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# Domestic Disturbances and the Military: The Canadian Experience

JOEL J. SOKOLSKY

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In April 1992, the Canadian government issued its first comprehensive post-Cold War statement on defense policy.<sup>1</sup> The revolutionary changes in the international strategic environment, combined with domestic budgetary pressures, necessitated new approaches to national and international security. Although the 1992-93 defense budget of CDN\$12.3 billion<sup>2</sup> represents an increase of \$230 million over the previous year, this will cover only expected inflation. Combined with the cuts of \$2.2 billion instituted in the February 1992 budget, the Department of National Defence has lost nearly \$6 billion from previously planned funding levels since 1989.<sup>3</sup> The strength of the Canadian Forces<sup>4</sup> will be reduced from approximately 84,000 regulars to 75,000 by 1995-96. Greater reliance will be placed on reserves, with the Primary Reserves increasing from the present 29,000 to 40,000.<sup>5</sup>

All Canadian forces will be withdrawn from Europe over the next two years, ending a 40-year presence. Nevertheless, Canada will retain a commitment to international collective defense and security. The April 1992 statement reaffirms Canada's commitment to European security through the North Atlantic Treaty Organization, North American security through the North American Aerospace Defense Command, and international stability through the United Nations. Consistent with what Ottawa views as the new NATO strategy of mobility and flexibility, Canada will commit home-based ground and air forces for allied contingencies as well as for continued participation in NATO naval operations and the Airborne Early Warning System. The new policy attaches particular importance to UN peacekeeping roles, which have increased over the past year. By October 1992 nearly 2000 Canadian Forces personnel were serving and another 2200 have been pledged.

This includes 1200 troops for Bosnia-Herzegovina, where they will escort humanitarian convoys, joining 1157 Canadians already deployed near the Croatian town of Daruvar and 750 to be sent to Somalia.<sup>6</sup>

While the new policy thus preserves Ottawa's traditional internationalist approach to Canadian defense policy, it also places special emphasis on domestic tasks for the forces. As the Minister of Defence remarked, "At home, threats other than of a military nature have appeared . . . [that] will necessitate the armed forces to provide to the civil authority support which is liable to assume critical importance."<sup>7</sup> This includes supporting other government departments with surveillance and control of Canadian air and maritime space, including off-shore fishing grounds, assisting in search and rescue, and helping in environmental protection. In cooperation with the Royal Canadian Mounted Police (the national police force), Canadian Forces are employed in drug enforcement. More recently, the forces were directed to create an anti-terrorist team to replace the Mounties' soon-to-be disbanded Special Emergency Response Team.<sup>8</sup> In a country with too much geography, with too few people living in widely separated population centers, and where political power and responsibility are fragmented between federal and provincial governments, the forces perform a number of essential domestic functions.

As part of the new emphasis upon domestic roles, the forces will also be relied upon to perform tasks "in aid of the civil power." The new defense statement observes:

Throughout Canada's history, it has been the practice to employ the armed forces to reinforce or supplement the civilian law enforcement agencies in preventing, suppressing, or controlling real or apprehended riots, insurrections, and other disturbances of the peace, whenever it was considered that civilian resources were inadequate or insufficient. Disciplined, well trained, well-commanded troops employing well established military doctrine are necessary to accomplish such tasks.<sup>9</sup>

Mention of this role in the new policy statement is itself neither surprising nor novel. In the late 1960s, when the forces were also being assigned new domestic tasks by the Trudeau government, the capability for

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low-intensity conflict, including the ability to deal with domestic disturbances, became an important mission, especially for Mobile Command.<sup>10</sup> This role for the forces was brought vividly to the attention of the Canadian public in the summer of 1990 when nearly 5000 troops were called out to deal with tense situations at two native peoples' reserves in the province of Quebec following the shooting death of a provincial police officer. After a standoff of over two months, the forces were able to end the confrontation without further loss of life. The experience highlighted the continuing importance of the Canadian Forces in aid of the civil powers. It also raised questions about the internal security role of the military in a country where one of the standard historical works is subtitled *The Military History of an Unmilitary People*<sup>11</sup> and where being unmilitary has become a popular symbol of national identity.

### *Calling Out the Troops*

There are two principal ways in which the Canadian Forces can be authorized to deal with civil unrest. First, the federal government may call out the troops under the Emergencies Act, which specifies several types of civil and military national emergencies where the federal government is authorized "to take special temporary measures that may not be appropriate in normal times" (Preamble). This act replaced the War Measures Act, originally written to deal with situations involving external hostilities. Since the War Measures Act permitted denial of basic legal rights, it was viewed as inappropriate in peacetime. Its shortcomings were brought to light in October 1970, when le Front de Liberation du Quebec (FLQ) abducted a British diplomat and a Quebec cabinet minister, the latter eventually being murdered. Prime Minister Trudeau invoked the War Measures Act on the grounds that the actions of the front constituted a real or apprehended insurrection. The military deployed widely, rounding up and detaining members of the FLQ, as well as some innocent citizens. Partly as a result of what were seen as such unjustified abuses, the older act was replaced by the Emergencies Act in 1988, which provides for better safeguards against arbitrary actions.

A second legal mechanism for calling out the troops is the National Defence Act. In the United States, state governments have the responsibility to maintain law and order, including dealing with riots and disturbances of the peace. States maintain a National Guard to back up the local police when its resources prove inadequate. In Canada, the provinces have no comparable force. (Indeed, only three provinces have their own police forces; the rest rely upon local police forces or, where there are none, on the Mounties.<sup>12</sup>) The National Defence Act gives a provincial attorney general the power to "requisition" elements of the Canadian Forces "in any case in which a riot or disturbance of the peace, beyond the power of the civil authorities to suppress, prevent or deal with and requiring that service, occurs or is, in the opinion of

an attorney general, considered as likely to occur."<sup>13</sup> The requisition is made in writing to the Chief of the Defence Staff who must, under the law, comply. However, it is left up to the Chief, "or such officer" as the Chief may designate, to "call out such part of the Canadian forces as the Chief of the Defence Staff or that officer considers necessary."<sup>14</sup>

This authority of the Chief of the Defence Staff has created an unusual situation in that once the troops are called out under the National Defence Act, it would seem that the provincial and federal governments have surrendered some of their control over the military. When the federal government invokes the Emergencies Act, it must convene Parliament and obtain approval, thus making the military action subject to parliamentary supervision. However, when troops are called upon by a provincial government under the National Defence Act, the federal Parliament does not have to approve the response by the Chief.

This was the situation in the summer of 1990. When the Quebec government requested troops to deal with armed Mohawks at Oka and Kahnawake, the military had to respond. It was up to the Chief of the Defence Staff, General John de Chastelain, to decide on the extent of the military's support and how the operations would be undertaken. As the standoff continued, both the federal and Quebec governments adopted a hands-off policy, giving the Canadian Forces "full rein to handle the stalemate."<sup>15</sup> As one commentator put it: "A Premier called for the Army and a Prime Minister confirmed the need for it. Both then promptly disappeared for the rest of the summer."<sup>16</sup> It appeared that the military was fully in control and made all the crucial decisions.<sup>17</sup> The military went further and assumed responsibility for media relations and informing the public.<sup>18</sup> From de Chastelain to Mobile Command commander Lieutenant General Kent Foster to an array of colonels and majors, it was the military who took the lead in issuing press releases and holding briefings about what was taking place and why. This led to charges of censorship against the Canadian Forces by the media, particularly when the forces cut communications between reporters who stayed behind the barricades and those outside.<sup>19</sup>

The House of Commons Standing Committee on Aboriginal Affairs, reviewing the crisis, heard witnesses who suggested that the Prime Minister acted illegally because the Mohawk actions constituted an "armed insurrection" and therefore troops should have been dispatched only after parliamentary debate.<sup>20</sup> In its report, the committee also noted a number of concerns regarding the way in which the aid to the civil power provisions of the National Defence Act had been implemented, especially as regards the mandatory nature of the response and the lack of reporting and consultation with Parliament. The provincial governments needed to be more specific about the need for military action, it was claimed. Attention was drawn to "the discretion given the Chief of Defence Staff to decide the size and nature of the forces to be provided."<sup>21</sup>

Another concern raised by the committee was the “financial responsibility for use of armed forces in aid of civilian police forces.”<sup>22</sup> Under the old War Measures Act, the municipal government and then the provincial government had to reimburse the federal government when armed forces were requested. But when this act was replaced by the Emergencies Act in 1988, the cost of all aid to civil power operations was shifted to the federal government’s Consolidated Revenue Fund, meaning all Canadian taxpayers. The direct and indirect costs of the Oka-Kahnewake operations amounted to some \$83.5 million. Desmond Morton suggests that the shift in cost responsibility may have “removed one practical deterrent to deploying troops in a police role. A free service is likely to be used” by provincial governments.<sup>23</sup> The Committee on Aboriginal Affairs included as one of its seven recommendations on the Mohawk crisis that a Commons committee be tasked with reviewing the National Defence Act “in light of concerns about the need for stronger review mechanisms and additional reporting requirements respecting the use of the armed forces as an aid to the civil power.”<sup>24</sup>

While the Canadian Forces did distinguish themselves during the Mohawk crisis, the experience had its bitter aftertaste, particularly with regard to relations with native groups and rights questions. Included in the report of the Commons Committee on Aboriginal Affairs was the suggestion of several witnesses that “there should be provision to ensure some independent human rights body has jurisdiction to hear and deal with complaints and human rights violations made against the military.” Questions were also raised concerning “the ability of the Armed Forces to deal with conflicts involving native rights and whether Armed Forces personnel receive proper training in race relations.”<sup>25</sup>

### *Cautions for the Future*

As the Canadian Forces enter a new era in which domestic tasks are likely to become more important, the military would do well to heed the concerns and recommendations of the Aboriginal Affairs Committee with regard to aid of civil power operations. This is particularly true in view of the military’s natural temptation to seize upon the trend toward greater domestic involvement in order to better justify itself in an era of disappearing external threats.

Some voices in the Department of National Defence have suggested that military measures may be needed to help cope with domestic “political crises.”<sup>26</sup> Other commentators have warned that future disturbances involving native groups could be larger, of longer duration, and more widespread and sophisticated than those of the summer of 1990. John Thompson, the Director of the Mackenzie Institute and a former member of the Army Reserve, argues that Ottawa has not learned the lesson “confirmed” by the events of the summer of 1990 about the “ancient role of the Army as the final instrument available to preserve the authority of the government.”<sup>27</sup>

A similar warning was recently sounded by Colonel K. T. Eddy, director of Land Studies at the Canadian Forces Command and Staff College. Colonel Eddy laments the lack of operational training within the Canadian Forces. He argues that this deficiency could affect the ability of the forces to deal with a major internal disturbance through conduct of an actual military campaign:

While the Canadian Forces, especially the army, are capable of dealing with minor internal security threats by means of aid to the civil power, it is simply not capable of sustained operations against any large-scale threat. Of equal concern, the Canadian Forces are not capable of managing multiple threats, internal or external, simultaneously. A more sophisticated and responsive operational doctrine is required than now exists.<sup>28</sup>

While the Canadian Forces may well require greater education in operational doctrine, it would be injurious to the standing and reputation of the Canadian military among the people of Canada if the prospect of widespread domestic unrest were to be overly emphasized as a justification for such training. Canadians view the primary role of their military as protection against external threats and as an instrument of foreign policy. Canadians are proud and supportive of the peacekeeping role their forces play around the world; they would not want to have domestic peacekeeping become the military's *raison d'être*.

Thus too much emphasis upon aid to the civil roles and the need for greater domestic capabilities could backfire on the Canadian Forces and undermine their standing with the Canadian public. General Dan Loomis wrote of the FLQ crisis that there was "not much glory" in that experience.<sup>29</sup> As much as the forces are necessary and can be counted upon to come to the aid of the civil power in a thoroughly professional and disciplined manner, there are really "no victors in civil disorder."<sup>30</sup> Nothing could do more to further alienate the military from the people of Canada than for it to come to be regarded as the Canadian equivalent of the notorious national guard forces found in some Latin American countries.

### ***The Armed Forces and the Constitutional Crisis***

Recent discussion of the proper role for the Canadian Forces in cases of domestic violence has become particularly sensitive in light of Canada's on-going constitutional crisis. An effort to finally solve the crisis was made in August 1992 when the federal government, the provincial premiers, and native leaders reached a complex agreement on revising the constitution. It was put to a national referendum on 26 October 1992. Most Canadians rejected the agreement (54.5 to 45.5 percent), with majorities in six of ten provinces, including Quebec, voting against. Because the agreement was

rejected across the country, not just in Quebec, its defeat has left the future of that province in confederation still uncertain. (Although, ironically, support for sovereignty within Quebec declined slightly in the wake of the referendum.) The Mulroney government has stated that it will not reopen constitutional talks. The next crucial event is therefore likely to be the provincial elections in Quebec expected within a year. If the separatist Parti Quebecois wins, it has said it will quickly hold another referendum—in Quebec only—on sovereignty, thus heating up the unity crisis again.

General de Chastelain has stated that it is not the role of the armed forces to maintain the unity of the country. The forces would be used only to maintain law and order.<sup>31</sup> The fear in some quarters is that should the people of Quebec vote in a referendum for separation, there might be civil unrest involving Anglophones and native groups who do not wish to be part of an independent Quebec. The federal government may have to call upon the military to protect lives and restore order.<sup>32</sup>

In Quebec, such fears have been dismissed as “sabre-rattling” by Anglophones trying to frighten Francophones into rejecting sovereignty.<sup>33</sup> Minority and native groups, it is argued, have nothing to fear and will not have to call upon the Canadian army to protect them. As one recent editorial observed, Canadians will settle their constitutional crisis “with words and ballots, not bullets. . . . Canada faces a referendum, not a civil war, on its continued existence. That fact alone goes far to show why this much-blessed country is worth preserving and celebrating for at least another 125 years.”<sup>34</sup>

However, as a national institution the Canadian Forces could well be torn asunder by a breakdown in national unity. Not only are there major military installations located in Quebec, but the forces themselves have long ceased to be an Anglo-Canadian bastion. Beginning in the late 1960s, a policy of bilingualization was adopted throughout the federal government, including the armed forces. The percentage of Francophones, mainly from Quebec, gradually rose until by 1990 they constituted 27.1 percent of the Canadian Forces, nearly equal to the percentage in Canada. In addition, French-speaking units were created. This policy has generally been regarded as a success, making the forces more reflective of the bilingual nature of the country and helping to promote national unity. Francophones have served with distinction and held numerous senior appointments, including that of Chief of the Defence Staff.<sup>35</sup>

The loyalty to the federal government of the vast majority of Francophone members of the Canadian Forces is unquestioned. Overall, it would appear that most would prefer that Canada remain united. Yet, in a situation where the majority of the citizens of Quebec had indicated a preference for sovereignty, and Quebec declared unilateral independence, there would then exist two democratically elected national governments. Many Francophones would be under tremendous pressure and might find it difficult to serve the



government in Ottawa rather than the new sovereign government in Quebec City. The latter would then have at its disposal a well-trained and disciplined military.<sup>36</sup> Jocelyn Coulon, though discounting the prospect of civil violence, stipulates that "Quebec separatists have to be ready to deal with all scenarios and that one of the best means to assure Quebec security would be to build a dissuasive force to deter any violent outcomes."<sup>37</sup> All of this raises the nightmarish specter of the Canadian military splitting in two with each side coming to the aid of opposing civil powers.<sup>38</sup>

One hopes that Canada will be able to solve its constitutional crisis and remain a united country. If, unfortunately, this proves impossible, then at least new arrangements with Quebec should be made with a view to precluding violence and having to resort to fragmenting Canadian Forces to maintain law and order. There are good reasons to expect that this will be the case. As heated as the constitutional debate became, there was never even the faintest hint of violence throughout the recent referendum campaign and after. Ideally, the terms and conditions of Quebec independence could be settled through negotiation before legal separation actually takes place. At the same time, an element of uncertainty and danger exists. Thus there can be no absolute assurance that this peaceable kingdom of unmilitary people will be immune to domestic strife if the 125-year-old confederation begins quickly to unravel. The world today is full of examples of political change gone out of control and turned violent. It is because of the violence now plaguing other parts of the world that the new Canadian statement on defense policy places such particular emphasis upon peacekeeping on foreign shores. How tragically ironic it would be if Canada's overseas forces had to be recalled to perform a peacekeeping role in their own country. Perhaps some consideration of this chilling prospect will help Canada's political leaders solve the national unity crisis which continues to hover just over the horizon.

#### NOTES

1. Canada, Department of National Defence, *Canadian Defence Policy* (Ottawa: 1992).
2. This is out of a total budget of \$159.6 billion or approximately 7.7 percent. In terms of Gross Domestic Product, Canada has spent about two percent on defense for most of the past 20 years.
3. *Canadian Defence Policy*, p. 14.
4. During the 1960s, the Royal Canadian Air Force, the Royal Canadian Navy, and the Canadian Army were unified into a single body, the Canadian Forces. Unification of the three services involved two steps. The first, in 1966, involved the integration of the three service headquarters into a single National Defence Headquarters under a single Chief of the Defence Staff. The CDS presided over a unified staff, although the three services continued to exist and had their own chiefs. In 1969 the services themselves were abolished and all forces adopted the same uniform. Since then, although unification has been retained, some of the distinctive service identities, as well as different uniforms, have been reintroduced, with Air Command, Maritime Command, and Mobile Command inheriting the roles and traditions of the air force, navy, and army, respectively.
5. *Canadian Defence Policy*, p. 14. The Supplementary Ready Reserve remains at 25,000.
6. John Ward, "Troops Stretched, Analysts Warn," *The Ottawa Citizen*, 2 September 1992, p. A4; "Canadian Peacekeepers Being Sent to Tense Northern Bosnia," *The Globe and Mail*, 23 September 1992, p. A10.
7. Tom Naumetz, "Army Issues Warning: Military May Be Needed At Home," *The Ottawa Sun*, 28 February 1992, p. 19.

8. David Pugliese, "Armed Forces to Replace RCMP Anti-terrorist Team," *The Ottawa Citizen*, 6 March 1992, p. A3.
9. *Canadian Defence Policy*, p. 6. See also Desmond Morton, "Bayonets in the Streets: The Canadian Experience of Aid of the Civil Power 1968-1990," *Canadian Defence Quarterly*, 20 (April 1991), 30.
10. Morton, "Bayonets in the Streets," p. 33.
11. George F. G. Stanley, *Canada's Soldiers, 1604-1954: The Military History of an Unmilitary People* (Toronto: Macmillan, 1954).
12. The three provincial police forces are the Surete du Quebec, the Ontario Provincial Police, and the Royal Newfoundland Constabulary.
13. *National Defence Act* (1985), Section 275. See also, H. A. McLearn, "Canadian Arrangements for Aid of the Civil Power," *Canadian Defence Quarterly*, 1 (Summer 1971), 28; Brian Cuthbertson, *Canadian Military Independence in the Age of the Superpowers* (Toronto: Fitzhenry and Whiteside, 1977), pp. 243-52.
14. *National Defence Act*, Section 278.
15. Rheal Seguin, "Armed Forces Left in Charge of Oka Crisis," *The Globe and Mail*, 19 September 1990, p. A1.
16. John Thompson, "There Are None So Foolish," *National Network News*, 1 (15 July 1992), 10.
17. This might have been a wise move since it was reported that the Canadian Forces refused several requests from the Quebec government that troops attack the Mohawks and that several senior officers threatened to resign "rather than do what the Quebec cabinet wanted." See "Army Wouldn't Attack Mohawks," *The Ottawa Citizen*, 13 March 1991, p. A4.
18. Patricia Poirier, "PR Role at Oka Won Army Over," *The Globe and Mail*, 25 October 1990, p. A5.
19. Bruce Ward, "Censored," *The Ottawa Citizen*, 17 November 1990, p. 2. For the military's account of the operations see, J. A. Roy, "Operation Salon," *Canadian Defence Quarterly*, 20 (April 1991), 15-19.
20. Geoffrey York, "P. M. Ignored Rule of Law During Mohawk Crisis, Panel Told," *The Globe and Mail*, 19 November 1990, p. A3.
21. Canada, House of Commons, Standing Committee on Aboriginal Affairs, *The Summer of 1990* (Ottawa: May 1991), pp. 26-27.
22. *Ibid.*, p. 27.
23. Morton, "Bayonets in the Streets," p. 34.
24. Standing Committee on Aboriginal Affairs, *The Summer of 1990*, p. 32.
25. *Ibid.*, p. 27.
26. Naumetz, "Army Issues Warning," p. 19.
27. Thompson, "There Are None So Foolish," p. 10.
28. K. T. Eddy, "The Canadian Forces and the Operational Level of War," *Canadian Defence Quarterly*, 21 (Spring 1992), 22.
29. Dan G. Loomis, *Not Much Glory: An Account of the Canadian Forces Adaptation to the FLQ Crisis and Other Low Intensity Conflicts* (Kingston, Ontario: Royal Military College of Canada, 1974).
30. Morton, "Bayonets in the Streets," p. 34.
31. "Le role de l'armee n'est pas de se battre pour l' unite du pays, soutient Chastelain," *La Presse* (Montreal), 7 December 1991, p. C3; "Le general de Chastelain affirme que 'ses' soldats n'auront pas a intervenir," *Le Soleil* (Quebec), 11 December 1991, p. 1.
32. Paul Gessell, "Quebec Media Take Aim at Sabre-rattling Anglos," *The Ottawa Citizen*, 23 December 1991, p. A3.
33. Gessell, "Quebec Media Take Aim," p. A3.
34. "Something Worth Celebrating," *The Gazette* (Montreal), 30 June 1992, p. B2. See also Jocelyn Coulon, "The Quebec Dimension," in *Divided We Fall: The National Security Implications of Canadian Constitutional Issues*, ed. Alex Morrison (Toronto: Canadian Institute of Strategic Studies, 1991), p. 81.
35. See J. L. Granatstein and Robert Bothwell, *Pirouette: Pierre Trudeau and Canadian Foreign Policy* (Toronto: Univ. of Toronto Press, 1990), pp. 244-48; Claude Manzagol, "Les Forces Armees Canadiennes: Fiche Signalétique," *Cahiers de Geographie Du Quebec*, 34 (December 1990), 356-57; Jean Pariseau and Serge Bernier, *French Canadians and Bilingualism in the Canadian Armed Forces, Vol. I. The Fear of a Parallel Army* (Ottawa: Minister of Supply and Services, 1986).
36. Jocelyn Coulon, *En Premiere Ligne: Grandeurs Et Miseres Du System Militaire Canadien* (Montreal: Le Jour, 1991), p. 265.
37. Jocelyn Coulon, "The Quebec Dimension," in Morrison, *Divided We Fall*, p. 81.
38. For a discussion of this pessimistic scenario, see Desmond Morton, "The Canadian Security Dimension," in Morrison, *Divided We Fall*, pp. 69-75.