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Challenges confronting Canada in Maritime Security: An Interview with Rear Admiral Roger Girouard (Canadian Forces, Ret'd)

Tim Lynch*

Canada's National Security infrastructure has had to adjust to new realities in a post 9/11 world. Two high profile cases are demanding conflicting policies in managing the nation's security. The Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182, which exploded in mid-air on 23 June 1985, shows that the Canadian Security Intelligence Service (CSIS) was incompetent in its dealings with Canada's law enforcement agency, the Royal Canadian Mounted Police (RCMP), in apprehending suspicious persons.¹

A December 2006 Commission of Inquiry into the Maher Arar affair reprimanded CSIS and the RCMP for acting too aggressively. Arar, a Syrian-born Canadian citizen, was detained in September 2002 by US authorities on a stopover flight in New York while returning to Canada. He was deported to Syria where he was tortured even though he had a Canadian passport. If Canada is to have a strong National Security infrastructure some classic Canadian compromise will need to evolve from the lessons learnt in the Air India Inquiry, demanding more action by security officials and the Arar Inquiry, restricting the same officials.²

After a decade of neglect, Canada is beginning to invest in its military forces, in large part due to the country's role in Afghanistan. From the maritime perspective Canadian politicians seem persuaded that Canada's coastlines 'from sea to sea to sea' provide sufficient geographical challenges to invasion. The impact of global warming on Canada's polar region is causing politicians to adjust from protecting the country's coastline to establishing sovereignty

across its maritime domain. Canada's Senate Committee on National Security and Defence, recommended in March 2007 that Canada should protect its coastline by changing the Canadian Coast Guard (CCG) from 'yeoman duties' to a paramilitary/constabulary role.

In order to accommodate the realities of managing national security in a post 9/11 World the Canadian government has created a series of entities: Public Safety and Emergency Preparedness Canada (PSEPC), Inter-departmental Marine Security Working Group (IMSWG), three regional Maritime Security Operation Centres (MSOC), National Risk Assessment Centre (NRAC), and Integrated Threat Assessment Centre (ITAC). These groups comprise representation from Transport Canada, Department of National Defence (DND), Canadian Border Services Agency (CBSA), CSIS, RCMP, etc. This author has provided a descriptive account of these permutations in an earlier issue of Maritime Studies.³

After thirty-four years of service Rear Admiral Roger Girouard retired from the Canadian Forces in August 2007. He agreed to talk about the challenges confronting Canada in maritime security during a meeting at the Wardroom lounge, Naval Station Esquimalt, in October 2007. Against the backdrop of the visiting US Aircraft Carrier Abraham Lincoln anchored offshore on a sunny fall day, Admiral Girouard answered the following questions about Canadian maritime security.

What is the relationship between civilian and navy in maritime border management? On

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the whole from a security, policing, environmental perspective, the province and the town see us as the guys who do the foreign stuff. Occasionally we stand up for disaster management but that is other people's terrain. Where we are engaged on a day-to-day basis is in the hub of information where no federal agency or provincial agency is.

What do you think of the MSOC structure?

It is formative, useful at the coal face but it is a system which doesn't have the regulatory clout as yet to do what I think it needs to do under whoever's lead. You would expect to get people involved who know what to do and Public Safety Canada is structurally assigned to take that lead. They seem to be finding their way to the cabinet or the Prime Minister's Office (PMO). Using the US as a model, the National Security Council is an informed defined body providing information and advice to the President. We don't have that yet. New bodies exist inside PMO and the Privy Council that from what I can tell compete with Public Safety. The fellows in Public Safety seem to change every fifteen weeks, and are unable to establish their credibility, credentials and a trend. There seems to be all these alternative routes for information and discussion. The bottom line is that in Canada we have been undisciplined in getting our act together, in saying this is how it will be and you people out there will serve as pipes. From a military perspective I can identify with that. I am happy to be subservient in serving a pipe. Whether it is politics, immaturity or lack of experience we have yet to build that in this country and it is time late.

Do you think this situation arises because Canada has not experienced a terrorist attack? Oh indeed, we haven't had the incentive. The majority of Canadians are in denial about the existence of Al Qaeda. They know we are the only one of the list that hasn't experienced a terrorist attack. Until it happens, the body politic and agency level seem hesitant to consider such scenarios. You have the 'hugs' and the 'hammers'. The hugs are there to protect the rights and privacy of the individual; they say 'don't look into that box'. I respect the issue of rights and I want to protect rights. That

is why I wore a uniform for thirty-four years. However, I align myself with the hammers, those who deliver security. What I want in this country is to define the threshold at which we can see that there is an issue, a threat, a sense that an individual or an organisation is problematic. And then define the process by which you get permission to act. Whether that is CSIS or Defence I don't care, show us the tool. If you need to go and get a Jean Chretien (Prime Minister) appointed judge to give you permission, I'd be happy to jump that hoop to then have the permission. Figure out what the process is. Post Arar,⁴ the odds of us going down that road right now I think are rather slim.

Is this similar to certifying a person is mentally insane; that can be a difficult judicial process? And so it should be difficult.

These are major moral issues. I want them to be moral issues. I don't want Canada to get to a point where I see anyone say 'I know better.' That is not in any way something I would like us to align to. But I do want us to arrive at the difficult tough process of convincing an honest broker of whatever ilk say 'Yes gentlemen, I accept the evidence and information, or it's loose, you have got a month to come back and brief me.' Let's figure that out and learn how to do this.

The federal government has several lawyers deciding how information is shared among departments. Do you see any way around this dilemma; they are all working for Canadians? At the operational level we, RCMP, CSIS, Public Safety, get along. We are able to work on a non-disclosed basis, which means: 'I can't tell you the root of the information and I can't tell you the names. But I need you to be in this place for a little while with eyes.' The response is 'OK, I trust you; I will be there with eyes.' That is an inefficient way of doing business. With what is going on in the world these days we have got to mature from a legal perspective.

Do you think a dedicated police force would be more effective in administering maritime law than the occasional tour of duty by an RCMP Officer? Oh, most certainly. The environment and culture are different. Maritime policing procedures are different and

jurisdiction is complex – port, waterside, out the twelve miles, contiguous zone out the 200 miles, all of that has legalistic play with some party having a stake saying ‘You can’t do that. That is mine.’ I think the issue of ‘ownership’ is counterproductive.

Do you mean information ownership? Well ownership of the responsibility to decide, act and do.

What is your assessment of the Senate Committee recommendation that CCG have a constabulary/paramilitary role?⁵ (Long pause), I know some folks in Coast Guard who would like to go there, and there are those who would rather not. During the Federal down-sizing in the mid-nineties the CCG was assimilated and cut to the bone. There are many issues that you have to recognise. We have arrived at the middle of the next decade with an organisation that by and large has been underfunded, has no real Godfather and that has these cultural things that are a part of it. I think to take Coast Guard and bulk it up to a defence orientation is possible but I think it will take a generation to get there.

What are the pros and cons of Canada adopting an American style Coast Guard?

The American Coast Guard has different roots of immigration and of fending off pirates. It has a more military role than the CCG. The ‘Guard’ part is the key. Depending on what year and what legislation has been in play, they have been close to their Navy. Certainly nowadays they are a reasonably funded and strong entity. They have armed fast patrol boats running those waters down in Puget Sound with a mandate of protecting various agencies and traffic. They have a much more robust set of mandates to be investigative with plain clothes security men ready to take down potential terrorists in ferries and such.

Coming back to our Coast Guard, I think there is the potential for getting there. We have to manage our expectations. We can’t say it can happen overnight. In Canada we tend to fund soft issues not hard issues. We don’t like to fund defence; we don’t like to fund hardware. Canadians like the aspect of defence and security, but they dislike paying for any of it.

The first thing that would have to happen is that Canadians would have to accept more dollars going that way than they have, at least since the seventies. Folks you can’t have it both ways, you can’t have Arctic sovereignty without a Navy and a Coast Guard to deliver. You can’t complain about the cost when complaining about nasty people using our waters.

How integrated is the Canadian Navy with the US Navy? I have had command of American ships as part of a task group. When you work in coalition every nation will have two bosses; their local operational boss and home office, your capital. When a ship is provided as part of a coalition team it comes with its operation capabilities and it comes with rules of engagement and various caveats. The mission commander has to put those caveats into play and decide what can and cannot be done within a specific platform. You have a talk with the ship’s CO; if there is a task that the ship is uncomfortable with he will let you know and then you go and use another vessel. We are all on the same network and share information. The taskforce commander’s job is to make sure his team is given all of the information. This will depend on its classification as four eyes, two eyes or five eyes.

What do you mean ‘four eyes, two eyes or five eyes?’ Intelligence information comes out in methods of discrete notice, for example: ‘Canadian eyes only,’ ‘Canada/US eyes only,’ ‘NATO eyes only,’ ‘Four eyes only,’ which means Canada, US, Australia, UK. There are clubs of intelligence communities. If you get a NATO message you will have less information in it than a four eyes message. That is the way intelligence works.

Do Canadian Maritime Forces provide an operational platform or just a taxi service for the RCMP? The navy delivers the vehicle and the communications suite. What the RCMP does is bring the badge. We go back to the issue of where you derive your authority and your premises. The RCMP within the twelve mile limit has the constabulary stamp of authority. The navy does not. In the Great Lakes the CCG provides the platform, the RCMP a badge. The RCMP marine unit isn’t big enough. That is one of the issues in the Senate report. We need to sit

back and look at who has got what expertise, domain and authorities. We are not going to fix this tomorrow but over the next decade we need to decide, how best we can deliver inter-agency, inter-departmental actions fast enough to serve Canadians. Let me take the Arctic as an example. Who does ice in this country – CCG. Should the navy re-create the Coast Guard's ice breaking capability? I don't think so. If you take the analogy of the 'taxi' the Coast Guard already has an Arctic taxi. If we want a bigger and better one, give it to them. They have the necessary skill-set to put it into motion efficiently. If you want to deliver constabulary presence there put the RCMP on board. If you want security and defence put the navy on board.

Why isn't CCG in the navy, or auxiliary to it? The last couple of Admirals have talked about this over coffee. Certainly, in my estimate, the Coast Guard is closer to the navy than Fisheries in terms of culture and role. A departmental trade-off would make sense as long as it comes with money. The concern that the navy would have is that inheriting the Coast Guard might inherit an Albatross in the form of a maintenance bill. I don't mean to be pejorative; I respect and admire what the Coast Guard does. I know how short-changed the navy bank was over the years. The Coast Guard was short-changed worse. What it cannot be is: 'Here, navy, fix the problem, no money but we want you to have it.' You would be taking a poor boy inside DND and another poor boy inside Fisheries and that is not a pretty forecast. The issue isn't about people skill or culture as much as the mechanical state of fleets.

Should Canada be more concerned with protecting our maritime domain? Who in Canada understands the new Law of the Sea? The Russians put a little flag on the North Pole. Who in Canada appreciates what that means? Secure global maritime trade is all about having required information supported by a defence investment. The nation is the inner sanctum from a navy's perspective; but what you want is policies, trade, intelligence and defence capabilities across the spectrum. We have neither the intelligence capability from inside Foreign Affairs, nor the right number of

Defence Attachés out there to get a sense of what is going on.

But we have RCMP Liaison Officers in our Embassies and Consulates. Their knowledge is Law Enforcement. They will tell you all about the drug trade infractions, they won't tell you what the defence issue is. Back in the 90s we cut the number of Military Attachés around the world nearly in half. I don't think it should be one or the other; the foreign affairs officer, the RCMP, the military guy is wired differently. It is like a lens; one is infrared, the other another part of the spectrum.

Is the CBSA's NRAC able to provide information on all ships before they enter Canada's 200-mile limit? The threat comes from out there. Two weeks or so ago the Israelis blew up a Syrian facility because a North Korean vessel had dropped off fissionable material – so goes the tale. OK, if a vessel can get from North Korea to Syria through all those filters and choke-points, explain to me why you are so sure it cannot come through the Port of Prince Rupert tomorrow. Explain to me why we are so sure? I spent thirty-four years being paid to be paranoid. I think CBSA, yet another under-resourced Canadian department, is trying very hard. But I do not believe that they know everything that is coming to our borders.

Are entities like IMSWG, NRAC, ITAC and MSOC created since 9/11 integrated in serving Canada's interests? They are different administrations; the 'hugs' and 'hammers' still have interface problems.

But isn't CBSA's NRAC linked with law enforcement agencies across Canada? Assuming they know. The people who man the border points are in law enforcement, not intelligence.

I was surprised to see the Public Safety Minister responsible for CBSA, CSIS, RCMP Correctional Services and National Parole Board. What is the relationship between Public Safety and DND? I think it comes back to the old think of 'off-shore' and 'home-guard.' What happens inside the border is one thing. What happens out there is another. Public Safety has had six years supposedly to coordinate at-home issues. DND's at-home job

is only part-time. The reason we, DND, created Canada Command is because we realised we were doing more than we used to. The cost of emergencies and their periodicity suggested we should be part of the planning process. Because of the regulatory constraints on DND inside the twelve miles we are not supposed to do the security side, except under specific rule sets. I agree those rule sets are totally inappropriate in a modern security climate.

What would you do to if you were the Prime Minister? Focus on the Indo-Pacific region as much of the world's goings-on will be conducted there with a direct impact on Canada. We need to recognise the region as a system, and assess and plan for the humanitarian, economic and security issues at play. This would require us to recognise the critical role of the Province of British Columbia, its ports in Vancouver and Prince Rupert, and the business and security stakeholders in forming a regional management framework to enhance efficiencies around the movement of goods and the security construct which facilitates it – a multi-agency, multi-discipline look at this complex issue is in order. Engage, engage, engage; whether, diplomat, military attaché, aid representative or businessman, get out into this dynamic neighbourhood, assess the key nodes for presence – whether for influence, profit or security – and keep adjusting to make Canadian values and influence seen, trusted and sought after.

Concluding comment: Admiral Girouard stresses that Canadians prefer a social safety net to defence. While this distinguishes Canada's 'peace order and good government' philosophy, the US electorate is more persuaded to allocate taxes to defence and Canadian politicians can receive some assurance from America's global defence strategy. The Canadian tradition of peacekeepers rather than a more robust role is challenging multicultural policies underlying Canada's views on human rights and its ethno/racially diverse society. Admiral Girouard suggests the pace of change will be generational unless there is political realisation of the security challenges facing Canada in today's global village.

ENDNOTES

- ¹ Inquiry into the Bombing of Air India Flight 182, <http://www.cbc.ca/news/background/airindia/inquiry-faq.html>.
- ² US Secretary of State Condoleezza Rice under cross examination by the House of Representatives Foreign Relations Sub-committee on 24 October 2007 said 'We do not think this (Arar) case was handled as it should have been... Our communication with the Canadian government about this was by no means perfect. In fact, it was quite imperfect.'
- ³ Tim Lynch, 'Canadian Maritime Security: From the Navy on Patrol: to the Police on the Beat', *Maritime Studies*, no.152, January-February 2007, pp. 22- 26.
- ⁴ The Maher Arar affair, see <http://www.cbc.ca/news/background/arar/>.
- ⁵ Senate of Canada Committee on National Security and Defence, March 2007. Recommends CCG assume constabulary/paramilitary role: http://www.parl.gc.ca/common/Committee_SenRep.asp?Language=E&Parl=39&Ses=1&comm_id=76.

