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Canadian Security and Military Preparedness

**The Government's Response
to the**

**Report of the Standing Senate Committee
on National Security and Defence**

October 2002

The protection of Canadians and the safeguarding of vital national interests has always been a priority of this Government. We work on an ongoing basis to make sure Canada has in place the most effective regime possible to ensure the safety and security of our citizens.

In so doing, we face important challenges. These are the same challenges that confront all free and democratic societies in protecting the security of the nation. We must make choices, we must prioritize, and we must act. The decisions we have taken to enhance the security of Canada and Canadians since the events of September 11 reflect the appropriate balance between the needs of the state and the individual rights and freedoms of its people.

The work accomplished by the Standing Senate Committee on National Security and Defence and the dedication of its members to advance public discussion, dialogue and reflection regarding national security and defence issues is to be commended. The Senate Committee's report, *Canadian Security and Military Preparedness*, contributes to this Government's ongoing initiatives to strengthen the national security and defence framework in a balanced manner, in response to a new threat environment. As the Committee observes, "ensuring the security of its people is one of the fundamental obligations of any federal government". Responding to this complex threat environment requires a cooperative, coordinated and integrated approach across sectors, regions and borders. The Government continues to take the necessary steps to enhance and strengthen Canada's national security system to better protect Canadians and to prevent terrorist attacks.

Many government departments and agencies work together to keep Canada safe. And central to this effort is the National Counter-Terrorism Plan, which provides a framework for the coordination of counter-terrorism responsibilities. In the immediate aftermath of September 11, we saw this collaboration in action. Governments at all levels responded in a cooperative and coordinated manner, due in part to pre-existing protocols and the well-established working relationships between partners. In the early days of the crisis, this collaboration was perhaps most evident in regions of the country that handled the unexpected arrival in Canada of over 200 diverted flights. Through the cooperation of all involved – including local police, firefighters, health services, Immigration officials, Customs officers, and airport authorities – over 35,000 stranded airline passengers were processed and

cared for. This could not have been done without the generosity of hundreds of volunteers in local communities across the country.

In the wake of September 11, the Prime Minister established the Ad Hoc Committee of Ministers on Public Security and Anti-terrorism, which serves as a focal point to oversee the rapid implementation of a range of national security initiatives that encompass both legislative and operational areas, such as the *Anti-terrorism Act* and the Smart Border Declaration. The *Anti-terrorism Act* takes aim at terrorist organizations and strengthens our ability to investigate, prosecute and prevent terrorist activities at home and abroad. It strikes a careful balance between the needs of national security and the need to ensure that safeguards are in place to protect the rights and freedoms of Canadians.

The federal Budget 2001, allocated \$7.7 billion beginning in fiscal year 2001-02 and over the period extending to 2006-07 to keep Canada safe, terrorists out, and our borders open. This funding for broad range initiatives under a coordinated umbrella includes \$6.5 billion for security, including \$2.2 billion to improve air travel safety, \$1.6 billion for intelligence and policing, more than \$1.6 billion for emergency preparedness and to support Canada's military, \$1 billion for all concerned departments for more efficient screening of immigrants, refugees and visitors, and \$60 million to enhance marine security. It also includes more than \$1.2 billion for border initiatives aimed to strengthen border security, facilitate the flow of goods and people, and improve border infrastructure.

The Canada-U.S. Smart Border Declaration

Given the magnitude of the two-way trade between Canada and the United States, maintaining a secure and efficient border is critical to both countries. Every day, close to \$2 billion worth of goods crosses the Canada-U.S. border. On December 12, 2001 Canada and the U.S. signed a declaration for the creation of a Smart Border for the 21st century. The Declaration is based on the mutual understanding that economic security is an essential underpinning of public security.

Through the Smart Border Action Plan, Canada and the United States are implementing joint risk-based programs to speed the flow of low-risk travelers and goods between our two countries; deploying better equipment for detecting explosives, firearms and other dangers – without delaying the

flow of low-risk people or goods; and improving infrastructure that supports major border crossings. The Smart Border Action Plan includes a number of new security measures, such as:

- Biometric Identifiers
- Permanent Resident Cards
- Managing of Refugee / Asylum Claims – Safe Third Agreement
- Visa Policy Coordination
- Advance Passenger Information / Passenger Name Record
- Compatible Immigration Databases
- Critical Infrastructure Protection
- Intelligent Transportation Systems
- Integrated Border and Marine Enforcement Teams
- Joint Enforcement Coordination
- Integrated Intelligence
- Joint Training and Exercises

Recent developments under the Smart Border Action Plan have prompted even greater cooperation and discussion between the Canada Customs Revenue Agency (CCRA) and its U.S. counterparts, including consideration of joint facilities where it makes sense to make such financial and security investments. The Government is also committed to ensuring the safety and security of the Customs Inspectors dealing and interacting directly on a daily basis with travelers and goods flowing through the country. To remove undue risk in the discharge of their duties, these dedicated individuals are carefully recruited, receive comprehensive and timely training, and are provided with the necessary communication equipment to ensure prompt assistance should they require it.

Enhancing Maritime Security

The Government strongly supports any actions that will enhance marine security. With earlier detection, improved surveillance programs and methods, integrated intelligence collection, coordination and analysis, enhanced border integrity, the acquisition of state-of-the-art technology and increased resources, the Government is taking the necessary steps to tighten marine security, secure the coastline and ports, and to improve international commerce.

In this regard, it has formed an Interdepartmental Marine Security Working Group to review all aspects of marine and port security. This initiative includes a comprehensive review of current security arrangements for the maritime sector, including port, St. Lawrence Seaway and ferry terminal security, existing legislation, contingency plans, and risk mitigation to make recommendations for an improved maritime security framework.

The December 2001 federal budget allocated \$110 million to the CCRA over six years for contraband detection technology, with at least \$25 million to be spent on high-energy X-ray equipment that will assist in the targeting and examination of containers. Furthermore, Budget 2001 provided \$15 million in additional funds to the Department of Fisheries and Oceans to increase the scope and frequency of its surveillance flights over critical approaches to North America, and increased ship days for Coast Guard vessels, to augment Canada's capacity to identify and address potential marine threats.

Moreover, in recognition of the urgency of securing global trade, the G8 has agreed on a set of cooperative actions to promote greater security of land, sea and air transport while facilitating the cost-effective and efficient flow of people, cargo and vehicles for legitimate economic and social purposes. Under the G8 Cooperative Action Plan on Transport Security, the G8 will develop and implement, in cooperation with relevant international organizations, an improved global container security regime to identify and examine high-risk containers and ensure their in-transit integrity. The G8 will develop, in collaboration with interested non-G8 countries, pilot projects that model an integrated container security regime; implement, by 2005 wherever possible, common standards for electronic customs reporting; and work in the World Customs Organization (WCO) to encourage the implementation of the same common standards by non-G8 countries. The G8 will work with member countries and the WCO to require advance electronic information pertaining to containers, including their location and transit, as early as possible in the trade chain. The G8 will also support, in the International Maritime Organization (IMO), amendments of the International Convention for the Safety of Life at Sea (SOLAS) accelerating to December 2004 the installation of automatic identification systems on certain vessels and require by July 2004 mandatory ship and port facility security plans, security officers on board ships, and security assessments for ports serving ships engaged on international voyages.

There is a recognition that increased international cooperation is essential in order to counter trans-border crime and terrorism threats. Canada has worked extensively in the G8, in particular during our presidency in 2002, to advance G8 consensus on practical measures to counter threats to the safety and security of our citizens. Transport Canada has also been pro-active in marine security committees that have been struck by the Asia Pacific Economic Conference (APEC) and the IMO, including serving as the Vice-Chair of the IMO Inter-sessional Working Group on Maritime Security in February 2002, the recommendations from which will lead to a ratified set of amendments to the International Convention for SOLAS at a Diplomatic Conference at the IMO in December 2002.

Additionally, in July 2002, Deputy Prime Minister Manley and Governor Ridge, U.S. Homeland Security Director, announced that Canada and the U.S. will deploy joint teams of customs officials in the ports of Vancouver, Montreal, Halifax, Seattle-Tacoma and Newark to target marine in-transit containers arriving in Canada and the United States through information exchange and cooperation. Both Customs Agencies will work in partnership with industry to develop advance electronic commercial manifest data for marine containers arriving from overseas. U.S. Customs has stated that they view these efforts as a pilot for similar approaches that could be implemented in other G-8 countries.

Strengthening Airport Security

Canada has one of the safest and most secure air transportation systems in the world. We are always working with our partners to make our system even better – with the introduction of new technologies and state-of-the-art equipment, well-trained employees, more rigorous security procedures, and improved aircraft design.

The creation of the Canadian Air Transport Security Authority in April 2002 will result in a more consistent and integrated air transport security system across Canada for the screening of passengers and baggage for weapons, explosives, incendiary devices and other items that may be harmful to security in an aerodrome or on an aircraft, such as chemical, biological and bacteriological agents. New security actions also include a program for armed undercover police officers on Canadian aircraft and enhanced policing at airports.

Transport Canada has also undertaken a comprehensive review of the restricted area pass system in Canadian airports, including roles and responsibilities, identification, format, the use of biometrics, and background checks of passholders. In December 2001, Transport Canada established the Aviation Security Advisory Committee (ASAC) as a forum for stakeholders to provide advice on security measures. Issues surrounding restricted area pass roles and responsibilities, biometric and other technical features, and background checks of pass holders have been discussed at length by ASAC. Flowing from discussions, Transport Canada has completed an assessment of user requirements, key issues and the incorporation of biometric features. The results of this work are now being analyzed.

Internationally, because aviation security is only as strong as the weakest link, Canada is providing leadership to the implementation of a global aviation security audit program by the International Civil Aviation Organization (ICAO). An initial Canadian contribution of \$335,000 announced in February 2002 and the sharing of aviation security audit technical expertise are assisting ICAO to commence, in 2003, implementation of the audit program to identify gaps in the international aviation security system and the necessary remedial measures.

Under the Smart Border Action Plan, Canada and the U.S. have agreed to share advance passenger information and passenger name records on international and transborder flights, subject to specific parameters which are currently under development. In addition, Canada is examining the idea of joint passenger analysis units at Miami and Vancouver airports on a pilot basis, staffed by both Canadian and US Immigration and Customs officials.

Enhanced Screening of Entrants to Canada

Canada welcomes legitimate visitors, immigrants and refugees. At the same time, Canadians expect the Government to provide authorities with the wherewithal to identify, exclude, and, if necessary, arrest and detain people who pose a risk to Canada and the rest of the world.

The Government has responded to this expectation, with initiatives such as: a multiple borders concept that tries to identify individuals of concern at the farthest possible point from Canada, such as a visa office abroad; better use of information and intelligence to identify people of concern; front-end screening of refugee claimants; more resources for detention and removal;

new fraud-resistant Permanent Resident Cards; and the new *Immigration and Refugee Protection Act* and regulations to update the federal immigration and refugee system.

Under the Smart Border Action Plan, Canada and the U.S are working towards developing common biometric identifiers in documentation such as permanent resident cards, NEXUS, and other travel documents to ensure greater security. Canada has fast tracked the development of a secure card for permanent residents, which includes storage capacity for a biometric identifier. This new card, which replaces the existing paper record-landing document, has been issued to all immigrants arriving in Canada since June 28 of this year and contains fraud-resistant security features. Permanent residents in Canada will have to apply for the card and application processing will begin in Canada on October 15, 2002. All permanent residents returning to Canada using commercial carriers will be required to present a Permanent Resident Card as of December 31, 2003.

Canada and the U.S. are also reviewing refugee/asylum practices and procedures to ensure that applicants are thoroughly screened for security risks, and are committed to sharing information on refugee and asylum claimants. In addition, the two countries have negotiated a safe third-country agreement to enhance the management of refugee claims. This agreement will limit access of most asylum seekers to the system of only one of the two countries.

Canada and the U.S. have initiated a joint review of respective visa waiver lists. As a result, in December 2001, Canada imposed visitor visa requirements on ten additional countries as a safety measure.

Furthermore, Canadian and U.S. Immigration agencies will develop an automated database as a platform for information exchange to enhance the intelligence sharing and trend analysis. We will also increase the number of Canadian and U.S. immigration officers at airports overseas and enhance the joint training of airline personnel. Placing immigration control officers overseas is a Canadian innovation that has been successful in protecting our country from threat. In the past six years, Canadian Immigration officers abroad have stopped more than 33,000 people with false documents before they boarded planes bound for North America. More than 8,300 people were stopped last year alone.

Moreover, the Canadian Security Intelligence Service (CSIS) has seen a budget increase of 30 per cent. This increase will, in part, enable CSIS to assist Citizenship and Immigration Canada (CIC) in dealing with the increased screening responsibilities related to overseas immigrants and refugees. CSIS has already deployed additional resources and implemented mechanisms to effectively deal with the CIC workload despite continually increasing volumes. The Senate Committee, in referring to the 2000 - 2001 Security Intelligence Review Committee (SIRC) report, noted lengthy delays in processing CIC applications. Those delays were atypical and were related to cases in which CSIS provided CIC with inadmissibility or information briefs. Such cases, which represent less than 1% of all cases checked for CIC, require additional investigation. In some cases, delays resulted as requests were submitted on hard copy forms and transmitted via diplomatic bag. CSIS has implemented technical solutions allowing electronic file transfers, significantly reducing turnaround times. CSIS is continuing to expand the use of electronic exchange systems.

Increased Joint Training, Exercises and Consultations

Our ability to respond to a terrorist incident relies heavily on the joint capabilities and skills of many different organizations, individuals, and levels of government. We recognize that developing a sound response capability requires a regular cycle of training activity to generate and maintain a general level of awareness of established arrangements, to ensure arrangements are up to date, and to improve and refine coordination of our response capabilities. For this reason, we are continuing our joint counter-terrorism training exercises and are actively engaged in increasing these sessions, both within Canada and in partnership with the United States.

Critical Infrastructure

Under the Smart Border Action Plan, Canada and the U.S. will conduct binational threat assessments on trans-border infrastructure and identify necessary additional protection measures. We will also initiate assessments for transportation networks and other critical infrastructure. Canada-U.S. cooperation is vital in the protection of our shared critical infrastructure. As such, Canada is establishing cooperation mechanisms with the United States to address our shared vulnerabilities and try to prevent and mitigate physical and cyber-based attacks. Included in the cross-border initiatives is the

creation of the Bilateral Steering Committee and agreement on a framework for cooperation in key areas and sectors.

The Office of Critical Infrastructure Protection and Emergency Preparedness (OCIPEP) is also consulting with provinces, territories, the private sector and other federal government departments while developing the National Critical Infrastructure Assurance Programme (NCIAP). This includes: the identification of national critical infrastructure, the development of measures to protect national critical infrastructure and, working with the United States to identify joint infrastructure and mechanisms to ensure its effective protection. OCIPEP is also exploring the feasibility of a national alert system for critical infrastructure to provide quick and timely information about threats to critical infrastructure.

Counter-Terrorism

The National Counter-Terrorism Plan (NCTP) has an overall aim to ensure coordination of counter-terrorism roles, responsibilities and resources of federal departments and agencies, and other levels of government and law enforcement agencies in Canada. The NCTP forms the heart of our national counter-terrorism arrangements and was extremely useful in providing a framework to coordinate our response in the immediate aftermath of September 11.

For the last two years, the Department of the Solicitor General has led a major initiative to strengthen national counter-terrorism response capability, particularly for chemical, biological, radiological and nuclear (CBRN) terrorism. The Department of the Solicitor General and OCIPEP were co-leads in a national consultation process designed to develop options to strengthen the national consequence management response capability for CBRN terrorism incidents in Canada. These consultations with provinces and territories took place between October and December 2001. The results of those consultations have informed the Government's decision on strengthening Canada's CBRN capacity.

Canada and the U.S. also have a history of joint counter-terrorism training activities with the goal of strengthening both countries' capability to respond to the threat of terrorism. With the Smart Border Action Plan we remain actively engaged in enhancing and increasing our joint counter-terrorism exercises. In keeping with this commitment, Canada and the U.S. will

conduct a major joint counter-terrorism exercise in May 2003. This will consolidate the existing joint training foundation and provide for a more integrated program of joint training activity. We believe these joint training exercises are essential to building and sustaining effective efforts to combat terrorism.

Increased Intelligence and Policing Capacity

In a free, open and democratic society, we recognize that while it is impossible to protect all assets at all times, increased shared intelligence and enhanced policing capability will permit us to better protect Canada and Canadians from terrorist incidents. Through increased resources to equip and deploy more intelligence officers and investigative personnel, as well as improved coordination among law enforcement, intelligence and security agencies, we have taken the necessary steps to make our system even better.

Under the Smart Border Declaration, we are also bolstering international networks and partnerships, sharing information and intelligence, linking technology, and collaborating in joint efforts, such as Integrated Border Enforcement Teams and Integrated National Security Enforcement Teams. These multi-agency, intelligence-led law enforcement teams emphasize a harmonized approach to Canadian and United States law enforcement efforts along the Canada-U.S. Border. The teams have evolved into a major enforcement success and are an important component of a comprehensive approach to border management.

Oversight and Review of the Security and Intelligence Community

The Government recognizes that the continued effectiveness of Canada's strong review and accountability framework will be assured by increased Parliamentary and public knowledge. This enhanced transparency and public discussion is in the interest of all Canadians.

The Security Intelligence Review Committee, the Inspector General of the Canadian Security Intelligence Service, the Communications Security Establishment Commissioner and the Commission for Public Complaints Against the Royal Canadian Mounted Police all perform important review functions of the security and intelligence community. The *Anti-terrorism Act*, which has strengthened the role of the Communications Security Establishment Commissioner, also requires that the exercise of certain police

powers, such as preventative detention, be recorded for review. The Office of the Auditor General has undertaken reviews in the security and intelligence sector in the past, and has recently begun another. The Access to Information and Privacy Acts Commissioners generally have the power to review how the security and intelligence sector manages information and ensure respect for the privacy of Canadians.

Furthermore, exercise of the most intrusive investigative and enforcement powers of the security and intelligence sector are subject to Ministerial, administrative tribunal and/or judicial review on a case-by-case basis. Taken together, the Government is confident that the review and accountability requirements of the security and intelligence community are being met and the interests of the Canadian public continue to be well served in this regard.

Commitment to National Defence and the Canadian Forces

The Government remains committed to ensuring the Canadian Forces has the resources it needs. Taken together, the \$3.9 billion of new funding in the Budgets of 1999 and 2000 and the more than \$1.2 billion in new funding in the 2001 Budget mean that the Government has, beginning in fiscal year 2001-02 and over the period extending to 2006-07, increased Defence funding by a total of \$5.1 billion.

The Canadian Forces have consistently delivered on the 1994 Defence White Paper commitments, although it is no secret that in carrying out this policy our armed forces have been stretched in the recent past because of the very high operational tempo. In order to address the impact of operational tempo on our people, we have limited the duration of some of our foreign operations where it could be done without jeopardizing the overall mission. We have also been able to reduce our commitments overseas – for example, reducing our troop commitment to the NATO Stabilization Force in Bosnia-Herzegovina and not replacing the Canadian Battle Group in Afghanistan.

The Government believes that Canada requires multi-purpose combat capable armed forces to defend Canada, to defend the continent in cooperation with the United States and to contribute to international peace and security. While the key principles of the 1994 Defence White Paper continue to be relevant in today's uncertain international security environment, the Government is currently examining Canada's defence

program and capabilities in order to ensure that they are affordable, sustainable and effectively structured to carry out defence missions and promote Canadian interests and values.

The Way Ahead

Our national security apparatus must not only be capable of responding to today's threat environment, it must always be geared towards the threats of tomorrow. Our recent initiatives and collective efforts will ultimately always be works in progress. That is the reason we have put in place a flexible system capable of quickly adapting to new demands and a changing reality.

The various initiatives the Government of Canada is taking to prevent terrorism, to enhance border security and to enhance our national security capacity, are reviewed to ensure that they comply with the *Canadian Charter of Rights and Freedoms* and the federal privacy regime. The safety and security of our citizens must always be balanced with constitutional protections for individual rights and freedoms. That is the challenge we face. And we will continue to make the necessary adjustments to our national security policy to ensure this obligation is met.

Our national security and defence community requires a strong coordinated approach. Inter-agency and inter-departmental cooperation, at various levels, is a daily activity that takes place between officials both domestically and across the border to advance practical, on-the-ground collaboration and coordination. We are cognizant that success relies on intelligence-led and multi-disciplinary approaches on the part of law enforcement and national security agencies. This means exchanging strategic and criminal intelligence, sharing tactical and operational knowledge, communicating effectively, coordinating the information, analyzing comprehensively and having timely advice at our disposal.

Budget 2001 charted a course for enhanced emergency management and critical infrastructure protection capabilities. As part of its ongoing commitment to national security and defence, the Government is updating its foreign policy priorities and defence program as well as reviewing its international aid policy. The result of this coordinated process will provide a framework that promotes Canadian values while reinforcing Canada's role in the world and providing safe communities to Canadians.

This Government is committed to collaborating with its national and international allies – first responders, provincial and territorial governments, members of the private sector, and our international partners. It is by working together, conducting joint exercises, establishing partnerships, using the new tools available to us and sharing resources, technology and intelligence, that we will ultimately be successful in safeguarding our nation and its citizens.