAD is a defense organization whereas the Coast Guard is not. Similarly, there is some resistance in the U.S. Navy to the idea of working too closely with NORTHCOM on coastal defense matters because, like the Canadian Navy, it sees its mission as a blue water one. It is concerned that expansion of NORAD into the maritime domain might place a lien on its resources and priorities.

Hopefully these obstacles can be overcome because the kind of bi-national fusion, coordination, and direction that NORAD can offer are essential to North American coastal defense. The November 30, 2004 joint statement by President Bush and Prime Minister Martin in Ottawa is encouraging because it suggests that the two governments will not allow bureaucratic objections or turf wars to get in the way of an improved, common defense through an expanded NORAD. The president and prime minister said, "Canada and the United States will work to ensure the coherence and effectiveness of our North American security arrangements by...working towards renewing the NORAD agreement and investigating opportunities for greater cooperation on North American maritime surveillance and maritime defense."⁸

Policy Implications of the Decline of the Canadian Forces

There is another problem, however: the present and future capabilities of the Canadian Forces and the Government of Canada's intentions concerning them. Over the last several years, observers within and outside the U.S. Government and in Canada have expressed concern about the cumulative decline in the capabilities of the Canadian Forces. Until now, the fact that Canada has not devoted more resources to its military has not directly affected the United States. This may change as the lack of sufficient Canadian military resources increasingly limits Canada's ability to work effectively with the United States to defend North America. For example, Canada's CF-18 fighters, which are an important part of North American defense and of NORAD's capabilities, will have to be replaced around 2012, so planning, including provisions for funding, must begin soon if those planes are to be replaced. Lack of resources may also limit Canada's ability to control its sea approaches, something that is also important to North American defense. Canada's ageing airlift capability limits its ability to respond in a timely manner to many kinds of natural and other disasters, as does its small number of uniformed personnel. These are some of the deficits that can impose additional costs and responsibilities on the United States for North American defense. The less Canada has to work with, the less it can cooperate effectively with the United States.

The Canadian Forces cannot currently meet all their mission requirements: namely, to protect Canada, cooperate with the United States in the defense of North America,

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and to contribute to international security. Douglas Bland of Queen's University puts it very clearly:

The capability of the Canadian Armed Forces to meet government defence objectives has been eroding, is eroding, and will continue to erode; it cannot be sustained under present policies. In some core capabilities, all of the major components are failing together while others are hamstrung by particular deficiencies. Two essential components are specifically endangered today: there are simply not enough trained people, or the facilities and resources to train them, to ensure that the Canadian Forces will be operationally fit in the future. Second, major equipments are failing from age and use, and the plans to replace them are inadequate to the demand.⁹

It is doubtful that Canada can continue to contribute significantly to North American defense and simultaneously maintain the operational tempo of the last several years in its deployments abroad. The Canadian chief of the Defense Staff points out in his *Annual Report* for 2003–2004:

Demand for [Canadian Forces] participation in domestic and overseas missions is not expected to diminish: in fact, it may well continue to increase. However, deployment capacity issues will continue to constrain the ability of the CF to participate in new missions.¹⁰

In short, both a choice in priorities and additional funding seem necessary.

The constraints on resources have also prevented effective planning for future forces and particularly for eventual replacement of key platforms including the CF-18s, the C-130s, and the frigates. Funding limitations have stretched out the CF-18 upgrades and the modernization of the Aurora Patrol aircraft. All these systems affect Canada's ability to participate in the defense of North America.

The Challenge Ahead

Recent attention ahead of the negotiations on the renewal of NORAD, not to mention the very existence of NORTHCOM and the BPG, have made the long-term decline in Canadian military capabilities more obvious to the United States. The cumulative effect of this downward trend in defense spending comes at a time when Canada has been running impressive budget surpluses and has elected to fund major increases in various other domestic programs. These developments ought to raise some doubts in Washington about Canada's intentions when it comes to North American defense. Spending commitments in the national budget are government decisions to do some things and not others; the situation of the Canadian Forces is the result of long-standing policy.

These doubts should give the United States pause in thinking about the future of NORAD. If Canadian policy does not change, Canada will not be able to sustain its existing participation in the long run, much less take on new responsibilities. This comes at a time when there are new requirements for North American defense, some of which cannot be met by the United States alone. North American defense cannot be managed optimally without Canada.

For the United States, the factor that should be decisive in the negotiations on NORAD expansion is the presence or absence of a Canadian commitment to provide

adequate resources over time to allow its forces to participate meaningfully in North American defense in all domains—land, maritime, and air. The United States should seek a clear understanding with Canada on this point. The temptation to postpone this delicate question will be strong, but from the U.S. perspective, we may have run out of time: the new defense problems are real and immediate.

If Canada and the United States decide not to expand NORAD, then the United States should focus on securing the renewal of the NORAD Agreement as it now stands, including the missile defense amendment of 2004. This course of action, however, would still leave unresolved the problem of how the two countries' land and maritime forces should cooperate in the post-September 11 North America.

In the meantime, the United States should seek agreement to continue to use the BPG, ideally merged into NORAD, to work out plans for such cooperation taking a realistic view of the resources and capabilities of both parties. In addition, the United States should seek Canadian agreement for the development and deployment of a unified coastal and Great Lakes situational awareness system within the framework of NORAD. Such an agreement would be an important step forward from the present situation since it would build on NORAD to give both countries integrated air, space, and now maritime warning and characterization capabilities.

A new NORAD agreement including the BPG and an integrated, shared coastal and maritime situational awareness capability would be an improvement over the present situation, though it would fall short of the seamless bi-national defense capabilities for North America across all domains that the new post-September 11 world demands. The United States could well have to begin considering how to defend itself in North America with diminished Canadian participation.

Notes

1. "Think Piece on Enhanced CANUS Military Cooperation," Draft/Predecisional (Colorado Springs: Bi-National Planning Group, July 22, 2004), p. 2.
2. Caitlin Harrington, "Top U.S. General Urges Expansion of U.S.- Canada Military Operations," *CQ Homeland Security*, February 27, 2004.
3. LTG George Macdonald, "Canada-U.S. Defense Relations, Asymmetric Threats and the U.S. Unified Command Plan," statement to the Senate Standing Committee on National Security and Defense, May 6, 2002, p. 4. See also Richard H. Gimblett, "The Navy – 'Ready, Aye Ready,'" *On Track*, Vol. 9, No. 2 (Summer 2004), p. 11.
4. *Ibid.*, p. 8.
5. Canadian Press, "Canada can't afford not to be part of NORAD, defense chief says," *Globe and Mail* (Toronto), December 18, 2004.
6. Peter Haydon, "Canadian Naval Future: A Necessary Long-Term Planning Framework," *IRPP Working Paper Series no. 2004-12* (Montreal: Institute for Research on Public Policy, November 2004), p. 17.
7. Philippe Lagassé, "A 'Maritime NORAD'?", *Sitrep*, Vol. 64, No. 5 (November/December 2004).
8. "Joint Statement by Canada and the United States on Common Security, Common Prosperity: A New Partnership in North America," Office of the Prime Minister, Ottawa, November 30, 2004.
9. Douglas Bland, ed., "Canada without Armed Forces?" *Claxton Papers 4* (Kingston: School of Policy Studies, Queen's University, 2003), p. 105.
10. General R.R. Henault, *Making Choices: Annual Report of the Chief of the Defense Staff 2003-2004* (Ottawa: Department of National Defence, December 2004), p. 14.

NORAD Renewal — Much Ado About...

James Fergusson

After more than fifty years since NORAD was founded, its renewal, in and of itself, is neither problematic nor controversial. However, the issue of ballistic missile defense—and to a lesser degree, NORAD expansion into the maritime and land dimensions of continental defense cooperation—raises significant problems for the Canadian government. Neither issue truly can be separated from the renewal of NORAD.

Outside of the two issues of Canada's role in ballistic missile defense and expanding NORAD's focus, the renewal of NORAD simply entails extending the existing agreement for another five years. The agreement itself has been significantly amended only on three occasions, in 1975, 1981, and 1996. The August 2004 agreement to assign the U.S. ground-based mid-course ballistic missile defense (GMD) early warning mission to NORAD was made possible by the 1996 amendment. This is not an entirely new mission; NORAD performed this function during the brief life of the U.S. Anti-Ballistic Missile Safeguard system in 1975.

Moreover, little if any public or government attention would be devoted to NORAD renewal if the two aforementioned issues were excluded. Renewal would be left in bureaucratic hands to deal with any relatively marginal issues that might arise from NORAD system modernization. Even then, such issues largely belong to the Military Cooperation Committee (MCC), if not NORAD officials themselves, for resolution.

The issue of missile defense, especially if it is included in or perceptually associated with the negotiations, is likely to confound the renewal process, even more so with Canada's minority government likely to face an election no later than the spring of 2006. The Canadian public is now deeply divided over the issue of Canadian participation in missile defense, a significant shift of opinion over the past few years.¹ This division largely reflects attitudes toward U.S. foreign policy, the Bush administration, and President Bush himself, which can be traced back to the war in Iraq. Such attitudes have not yet been linked to the expansion of the NORAD mission beyond aerospace; however, this possibility exists. Expansion itself also raises questions of sovereignty, independence, and national identity, which are always highly sensitive for Canadian governments. If all of these questions converge, as may well happen, then expanding NORAD's mission will become problematic too.

Keeping the two issues separate reflects the way in which Canadians respond to them, with consistent overwhelming support for NORAD and inconsistent, fluctuating views on missile defense.

Thus, the current Martin government and Canadian negotiators will attempt to keep missile defense separate, and may also place expansion in abeyance by seeking to extend the Bi-National Planning Group (BPG) beyond its current expiration date. Keeping the three issues of NORAD renewal, missile defense, and NORAD expansion on separate tracks is at best only a short-term solution, because they cannot truly be kept apart. In this context, a short-term extension of NORAD should be the preferred result, unless the agreement is amended to open the door to mission expansion without Canadian participation.

NORAD Renewal

Historically, it has been a Canadian preference to keep NORAD in general and its renewal in particular separate from all other aspects of Canada-U.S. continental defense cooperation. This has been especially true for missile defense. Canada successfully kept these two policy questions separate on the three occasions in which missile defense was an issue, in 1967, 1986, and 2001. Keeping the two issues separate reflects the way in which Canadians respond to them, with consistent overwhelming support for NORAD and inconsistent, fluctuating views on missile defense.²

Separating missile defense from NORAD renewal also follows from the current Canadian position that was expressed in the exchange of notes assigning the ballistic missile defense aerospace warning mission to NORAD.³ This decision has resolved some Canadian concerns about the future of NORAD itself, and has possibly kept open the option for future Canadian participation in the ballistic missile defense system. The 1996 NORAD agreement also provides the means to deal with missile defense at a later date. GMD can be added to NORAD's "aerospace control" mission whenever the parties agree to do so.⁴ Thus, GMD can be negotiated on a separate track. It can be dealt with any time Canada is prepared to move forward and the United States is agreeable within the parameters of the January and August 2004 exchange of notes.⁵

The same cannot be said for expanding the NORAD mission, if this is indeed the fundamental recommendation of the BPG and the preference of both parties. Unless dealt with in these negotiations (and this has been the general expectation of both parties as evident in the time limit attached to the BPG), the current agreement contains no provisions for expanding NORAD's terms of reference outside of aerospace. Thus, a short-term renewal, which has occurred in the past, is the only existing option if either party wishes to delay movement toward NORAD expansion into other mission areas. Alternatively, it would make much better sense simply to remove the aerospace reference from the 1996 clause providing for the "expansion of bi-national cooperation ... if both parties agree".⁶ Regardless, whatever tasks remain can be readily undertaken by the MCC or discussed during future negotiations.

Either option for dealing with the expansion issue, and leaving out GMD, would produce a straightforward, uncontroversial renewal. It would also allow both parties to deal with either or both issues at a later date in a calmer political environment. But doing so does not mean either can be put off indefinitely. For both issues, time is pressing. Decisions in the United States will have to be made very soon for functional and operational purposes, especially in the case of missile defense. These decisions will affect the NORAD system and its relationship to GMD, Northern Command (NORTHCOM), and overall Canada-U.S. continental defense and security cooperation.

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Ballistic Missile Defense

The prime minister and the Canadian government as a whole have made it clear that the August 2004 amendment does not represent a Canadian decision on participation in GMD. Beyond certain markers laid down by the prime minister in end-of-the-year interviews (no weapons in space, no money to contribute, no interceptors on Canadian soil), the government appears to be looking to find a means to participate. Participation may be understood as a Canadian role in the command and control of the missile defense mission; the only option for Canada is NORAD.

Adding the missile defense early warning mission could be understood as a preliminary step toward command and control and the logical conclusion of the overall NORAD ballistic missile early warning mission for North America. Independent of missile defense, NORAD serves the important function of providing a mechanism for the United States to inform Canadian decision-makers if North America is under missile attack. The addition of missile defense thus seems straightforward since NORAD is already carrying out the early warning mission. The United States still faces many decisions regarding the new operational system in Alaska and California, and eliminating one more decision is entirely understandable.

However, these very decisions, dominated by operational command and control questions, have important implications for the possibility of participation by Canada. Their outcome also affects NORAD, and thus its renewal. At the very basic level, NORAD early warning and U.S. GMD command and control must be linked or fused. However, NORAD is not the only means by which early warning information can flow to the missile defense command within NORTHCOM. The Cheyenne Mountain Operational Centre (CMOC), shared with U.S. Strategic Command, is one of the U.S. assets that provide ballistic missile early warning data to NORAD.

The end state for NORAD will depend upon the evolution of the missile defense system itself, NORTHCOM's operational structure as it integrates the GMD mission, and its relationship to NORAD's operational structure, as it currently exists in the CMOC. On one hand, the system can be structured to provide a "U.S. only" GMD seat, as was the case with ABM Safeguard. On the other hand, it can also be structured without a U.S. missile defense presence and exist simply as an information conduit elsewhere.

Negotiations may or may not determine the outcome of the system; it is effectively a U.S.-only decision. At the same time, the technical-functional impact of the negotiations on NORAD does require some form of bi-national agreement, even if it is only informal. Although these negotiations may take place outside of NORAD renewal itself, they belong in the hands of NORAD expertise and/or the MCC. Regardless, the result of the negotiations will shape the future of NORAD and, in turn, the way in which Canada might participate in NORAD.

As Prime Minister Diefenbaker found out during the 1962 Cuban Missile Crisis, the devil is in the details and technical-functional decisions can carry political and strategic repercussions. This then is the Canadian conundrum. Politics may separate NORAD and missile defense, but technical-functional requirements keep the two together. NORAD renewal negotiations by default cannot avoid missile defense. Putting the two issues on a separate track may be a negotiating position on the relationship between NORAD and missile defense. Of course, the United States may be willing to create a missile defense command and control structure that could easily integrate Canadians in the future, but it is under no obligation to do so.

Nonetheless, both parties need to find a means to put missile defense on the NORAD renewal table. This is possible by repeating history and dealing with the most politically contentious—yet irrelevant—issue surrounding missile defense in Canada: the weaponization of space. In 1967, at the suggestion of Secretary of Defense Robert McNamara, an ABM exclusion clause was added to the NORAD agreement which kept NORAD and missile defense separate.⁷ A weaponization of space exclusion clause might serve to bring missile defense and NORAD together again. This would then enable the negotiations to move forward to include missile defense (or at least resolve it one way or the other) as part of a new agreement that also formally excludes NORAD from the weaponization of outer space.

Expanding to Maritime and Land

Negotiating an expansion of the NORAD mission is certainly not as problematic or controversial as missile defense. In the wake of the terrorist attacks of September 11, 2001, especially with a consensus about the significance of maritime-based terrorist threats to North America, institutionalizing defense and security cooperation beyond the aerospace sector follows naturally. From Canada's perspective, it makes greater sense in order to respond to the creation of NORTHCOM in the United States, which has integrated land, sea, and aerospace into a single entity. NORAD has a proven track record as an integrated bi-national command, and would appear to be the logical home for a centralized, multi-environment, bi-national command.

Canada and the United States already share a common vision regarding the maritime approaches to North America, which also includes air traffic on the coasts. Among the primary threats facing North America is the possibility of cruise missile attacks from off-shore vessels; responding to such attacks requires coordinated naval and air responses, and possibly a land response if surface-to-air missiles are considered. NORAD and elements of the national defense structure also share this vision, such that a centralized, combined command structure for the multi-dimensional defense of North America simply makes sense.

Moreover, it is not just the post-September 11 defense of North America that demands an institutionalized bi-national response. Many if not all of the new terrorist threats require the involvement of civil agencies in both countries. From intelligence to response, clear communication, coordination, and operational execution channels need to be formalized to ensure effective and efficient continental defense and security. As these channels have been established in varying degrees in both countries, it is essential that they work together on a bi-national basis.

Creating a new structure would likely replicate the existing NORAD structure; in addition, NORAD would then have to be integrated into the new institution. All of the existing procedures and mechanisms within NORAD that protect each nation's sovereignty and promote cooperation can be readily applied to the maritime and land sectors. Of course, due attention would have to be paid to distinctions among the environments and services, which have already been addressed to some degree by the BPG. The main issue for NORAD renewal is establishing an agreement in principle to expand NORAD's jurisdiction, with the technical details to be mandated to the MCC and the Permanent Joint Board on Defense (PJBD).

In its simplest form, expansion means the addition of a maritime and land operations center to the CMOC structure. The command structure itself will likely be an

issue to negotiate. NORAD expansion is partially predicted by the establishment of NORTHCOM, whose commander is also the commander of NORAD. There is no equivalent, however, for the maritime and land environments, except the BPG for which the Canadian deputy commander of NORAD is the nominal head, and the deputy commander of NORTHCOM its second-in-command.

For Canada, using the NORAD command precedent would result in a Canadian deputy commander for North America. It is highly unlikely that the United States would agree to rotating command with Canada, although the agreement only specifies that the commander and deputy commander not be from the same country. It is here, however, that the symbols of sovereignty, independence, and Canadian national identity emerge: Canada appears as a junior partner. Thus, negotiating an expansion of NORAD will require a reconsideration of the commander/deputy commander arrangement. In so doing, the joint command may well need joint commanders.

The existing Canadian command structure also figures in the negotiations. There is no Canadian equivalent to NORTHCOM, except in the sense that the deputy chief of the Defence Staff has operational responsibility for all the Canadian Forces, at home and abroad. Below this post, command follows the services through the chiefs of Land and Maritime Staff to the regional commands (Land Forces National Area Commands and the Maritime Atlantic and Pacific Commands). Expanding NORAD will necessitate an examination of the national Canadian command structure, which then raises a range of other issues.

Conclusion

In the end, the renewal of NORAD is straightforward in the absence of missile defense and the expansion of its mission. It may be best to put these two issues aside in the short term, and in the case of NORAD expansion, to extend the BPG or task the MCC to continue its work as an evolutionary step toward an expanded, integrated, and institutionalized Canada-U.S. continental defense and security relationship. Yet irrespective of NORAD renewal, neither issue can be ignored. In the end, if Canada is successful in putting aside one or both of these issues for the time being, the United States will likely proceed to make specific unilateral decisions that essentially will create a *fait accompli* for Canada. Canada can either negotiate to protect its interests, regardless of the domestic environment, or cede the decisions to Washington.

Canada can either negotiate to protect its interests, regardless of the domestic environment, or cede the decisions to Washington.

In the end, Canada and its negotiators cannot ignore the fundamental principle guiding Canadian defense and security calculations. The United States views defense in continental terms and will continue to extend its defense and security umbrella over Canada. Institutionalizing this umbrella as a means to create a rules-based cooperative relationship, and thus deepen and broaden the relationship, serves to protect Canadian interests and Canadian sovereignty. This principle, and its underlying logic, must continue to guide Canadian decision-makers as they confront the new defense and security environment of the 21st century.

Notes

1. In 2000, 76% of Canadians supported missile defense, according to a Pollara survey conducted on behalf of the Department of National Defence. David Pratt, “The Attitudes of the Canadian Public to the Canadian Forces,” Speech to the Conference of Defence Associations. Ottawa, February 22, 2002. In November 2004, support had fallen to 46%. *Portraits of Canada 2004* (Montreal: Centre for Research and Information on Canada, November 4, 2004).
2. In the same polls, 88% of Canadians supported NORAD in 2000, and 78% in November 2004.
3. Note No. JLAB-0095. Letter to United States Secretary of State Colin Powell from Michael Kergin, Canadian Ambassador to the United States. August 5, 2005.
4. “The expansion of binational cooperation in other aspects of the aforementioned missions [aerospace warning and aerospace control for North America] should be examined and could evolve if both nations agree.” 1996 NORAD Agreement and Terms of Reference, p. 3.
5. The exchange of letters, initiated by Canadian Defence Minister Pratt, proposed separate negotiations on missile defense in the context of NORAD. Secretary of Defense Rumsfeld responded favorably to the letters, which served as the basis for the August exchange of notes.
6. Note No. JLAB-0095. Letter to United States Secretary of State Colin Powell from Michael Kergin, Canadian Ambassador to the United States. August 5, 2005.
7. The ABM exclusion clause was dropped in 1981 because it was viewed as redundant in light of the ABM Treaty’s provisions on third-party involvement (and weaponization of space for missile defense).

“NORAD Renewal — Much Ado...,” A Comment

Dwight N. Mason

Professor Fergusson is right. The NORAD renewal negotiations may result in a five-year renewal of the existing agreement and nothing more. Given the current political situation in Canada, this is probably the outcome the United States anticipates. Such an outcome would be disappointing. Fergusson is also right in pointing out that missile defense and NORAD expansion cannot really be separated from the renewal negotiations. Finally, he is right in saying that deepening and broadening the U.S.–Canadian defense relationship is the best way to protect Canadian interests and Canadian sovereignty. It is also the best way to manage North American defense in the future, and the NORAD renewal negotiations offer a timely opportunity to strengthen that effort. This is why they are important.

On missile defense, Canada has agreed that NORAD may be used for the detection and characterization of hostile missile launches against North America. This decision probably preserved NORAD as we know it, but does not provide for full Canadian participation. For example, information sharing is limited, and Canada does not now have a role in the design of the missile defense system going forward, or in the decision-making process on how to deal with possible vulnerable targets on Canadian territory.

The missile defense debate in Canada has been poorly informed and now seems to have focused on “weaponization of space.” We should remember that the current U.S. missile defense program is fundamentally experimental and is not yet successful. It may never be successful. The prospects for transferring some of it to space (beyond sensors) are distant, uncertain, and may never be realized. At the same time, it is difficult to see why the United States should give any assurances not to undertake such a program if it should turn out to be practical. This is an issue whose time has not yet—and may never—come. It is not suitable for negotiation now. Thus, if Canada finds it necessary to take a position on this “contentious” but “irrelevant” subject, as Fergusson puts it, in the NORAD renewal negotiations, the Canadian government would do well to stake out its position in terms of reserving the option to revisit the subject at a later date.

Further delay on a decision on missile defense will become increasingly costly to Canada in terms of program design and policy as the U.S. program marches forward without full Canadian participation.

I agree with Fergusson that NORAD expansion will present structural problems to the Canadian Forces. But I am confident that Canadians can work them out should they wish to do so. I am less concerned than Fergusson about an expanded NORAD command structure and Canadian sovereignty because I agree with him that “all of the existing procedures and mechanisms within NORAD that protect each nation’s sovereignty and promote cooperation can be readily applied to the maritime and land sectors.” Thus I see no reason why the existing commander and deputy commander arrangements should not continue.

Putting this issue off will not serve Canada’s interests. The United States is organizing its homeland defense on an integrated air, space, land, and sea basis. This will continue and take a more permanent form. Inevitably, if this continues without full Canadian participation, Canada will be faced with ever more limited choices. Fergusson’s final point is his most important: “The United States views defense in continental terms and will continue to extend its defense and security umbrella over Canada. Institutionalizing this umbrella as a means to create a rules-based cooperative relationship, and thus deepen and broaden the relationship, serves to protect Canadian interests and Canadian sovereignty.” It also remains the best way to defend North America.

These last points, the opportunity and need to “deepen and broaden” the U.S.–Canada defense relationship, are the underlying premises of the NORAD renewal.

The modern defense relationship between the United States and Canada began in 1938 and is a legacy of World War II. The precipitating event was a speech given at Queen’s University by President Roosevelt in 1938. The president chose that moment to announce, “the people of the United States would not stand idly by if domination of Canadian soil is threatened by any other empire” (and he did so without having consulted Prime Minister Mackenzie King). The prime minister replied a few days later: “We, too, have our obligations as a good friendly neighbor, and one of them is to see that, at our own instance, our country is made as immune from attack or possible inva-

sion as we can reasonably be expected to make it, and that should the occasion ever arise, enemy forces should not be able to pursue their way either by land, sea, or air to the United States from Canadian territory.”¹

These statements are the basis of the defense relationship of the two countries today. The central principles of that relationship are that North America is a single military theater, that each country has a duty to the other to defend it, and that they will do this together. The most recent restatement of these principles came on May 23, 2003 when John McCallum, then minister of defense, told the Canadian House of Commons that, “At least since 1940, Canada has entered into a solemn covenant with the United States to jointly defend our shared continent.”²

The post-September 11 environment demands improved U.S.–Canadian defense and security cooperation. Not only has the threat to North America changed to include terrorism, but also the warning and characterization times for new land and maritime threats have sharply diminished. For example, a sea-launched cruise missile may have a warning time of ten or fewer minutes. Use of a weapon of mass destruction by terrorists may have none at all. This is why the United States organized NORTHCOM as a unified command. We need to expand NORAD to achieve the seamless defense of North America that the Bi-National Planning Group is looking for. North America remains a single theater.

The NORAD renewal negotiations are important because they come at a time when the United States and Canada need to build on their shared tradition of a common defense of North America to meet the new threat we face. These negotiations are an opportunity to find common cause regarding mutual security needs.

The Bi-National Planning Group recently put it this way:

*There is an opportunity to make bold and meaningful strides toward streamlining continental defense and security policy. NORAD has enjoyed bi-national success in reducing the seams and gaps within the aerospace domain over the last 46 years. It is now recognized that the end state for the future is a command that can address all domains. The NORAD concept can be expanded to integrate all domains in a coherent military strategy that will seal our common seams and gaps.*³



Officers at work in the CMOC Command Center. In addition to the Command Center, other operational centers in the CMOC are the Air Warning Center, Missile Warning Center, Space Control Center, Combined Intelligence Watch, Weather Support Unit, and Systems Center.

Notes

1. James Eayrs, *In Defence of Canada*, Vol. 2 (Toronto: University of Toronto Press, 1959), pp. 177–183.

2. John McCallum, Minister of National Defence, 37th Parliament, 2d Session, *Hansard* No. 8, May 29, 2003 at 1100. Accessed at www.parl.gc.ca/37/2/parlbus/chambus/house/debates/108_2003-05-29HAN108-E.htm.

Reponse to Dwight Mason's "Time to Expand NORAD"

James Fergusson

Overall, there is little to disagree with in Dwight Mason's assessment of NORAD renewal, even though he did not address missile defense. His decision to ignore missile defense may speak volumes about American attitudes on the likelihood of Canadian participation. It is also an implicit recognition that a bi-national defense relationship that is "comprehensive and seamless across all mission areas and all domains" actually does not include missile defense. As such, one may understand Mason's suggestion in his conclusion that the United States may have to consider "how to defend itself in North America with diminished Canadian participation." How far the United States extends its defense into space or elsewhere may well be more than a speculative academic question.

Regardless, we concur that the expansion of the NORAD mission makes sense in response to the threat environment facing North America after 9/11. Mason recognizes that expansion is also the logical outcome of the process set in motion first with the establishment of NORTHCOM, and then the Bi-National Planning Group (BPG). Furthermore, NORAD expansion will clearly be the dominant, if not the only issue, on the negotiating agenda.

For both of us, the timing for NORAD renewal is critical, and the current political climate in Canada may dictate a slower process for expansion. This may include extending the BPG or embedding it within NORAD as the next step toward operational expansion. For Mason, this is not problematic; he notes that there is nothing to prohibit the parties to the agreement from reviewing it at any time, or amending it outside of the current five year renewal process.

However, it does not necessarily follow that negotiators should seek an indefinite extension, nor would either or both parties necessarily agree with this interpretation. The 1996 amendment to the agreement concerning new aerospace missions addresses such a situation.

In any case, Mason's position reflects the central problem confronting the relationship, and thus the major issue for the negotiators: maintaining a balance between the symbolism of sovereignty and the functionalism of cooperative defense. For Canada, NORAD and its expansion have acquired a status of symbolic prominence and political sensitivity, as Mason has recognized. For the United States, NORAD and its expansion is simply a practical, technical, and functional response to a shared geostrategic reality. Negotiations on structural or institutional alternatives will inevitably need to address the issue of institutional balance with regard to the expansion of NORAD.

There are of course many Canadian observers, especially within the defense establishment writ large, who also adhere to a functional perspective and are frustrated by the apparent lack of understanding of the geostrategic reality on the part of others, particularly at the higher political levels and among other segments of society. However, any suggestion that the functional perspective will dominate is akin to thinking that the defense and security relationship between Canada and the United States is entirely apolitical.

Certainly, Canadian sovereignty is enhanced in a more cost-effective way by Canada's participation in NORAD, not least of all because NORAD is a window into U.S. thinking and planning on continental defense. Furthermore, Canadian sovereignty will be further strengthened should NORAD expand into the maritime operational arena and to a lesser degree the land arena as well. This particular view of the potential benefits derived from an expanded NORAD is not widely shared in Canada, and Canadian political elites of all stripes have been sensitive to the perception, and thus the symbolism of dependency on the United States. In this sense, any structural arrangements in the realm of continental defense need to specifically demonstrate not only enhanced sovereignty, but also address any perceptions of reduced Canadian sovereignty. For this reason alone, it is important to maintain an agreement of fixed duration in order for Canada to be able to assert its sovereignty and avoid the perception of U.S. domination.

Likewise, it is problematic, though logically practical, to consider merging the Military Cooperation Committee (MCC) into an expanded NORAD, or into the BPG (whether inside or outside of NORAD), as Mason suggests, even though few if any Canadians are aware of its existence. Such a merger would reflect the above-mentioned symbolism of dependence and feed beliefs that Canadian defense and security are dominated by the United States through NORTHCOM.

The MCC is an institution of equal numbers and rank between Canada and the United States, with rotating chairs. Conversely, NORAD, tied as it is to NORTHCOM, is an unevenly balanced institution, with a U.S. commander and a Canadian deputy. Again, Mason is correct that this imbalance is of no practical significance, and his distinction between command and operational control is a useful one. The difference, however, is of great symbolic significance, which is why the reverse structure of the BPG, with a Canadian commander and a U.S. deputy, is noteworthy.

Of course, one way to resolve the imbalance is to rotate the commander and deputy positions between the two countries on some fixed basis. This would not require formal amendment; the agreement only specifies that the two positions cannot be held by the same nation. Nonetheless, such an amendment would prove useful in striking a balance in leadership.

At the same time, as stated above, merger is not the answer for the MCC. Rather, formalizing the link with NORAD or subordinating an expanded NORAD to the MCC in a command-but-not-control sense could prove useful. This solution could use regional operational commands to resolve NORTHCOM's image problem (stemming from its North American area of operational responsibility) in the same way that the current NORAD structure deals with the sovereignty issue.¹

Canada would still have to decide how to structure an integrated aerospace, maritime, and land "operational control" headquarters by either expanding NORAD's current Canadian regional headquarters in Winnipeg or establishing a new one that fuses the existing two national Maritime Surveillance Operations Centres and land elements into the overall system. This issue, like the question of the preferences of the Canadian and U.S. Navy that Mason raises, are a national concern, with implications for the overarching North American command structure.

Without raising capability concerns, NORAD renewal is really about restructuring and integrating the entire U.S.-Canadian defense and security relationship in North America, which has always been compartmentalized for symbolic and functional

reasons. Negotiators should be wary of trying to deal with such a major task. However, to ignore the task is also dangerous, because decisions made today will have a strong impact upon future choices.

Notes

1. There are currently three regional headquarters: Alaska, Canada, and the continental United States. Each is commanded by a national, with the deputy from the other nation.

Dwight N. **Mason**

Dwight N. Mason is a senior associate at the Center for Strategic and International Studies in Washington, D.C. He was appointed by President Clinton to be the Chairman of the United States Section of the Permanent Joint Board on Defense, Canada–United States in 1994, and served until 2002. Prior to that he was a United States Foreign Service Officer and served in Morocco, Colombia, the United States Arms Control and Disarmament Agency, as a mid-career fellow at the Woodrow Wilson School at Princeton University, in Ecuador, as an American Political Science Association Congressional Fellow, and twice at the United States Embassy in Canada, first as the counselor for political affairs and subsequently as deputy chief of mission and minister. He is a graduate of Brown University and of the University of California at Berkeley.

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