



Canada-U.S. Security Relations: Missile Defence

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Background

The North American Aerospace Defence Command (NORAD), the joint Canada-U.S. military command responsible for the aerospace defence of the continent, is the vehicle for Canadian participation in U.S. missile defence initiatives. In the past year and a half there has been considerable activity involving this agreement that is moving Canada in the direction of full participation in missile defence. Having entered into discussions with the U.S. in May 2003 on possible Canadian participation in the U.S. National Missile Defence program (NMD), the government announced in January 2004 that it had exchanged Letters of Intent with the U.S. establishing the basis of negotiations for participation through NORAD.¹ Then, in August 2004 it was announced that the agreement had been amended to allow NORAD to share its global missile surveillance and warning information with the U.S. Northern Command (NORTHCOM), the command responsible for the operation of the U.S. National Missile Defence program.

There is more to this amendment, indeed to Canada's missile defence role within NORAD, than is readily apparent. The U.S. National Missile Defence program, together with its plans to eventually weaponize space, is part and parcel of, and cannot be separated from, the constantly evolving U.S. Missile Defence Agency's existing global missile defence systems. These consist of land, sea, air and space-based surveillance, warning, communication, and battle management systems designed to address short, medium, and now with the North American development phase, long range missile attacks anywhere in the globe. The Agency's mission is to "Develop and field an integrated Ballistic Missile Defense System capable of providing a layered defense for the homeland and its deployed forces, friends and allies against ballistic missiles of all ranges in all phases of flight."²

NORAD plays a pivotal role in the functioning of this global system in that its facilities in Colorado Springs provide the U.S. commands with much of the surveillance, warning and communication information that is needed for battle management purposes abroad. The August 2004 amendment to the NORAD Agreement completes the global coverage by allowing for the transfer of this kind information to the U.S. Northern Command also. Canada's commitment to

¹ The Letters can be viewed at <http://www.forces.gc.ca/site/Focus/Canada-us/letter-e.asp>

² From the Missile Defence Agency website at
<http://www.acq.osd.mil/mda/mdalink/html/mdalink.html>

supporting U.S. military initiatives worldwide goes deeper, however, than participating in the transfer of vital information. In 1996, Canada and the U.S. signed a completely rewritten NORAD Agreement that mandated NORAD military personnel, including Canadians, to work within other U.S. commands to perform NORAD duties and it is clearly stated in the rewritten agreement that “NORAD personnel performing NORAD duties in other commands may be called upon to support the mission of that command.”³ This clause situates Canadian military personnel stationed at NORAD as working in support of U.S. military initiatives, such as the War in Iraq, despite what the Canadian government’s position might be on those initiatives. There is no doubt, then, that through NORAD Canada is already participating in the full range of U.S. missile defence activities. Full participation would presumably involve joint management of the system and an active combat role for Canadian forces.

At the time of the signing of the 1996 NORAD Agreement, General Joseph Ashy, Commander in Chief of both NORAD and United States Space Command, announced to the U.S. Senate Armed Services Committee that the new agreement established the NORAD Command as part of a “system of interdependent (U.S.) commands that make important contributions to the security of the United States and Canada, and bring the power of space to U.S. military operations worldwide.”⁴ The issues involved here are more far reaching than are publically acknowledged by the Canadian government.

Issues

Support of U.S. Foreign Policy

As a Canadian military command, NORAD activities have to be seen as reflecting Canadian foreign policy. NORAD, however, is also one of a system of interdependent U.S. commands designed to support American foreign policy, including its present policy of pre-emptive war. By its very nature, then, NORAD institutionalizes Canadian support for U.S. military initiatives and related U.S. foreign policy. Under these conditions, we have to ask what it means when, for instance, the Canadian government decides not to condone the U.S. war in Iraq but Canadian military personnel through NORAD are performing key support functions for that war. There is a serious disconnect here between Canadian foreign policy and Canadian military activity and it is quite possible that our sovereignty depends on less institutionalized participation, not more.

Security or Provocation?

The land-based missile defence system presently being deployed in Alaska and California is designed to address an accidental, or hostile, launch of a limited number of long-range ballistic missiles by intercepting and destroying the missiles in mid-course either in space or at high

³ The 1996 NORAD Agreement, p. 3. The rewritten agreement also contains a clause that allows for amending the agreement without going through a renewal process, and hence the August 2004 amendment.

⁴ Testimony of General Joseph W. Ashy to the Senate Armed Services Committee, 21 March 1996, Federal Document Clearing House

altitudes. The ‘accidental’ missiles would supposedly come from the arsenals of Russia or China, while the ‘hostile’ missiles are expected to be launched from North Korea, Iran, or Syria (Iraq was also in this category before the U.S. invasion of that country), states that do not have a long-range ballistic missile capability now or for the foreseeable future. Further, although there have been some successes in the testing of the system’s intercept capability, these have been under highly controlled experimental conditions that have little resemblance to battle conditions. There have been no tests of the system as a whole and indeed, the Alaska and California sites now being prepared are meant to be test beds before they are considered defence installations. Further, there is no consensus as to what will happen to the warhead on the attacking missile when intercept takes place and this is particularly worrisome if the missile is carrying a nuclear weapon.⁵ Will the warhead simply be destroyed, as some suggest, or will an intercept result in a nuclear explosion in space or at high altitudes or on the ground if the warhead survives, and with what effects? Definitive answers to these questions are not known. As Ernie Regehr points out, the system offers only “theoretical protection from a theoretical threat,”⁶ making NMD theoretical security.

In terms of provocation, and quite apart from issues of proliferation, the U.S. missile defence system in its entirety, designed to project and protect U.S. power worldwide, enables the U.S. to shape global and regional security environments to its own interests, including its economic interests. This is provocative on at least two counts. First, it seriously compromises the ability of peoples to define for themselves what constitutes their security and to pursue that definition within a environment that enables negotiation and cooperation. And second, when U.S. power is used to secure its economic interests, and when those economic interests produce insecurities for others, then the systems that allow the projection of that power can be seen as provocative in that they reinforce relations of inequity amongst the world’s peoples. In considering Canada’s role in missile defence, it is necessary to ask then, how is security defined in a missile defence context, who exactly is being secured by these defence systems, and at what costs to others.

Space Weaponization and Arms Control

The U.S. has long-range plans to develop a range of space-based weapons for their missile defence programs including space-based interceptors for which they hope to deploy a test bed in 2012. However nebulous and technologically challenging these plans may be at the moment, the Bush Administration has been clear in its intention to weaponize space and to use space as an operational arena for military combat. Historically, Canada has been unambiguously in support of the international norm against the weaponization of space and has worked within UN disarmament committees to convert this norm into law. However, Canada seems to be moving away from this position. The Letters of Intent do not raise the issue of space weaponry. Instead, they state that “the technical extent of protection afforded by the US ballistic missile defence

⁵ A concern voiced by Dr. Calder in his testimony to the Standing Committee on National Defence and Veterans Affairs.

⁶ Ernie Regehr, “Ballistic Missile Defence and Canada’s Vital Security Interests,” *Project Ploughshares Briefing* (June 2004) p. 2 www.ploughshares.ca

system will evolve over time,” and that “our bilateral co-operation in this area should also evolve.” In this way, Canada leaves the door open for future co-operation in all aspects of U.S. missile defence planning and activity including the weaponization of space. To further amend the NORAD Agreement to institutionalize full Canadian participation in a ballistic missile defence program that clearly endorses a space-based weapons capacity would be tantamount to a Canadian government endorsement of those plans.

Many argue that with a full seat at the missile defence table, Canada would be in a better position to constrain U.S. space plans, that influence is best exercised from within rather than from without. The history of NORAD, however, is a history of Canada being influenced by the U.S., rather than the other way around. It was U.S. influence that brought nuclear weapons to Canadian soil in 1963, that saw the removal of the ABM Clause from the NORAD Agreement in 1981 (that was the clause stating that Canada would not be involved in any anti-ballistic missile program), that brought the testing of the U.S. cruise missile over Canadian territory in the 1980s and on into the ‘90s, and now is bringing Canada missile defence and space weaponization.⁷ Each of these initiatives involved a reversal of previously held government policy preferences and taken together they indicate exactly what one would expect in relations between a strong and weaker state - it is the weaker state that is more apt to be influenced than the stronger.

In any case, the prospects for an agreement on the Prevention of an Arms Race in Outer Space are dim in a missile defence environment. As well, there is a plethora of other arms control issues related to missile defence. The retiring of the ABM Treaty, a necessary condition for deployment of the U.S. national missile defence system, was followed by Russian announcements that it was no longer bound by the Strategic Arms Reduction Treaty and that it had tested a new generation of ballistic missiles capable of avoiding BMD detection. China too is developing BMD countermeasures and has plans to increase its long-range ballistic missiles from 20 to 60 by 2010. Indeed, the U.S. missile defence program in its totality provides incentives for states and terrorists alike to develop a full range of missile defence-immune weapons. Consequently, Canada’s work with the Missile Technology Control Regime, the Hague Code of Conduct on Ballistic Missiles, the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention, would come into question with full participation in a missile defence program that encourages proliferation in all these areas.

Informing Canadians about Missile Defence

When the government announced the amendment to the NORAD Agreement in August, it also stated that any Canadian decision to participate further in the U.S. missile defence program would not be undertaken without the input of Parliament. That discussion is most likely to take place when the agreement next comes up for renewal in 2006. Since the end of the Cold war,

⁷ For a description of these events see Ann Denholm Crosby, *Dilemmas in Defence-Decision-Making: Constructing Canada’s Role in NORAD, 1958-1996* (London: Macmillan Press, 1998)

however, public information about renewals has been scarce. The 1996 renewal is the most egregious case in point. As mentioned earlier, the agreement was completely rewritten for that renewal and was seen, by Canadian and U.S. officials alike, as the vehicle for future Canadian participation in the developing national and global U.S. missile defence programs. There were no public hearings prior to renewal, and although Parliament discussed the renewal, it did so without access to copies of the new agreement. The only information presented was that the agreement was “a substantially revised agreement” but that there was “no anti-ballistic missile system in any way connected to this NORAD Agreement.”⁸ Further, when the agreement was again renewed in 2000, a year earlier than scheduled and for a period of 6 years, it was simply announced after the fact, as was the August amendment. Since Canadian participation in U.S. missile defence plans for the continent is now publicly on the government’s agenda, the 2006 renewal is important but if the past is a guide, Parliament may not have access to all the information it needs to discuss this issue and/or Canadians may not hear anything about it until it has taken place.

Options

Keeping the Status-Quo

There are reasons to believe that everything the Canadian and U.S. governments wanted to achieve at this point with respect to Canadian involvement in missile defence has been achieved by way of the 1996 NORAD Agreement and the August amendment. Present and foreseeable future plans do not require Canadian territory either for interceptor sites or radars,⁹ and as Ernie Regehr points out, the U.S. is “unlikely to permit their BMD system to be placed under a joint binational command.”¹⁰

From a Canadian government perspective, it is quite likely that the status-quo is seen as maintaining the relevance of NORAD, thus preserving the Canada-U.S. aerospace defence relationship along with Canada’s ‘seat at the table’ and access to information about US aerospace defence plans for the continent. In addition, because the letters exchanged on missile defence in January 2004 included a mutual Canada-U.S. agreement to pursue avenues of increased “industry-to-industry cooperation on missile defence,” it is perhaps safe to assume that the government is working at getting the best deals it can for the Canadian aerospace industry in terms of contracting to missile defence research and development in the U.S. To take Canada-U.S. missile defence integration any further at this point might be seen as counter-productive because of the issues that would be raised in Parliament, in the media and public forums about the implications of Canadian participation for its position on the weaponization of space. As it is,

⁸ Lloyd Axworthy, then Minister of Foreign Affairs, Canada, House of Commons, Debates (Ottawa, 11 March 1996) p. 496

⁹ Confirmed by Dr. Kenneth Calder, Assistant Deputy Minister (Policy), DND, in his testimony to the Standing Committee on National Defence and Veterans Affairs, 13 February 2003. www.parl.gc.ca/infoComDoc/37/2/NOVA/Meetings/Evidence/NDVAEV10-E.htm

¹⁰ Ernie Regehr, “BMD, NORAD and Canada-US Security Relations,” *Project Ploughshares Briefing* (March 2004) p.2 www.ploughshares.ca

the debate may be avoided and no doors need to be closed.

This option, however, leaves unresolved the issues of Canada's implicit support of U.S. foreign policy initiatives that rely on NORAD functions, as it also leaves unresolved Canada's definitive position on the weaponization of space, and indeed, places Canada in the position of having no firm stand on the issue. Arguably, this option does not seriously compromise Canada's work in international arms control and disarmament fora. Canada has managed the contradiction between its support of U.S. missile defence systems through NORAD, and its arms control work in the past, and presumably can continue to do so.

Full Participation in Missile Defence

This option would certainly settle the issues raised in these notes. Canada's full participation in missile defence would be a statement in support of the weaponization of space, as it would also be an indication that Canada is prepared to compromise its work in arm control and disarmament fora; and that it is clearly in support of any U.S. foreign policy initiative that required the services of NORAD technologies and personnel. These, however, might not be the resolutions to these issues that Canadians prefer.

Returning NORAD to an Air Defence Only Role

This option would see the NORAD Agreement amended so as to restrict its activities to air defence of the continent, its original mandate. The means to accomplish air defence functions are already in place within NORAD, and indeed, air defence, particularly in the form of tracking the drug trade, has been a major role within NORAD since the end of the Cold War. In the post-September 11 environment, there are even more reasons for a strong air defence involving monitoring Canadian airspace and borders for criminal and/or terrorist activities that might threaten either Canada or the U.S. and sharing interdiction functions.

This option would most likely be strongly resisted by the Canadian government out of its fear that any down-scaling of NORAD functions would result in a marginalization of the Canadian-U.S. defence relationship within the institutions of U.S. security, including curtailed access to U.S. intelligence. As Regehr asks, however, "why do Canadian defence planners insist that a focus on air defence cooperation would lead to the marginalization of NORAD when most defence analysts point to the security threats to North American air space and coastal waters as the continent's primary security challenges in the early years of this century?"¹¹ Accordingly, an air defence only option would require a continuing Canada-U.S. cooperative defence relationship, a continuing sharing of relevant intelligence, and continuing consultations on existing and developing air defence plans.

Retiring the NORAD Command

Given Canada's geographical position between the USSR and the U.S., and the Canadian government's support of the policy of nuclear deterrence, a joint military command for the air/aerospace defence of the continent arguably made sense during the Cold War. It is not clear

¹¹ Regehr, "BMD, NORAD, and Canada-US Security Relations," p.4

that it still makes sense. As the Canadian government's non-support of the Iraq War signals, Canada does not automatically support U.S. military initiatives and it might, therefore, be time to withdraw from a military command that lends automatic support to those initiatives. An air defence cooperative relationship, as described above, could be continued under other institutional arrangements such as those presently being established in the U.S. Northern Command for cooperation in continental land and marine defence.¹² It is possible to argue that these conditions would represent a fuller exercise of Canadian sovereignty than Canada presently possesses as a member of a joint Canada-U.S. military command that operates to support U.S. foreign policy.

¹² Reference here is to the Binational Planning Group being established at NORTHCOM described by Dr. Kenneth Calder and Colonel Rick Williams, Director of DND's Western Hemisphere Policy, to the Standing Committee on National Defence and Veterans Affairs, 13 February 2003