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**MARITIME SECURITY AND THE CULTURE OF PREVENTION**

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Top decision-makers have to set the foundation for culture in our government. Prime Minister Martin had the chance to do some culture-building during the airing of the National's Town Hall on February fifth. And it came from a fascinating opportunity window. Ben Flodeau, a grade five student in Guelph, asked the Prime Minister what he would do if terrorists attacked the CN tower in Toronto. The PM answered, "I would ... make sure that we had the defences in this country, the intelligence in this country, to prevent that kind of a thing happening." Several things jump out from this exchange. First of all, what a wonderfully informed question from a youngster. More importantly, as the Intelligence expert at Norman Paterson School of International Affairs at Carleton University, Dr. Martin Rudner, informs us, this is likely the first time that a Canadian Prime Minister has publicly uttered the words Intelligence and Prevention in the same sentence. Ever. Mr. Martin has repeated this idea in Parliament several times since.

A month after the Prime Minister had his unique cyber-encounter with Ben, the National Post reported on the new book by Stewart Bell entitled: *Cold Terror: How Canada Nurtures and Exports Terrorism Around the World*. Mr. Bell argues convincingly that Canadian politicians do not pay enough attention to warnings from security and intelligence officials. He attributes this to political and electoral causes -- a finding that would not be contradicted by this author; however, recent research has shown that the problem also concerns how intelligence assessments and warnings are handled on the way to power and how it enters top decision-makers' agendas. One area that illustrates this vulnerability is Canada's National Security process and, for the purposes of this article, the subordinate area of Maritime Security.

The increases of piracy and maritime crime on the world's seaways have been well covered by the press over the last couple of years: pirates staged 445 attacks last year; 311 ships were illegally boarded; and 19 were high-jacked. More eerily, certain high-jacked ships were used as practice platforms for learning navigation and pilotage. Students at American merchant navigation schools have been arrested as terrorist suspects. It is well-known now that Al Queda itself owns approximately twenty medium to large-sized vessels – and a number of them are capable of reaching Canadian shores. The decision to close down the large Alaskan port of Valdez when the US assumed Level Orange in late December was a *very significant* event. Based on serious warning information, the US Coast Guard acted to protect a *North American port* from attack – either by air or sea. Moreover, we know that the name "Canada" has been uttered by Usama bin Laden himself. And now Madrid has been added to the large number of US allies attacked by Al Queda as softer targets. Suffice it to say that there is a convincing case to be made that international terrorism is at sea and active. **And** that Canada is not immune.

## **The Terrorist Changed the Battlespace**

Since the struggle against international terrorists does not focus on sovereign states in particular, the battlespace becomes both local and federal, domestic and international, sensational and common place. We know that, like guerilla warriors, terrorists **own the timeline** – it's up to non-terrorists to disrupt that timeline. Since the battlespace is informational and ephemeral, it is not through over-powering physical means that we will neutralize their threat – it is through information superiority. **Brains, not brawn.** It must be noted however that brawn is **necessary**

as an expeditionary defence function to take the fight to the enemy and to react with force in the domestic forum of Canadian security once he is located; however, the emphasis in the new battlespace must necessarily be placed on finding him and understanding his plan before he executes. Evidence for these findings can be found in recent newscasts. The Reuters news agency reported on March 4<sup>th</sup> that the US Coast Guard had arrested nine terror suspects after a 14-month investigation. What is significant here is that “Operation Drydock” was a collaboration between the Coast Guard, Justice, the US Navy, and the US intelligence community. The Coast Guard had not been a part of the intelligence community prior to 9-11 – now they are. Results. The International Herald Tribune reported on March 9<sup>th</sup> that a two-year investigation code-named Operation Mont-Blanc had successfully led to the arrest of not just the infamous Khalid Shaik Mahommed in Pakistan but to a trail of dozens of terrorists and terrorist cells across three continents. The key was to trace the use of cell phones with certain Swiss-made computer chips that Al Qaeda favoured. At least three planned attacks were averted in Saudi Arabia and Indonesia. The recent “Operation Canyon” intercepted communications between Pakistan and London and led to arrests of terror suspects in London, and -- here it is -- in Ottawa, our nation’s capital. **Brains, not brawn.** British law enforcers seized the components of a huge explosive device and prevented an imminent attack. **Disrupt the timeline. Prevent the event.**

### **Canada’s Progress – Two and a half Years**

Canada has a part to play in this international security and intelligence transformation. Traditionally, we have been a nation that “reacts” to crises. As Margaret Atwood points out in *Survival*, our literature records a nation that cleans up the mess after nature has attacked. Since there is no way of foreseeing natural events, we have learned to survive and proudly tell the tale.<sup>1</sup> This is pretty close to the mark. Reflect on the Canadian reactions to the FLQ crisis, Air India, the Ice Storm, the power outage, SARS – even the Solicitor-General’s National Counter-Terrorism Plan is written to react to crises that have already happened. As Dr. Dan Middlemiss of Dalhousie University has stated “the ‘reaction culture’ puts too much demand on Resources when a surge is required before and during emergencies. There is too much movement all at one time; no prioritization or risk management is possible.”<sup>2</sup> Senator Kenny is getting closer when he opens a recent report by saying: “The answer is, we simply cannot defend against the unforeseen. We simply must foresee. And we simply must defend.”<sup>3</sup>

It has been two and a half years since 9-11, and despite Senator Kenny’s prodding, Canada has moved slowly. And as the Auditor General has recently stressed, *too slowly*. There has been some guarded progress (such as the recent budget) and some difficult issues to grapple with. The government has chosen thus far to address the problem with changes to the law, meager additions to resources, and significant changes in government machinery. On the legislative front, Bill C-36 has helped in certain ways

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<sup>1</sup> Margaret Atwood, *Survival: A Thematic Guide to Canadian Literature* (Toronto: Anansi, 1972), 2.

<sup>2</sup> Danforth Middlemiss, testimony from “Canada’s Coastlines: The Longest Under-Defended Borders in the World.” In *The Report of the Standing Committee on National Security and Defence*, 37<sup>th</sup> Parliament, 2<sup>nd</sup> Session, Vol. 1, October 2003.

<sup>3</sup> Colin Kenny, Chairman’s opening comments in “Canada’s Coastlines: The Longest Under-Defended Borders in the World,” in *The Report of the Standing Committee on National Security and Defence*, 37<sup>th</sup> Parliament, 2<sup>nd</sup> Session, Vol. 1, October 2003.

– and has also opened some unexpected doors that will need to be closed. Customs was able to pass extensive improvements concerning port controls and inspection procedures. The huge IMO (International Marine Organization) project, the ISPS code (International Ship and Port Security Code) that deals with world-wide security for ports and ships, is being ably handled by Transport Canada. Compliance is due on 1 July of this year – and amazingly many key countries including Singapore, Malaysia, the Netherlands, and of course the US, are progressing with vigour.

On the resources front in Canada, there was an initial surge of government interest. Individual projects in Customs, Transport and the other departments dealt with the air sector and cross-border concerns. Also, the Interdepartmental Marine Security Working Group put forward a Marine Security Plan to Cabinet that proposed an initial concentration on perimeter security through Domain Awareness, Collaboration, Safeguarding Ports, and Reaction Capability. This effort was rewarded with a modest \$172 million over 5 years to progress maritime security; however, that plan was just a start. Once perimeter security was underway, the **inside of the perimeter** was supposed to have been tackled immediately, and then the **Arctic**. *This has not happened*. Policy production has stopped and funding has continued at a trickle, spread across competing departments with no overarching plan.

The Martin government has also introduced some significant and welcome changes to government machinery. Taking what would appear to be quite direct assistance from the Senate Committee on National Security and Defence (SCONSAD), the new government has linked the Deputy Prime Minister position to National Security; it has finally re-created a Cabinet Committee concerned with National Security (the Standing Committee on Security, Public Health, and Emergencies); it has created a “homeland security”-like department of Public Safety and Emergency Preparedness (with the notable exception of the Canadian Coast Guard who became an independent agency still linked to the Department of Fisheries); and a National Security Advisor, Robert Wright, who also maintains the duties of Deputy Clerk of PCO and coordinator of the Security and Intelligence community. Notably, PCO now has a national security directorate.

## **The Culture of Prevention**

Dr. Middlemiss told SCONSAD, “if we simply rely on ... the interdepartmental groups that are working to find the gaps, they will, and then nothing more will happen because nothing has ever happened again in the past. We need policy.”<sup>4</sup> In two and a half years we have seen the US promulgate a National Security Strategy, a Homeland Security Strategy, and a Maritime Homeland Security Strategy. Australia has done the same. Canada cannot as yet boast *anything like* these crucial national documents. It is encouraging that the National Security Policy has been “fast-tracked” through to Cabinet and will be released in late April; however, this new document is the first of its kind and will have evolve as Canada familiarizes itself with the changing battlespace. There is still no sign of a specific Maritime Security Policy nor is there a National Surveillance Plan. Without this *set* of documents, small pots of budget money spread across ravenous departments in an incremental fashion will never achieve the level of national security, or indeed maritime security, that Canadians deserve.

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<sup>4</sup> Middlemiss, 19.

Thus, we have seen only modest improvements. Moreover, the existing documentation still exudes the pre-9-11 tone of reaction and consequence management. There is something missing – and it should be clear by now what it is. We have seen that the terrorist, unlike nature, can be disrupted and stopped. His timeline can be interrupted. He can be countered through information superiority. We need a culture of prevention in government to force our nation, in concert with its allies, to establish information superiority over the terrorist networks. The American variant of this culture of prevention as championed by Attorney General John Ashcroft is different due to its linkage to the Patriot Act with its ability to interpret what used to be seen as criminal activity as wartime aggression – criminals to combatants.<sup>5</sup> The Canadian version will have to navigate the Charter and Privacy laws to deal with terrorist threat to Canada. Thus, in the Canadian context, a culture of prevention will allow for preparation, heightened readiness, and defence before an attack -- as well as dealing with the effects of violence after the attack. The culture of prevention that is being proposed here takes form *inside* our nation's public and private institutions. It is more than consequence management; it's more than planning how to react when an attack is taking place or just about to take place. This is about **pro-activity**. This is about **stopping** the attack from happening in Canada.

### **Maritime Security Environment**

We are talking about a coordinated national maritime security effort that takes place on a day like today – and all days like today. **National alertness**. It was a day just like today in Madrid on March 11<sup>th</sup>. Here is an idea of what it could look like. As Minister Pratt has written,<sup>6</sup> and Ward Elcock (the soon to be retiring head of CSIS) has stated,<sup>7</sup> Canada more than ever needs an independent capability for foreign human intelligence. We need Canadian intelligence collectors in foreign maritime ports. Canada urgently needs to be a contributor to the global effort. Feeds from European and Asian allies would serve as early warning and tracking sources for maritime picture on international waters. Domain awareness in Canadian waters would be regular and complete through a layered plan with means such as the High Frequency Surface Wave Radar, the Automatic Identification System, Unmanned Aerial Vehicles (UAVs), and satellite coverage. Using the resulting “recognized maritime picture,” an expanded and improved cadre of intelligence analysts will collaborate on the Maritime Management and Data Exchange System (MIMDEX) which will link into the cross-government classified network that Deputy Prime Minister McLellan has recently mentioned. The Bi-National Planning Group in Colorado would provide links to the American maritime effort in American Northern Command (NORTHCOM) to improve the assessment and warning product. Immigration, Transport, Customs, and the RCMP, CSE, and CSIS through McLellan's new department would inject input from the port security and local-

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<sup>5</sup> John Ashcroft, “A New Culture of Prevention: An Interview with John Ashcroft,” in *The Patriot* (13 May, 2003). Website: <http://thepolitic.org/news/2003/05/13/National/A.New.Culture.Of.Prevention-43316.html>

<sup>6</sup> David Pratt, “Foreign Intelligence in the New Security Environment,” in *Canadian Strategic Forecast 2004 – The ‘New Security Environment’: Is the Canadian Military up to the Challenge?*, eds. David Rudd and David McDonough (Toronto: The Canadian Institute of Strategic Studies, 2004): 10.

<sup>7</sup> Ward Elcock (Director Canadian Security Intelligence Service), “The John Tait Memorial Lecture.” Presentation given 17 October, 2003 at the CASIS Conference in Vancouver, B.C., Canada.

knowledge level through interconnected, interdepartmental coordination centres on the coasts and in the Great Lakes. Of course, Charter rights, the Privacy Act, and confidentiality regulations will have to be followed and likely adjusted. In fact, one of the primary challenges to information superiority is the debate of law enforcement versus intelligence as they impact disclosure and legal proceedings. In his probing article in *Foreign Affairs*, Jonathan Stevenson points out that the US has moved to a vulnerabilities-based approach to fighting terrorism – expensive as that is. The rest of the west has maintained a probability- based approach which depends heavily on current intelligence and probability management for security. This choice necessitates optimization in law- enforcement and intelligence collaboration.<sup>8</sup>

Local issues in Canada would be resolved at local levels; however, key assessments must have the ability to make their way to the Intelligence Assessment Secretariat or, under its new form, the Integrated Threat Assessment Cell (ITAC) for broad national assessment in PCO. In the past, assessment has been filtered to the Assistant Deputy Minister (ADM)-level and disseminated *downwards* from there. There is no existing capability to brief specific “warning” intelligence. American intelligence expert Marilyn Grabo states that a prevention culture can ‘only exist if the assessment product is trusted and urgent action at any level can take place upon warning recommendation.’<sup>9</sup> **This is key to the national-level culture challenge in Canada.** Unlike the past, national leaders should be regularly and frequently briefed on security and intelligence concerns and trends. Happily, the new National Security Advisor has instituted a new weekly intelligence assessment summary for Mr. Martin. This is a massive improvement. But, we need more.

The idea of creating an interdepartmental national coordination centre, possibly like the “Integrated Threat Response Centre” that Deputy Prime Minister McLellan has recently mentioned, which links into the various regional coordination centers, is a good one and would assist federal decision-makers with a common operating picture for decisions that could entail military force or special operations. Finally, Reaction will need to be collaborative as well. The RCMP, Customs, and Immigration -- and in extreme cases, the Maritime section of Joint Task Force Two (JTF2) or other Canadian Forces assets -- will provide the necessary enforcement clout.

## **National Readiness**

Alertness also implies readiness. The military created a CANALERTCON system of staged military readiness for domestic security after 9-11. Other departments, including what was the Office of Critical Infrastructure Protection and Emergency Preparedness (OC�PEP), have alert systems as well. **However, none of them correspond to the others.** A national system like the colour-code system of the US does not exist in Canada. Our nation is not alert until we watch the news. Staged readiness on

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<sup>8</sup> Jonathan Stevenson, “How Europe and America Defend Themselves,” in *Foreign Affairs* 82, no. 2 (March/April 2003): 78-79.

<sup>9</sup> Cynthia Grabo, *Anticipating Surprise: Analysis for Strategic Warning* (Washington: The Joint Military Intelligence College, 2002), 50.

a national level, used judiciously, would provide a system of risk-management that alerts government agencies, private agencies and citizens of an increasing possibility of threatening action. The worst-case scenario involves a requirement for urgent action at the federal level to pre-empt a local level attack with military force -- the freighter full of explosives in the Great Lakes destined to destroy the Ambassador Bridge. A ready populace, preparation of the battlespace, and a direct information route to top decision-makers would be crucial to success in such a scenario.

Canada needs to make a break from its past and adapt to the new battlespace. However, the \$115 million a year from the recent budget will not even cover the needs of port security authorities. All right, we have some money – but we have no overarching plan as yet. It is likely that a second Memorandum to Cabinet on Maritime Security in the fall of 2004 will focus fresh effort on the blatant vulnerability gaps that exist in the Great Lakes and St Lawrence Seaway. Ideas that are circulating in Ottawa include coastal coordination of all Canadian government vessels and aircraft through DND's Trinity and Athena Coordination Centres; interconnected, interdepartmental Coordination Centres including a new interdepartmental, and possibly bi-national, coordination centre for the Great Lakes; and a National Coordination Centre in Ottawa. Liaison with the International Joint Commission for Canadian and US inland waterways, dams, and canals is ongoing. Discussions on the security parameters for offshore exploitation platforms must continue and bear fruit. Finally, it has been written, “only through Islam will Islam be understood.” It seems that it's time to actively recruit Muslim Canadians into our security and intelligence machinery to provide the richness of context that is sorely needed. After all, their Canadian families are facing the same threats.

### **Stop the Terrorist Event before it is Canadian**

Auditor General Fraser has it right – collaboration and information sharing are key. Before the government moves further in maritime security, the Culture of Prevention, as described in this article, needs to be adopted and incorporated *along with* crisis and consequence management in the forming National Security Policy. Only when we have a Maritime Security Policy and a National Surveillance Plan will expenditure of budgeted money be *optimized* for maritime security. Moreover, **maritime security** must be given more attention in government – similar priority as air security, **more staffing resources** in departments, continued visibility in decision-makers' agendas. The severe vulnerability gaps in the Great Lakes and other internal waters, foreign maritime intelligence collection, and national level coordination are urgent issues to rectify. A focus on building the confidence of top decision-makers in the Security and Intelligence product is required.

With elections coming to Canada within the year, and terrorists encouraged by surprising results in Spain, what is to say that maritime transport will not be their next mode for pre-electoral terror. By using **Brains not brawn**, Canadians can adopt the **Culture of Prevention** into their National Security Policy and Maritime Security Policy to ensure that the destructive timelines of international terrorists are severed before their operatives draw near to Canadian shores.