



REPORT OF THE SOMALIA COMMISSION OF INQUIRY

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Executive Summary

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EXECUTIVE SUMMARY

From its earliest moments the operation went awry. The soldiers, with some notable exceptions, did their best. But ill-prepared and rudderless, they fell inevitably into the mire that became the Somalia debacle. As a result, a proud legacy was dishonoured.

Systems broke down and organizational discipline crumbled. Such systemic or institutional faults cannot be divorced from leadership responsibility, and the leadership errors in the Somalia mission were manifold and fundamental: the systems in place were inadequate and deeply flawed; practices that fuelled rampant careerism and placed individual ambition ahead of the needs of the mission had become entrenched; the oversight and supervision of crucial areas of responsibility were deeply flawed and characterized by the most superficial of assessments; even when troubling events and disturbing accounts of indiscipline and thuggery were known, there was disturbing inaction or the actions that were taken exacerbated and deepened the problems; planning, training and overall preparations fell far short of what was required; subordinates were held to standards of accountability by which many of those above were not prepared to abide. Our soldiers searched, often in vain, for leadership and inspiration.

Many of the leaders called before us to discuss their roles in the various phases of the deployment refused to acknowledge error. When pressed, they blamed their subordinates who, in turn, cast responsibility upon those below them. They assumed this posture reluctantly - but there is no honour to be found here - only after their initial claims, that the root of many of the most serious problems resided with "a few bad apples", proved hollow.

We can only hope that Somalia represents the nadir of the fortunes of the Canadian Forces. There seems to be little room to slide lower. One thing is certain, however: left uncorrected, the problems that surfaced in the desert in Somalia and in the boardrooms at National Defence Headquarters will continue to spawn military ignominy. The victim will be Canada and its international reputation.

The following is a summary of the final report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia. To the best of our ability, the report fulfils our obligation under various orders in council to investigate the chain of command system, the leadership, discipline, actions and decisions of the Canadian Forces, as well as the actions and decisions of the Department of National Defence, in respect of the Canadian Forces' participation in the United Nations peacekeeping mission in Somalia in 1992-93.

During the deployment of Canadian troops, events transpired in Somalia that impugned the reputations of individuals, Canada's military and, indeed, the nation itself. Those events, some of them by now well known to most Canadians, included the shooting of Somali intruders at the Canadian compound in Belet Huen, the beating death of a teenager in the custody of soldiers from 2 Commando of the Canadian Airborne Regiment (CAR), an apparent suicide attempt by one of these Canadian soldiers, and, after the mission, alleged episodes of withholding or altering key information. Videotapes of repugnant hazing activities involving members of the CAR also came to light. Some of these events, with the protestations of a concerned military surgeon acting as a catalyst, led the Government to call for this Inquiry. It is significant that a military board of inquiry investigating the same events was considered insufficient by the Government to meet Canadian standards of public accountability, in part because the board of inquiry was held *in camera* and with restricted terms of reference. A full and open public inquiry was consequently established.

The principal conclusion of this Inquiry is that the mission went badly wrong: systems broke down and organizational failure ensued. Our Inquiry canvassed a broad array of issues and events and a massive body of documentation and testimony to reach this unhappy conclusion. Even then, in two major respects, we encountered considerable difficulty in fulfilling our obligations.

First, the *Inquiries Act* provides the authority to subpoena witnesses, hear testimony, hire expert counsel and advisers, and assess evidence. Under normal circumstances, such powers should have given us the confidence to present our findings without qualification. However, on January 10, 1997, while Parliament was adjourned, the Minister of National Defence announced that Cabinet had decided that this Inquiry had gone on long enough, that all hearings must be cut off on or about March 31, 1997, and that a report with recommendations was required by June 30, 1997.

This was the response of the Government to our letter setting out reporting date options and requesting an extension until at least December 31, 1997, a period of time that would have allowed us to conclude our search for the truth. That search had already involved, among other things, thousands of hours of preparation and cross-examination of the individuals who played various roles in the Somalia deployment - and as time progressed, the superior officers to whom they reported. As our investigation progressed, we were able to move closer to the key centres of responsibility as we moved up the chain of command. Unfortunately, the Minister's decision of January 10, 1997, eliminated any possibility of taking this course to its logical conclusion and prevented us from fully expanding the focus to senior officers throughout the chain of command who were responsible before, during and after the Somalia mission.

The unexpected decision to impose a sudden time constraint on an inquiry of this magnitude is without precedent in Canada. There is no question that it has compromised and limited our search for the truth. It will also inhibit and delay corrective action to the very system that allowed the events to occur in the first place.

Second, the careful search for truth can be a painstaking and, at times, frustrating experience. Public inquiries are equipped with the best tools that our legal system can provide for pursuing the truth, but even with access to significant procedural powers, answers may prove elusive.

Even in those areas where we were able to conduct hearings - on the pre-deployment phase of the mission and part of the in-theatre phase - we were too often frustrated by the performance of witnesses whose credibility must be questioned. The power to compel testimony was our principal mechanism for determining what transpired in Somalia and at National Defence Headquarters. Some 116 witnesses offered their evidence to the Inquiry in open sessions broadcast on television across Canada.

Giving testimony before a public inquiry is no trivial matter. It is a test of personal and moral integrity that demands the courage to face the facts and tell the truth. It also involves a readiness to be held to account and a willingness to accept blame for one's own wrongdoings. Many soldiers, noncommissioned officers, and officers showed this kind of integrity. They demonstrated courage and fidelity to duty, even when doing so meant acknowledging personal shortcoming or voicing unwelcome criticism of their

institution. We are cognizant of institutional as well as peer pressure facing the witnesses who appeared before us. These soldier-witnesses deserve society's respect and gratitude for contributing in this way to the improvement of an institution they obviously cherish.

However, we must also record with regret that on many occasions the testimony of witnesses was characterized by inconsistency, improbability, implausibility, evasiveness, selective recollection, half-truths, and plain lies. Indeed, on some issues we encountered what can only be described as a wall of silence. When several witnesses behave in this manner, the wall of silence is evidently a strategy of calculated deception.

Perhaps more troubling is the fact that many of the witnesses who displayed these shortcomings were officers, non-commissioned officers, and senior civil servants - individuals sworn to respect and promote the values of leadership, courage, integrity, and accountability. For these individuals, undue loyalty to a regiment or to the institution of the military - or, even worse, naked self-interest - took precedence over honesty and integrity. By conducting themselves in this manner, these witnesses reneged on their duty to assist this Inquiry in its endeavours. In the case of officers, this conduct represents a breach of the undertakings set out in their commissioning scroll.

Evasion and deception, which in our view were apparent with many of the senior officers who testified before us, reveal much about the poor state of leadership in our armed forces and the careerist mentality that prevails at the Department of National Defence. These senior people come from an elite group in which our soldiers and Canadians generally are asked to place their trust and confidence.

We are well aware of recent reports submitted to the Minister of National Defence addressing issues of leadership and management in the Canadian Forces. Certainly, such studies and reports by informed specialists are valuable. But only a full and rigorous public examination of these issues, with the opportunity given to members of the military to provide information and respond to criticism, can lead to a thorough assessment of the scope and magnitude of these problems. Only an extensive and probing analysis of the people, events, and documentation involved can lead to focused and meaningful change.

This Commission of Inquiry was established for that very purpose. Its truncation leaves the Canadian public and the Canadian military with many questions still unanswered. In fact, the decision to end the Inquiry prematurely in itself raises new questions concerning responsibility and accountability.

Although we have raised concerns about the credibility of witnesses and leadership in the armed forces, it would be unfair to leave an impression that the mission to Somalia was a total failure. While we point out flaws in the system and shortfalls in leadership, we must and wish to acknowledge that many soldiers and commanders performed their duty with honour and integrity. Accordingly, we strongly support the issuance of appropriate medals to those who served so well during this troubled mission.

Moreover, we feel it is important in a report of this nature to acknowledge the invaluable contribution that the Canadian Forces have made, and continue to make, on Canada's behalf. Thousands of soldiers have performed difficult and often dangerous tasks on our behalf in pursuit of the nation's goals. Most often their dedication, selflessness and professionalism have been taken for granted, because these qualities have been assumed

to be the norm. That is what made the events involving Canadian Forces personnel in Somalia so unpalatable. It is the sharp contrast between those events and the accustomed performance of our military that elicited reactions of alarm, outrage, and sadness among Canadians. In the end, we are hopeful that our Inquiry will yield corrective measures to help restore the Canadian Forces to the position of honour they have held for so long.

INTRODUCTION

For a thorough discussion of the overall approach taken by the Inquiry, its terms of reference, proceedings, methodology, rules of procedure, rulings, and formal statements, we direct the reader to the Introduction to this report (Volume 1, Chapter 1).

Terms of Reference

The scope of any public inquiry is determined by its terms of reference. Ours were detailed and complex and were divided into two parts. The first contained a broad opening paragraph charging us to inquire into and report generally on the chain of command system, leadership, discipline, operations, actions, and decisions of the Canadian Forces, and on the actions and decisions of the Department of National Defence in respect of the Somalia operation. The terms of reference stated clearly that our investigation was not limited in scope to the details and issues set forth in paragraphs that followed.

The second part of the terms of reference required us to look at specific matters relating to the pre-deployment, in-theatre, and post-theatre phases of the Somalia operation. Specific pre-deployment issues (before January 10, 1993) included the suitability of, and state of discipline within, the Canadian Airborne Regiment; and the operational readiness of the Canadian Airborne Regiment Battle Group prior to deployment for its missions and tasks. In-theatre issues (January 10, 1993 to June 10, 1993) included the suitability and composition of Canadian Joint Force Somalia (CJFS) for its mission and tasks; the extent, if any, to which cultural differences affected the conduct of operations; the attitude of rank levels toward the lawful conduct of operations; and the manner in which the CJFS conducted its mission and tasks and responded to the operational, disciplinary, and administrative problems encountered in-theatre, including allegations of cover-up and destruction of evidence. Post-deployment issues (June 11, 1993 to November 28, 1994) were to address the manner in which the chain of command of the Canadian Forces responded to the operational, disciplinary, and administrative problems arising from the deployment.

These Terms of Reference obliged us to determine whether structural and organizational deficiencies lay behind the controversial incidents involving Canadian soldiers in Somalia. The Inquiry was not intended to be a trial, although our hearings did include an examination of the institutional causes of, and responses to, incidents that had previously resulted in the charge and trial of individuals. The Inquiry's primary focus was on institutional and systemic issues relating to the organization and management of the Canadian Forces and the Department of National Defence, rather than on the individuals employed by these institutions. However; this focus inevitably required us to examine the actions of individuals in the chain of command and the manner in which they exercised leadership.

Our mandate, so described, required us to consider several fundamental institutional issues. How is accountability defined, determined, and exercised within the chain of command of the Canadian Forces? Were the reporting procedures adequate and properly followed to enable both an effective flow of information within the chain of command and the taking of appropriate corrective measures whenever required? Did actions taken and decisions made in relation to the Somalia operation reflect effective leadership or failures in leadership? To determine this, we intended to examine the decisions and conduct not only of officers and non-commissioned members of the Canadian Forces, but also of top civilian staff within National Defence Headquarters (for example, the Deputy Minister of National Defence). In fact, we were able to cover the vast majority of issues assigned to us under the terms of reference. However, due to the Government's decision to terminate the Inquiry, we were unable to reach the upper echelons with respect to the alleged issue of cover-up and the extent of their involvement in the post-deployment phase.

We were obliged to consider whether the correct criteria were applied to determine whether Canada should have committed troops to Somalia in the first place, and whether the mission and tasks of the Canadian Forces and the rules of engagement governing their conduct in theatre were adequately defined, communicated, and understood. It was also necessary, given the disciplinary and organizational problems that became apparent within the Canadian Airborne Regiment at relevant times, to assess the extent to which senior military leaders advised or should have advised the Minister of National Defence, through the chain of command, as to the true state of readiness of the CAR to participate in the mission.

We had also intended to address the scope of the responsibility and duty of the Deputy Minister of National Defence to keep the Minister of Defence informed of significant events or incidents occurring in theatre, and the extent to which these responsibilities and duties were carried out. Further, we had intended to examine in detail the duties and responsibilities of the political and civilian leadership at the ministerial level, including the scope of the duties and responsibilities of the Minister of National Defence at the time of the in-theatre activities, the Hon. Kim Campbell, and whether the Minister was kept accurately informed of problems occurring during the Somalia operation. In examining this broad issue, we had determined the importance of considering the nature and scope of the duties and responsibilities of ministerial staff to keep the Minister appropriately informed, as well as the duty and responsibility of the Deputy Minister to organize the department to ensure that information appropriate and necessary to its proper functioning was conveyed and received.

In short, we interpreted our mandate broadly, yet reasonably, given the nature of our task, and limited our Inquiry to those issues set forth in the terms of reference, which in themselves were broadly defined. We would not examine issues that appeared to us to fall outside the scope of our mandate.

SOURCES OF INFORMATION

The information relied upon for this report came to us from a variety of sources. Of major importance was the production of relevant documents by the Department of National Defence (DND), the Department of Foreign Affairs and International Trade (formerly the

Department of External Affairs) and the Privy Council Office. At the Department of National Defence, a Somalia Inquiry Liaison Team (SILT) was created to collect and convey documentation and other forms of information ordered by the Inquiry. As it turned out, we eventually received over 150,000 documents from various government departments, all of which were painstakingly categorized by the Inquiry's staff according to relevance and issue.

Recognizing that the reconstruction of what happened in Somalia would require full disclosure by DND and other government departments of all relevant material, we issued an order on April 21, 1995, for the production of all such documents. Initial estimates from SILT were that some 7,000 documents were likely involved and subject to disclosure. SILT representatives made a convincing case that great efficiencies could be achieved by computerscanning all such material and making it available in electronic form. What happened after we agreed to this procedure was unexpected and was merely the first chapter in a saga of failure discussed more fully in Chapter 39 of this report.

Document disclosure remained incomplete throughout the life of the Inquiry. It took the form of a slow trickle of information rather than an efficient handing over of material. Key documents were missing, altered, and even destroyed. Some came to our attention only by happenstance, such as when they were uncovered by a third-party access to information request. Some key documents were disclosed officially only after their existence was confirmed before the Inquiry by others. Representatives from SILT were reminded continuously of the slow pace and incomplete nature of disclosure. Following numerous meetings on the document transmittal process and private meetings with SILT officials at which we expressed frustration with the process, there were still few results. Finally, faced with altered Somalia-related documents, missing and destroyed field logs, and a missing National Defence Operations Centre computer hard drive, we were compelled to embark on a series of hearings devoted entirely to the issue of disclosure of documents by DND and the Canadian Forces through DND's Directorate General of Public Affairs, as well as to the issue of compliance with our orders for the production of documents.

A considerable number of the many documents made available to the Inquiry, and other supplementary documentation, were filed as exhibits. These included, among many others, the report of the internal military board of inquiry, comprising 11 volumes of documentation, and the response of the Chief of the Defence Staff to the board's recommendations; the transcripts of the courts martial of those prosecuted as a result of alleged misconduct in Somalia; Canadian and other military manuals and policy documents; and literature on the Canadian military and United Nations peacekeeping and peacemaking missions.

The analysis in this report is based essentially on the extensive testimony and submissions made by all parties at the Inquiry's hearings, the documents and other material entered as exhibits at the hearings, authoritative articles and books, material collected from symposia and from specialists on relevant topics, papers written and other information provided by consultants to the Inquiry, and original research and analysis conducted by our own research staff.

ORGANIZATION OF THE REPORT

In addition to this executive summary, there are five volumes to this report.

Volume 1 introduces the general approach taken by the Inquiry, followed by discussion of the major themes and principles stemming from our terms of reference that guided our approach. These major themes appear throughout the report and form an integral part of our analysis and recommendations. This volume also contains a number of background chapters describing things as they were at the time of the Somalia mission. Their purpose is to give the reader a basic familiarity with the nature and organization of the military in Canada, as well as with the military, legal, and cultural factors that shaped Canada's participation in the Somalia mission during 1992-93. The volume concludes with a narrative account of what actually happened before, during, and after Canada's involvement in Somalia. As well as describing events and actions, it points to where we suspect systemic problems exist.

Volumes 2, 3, 4, and 5 contain the essential distillation of the Inquiry's labours. There, we analyze the events described in the preceding narrative to reach our conclusions and recommendations. For each of the main themes identified earlier, we describe the standards and norms (what should have been expected) to identify the variances detected (the concerns flagged in Chapters 12, 13 and 14 in Volume 1) in order to draw findings from our analysis. Recommendations follow the findings. (They also appear collectively at the end of the report as well as in this executive summary.)

Volume 2 addresses the major themes of leadership, accountability, and the chain of command and examines the critical issues of discipline, the suitability of the unit selected for the deployment, selection and screening of personnel, training, the rules of engagement for the mission and overall operational readiness.

Volume 3 is devoted to a case study of the mission planning process for the Somalia deployment. **Volume 4** contains our findings concerning individual misconduct on the part of officers of the Canadian Forces who received section 13 notices for the pre-deployment period of the mission and the failure to comply with our orders for disclosure of Somalia-related documents. **Volume 5** contains additional findings on several important topics, including a thorough analysis of the incident of March 4, 1993 and its aftermath, the disclosure of documents, and a detailed assessment of the military justice system, with recommendations for extensive change. In the same volume, we discuss the implications of the government decision to truncate the Inquiry and what could have been accomplished with sufficient time to complete the assigned mandate. Volume 5 also contains a concluding section, a summary of our recommendations and the appendices to the report.

The remainder of this executive summary presents the highlights of each section of the report, followed by our recommendations.

MAJOR THEMES

Chapter 2 introduces the major themes that are central to our terms of reference. They establish a benchmark from which to judge the deviation apparent in the subsequent

narrative account of what actually transpired in the desert of Somalia and across the boardroom tables of National Defence Headquarters. These themes are as follows:

- leadership
- accountability
- chain of command
- discipline
- mission planning
- suitability
- training
- rules of engagement
- operational readiness
- cover-up
- disclosure of information
- military justice

A thorough reading of this chapter permits a deeper grasp of the themes that flow from our terms of reference. Each theme is then treated separately and extensively in our report. Primary among these themes are leadership and accountability, because they have a direct bearing on all the other themes, and because they are fundamental to the proper functioning of the military in a free and democratic society.

THE SOMALIA MISSION IN CONTEXT

In order to appreciate what occurred before, during and after the deployment, an understanding of several contextual matters pertaining to Canada's military is necessary.

Accordingly, Chapter 3 examines the structure and organization of the Canadian Forces and the Department of National Defence at the time of the Somalia mission; Chapter 4 describes the importance of the chain of command in the Canadian military; Chapter 5 presents a discussion on military culture and ethics; Chapter 6 explores civil-military relations in Canada; Chapter 7 introduces the military justice system at the time of the Somalia deployment; Chapter 8 describes the personnel system within the CF; Chapter 9 presents a history of the Canadian Airborne Regiment; Chapter 10 outlines the evolution of international peacekeeping and Canada's role in it; and Chapter 11 describes the historical development of Somalia and the situation that gave rise to Canada's involvement there.

THE STORY: WHAT HAPPENED BEFORE, DURING, AND AFTER SOMALIA

Chapters 12 to 14 provide a narrative account of the Somalia mission - it begins with the deteriorating situation in Somalia in 1992 and ends with the Government's decision to curtail the proceedings of the Inquiry in January 1997. Based on the testimony and documentation available to us, it provides as complete and balanced an account as

possible of what actually happened as the basis for a full analysis of the issues we were charged specifically to investigate.

The narrative is divided into the three phases specified in our terms of reference, encompassing pre-deployment, in-theatre and post-deployment events. Accordingly, Chapter 12 (Pre-Deployment) recounts the initial decision to become involved in the United Nations Operation in Somalia (UNOSOM), the preparations and mission planning that took place, and the factors involved in the declaration of the CAR's operational readiness. Chapter 13 (In-Theatre) provides an account of the events in Somalia from the first arrival of Canadian troops, the early stages of their operations, the incidents of March 4th and 16th, their alleged cover-up, and the return of the Canadian Airborne Regiment Battle Group to Canada. Chapter 14 (Post-Deployment) summarizes the subsequent courts martial, the de Faye board of inquiry, the creation of the Somalia Working Group within DND, and the events that occurred during the Inquiry, culminating in the decision by the Minister of National Defence to curtail the proceedings of the Inquiry.

INTRODUCTION TO FINDINGS

Volumes 2, 3, 4, and 5 contain the essential distillation of the Inquiry's efforts and form the largest portion of this summary as a result. In them we analyze deviations from the benchmark principles and themes established in Chapter 2. Our themes are interwoven in terms of both their theoretical treatment and the on-the-ground realities to which they refer. Foremost among them are leadership and accountability, which to a great extent underlie all the others. We have gone to great lengths to research, study, and set forth our understanding of how these twin pillars uphold the functioning of the military in a free and democratic society.

LEADERSHIP

The purpose of our discussion of leadership is to establish a standard for assessing the performance of Canadian Forces leaders in the Somalia mission.

Effective leadership is unquestionably essential in a military context. According to one Canadian Forces manual, "Leadership is the primary reason for the existence of all officers of the Canadian Forces." Without strong leadership, the concerted effort that characterizes a properly functioning armed force is unlikely to take shape, and the force's individual members are unlikely to achieve the unity of purpose that is essential to success in military operations. Strong leadership is associated with high levels of cohesion and the development of unity of purpose. Leadership is important at all levels of the Canadian Forces, applying equally to commissioned and non-commissioned officers.

However, leadership is also a complex and value-laden concept, and its definition is somewhat dependent on context. It includes not merely the authority, but also the ability to lead others. Commanders will not be leaders if they do little to influence and inspire their subordinates. The commander, in effect, becomes a leader only when the leader is accepted as such by subordinates. Leadership requires much more than management skills or legal authority. The leader is the individual who motivates others. As one American commentator on military leadership has stated:

Mere occupancy of an office or position from which leadership behavior is expected does not automatically make the occupant a true leader. Such appointments can result in headship but not necessarily in leadership. While appointive positions of high status and authority are related to leadership they are not the same thing.

A 1995 DND survey of attitudes of military and civilian employees revealed dissatisfaction with the state of leadership within DND. Survey respondents believed that leaders in the Department were too concerned about building their empires and "following their personal agenda", and that DND was too bureaucratic. The survey noted that "[e]mployees, both military and civilian, are losing or have lost confidence in the Department's leadership and management." The former Chief of the Defence Staff, Gen Jean Boyle, stated publicly in 1996 that the rank and file had justifiable concerns about the quality of high command. More recently, LGen Baril, Commander Land Force Command, declared:

The Army has a significant leadership deficiency.... Unfashionable as some of these old basic values may seem to some, it is the kind of leadership that produced the mutual trust that bonded our Army in combat. That trust between the leader and the soldier is what distinguishes outstanding units from ineffective ones.

Since there is a range of opinion on the precise nature of military leadership, we decided to identify the core qualities that are essential. We also sought to identify other necessary attributes of leadership as well as factors that would indicate successful leadership performance. In doing so we examined Canadian military documents and testimony before the Inquiry, and consulted the relevant literature for the views of senior military leaders as well as other experts in the field. In reviewing these sources, we were struck by their concordance in establishing the central qualities necessary to good leadership in the military:

Leadership Qualities, Attributes, and Performance Factors

*

*The Core Qualities of Military Leadership	*Other Necessary Attributes	*Indicative Performance Factors
*Integrity Courage Loyalty Selflessness Self-discipline	*Dedication Knowledge Intellect Perseverance Decisiveness Judgement Physical robustness	*Sets the example Disciplines subordinates Accepts responsibility Stands by own convictions Analyzes problems and situations Makes decisions Delegates and directs Supervises (checks and rechecks) Accounts for actions Performs under stress

		Ensures the well-being of subordinates
--	--	--

These are the qualities we considered important in assessing leadership related to the Somalia mission.

ACCOUNTABILITY

Accountability is a principal mechanism for ensuring conformity to standards of action. In a free and democratic society, those exercising substantial power and discretionary authority must be answerable for all activities assigned or entrusted to them - in essence, for all activities for which they are responsible.

In a properly functioning system or organization, there should be accountability for one's actions, regardless of whether those actions are properly executed and lead to a successful result, or are improperly carried out and produce injurious consequences. An accountable official cannot shelter behind the actions of a subordinate, and an accountable official is always answerable to superiors.

No matter how an organization is structured, those at the apex of the organization are accountable for the actions and decisions of those within the chain of authority subordinate to them. Within a properly linked chain of authority, accountability does not become attenuated the further one is removed from the source of activity. When a subordinate fails, that failure is shouldered by all who are responsible and exercise requisite authority -subordinate, superior, and superior to the superior. Accountability in its most pervasive and all-encompassing sense inevitably resides with the chief executive officer of the organization or institution.

The term 'responsibility' is not synonymous with accountability. One who is authorized to act or who exercises authority is 'responsible'. However, responsible officials are also held to account. An individual who exercises power while acting in the discharge of official functions is responsible for the proper exercise of the power or duties assigned. A person exercising supervisory authority is responsible, and hence accountable, for the manner in which that authority has been exercised.

A person who delegates authority is also responsible, and hence accountable, not for the form of direct supervision that a supervisor is expected to exercise but, rather, for control over the delegate and, ultimately, for the actual acts performed by the delegate. The act of delegation to another does not relieve the responsible official of the duty to account. While one can delegate the authority to act, one cannot thereby delegate one's assigned responsibility in relation to the proper performance of such acts.

Where a superior delegates the authority to act to a subordinate, the superior remains responsible: first, for the acts performed by the delegate; second, for the appropriateness of the choice of delegate; third, with regard to the propriety of the delegation; and, finally, for the control of the acts of the subordinate.

Even if the superior official is successful in demonstrating appropriate, prudent, diligent personal behaviour, the superior remains responsible for the errors and misdeeds of the

subordinate. However, in such circumstances, when assessing the appropriate response to the actions of the superior whose subordinate or delegate has erred or has been guilty of misconduct, the authorities may be justified in selecting a penalty or sanction of lower order or no penalty or sanction whatsoever.

It is the responsibility of those who exercise supervisory authority, or who have delegated the authority to act to others, to know what is transpiring within the area of their assigned authority. Even if subordinates whose duty it is to inform their superior of all relevant facts, circumstances, and developments fail to fulfil their obligations, this cannot absolve their superior of responsibility for what has transpired.

Where a superior contends that he or she was never informed, or lacked requisite knowledge with regard to facts or circumstances affecting the proper discharge of organizational responsibilities, it will be relevant to understand what processes and methods were in place to ensure the adequate provision of information. Also, it will be of interest to assess to what extent the information in question was notorious or commonly held and whether the result that occurred could reasonably have been expected or foreseen. Moreover, how the managerial official responded on first discovering the shortfall in information will often be of import.

To this point we have concentrated on defining terms and establishing guiding principles. We now move to a consideration and analysis of the more practical issues at hand that raise accountability concerns.

The Inquiry found, first of all, that the standards discussed above have not been well guarded recently in the Canadian military. The hierarchy of authority in National Defence Headquarters (NDHQ), and especially among the Chief of the Defence Staff (CDS), the Deputy Minister (DM), and the Judge Advocate General, has become blurred and distorted. Authority in the Canadian Forces is not well defined by leaders, nor is it clearly obvious in organization or in the actions and decisions of military leaders in the chain of command. Moreover, we found that governments have not carefully exercised their duty to oversee the armed forces and the Department of National Defence in such a way as to ensure that both function under the strict control of Parliament.

The most significant of the deficiencies we noted that bear on accountability are as follows:

1. Official reporting and record-keeping requirements, policies, and practices throughout DND and the Canadian Forces are inconsistent, sometimes ineffective, and open to abuse. We have seen that, in some cases (for example, Daily Executive Meetings records and minutes), as publicity regarding Somalia matters increased, records were deliberately obscured or not kept at all, in order to avoid later examination of views expressed and decisions made.
2. In Chapter 39, describing the document disclosure phase of our hearings, we demonstrate the existence of an unacceptable hostility toward the goals and requirements of access to information legislation, an integral aspect of public accountability. There appears to be more concern at higher levels to manage the agenda and control the flow of information than to confront and deal forthrightly with problems and issues.

3. The specific duties and responsibilities inherent in many ranks, positions, and functions within NDHQ are poorly defined and understood. Further, the relationship between officers and officials in NDHQ and commanders of commands as well as officers commanding operational formations in Canada and overseas is, at best, ambiguous and uncertain.
4. The nature and extent of the duties and responsibilities of superiors to monitor and supervise are unclear, poorly understood, or subject to unacceptable personal discretion. Justification for failure to monitor and supervise seems to be limited to the assertion that the superior trusted the person assigned the task to carry it out properly.
5. The current mechanisms of internal audit and program review, which are the responsibilities of the Chief of Review Services (CRS), are shrouded in secrecy. Reports issued need not be publicized, and their fate can be determined at the discretion of the Chief of the Defence Staff or the Deputy Minister to whom the CRS reports. The CDS or the DM, as the case may be, retains unfettered discretion as to follow-up and as to whether there is to be outside scrutiny of a report. The CRS has no authority to initiate investigations. No mechanism exists for follow-up or independent assessment of CRS reports or suggestions for change.
6. A disturbing situation seems to exist with respect to after-action reports and internally commissioned studies. These reports and studies can serve an accountability purpose once produced, provided they are considered seriously and their recommendations are properly monitored and followed up. While requirements to produce evaluations and after-action reports are clear in most cases, no rigorous and routine mechanism exists for effective consideration and follow-up. We have numerous examples of the same problems being identified repeatedly and nothing being done about them and of recommendations addressing and suggesting remedies for problems being ignored. Their fate seems to be determined by the absolute discretion of officials in the upper echelons, who can, and often do, reject suggestions for change without discussion, explanation, or the possibility of review or outside assessment.
7. Mechanisms for parliamentary oversight of the Department of National Defence and military activities are ineffective. A 1994 examination by a joint committee of the Senate and the House of Commons was unanimous in support of the view that there is a need to strengthen the role of Parliament in defence matters. We do not envision Parliament playing an extraordinary supervisory role with regard to military conduct, but clearly, it can and should do more. Parliament is particularly effective in promoting accountability when it receives, examines and publicizes reports from bodies with a responsibility to report to Parliament (as would be the case, for example, with the responsibilities that we propose entrusting to an inspector general).
8. We identify numerous deficiencies in the operation of more indirect accountability mechanisms, such as courts martial and summary trials, Military Police investigations and reports and the charging process, personnel evaluations,

mechanisms for instilling and enforcing discipline and investigating and remedying disciplinary problems and lapses, training evaluations, declarations of operational readiness, and so on. These are the subject of close examination in several chapters of this report.

9. Leadership in matters of accountability and an accountability ethic or ethos have been found seriously wanting in the upper military, bureaucratic, and political echelons. Aside from the platitudes that have now found their way into codes of ethics and the cursory treatment in some of the material tabled by the Minister of National Defence on March 25, 1997, the impulse to promote accountability as a desirable value or to examine seriously or improve existing accountability mechanisms in all three areas has been meagre.
10. There also appears to be little or no interest in creating or developing mechanisms to promote and encourage accurate and timely reporting to specified authorities, by all ranks and those in the defence bureaucracy, of deficiencies and problems, and then to establish or follow clear processes and procedures to investigate and follow up on those reports.

The foregoing description of notable deficiencies in accountability as revealed by experience with the Somalia deployment suggests a range of possible solutions. A number of these suggestions are proposed and discussed in greater detail in this chapter and elsewhere in this report. One suggestion involves the creation of an Office of Inspector General, the purpose of which would be the promotion of greater accountability throughout the Canadian Forces and the Department of National Defence. This and other related recommendations are discussed at length in Chapter 16.

CHAIN OF COMMAND

The chain of command is an authority and accountability system linking the office of the Chief of the Defence Staff to the lowest level of the Canadian Forces and back again to the office of the CDS. It is also a hierarchy of individual commanders who make decisions within their connected functional formations and units. The chain of command is intended to be a pre-emptive instrument of command - allowing commanders actively to seek information, give direction, and oversee operations. It is a fundamental aspect of the structure and operation of the Canadian military, and ensuring its soundness is therefore a paramount responsibility of command.

Before and during the deployment of Canadian Joint Force Somalia, the Canadian Forces chain of command was, in our view, severely wanting. The Inquiry was faced again and again with blatant evidence of a seriously malfunctioning chain of command within the Canadian military. It failed as a communications system and broke down under minimal stress. Commanders testified before us on several occasions that they did not know about important matters because they had not been advised. They also testified that important matters and policy did not reach subordinate commanders and the troops or, when they did, the information was often distorted. Multiple illustrations of these problems are provided in Chapter 17.

As one example, the failure of the chain of command at senior levels was striking with regard to how commanders came to understand the state of the Canadian Airborne

Regiment in 1992. Many senior officers in the chain of command, from MGen MacKenzie to Gen de Chastelain, testified that they were ignorant of the state of fitness and discipline of the CAR.

Yet they maintained even during the Inquiry that they had faith in the appropriateness of the CAR to undertake a mission because they assumed that it was at a high state of discipline and unit cohesion.

Throughout the period from early 1992 until the deployment of the CAR to Somalia in December 1992, several serious disciplinary problems - one, at least, of a criminal nature - had occurred in the CAR. These incidents, among other matters, were so significant that they led to the dismissal of the Commanding Officer of the CAR, itself a unique and remarkable event in a peacetime army. Yet we were told that few officers in the chain of command were even aware of these problems.

We were asked to believe that the scores of staff officers responsible for managing information from units for senior officers and commanders in Special Service Force headquarters, Land Force Central Area headquarters, Land Force Command headquarters, and NDHQ never informed them of these serious incidents. Indeed, we must assume that the specialized and dedicated Military Police reporting system, composed of qualified non-commissioned members and officers who routinely file police reports and investigations specifically for the use of commanders, failed to penetrate the chain of command. In other words, we must believe that the commanders did not know what was happening in their commands and therefore that the chain of command failed. But the matter is worse, for the evidence is that the chain of command provided enough information that commanders ought to have been prompted to inquire into the situation and to act.

We were told without further explanation and supporting evidence that "the Forces had an administrative concept of organization and command control.. and still do." However, in our view, the confusion of responsibilities in NDHQ and the lack of precise definitions of command authority in the CF and in NDHQ are such that they raise worrisome questions about the reliability, or even the existence, of a sound concept of command in the Canadian Forces generally.

It is not as though problems in the structure for the command and control of the CF on operations in Canada and overseas was a new issue for CF leaders. Studies ordered by the Chief of the Defence Staff as early as 1985, to inquire into the continuing confusion in NDHQ concerning operational planning, confirmed this issue. One of these warned the CDS and the Deputy Minister that NDHQ could not be relied upon to produce effective operational plans or to be an effective base for the command and control of the Canadian Forces in operations. In 1988 the weaknesses in plans for CF operations in Haiti prompted yet another study into authority and planning responsibilities in NDHQ. This report found no agreed concept for the operation of the CF in wartime; that NDHQ was inappropriately organized for command functions; that the responsibilities of the CDS and DM were blurred; and that "the most complex issue dealt with" was the relationship between the Deputy Chief of the Defence Staff (DCDS) and the commanders outside Ottawa. None of these problems was resolved satisfactorily.

A report prepared for the CDS and the DM in September 1992 confirmed that these problems had not been properly addressed. Among other things, the evaluators found "undue complexity in the command structure. . .and too much room for misinterpretation." Further, "the evaluation showed that there is a critical need for a simplified command and control structure, one which will bring to an end the current ad hoc approach." Thus, from their own studies and experiences, senior CF officers should have been well aware that the existing structure for the command of the CF was, at least, suspect and required their careful attention.

In short, there is compelling evidence that the chain of command, during both the pre-deployment and the in-theatre period, failed as a device for passing and seeking information and as a command structure. There is also considerable evidence that the actions and skills of junior leaders and soldiers overcame many of the defects in the chain of command, allowing the operation to proceed. This was especially true during the period when Operation Cordon (Canada's contribution to the original United Nations peacekeeping mission) was cancelled and Operation Deliverance (Canada's contribution to the U.S.-led peace enforcement mission) was authorized and soldiers deployed.

DISCIPLINE

Among the many issues facing us, discipline proved critical in understanding what went wrong in Somalia. Much of the problem of the CAR as a unit, most of the incidents that occurred during the preparation stage in Canada, and the many troubling incidents involving Canadian soldiers in Somalia all have a common origin - a lack of discipline. For the ordinary citizen who has little exposure to the military, discipline is understood to be the cornerstone of armies, the characteristic that one would have expected to be much in evidence in an armed force as renowned for its professionalism as the Canadian Forces. It was the difference between this public expectation and the actual events of the Somalia mission that captured the attention of Canadians and contributed to the call for this Inquiry. For example, there were 20 incidents of accidental or negligent discharge of a personal weapon and two incidents of accidental or negligent discharge of crew-served weapons in theatre. One caused an injury and another killed a Canadian Forces soldier. The Board of Inquiry into the leadership, discipline, operations, actions, and procedures of the Canadian Airborne Regiment Battle Group remarked that these accidental discharges occurred "to an unacceptable degree". These incidents call into question the standard of self-discipline in the Canadian contingent.

Few professions are as dependent on discipline as the military. An army is best seen as a collection of individuals who must set aside their personal interests, concerns, and fears to pursue the purpose of the group collectively. The marshalling of individual wills and talents into a single entity enables an army to face daunting challenges and great adversity and therefore to achieve objectives unattainable except through concerted effort. The instrument by which this is accomplished is discipline.

The chief purpose of military discipline is the harnessing of the capacity of the individual to the needs of the group. The sense of cohesion that comes from combining the individual wills of group members provides unity of purpose. The group that achieves such cohesiveness is truly a unit. Effective discipline is a critical factor at all levels of the

military, and nowhere more so than at the unit level. Much of Chapter 18 is concerned with the CAR as a unit, or with its various parts, the sub-units of the battalion.

However, discipline plays a vital role at all levels within the military. Too frequently armies treat discipline as a concern regarding the lower levels: a matter to be attended to primarily by non-commissioned officers at the unit level and below. But discipline is important for the proper functioning of the chain of command throughout the military. Undisciplined staff officers or commanders who hold themselves above the rigours of discipline can do far more harm to the collective effort of the military than any soldier in the ranks.

We have determined that the CAR displayed definite signs of poor discipline in the early 1990s, in spite of the remedies recommended in the 1985 Hewson report examining disciplinary infractions and anti-social behaviour. These are discussed in detail in Chapter 18.

A number of factors contributed to the disciplinary problems in the CAR, specifically in 2 Commando, prior to deployment, including periodic lack of commitment on the part of the CAR's parent regiments to ensure that their best members were sent to the CAR; the inferior quality of some junior officers and NCOs; doubtful practices in 2 Commando in the recruitment of NCOs; the ambiguous relationship between master corporals and soldiers; the high turnover rate within the CAR and the sub-units; mutual distrust and dislike among a significant number of the CAR's officers and NCOs; questionable suitability of individual officers for the CAR and the ranks they occupied; a tendency to downplay the significance of disciplinary infractions or to cover them up entirely; and the continuing ability of CAR members to evade responsibility for disciplinary infractions.

As we explore in greater detail in Chapter 19, the CAR was simply unfit to undertake a mission in the autumn of 1992, let alone a deployment to Somalia. The three incidents of October 2 and 3, 1992, indicated a significant breakdown of discipline in 2 Commando during the critical period of training and preparation for operations in Somalia. Military pyrotechnics were discharged illegally at a party in the junior ranks' mess; a car belonging to the duty NCO was set on fire; and various 2 Commando members expended illegally held pyrotechnics and ammunition during a party in Algonquin Park. The illegal possession of these pyrotechnics was the result of theft from DND and the making of false statements. A search conducted on the soldiers' premises uncovered ammunition stolen from DND, as well as 34 Confederate flags.

These incidents were so serious that LCol Morneault proposed to leave 2 Commando in Canada unless the perpetrators came forward. BGen Beno, after consulting MGen MacKenzie, opposed this plan. Almost everyone suspected of participating in the October incidents was permitted to deploy. Several of these individuals created difficulties in Somalia.

In spite of established doctrine, practice, and procedures, there were problems at the senior levels of the chain of command in providing adequate supervision, resulting in poor discipline, faulty passage of information, untimely reaction through advice or intervention, and ineffective remedial action. Such problems appear to have been so frequent as to indicate a significant systemic failure in the exercise of command.

In short, the attitude of all ranks toward the importance of good discipline, from junior soldiers to the most senior commanders in the Canadian Forces, was decidedly weak. When there is insufficient respect for and attention to the need for discipline as a first principle, military operations can be expected to fail. And in respect of discipline, the mission to Somalia was undoubtedly a failure.

The fact is that, at the time of the Somalia mission, discipline was simply taken for granted. It seems to have been assumed that trained soldiers in a professional military would naturally be well disciplined. The matter was tracked and reported on indifferently and inconsistently, with no central co-ordination or sharp focus at the highest levels. Above all, discipline was the subject of inadequate attention, supervision, guidance, enforcement, or remedy by the senior levels of the chain of command; it was, shockingly, simply ignored or downplayed.

In facing the future, the first requirement is to take steps to recognize the importance of discipline and the role it must play as a matter of fundamental policy. Discipline requires not only policy definition and emphasis in doctrine, training and education, but also a prominent and visible focus in the interests and concerns of the most senior leadership. The recommendations in this report are intended to facilitate these changes.

SUITABILITY AND COHESION

Our terms of reference required us to examine the suitability of the Canadian Airborne Regiment for the Somalia mission. Was it adequately manned, organized, equipped, and trained for that particular mission?

In this regard, the inherent suitability of the CAR is an issue for consideration. But to suggest that a unit possesses inherent suitability does not necessarily mean that a unit is in all respects suitable for every mission. It is at this point that considerations of mission-specific suitability come into play.

Putting aside these theoretical considerations, we found that even before a restructuring of the CAR in 1991-92, there were recognized deficiencies in the organization and leadership of the Regiment. These differences were exacerbated by the reorganization, which failed to eliminate the independence of the Regiment's three commandos. Francophones and Anglophones generally manned separate commandos and did not work together; the relationship between 1 Commando and 2 Commando in particular went beyond mere rivalry, spilling over at times into hostility. Cumulatively, the result was a lack of regimental cohesion at the most basic level.

Furthermore, the downsizing that took place during the 1992 restructuring of the CAR occurred without first determining the appropriate 'concept of employment' for the Regiment. What emerged was poorly conceived. As with the move of the CAR to CFB Petawawa in 1977, the Regiment's downsizing in 1992 occurred without sufficient consideration being given to the appropriate mission, roles, and tasks of the CAR.

In addition, there was a deterioration in the quality of personnel assigned to the CAR. This was exacerbated when the Regiment was downsized to a battalion-size formation. There were personnel shortages in several critical areas, to the point that the CAR was not properly manned at the time of the Somalia mission.

There were also significant problems at leadership levels that undermined the cohesion of the CAR, to the point where the Regiment ceased to operate effectively. Lack of discipline was one of the reasons the CAR failed to reach a workable level of cohesion. There was also a lack of cohesion among the officers and non-commissioned members of the CAR. The failure to separate master corporals from the rest of the troops in barracks weakened the authority of non-commissioned officers. Furthermore, officer-NCO cohesion within the CAR was weak. Conflict and mistrust existed among several key officers and NCOs, and this affected the proper functioning of the chain of command.

There was a substantial turnover of personnel within the Canadian Airborne Regiment during the active posting season in the summer of 1992. This rate of changeover was not unique to the Regiment but was nonetheless excessive and contributed further to lowering the cohesion of the unit during the period of preparation for Operation Deliverance.

In short, although the CAR was inherently suitable in theory for the mission to Somalia, in fact its actual state of leadership, discipline, and unit cohesion rendered it unfit for any operation in the fall of 1992. From a mission-specific perspective, the CAR was improperly prepared and inadequately trained for its mission, and by any reasonable standard, was not operationally ready for deployment to Somalia.

PERSONNEL SELECTION AND SCREENING

The key question in assessing the adequacy of the selection and screening of personnel for the Somalia deployment is whether the system, and those who operated it, took unacceptable risks - either knowingly or negligently - in the manning of the CAR (which made up over 70 per cent of the CF personnel who served in Somalia) and in deciding which members of that unit were suitable to participate in the mission. We have found considerable evidence that unacceptable risks were, in fact, taken.

At the time of the Somalia deployment, the CAR had not been well served by the personnel system. Inadequacies in processes and deficiencies in the actions and decisions of those responsible for its operation contributed significantly to the problems experienced by the CAR in 1992 and 1993.

Performance Evaluation Reports (PERs), which form the basis of key decisions concerning a member's career development (appointment, selection for courses, and promotion), were known to downplay a candidate's weaknesses; yet they were relied on heavily, even blindly, in appointment and promotion decisions.

The chain of command repeatedly ignored warnings that candidates being chosen for important jobs were inappropriate selections. As a matter of common practice, career managers refrained from passing on comments about candidates when they were made by peers or subordinates. They also did not accept advice from officers about replacements. Except for formal disciplinary or administrative action, information about questionable conduct by CF members was not normally noted in files or passed on to subsequent superiors. Furthermore, there was an absence of formal criteria for key positions such as the regimental commanding officer and the officers commanding units of the Regiment.

Land Force Command waived its own informal criteria in order to accommodate the nominees of parent regiments to the CAR, while candidates who better suited requirements were available or could have been made available. Representatives of the regimental councils of the parent regiments, or regimental 'Godfathers', who are outside the chain of command and therefore unaccountable, had too much influence in the process. This was particularly problematic for the CAR, since these officers had a virtual monopoly in putting forward nominees from their own regiments for postings in the CAR, and since any repercussions of a poor choice would be felt by the CAR and significantly less by their own regiments.

Individual career management goals were too often allowed to take precedence over operational needs in the appointments process. Bureaucratic and administrative imperatives were allowed to dilute the merit principle and override operational needs. In some cases, the chain of command allowed completely irrelevant factors, such as inter-regimental and national politics, to influence key appointment decisions. In spite of the fact that the CAR was known to require more experienced leaders than other units, the chain of command knowingly selected less qualified candidates for key positions in the CAR when better candidates were available or could and should have been made available.

The Delegated Authority Promotion System (DAPS) promoted less experienced soldiers to master corporal - an important position, representing the first level of leadership in the Canadian Forces. The CAR abused the DAPS by using it to avoid posting in master corporals from parent regiments, in order to promote internally. Due to the lack of mobility of personnel among the CAR's three commandos, this practice meant that DAPS appointments in the CAR were much less competitive than those in parent regiments. Cpl Matchee, for example, was appointed to master corporal through the DAPS, even though he had not been successful in competition with his peers; he had recently participated in the Algonquin Park incident of October 3rd; and his platoon second in command and his platoon commander had raised concerns about the appointment and actually questioned his suitability for deployment to Somalia.

It was generally recognized by Land Force Command - well before the Somalia deployment - that the CAR was a special unit in that it had a requirement for mature and experienced leaders at all levels: senior NCOs, as well as platoon, company, and unit command positions. Yet, by the time of the Somalia deployment, there was an apparent trend toward younger and less experienced soldiers and junior leaders. Promotion practices such as the so-called 'airborne offers', which used promotions to fill vacancies in the CAR, and the Delegated Authority Promotion System - particularly as it was used in relation to the Airborne Regiment - contributed to this trend.

There were no strict standards for selection of soldiers for the CAR. While the CAR could veto selections and post soldiers back to source units, initial selection of soldiers for the Regiment was entirely in the hands of these units. The informal selection process - operated, as it was, by the source units and regiments - left the CAR vulnerable to being used as a 'dumping ground' for overly aggressive or otherwise problematic personnel. Despite the recognized need of the CAR for more mature soldiers, some soldiers sent to the Regiment had been involved in recent misconduct.

Poor judgement was shown in the screening of CAR personnel for the mission, especially in relation to 2 Commando. Short-term morale appears to have taken precedence over discipline. The unit leadership rejected significant warnings about the suitability of personnel. Appointments to key positions in the CAR were allowed to stand in spite of serious misgivings on the part of senior officers and members of the chain of command, and in spite of the fact that the unit was on its first overseas deployment in several years.

Our suggestions concerning Canadian Forces promotion and appointment policies, as well as further action to deal with racism in the military, are provided in the recommendations at the end of this summary.

TRAINING

Fundamental to a unit's operational readiness are troops well trained to perform all aspects of the mission to which the unit is being committed. Accordingly, our report touches on a broad spectrum of issues related to training, and includes, but is not limited to, a review of the training objectives and standards used for Operation Cordon and Operation Deliverance.

To our surprise, we found that in 1992 there was no formalized or standardized training system for peace operations, despite almost 40 years of intensive Canadian participation in international peace operations. No comprehensive training policy, based on changing requirements, had been developed, and there was an absence of doctrine, standards, and performance evaluation mechanisms respecting the training of units deploying on peace operations. This situation existed even though deficiencies in training policy, direction, and management had been clearly identified in internal CF reviews and staff papers well before 1992.

In preparing its forces for peace support missions, the CF relied almost exclusively on general purpose combat training, supplemented by mission-specific training during the pre-deployment phase. This traditional approach to training was not adequate to provide military personnel with either a full range of skills or the appropriate orientation necessary to meet the diverse and complex challenges presented in post-Cold War peace support missions. There was a failure to incorporate the required generic peacekeeping training, both in the individual training system and in the regular operational training schedule.

To fulfil its tasking as the UN standby unit, the CAR should have at all times maintained a proficiency in both general purpose combat skills and generic peacekeeping skills (involving, for example, the nature of UN operations and the role of the peacekeeper, conflict resolution and negotiation, cross-cultural relations, restraint in application of force, and standard UN operations). However, the CAR received little or no ongoing generic peacekeeping training to prepare it for UN operations, despite having been designated for many years as the UN standby unit. This typified the traditional DND/CF dictum that general purpose combat training provides not only the best, but also a sufficient basis for preparing for peacekeeping missions.

The absence of CF peacekeeping training doctrine, together with a lack of guidelines for the development of training plans for UN deployments or a standard package of precedents and lessons learned from previous missions, placed an undue burden on the

CAR's junior staff in the initial stages of designing a training plan for Operation Cordon. Such an absence represents a clear and inexcusable failure by the military leadership, particularly at the senior levels, given Canada's decades of involvement in peacekeeping missions. The CAR staff went to great lengths to attempt to compensate for this lack of doctrine, guidelines, and materials.

The training plan for Operation Cordon did not adequately provide for sufficient and appropriate training in relation to several non-combat skills that are essential for peacekeeping, including the nature of UN peacekeeping and the role of the peacekeeper; the Law of Armed Conflict, including arrest and detention procedures; training in use of force policies, including mission-specific rules of engagement; conflict resolution and negotiation skills development; inter-cultural relations and the culture, history and politics of the environment; and psychological preparation and stress management. The failure of the training plan to provide adequately for these non-combat skills arose primarily from the lack of any doctrine recognizing the need for such training, and the lack of supporting training materials and standards.

Most of the CAR's training for Operation Cordon was conducted prior to October 18, 1992. Although most categories of training outlined in the training plans for September and October were covered, the lack of training objectives, standards, and evaluation criteria made it difficult for anyone involved to assess the level to which training had been conducted or the proficiency levels achieved. In addition, there were significant shortcomings due to lack of equipment and other training resources.

Leaders at all levels of the chain of command, with the notable exception of the Brigade Commander during the initial stages, failed to provide adequate supervision of the training preparations undertaken by the CAR for Operation Cordon.

Despite an apparent sensitivity to the need to establish an appropriate tone and attitude for training preparations and the mission, the CAR did not succeed in ensuring that these were in fact conveyed to, and adopted by, personnel at all levels within the unit. At least some components within the CAR remained overly aggressive in their conduct and bearing during training exercises. Eleventh-hour attempts to instil an orientation appropriate for peace support missions cannot counterbalance years of combat-oriented socialization.

There was confusion between the brigade and regimental levels as to the purpose of Exercise Stalwart Providence, the CAR training exercise conducted in the fall of 1992. Various perceptions of its purpose existed during the planning stages: some saw it as simply a training exercise, others believed it was an exercise to test the cohesiveness of the subunits, and still others saw it as an exercise to confirm the operational readiness of the CAR as a whole. It is our view that, given the compressed time frame, the CO should have been left to run a regimental exercise, rather than having been rushed into a brigade-level test of operational readiness.

With such a short period between warning and deployment, there was virtually no time to conduct preparatory training for Operation Deliverance. There is no evidence to suggest that any consideration was given to training requirements for the new mission by the officials responsible for the decision to commit Canadian troops for the new mission, nor

is there any evidence of training guidance or direction being provided to the Canadian Airborne Regiment Battle Group by higher levels of command. This represents a significant failure.

No significant training was conducted by the CARBG after the mission changed from Operation Cordon (a peacekeeping mission under Chapter VI of the United Nations Charter) to Operation Deliverance (a peace enforcement mission under Chapter VII). Various prerequisites for the proper planning and conduct of training - such as a clear mission, theatre-specific intelligence, mission-specific rules of engagement, training equipment and vehicles, and sufficient time to train - were not available. There was no opportunity for the newly constituted battle group to train together. The CARBG deployed to Somalia, on a potentially dangerous mission, without adequate training and without the battle group functioning as a cohesive whole. It was a matter of good fortune that they were not challenged by a serious show of force on their arrival in theatre: the results could have been tragic.

Our overall conclusion is that professional soldiers wearing the flag of Canada on their uniforms were sent to Somalia not properly prepared for their mission. They were unprepared, in good part, because of key deficiencies in their training. The mission called for troops who were well led, highly disciplined, and able to respond flexibly to a range of tasks that demanded patience, understanding, and sensitivity to the plight of the Somali people. Instead they arrived in the desert trained and mentally conditioned to fight.

In seeking remedies for the future, we urge the Canadian Forces to acknowledge the central role that generic peacekeeping and mission-specific training must play in mounting peace operations. Our recommendations in this regard are summarized at the conclusion of this summary.

RULES OF ENGAGEMENT

The phrase 'Rules of Engagement' (ROE) refers to the directions guiding the application of armed force by soldiers within a theatre of operations. The ROE perform two fundamentally important tasks for Canadian Forces members undertaking international missions. First, they define the degree and manner of the force to which soldiers may resort. Second, they delineate the circumstances and limitations surrounding the application of that force. They are tantamount to orders.

The record shows that CF members serving in Somalia fired weapons and caused the loss of Somali lives in several incidents. Individually and collectively, these incidents raise critical questions surrounding the ROE governing CF members in Somalia. Did the ROE anticipate fully the range of situations where the application of force would be possible? Were the ROE clearly drafted? Was information about the ROE passed adequately along the chain of command? Were CF members properly trained in the ROE?

In answering these questions, we come back again to failures noted elsewhere in our report: lack of clarity surrounding the mission in Somalia; inadequate time to prepare, giving rise to hasty, ill-conceived measures; a chain of command that did not communicate the ROE clearly to its soldiers; deficient training in the ROE generally; lack of

training in the mission-specific ROE before deployment and in theatre; and indiscipline by CF members in observing the ROE.

More specifically, we find that the ROE reached Canadian soldiers in a piecemeal, slow, and haphazard manner. Multiple, inconsistent versions of the soldier's card explaining the ROE coexisted in theatre. Moreover, the interpretation of the ROE was changed substantially during operations. The ROE themselves were substantively weak and incomplete. They failed, among other things, to address the crucial distinction between a "hostile act" and "hostile intent."

The interpretation and application of the ROE created considerable confusion among the troops. The highly questionable interpretations offered by commanders added to the confusion, as did the failure to consider adequately the issue of the possible non-application of the ROE to simple thievery and to advise the soldiers accordingly.

The training conducted in the ROE in the pre-deployment and the in-theatre phases alike was inadequate and substandard. Indeed, our soldiers were poorly trained in the ROE, having been confused, misled, and largely abandoned on this crucial issue by their senior leaders. These realities contributed directly to serious practical difficulties in applying the ROE while Canadian operations in Somalia were continuing, notably with regard to the March 4th incident.

Our recommendations are intended to clarify the development of training for, and application of, rules of engagement and to lend greater certainty to them.

OPERATIONAL READINESS

The Chief of the Defence Staff and subordinate commanders are responsible and accountable for the operational readiness of the Canadian Forces. This responsibility is particularly important whenever units or elements of the CF are about to be committed to operations that are potentially dangerous, unusual, or of special importance to the national interest. Therefore, it is incumbent on officers in the chain of command to maintain an accurate picture of the state of the armed forces at all times and to assess the operational readiness of CF units and elements for employment in assigned missions, before allowing them to be deployed on active service or international security missions.

Clearly, it was unlikely that the CDS and his commanders at Land Force Command and Land Force Central Area could know the state of any unit without some reliable method for checking operational readiness. Yet the extant system, the Operational Readiness and Effectiveness Reporting System (ORES) was unreliable, and little effort was made to install a dependable process before the assessments for deployment to Somalia commenced. Therefore, because the CDS and his commanders could not and did not know the 'start-state' of any unit in 1992, they could not reliably determine what training or other activities, including resupply of defective equipment, would be necessary to bring any unit to an operationally ready 'end-state' without a detailed inspection at unit level. Moreover, because the specific mission for Operation Deliverance was not known in detail until after Canadian Joint Force Somalia arrived in theatre, no specific assessment of mission operational readiness and no assessment of operational effectiveness could be made before the force deployed.

These critical flaws in the planning process suggest that the staff assessments and estimates that were completed at all levels of command, and especially those prepared for the CDS at NDHQ, which he used to advise the government on whether to commit the Canadian Forces to Somalia, were essentially subjective and unreliable. Furthermore, these flaws, combined with the lack of command and staff effort to verify the exact condition of units, suggest strongly that subsequent planning and the decisions and actions of senior officers and officials were likewise arbitrary and unreliable.

We found that there is fundamental confusion within NDHQ and the CF officer corps about the important distinction between a unit that is ready to be deployed and one that is ready to be employed on a military mission. The question that seems not to have been asked by any commander assessing unit readiness was, "ready for what?" The failure to make specific findings of mission readiness and the confusion of readiness to deploy with readiness for operations are major problems.

There was no agreement or common understanding on the part of officers as to the meaning of the term 'operational readiness'. Therefore, because the term had no precise meaning in doctrine or policy, the words came to mean whatever officers and commanders wanted them to mean at the time. In other words, any officer could declare a unit to be operationally ready without fear of contradiction, because there were no standards against which to measure the declaration.

Another contributing factor was the notion held by officers in the chain of command that operational readiness is simply a subjective measurement and solely the responsibility of the commander on the spot. Commanders at all levels seemed content to accept on faith alone subordinates' declarations that the CAR and the CARBC were ready without any concrete evidence that they had tested the readiness in a realistic scenario. MGen MacKenzie testified before us that "funny enough [readiness is] not a term we use... within the Army; historically, it is a commander's responsibility to evaluate readiness" according to his or her own standards.

Commanders were satisfied to attribute all failures of readiness to LCol Morneault's "poor leadership", even though other serious problems in the unit and in its preparations were evident. While such a sequence might be possible when, for example a commanding officer is found to be unfit and no other readiness problems exist, this was not the case in the CAR. Clearly, leaders failed to assess rigorously in the field all aspects of mission readiness of the CAR after they issued orders to the unit.

Immediately prior to the deployment, commanders at all levels of the SSF LFCA, LFC, and NDHQ had ample reason to check the operational readiness of the newly formed CARBG for its new mission and few reasons to assume that it was operationally ready for the mission in Somalia. However, no effective actions were taken by any commander in the chain of command to make such an assessment or to respond properly to orders to do so.

The lack of objective standards and evaluations, an unquestioning and unprofessional 'can-do' attitude among senior officers, combined with other pressures - such as a perception that superiors wanted to hurry the deployment - can bring significant pressure on commanders to make a readiness declaration that might not be made otherwise. There

is sufficient evidence to suggest that this occurred during preparations for Operation Deliverance.

The problems evident in CARBG during its tour in Somalia occurred in conditions far more peaceful than were anticipated before departure. If our soldiers had encountered heavy armed resistance in Somalia, CARBG's lack of operational readiness might well have resulted in large-scale tragedy rather than in a series of isolated disasters and mishaps, damaging as these were.

MISSION PLANNING

Volume 3 analyzes how planning for the Somalia mission generally was conducted by officers and DND officials during 1991-93. It provides a thoroughly documented case study of how Canada planned and committed Canadian Forces to an international operation. Our recommendations suggest how Canada might plan better for peace support operations in the future.

On the whole, regarding the Somalia mission, we found that reckless haste and enthusiasm for high-risk, high-profile action undermined due process and rational decision making at the most senior levels. Doctrine, proven military processes, guidelines, and formal policy were systematically disregarded. What guidelines and checklists that did exist were treated with little respect. The deployment therefore began with an uncertain mission, unknown tasks, ad hoc command arrangements, an unconsolidated relationship to U.S. command, and unclear rules of engagement. An international commitment initially conceived in the Canadian tradition of peacekeeping was hastily reshaped into an ill-considered military operation for which the CF and the troops it sent had little preparation.

THE FAILURES OF SENIOR LEADERS

Volume 4 is the only one in which individual conduct is considered separately from systemic or institutional activity. To be sure, organizational failings merited our attention and emerge at many points throughout the report in the detailed analysis of systemic or institutional questions. However, this part of the report is reserved for consideration of whether individual failings or shortcomings existed in the Somalia deployment and whether individual misconduct occurred. The curtailment of our mandate has necessarily required the restriction of our analysis of individual shortcomings to the pre-deployment and DGPA/document disclosure phase of our endeavours. We informed those responsible for the in-theatre phase that we would not reach findings on individual misconduct in respect of that phase, and we withdrew the notices of serious shortcomings given to them.

The first chapter of Volume 4 bears the title "The Failures of Senior Leaders". The notion of leadership failure in this report involves the application of the principles of accountability discussed earlier and is informed by an appreciation of the qualities of leadership that we describe in our chapter on that subject. However, one specific aspect of failed leadership that is of importance in this discussion is the shortcoming that occurs when individuals fail in their duty as a commander.

The individual failures or misconduct that we describe were previously identified and conveyed to individuals by means of the device referred to as a section 13 notice. This is

the provision in the *Inquiries Act* stipulating that "No report shall be made against any person until reasonable notice has been given to the person of the charge of misconduct alleged against him and the person has been allowed full opportunity to be heard in person or by counsel."

Recipients of section 13 notices received them early in our process and before the witnesses testified. All section 13 notice recipients were extended the opportunity to respond to their notices by calling witnesses and by making oral and written submissions. This was in addition to the rights they enjoyed throughout our proceedings to fair and comprehensive disclosure, representation by counsel, and the examination and cross-examination of witnesses.

The individuals whose actions are scrutinized in this volume of the report are members of the forces who have had careers of high achievement. Their military records, as one would expect of soldiers who have risen so high in the CF are so far without blemish. The Somalia deployment thus represents for them a stain on otherwise distinguished careers. Justifications or excuses were advanced before us that, if accepted, might modify or attenuate the conclusions we have reached. These ranged from "the system performed well; it was only a few bad apples" to "there will always be errors", from "I did not know" or "I was unaware" to "it was not my responsibility" and "I trusted my subordinates". We do not review these claims individually in the pages of Volume 4, but we considered them carefully.

Another mitigating consideration is the fact that these individuals can be seen as the products of a system that has set great store by the can-do attitude. The reflex to say "yes sir" rather than to question the appropriateness of a command or policy obviously runs against the grain of free and open discussion, but it is ingrained in military discipline and culture. However, leaders properly exercising command responsibility must recognize and "assert not only their right but their duty to advise against improper actions", for failing to do so means that professionalism is lost.

THE MARCH 4TH INCIDENT

The shooting that occurred on the night of March 4, 1993, was a major turning point in the deployment of Canadian Forces to Somalia. It resulted in the death of one Somali national and the wounding of another and may possibly have prepared the way for the tragedies of March 16th. These events, in turn, could not be contained and resulted in public ignominy for the Canadian Forces, leading eventually to this Inquiry.

The shooting on March 4th was in itself the culmination of a dubious interpretation of the Rules of Engagement to the effect that Canadian soldiers could shoot at fleeing thieves or infiltrators under certain circumstances.

The planning and execution of the mission by the CARBG's Reconnaissance Platoon that night caused serious concern among some other members of the Canadian Airborne Regiment Battle Group. Immediately after the shooting, Major Armstrong, the medical officer who examined the body of Mr. Aruush, the Somali who died in the incident, concluded that he had been "dispatched" and alerted the Commanding Officer. In the days following, Major Jewer, the chief medical officer, and Captain Potvin, the Padre, met with the Commanding Officer to express similar concerns. Many suspected that the

two Somalis had been deceived, trapped, and shot, in violation of the ROE. The authorities at National Defence Headquarters in Ottawa immediately expressed concern that the two men had been shot in the back while running away from the Canadian compounds and that excessive force might have been used.

Notwithstanding these concerns, the entire incident was the subject of a cursory Summary Investigation agreed to by the Commanding Officer, who designated a captain in his chain of command to report on the incident. In other words, the Commanding Officer investigated his own operational actions and decisions.

The Summary Investigation report concluded that the shooting was within the ROE, absolved the Reconnaissance Platoon of any criminal responsibility, and praised its work. This may have led other troops to believe that all such incidents would be investigated in the same spirit. In fact, in January and February there had been a number of similar shootings at fleeing Somalis. There had also been known instances of improper handling of prisoners, including the taking of trophy-style photographs. All of these incidents had gone unpunished, as did alleged beatings on the nights of March 14th and 15th, thus possibly laying the groundwork for the brutal torture and killing of a Somali teenager while in detention in the Canadian compound on March 16th.

Chapter 38 provides an exhaustive examination of the events of March 4th, the allegations subsequently made, the deficiencies of the summary investigation, and the cover-up that ensued.

While this section makes specific findings, we reached one general conclusion: the response of the chain of command to the administrative, operational, and disciplinary problems manifested in the March 4th operation was weak, untimely, inadequate, self-serving, unjustifiable, and unbecoming the military leadership that our soldiers deserve and the Canadian public expects. Integrity and courage were subordinated to personal and institutional self-interest. It is our belief, based on the evidence adduced before us, that the failure of leadership immediately to address and remedy the problems revealed by the March 4th incident may have made possible the torture death of a Somali youth 12 days later.

OPENNESS AND DISCLOSURE OF INFORMATION TO THE INQUIRY

In conducting our investigation, we encountered two unanticipated but related obstacles that cast a large shadow on the degree of co-operation exhibited by the Canadian Forces and the Department of National Defence, in particular its public affairs directorate, in its dealings with our Inquiry, as well as on the openness and transparency of the Department in its dealings with the public. DND, through its actions, hampered the progress and effectiveness of our Inquiry, and left us with no choice but to resort to extraordinary investigative processes in order to discharge our mandate appropriately.

The first obstacle relates to compliance by DND with our orders for production of documents under the *Inquiries Act*, and the delays and difficulties we faced in dealing with the Somalia Inquiry Liaison Team (SILT).

The second obstacle, related to the first, concerns the manner in which DND's public affairs directorate (referred to as the DGPA) failed to comply with our order for disclosure and attempted to destroy Somalia-related documents that we had requested. This matter also involved probing DGPA's treatment of requests for information about the Somalia incidents made by a CBC journalist, Mr. Michael McAuliffe. This matter became a subject of concern for us since the documentation requested by Mr. McAuliffe embraced information covered by our order to DND for the production of documents.

Our terms of reference required us to investigate certain matters that inevitably became intertwined with actions and decisions taken by the Department of National Defence in responding to our orders for the production of documents, and in processing Access to Information requests regarding documents that were simultaneously the subject of our investigation. As things turned out, these events lent further weight to conclusions that we had reached concerning the poor state of leadership and accountability in the upper echelons of Canada's military - issues that became recurring themes throughout our investigation and this report. These appear as the prevalence of individual ambition, the blaming of subordinates, and blind loyalty to the military institution over public disclosure and accountability.

The story of DND's compliance with our orders for production of documents and later requests for specific documents might appear to lack the drama of events in Somalia, but these issues evoke broader policy concerns regarding leadership in the military, allegations of cover-up, and ultimately, the openness and transparency of government - concerns that are of great importance to those planning the future of the Canadian Forces and, indeed, to government and Canadians in general.

The *Inquiries Act* provides commissioners appointed under its terms with broad powers of investigation and the right of access to any information considered relevant to the subject under study. Actions leading directly or deliberately to delay in producing documents or the alteration of documents and files ordered for the purposes of fulfilling a mandate under that Act should be viewed by all Canadians as an affront to the integrity of the public inquiry process and to our system of government. In that light, the story of noncompliance with the orders of a public inquiry and the nature of the role played by SILT in that story, which is recounted in Chapter 39, becomes all the more shocking.

On a surface level, the events described in Chapter 39 suggest either a lack of competence or a lack of respect for the rule of law and the public's right to know. Digging deeper, the difficulties we encountered involved tampering with and destruction of documents. The cumulative effect of these actions on our work cannot be overstated. We depended on the receipt of accurate information from the Department on a timely basis in order to decide which issues to investigate and how the hearings were to be conducted. The fact that the production was not timely and the documents were incomplete to such a great extent meant that the work of the Inquiry was delayed and that our staff were constantly occupied with document-related issues.

Despite these obstacles, we were able to examine a number of issues carefully and thoroughly. Although we made steady progress in our work, the cumulative effect of the document-related setbacks was not limited to inconvenience and delay. Ultimately, in conjunction with other factors, the delay caused by document-related issues resulted in

the Government's sudden announcement directing an end to the hearings and an accelerated reporting date. The unfortunate result was that many important witnesses were not heard, and several important questions that prompted the creation of our Inquiry remain unanswered.

It is clear that rather than assisting with the timely flow of information to our Inquiry, SILT adopted a strategic approach to deal with the Inquiry and engaged in a tactical operation to delay or deny the disclosure of relevant information to us and, consequently, to the Canadian public.

Perhaps the most troubling consequence of the fragmented, dilatory and incomplete documentary record furnished to us by DND is that, when this activity is coupled with the incontrovertible evidence of document destruction, tampering, and alteration, there is a natural and inevitable heightening of suspicion of a cover-up that extends into the highest reaches of the Department of National Defence and the Canadian Forces.

The seriousness of these concerns and their impact on the nature of the investigation conducted by our Inquiry required that we recount these events in considerable detail in Chapter 39.

MILITARY JUSTICE

In spite of the time constraints facing the Inquiry, it has been possible to examine the full range of in-theatre and post-deployment disciplinary incidents relating to Somalia. Having done so, it is abundantly clear that the military justice system is replete with systemic deficiencies that contributed to the problems we investigated. Without substantial change to this system, it will continue to demonstrate shortcomings in promoting discipline, efficiency, and justice.

Essential to an understanding of the issues raised in Chapter 40 is an appreciation of the extent to which the commanding officer is the central figure in the military justice system. The commanding officer has discretionary powers at most stages of the military justice process - before and during investigations, prosecutions and sentencing, and in the application of administrative and informal sanctions. This discretion is pervasive, overwhelming, and largely unfettered.

In short, a commanding officer who learns of possible misconduct can convene a board of inquiry or order a summary investigation, a Military Police investigation, or an informal review of the allegation. Alternatively, the commanding officer may decide to take no action at all.

If the commanding officer chooses to have alleged misconduct investigated, the investigation may result in a recommendation for action against an individual. Again, the commanding officer may respond in any of several ways - among them disciplinary or administrative action, or no action at all. If the commanding officer chooses a particular course of action within the present disciplinary system - summary trial, for example - he or she often holds further discretionary powers.

Military Police may also decide to investigate possible misconduct. They can choose of their own accord to investigate and, within the law, select their investigative methods. However, the powers of Military Police are, in practice, limited because they are in the

chain of command. As well, other factors limit their effectiveness in traditional policing roles: their relative lack of investigative experience, their conflicting loyalties as soldiers and Military Police, and the reluctance of superiors to allocate sufficient investigative resources.

The role of the Judge Advocate General (JAG) in investigations and the decision to prosecute is more limited than that of Military Police. In discharging the responsibility to provide legal advice to the decision makers in the military justice system, JAG officers may advise Military Police or the commanding officer on the legality of a particular investigative tool, or they may help determine the appropriate charge. However, there is no requirement that JAG representatives be involved in investigations or charging decisions. JAG officers do, however, prosecute and defend CF members for service offences in courts martial.

Chapter 40 identifies a broad range of difficulties, such as conflicts of interest, command influence, and lack of independence, that arose in investigating and responding to misconduct of CF members shortly before, during, and after the deployment to Somalia, and describes the conditions within the military justice system that contributed to these difficulties. It discusses the factors limiting the effectiveness and fairness of the military justice system, and, ultimately, the ability of the CF to discharge its mandate. The chapter argues for a significantly restructured military justice system to remedy many of the shortcomings of the present system and presents recommendations accordingly.

THE MEFLOQUINE ISSUE

Mefloquine is a relatively new anti-malarial drug, first made generally available to the Canadian public in 1993. It is used both to prevent malaria (that is, as a prophylactic) and to treat malaria. Mefloquine is used in areas where the local strains of malaria have developed a resistance to other anti-malarial drugs. Somalia is one such place.

Some suggestion has been made to this Inquiry that mefloquine caused severe side effects, including abnormal and violent behaviour, among some Canadian Forces personnel in Somalia. We were not able to explore fully the possible impact of mefloquine. This would have required additional hearings dedicated specifically to the issue, which time did not permit. However, we report here our general findings about mefloquine and its possible impact on operations in Somalia.

It is clear that mefloquine caused some minor problems in Somalia, as might be expected from a review of the medical literature. We learned of several incidents of gastrointestinal upset, vivid dreams, nightmares referred to by soldiers as "meflomares", and inability to sleep following the use of this drug. Side effects - or at least the minor side effects, and possibly also the major side effects - appeared to be most pronounced in the 24 to 48 hours after taking mefloquine.

If mefloquine did in fact cause or contribute to some of the misbehaviour that is the subject of this Inquiry, CF personnel who were influenced by the drug might be partly or totally excused for their behaviour. However, for reasons described more fully in Chapter 41, we are not able to reach a final conclusion on this issue. We can offer only general observations about the decision to prescribe mefloquine for personnel deployed to Somalia:

1. DND's decision in 1992 to prescribe mefloquine for CF personnel deployed to Somalia appears to be consistent with the medical practice at the time. This view is based on medical literature from that time suggesting that mefloquine was an appropriate anti-malarial drug for troops in Somalia and that severe neuropsychiatric symptoms were rare - in the order of one in 10,000 to one in 13,000. U.S. troops also used mefloquine, although in a weaker form. We cannot say, however, whether DND took adequate precautions to ensure that persons susceptible to severe psychiatric disorders did not receive mefloquine, since even in 1992 it was known that mefloquine should not be prescribed to such individuals.
2. At the time of the deployment, there seems to have been no strong evidence that mefloquine might interact with alcohol to produce or increase the risk of abnormal behaviour or to magnify such behaviour. The possible adverse effects of mixing alcohol with mefloquine were analyzed in detail in the medical literature only after the Somalia deployment. DND, therefore, cannot be faulted for failing to relate the consumption of alcohol to the use of mefloquine.
3. More recent medical information suggests that severe adverse effects from mefloquine used as a prophylactic are not as rare as first thought, but views on this point conflict, and further investigation may be necessary.
4. Mefloquine use could have been a factor in the abnormal behaviour of some troops in Somalia. However, one cannot begin to determine whether mefloquine contributed to the behaviour of the individuals in question without answers to the following questions:
 - 4.1. Did the members in question use mefloquine?
 - 4.2. Did any of the members in question receive a more powerful 'treatment' dose of mefloquine? This would happen only if they had contracted malaria. The more powerful treatment doses were known even at the time of the Somalia deployment to carry a greater risk of neuropsychiatric disorders than the weaker dose that most troops received to prevent malaria.
 - 4.3. Did any of the members in question have a history of psychiatric disorders that could increase the risk of severe side effects from mefloquine?
 - 4.4. What day of the week did they take mefloquine? What day or days of the week did their misbehaviour occur?
 - 4.5. Did they complain at any point about any symptoms, mild or severe, that are now known to be associated with mefloquine?
 - 4.6. Did anyone notice abnormal behaviour by the members in question in the few days after the latter consumed mefloquine? If so, what was the behaviour? Is it reasonable to say that mefloquine was or may have been a cause? Might some other factor instead have caused or contributed to the behaviour (alcohol consumption, racist attitudes, generally belligerent or aggressive nature of the individual, stressful environment, official tolerance of extreme behaviour)?

It is evident that further investigation is warranted before any firm conclusions about the role of mefloquine can be drawn.

TRUNCATION OF THE INQUIRY AND THE UNFINISHED MANDATE

Under the revised terms of reference given to us in the aftermath of the Federal Court of Canada decision characterizing as unlawful the Government's decision to curtail our Inquiry, we were instructed to report on the pre-deployment phase of the Somalia operation and were given discretion to report on all other matters in our original mandate to the extent that we deemed advisable. In compliance with this adjusted mandate, our report describes in detail all the many matters that we have been able to canvass in the time available. It also traces the outline of what we were originally asked to investigate but were unable to complete due to the truncation of our work.

There is an obvious public interest in discovering the answers to questions about the Somalia affair that remain unexplored.

Chapter 42 begins with an account of our efforts to gain the time needed to do justice to the Inquiry's mandate. We go on to examine the Government's decision to truncate that mandate. We conclude with a review of the portions of the mandate that we were forced to abandon - the Inquiry's unfinished business.

All these matters were taken into account in the request for an extension of time that would have led us to report by December 1997, as opposed to June 1997. We were ready to proceed with these matters: issues and witnesses had been identified, and interviews of witnesses had commenced.

We have fully investigated and completed the pre-deployment phase. With respect to the in-theatre phase of the deployment we received and considered sufficient testimony and extensive documentary evidence pertaining to the vast majority of the matters specified in our terms of reference. In this context, the extensive probing of the shooting of two fleeing Somali civilians on the night of March 4, 1993, provided substantial, significant, and cogent evidence for the fulfillment of almost all items of our terms of reference.

However, some of our work remains undone. We obviously could not address, in full detail, the overall post-deployment response of the chain of command to the problems encountered during the Somalia mission, and the behaviour of senior officers and officials for the purpose of assessing their personal accountability, because our hearings were brought to an end before the most important witnesses relevant to that issue and time period could be called. Our schedule was aborted just as we were beginning to question the highest levels of leadership of the Canadian Forces and the Department of National Defence and to the allegations of cover-up with respect to some incidents. An immediate result was the withdrawal of a number of notices already sent to individuals warning them of possible adverse comment on their conduct. Thus, we could address systemic issues arising out of in-theatre and post-deployment events, but could not, in our report, identify any individual misconduct or failings involved. The Government's decision effectively allowed many of those in senior leadership positions during the deployment to avoid entirely accountability for their conduct, decisions, and actions during and after the mission.

More specifically, we were not able to hear all relevant testimony of the senior leaders who held the offices of Minister of National Defence, Deputy Minister of National

Defence, Judge Advocate General, and Chief of the Defence Staff at the material times. These were the very officials ultimately responsible and who would, in the normal course of events, have been ultimately accountable for the conduct of the deployment; the policies under which it was carried out; errors, failures, and misconduct that may have occurred in its planning, execution, and aftermath; and ensuring that appropriate responses were made by the Canadian Forces and the Department of National Defence to problems that arose or were identified.

We would also have called to testify the executive assistants and senior staff in the offices of these senior officials and leaders, not only to receive their evidence with respect to their own conduct and that of their superiors and associates, but also to understand how their offices were managed, the functions, roles and responsibilities they and their staff were assigned and performed, and the policies or standing operating procedures in place to guide the management of their offices.

Government spokespersons frequently asserted that the decision about whether and when to call senior leaders or officials to testify was entirely our responsibility and within our discretion. They stated that we could easily have called anyone we wished within the time allotted to us to complete our work. One need only examine the terms of reference drafted by that same Government to recognize immediately how unrealistic these assertions were. Clauses relating to senior leadership essentially directed us to examine their responses to the "operational, administrative and disciplinary problems" encountered during the deployment. In order to assess those responses, it was first necessary to identify, independently and painstakingly, what the problems were - and they were legion.

Had the military admitted to some of the problems at the beginning, it would have simplified our work. But their persistent denial - until overwhelming evidence was adduced in our proceedings and emerged from incidents in Bosnia - made this exercise necessary. We would have been justly criticized had we relied on the very leaders and investigators whose conduct and responses we were examining and assessing to define the problems for us. Even more, we would have been justly criticized had we examined senior leaders about their possible involvement in a cover-up without first establishing or receiving evidence from which it could be inferred that a cover-up may actually have occurred or been attempted; the nature and scope of any cover-up; what information had been covered up; and how the leader in question might have participated.

The Minister of National Defence at the time of the Government's decision to truncate the Inquiry, Mr. Young, also asserted frequently and to our amazement, that all that needs to be known about "what happened" in Somalia is known. We continue to believe that important facts concerning the deployment and its aftermath are not yet known or remain obscure. We thought, because of its public statements, that the Government also believed that it was essential, and in the interests of the Canadian military and its renewal, to expose, understand, confront, and analyze the facts publicly and in an independent, non-partisan setting, as well as address all the important matters raised in the terms of reference. Obviously, we were mistaken, as the Government abandoned its earlier declared interest in holding to account senior leaders and officials who participated in the planning and execution of the mission and responded to the problems that arose. Once

again, history repeats itself, in that only the lower ranks have been made to account for the marked failures of their leaders.

We fear that the implementation of hastily crafted and mostly cosmetic reforms, coupled with the abandonment of an interest in accountability or an implementation of reforms unrelated to specific facts and problems identified and assessed in a thorough, independent, and impartial process, will serve merely to postpone the day of reckoning that must surely come.

Although the truncation of our investigation and hearings has prevented us from fully addressing some significant facts, problems, errors, and failures arising out of the deployment, we have concluded that it is our duty, and in the interests of the Canadian public and its armed forces, at least to identify unresolved questions and issues associated with some of the significant incidents that occurred. It is to be hoped that these issues and questions will be addressed and resolved and appropriate remedial measures taken.

In Chapter 42 we outline further questions and issues we would have asked and explored, if the truncation of our Inquiry had not occurred, under the following general headings:

- the February 17th riot at the Bailey bridge
- The incident of March 4, 1993
- The March 16th incident
- The March 17, 1993 killing of a Red Cross guard
- The detention of alleged thieves
- The actions, decisions, responsibilities, and accountability of senior officials
- The Deputy Minister
- The Chief of the Defence Staff and the Deputy Chief of the Defence Staff
- The Minister of National Defence
- The Judge Advocate General
- Further allegations of cover-up
- Systemic issues

All the unanswered questions raised under these general headings were on our agenda and incorporated in the work plan provided to the Government on November 27, 1996 along with various scenarios for the completion of our work, one of which would have committed us to providing a comprehensive report on all matters in our terms of reference by the end of 1997. This proposal went into considerable detail, outlining a schedule of hearings and providing a list of important witnesses that we would call.

We were confident that we could examine all the issues outlined here in a thorough and meaningful way, and complete our report by the end of 1997. We were fully aware of the need for economy and efficiency in public inquiries when we made this commitment. We had experienced extreme frustration when delays encountered in obtaining important documents and in investigating reports of the destruction of military records forced us to ask for more time. Had it not been for these unforeseen developments, we certainly

would have completed our work in little more than two years from the date of our appointment.

THE MILITARY IN CANADIAN SOCIETY

Just as the Somalia mission has caused an examination of the relationship between military and civil authority, so too has it afforded a review of the relationship between the military and Canadian society at large. Such a review is important at this time, given the impact of the Somalia deployment on the reputation of the Canadian Forces and on the esteem in which Canadians have traditionally held the military.

We take as a given that Canada, as a sovereign nation, will continue to need a professional armed force to ensure its security. The purpose of this chapter is to review the place of the military in Canadian society. In doing so, it examines factors affecting the armed forces in Canada, military characteristics and values, public affairs and public relations, the purpose of the armed forces and their training, matters such as aggressivity and discipline, respect for law, rights and obligations, and, finally, the core values of Canada's armed forces.

Nothing distinguishes the soldier from the civilian more strikingly than the acceptance that one of the basic rights that may have to be forgone in the national interest is the right to life. This requirement to give up one's life for one's country is spoken of in the military literature as "the clause of unlimited liability". This is the essential defining or differentiating characteristic separating soldiers from their fellow citizens.

This remarkable quality depends for its existence on two conditions. The first is discipline, which begins with the example of self-discipline that leaders impart. The leaders must be the first, in terms of readiness, to sacrifice themselves for their troops. In response, soldiers undertake to do their duty willingly, offering their lives if need be. The second is respect for the military ethos, with its emphasis on the core values of integrity, courage, loyalty, selflessness, and self-discipline. Every military operation from Vimy to Dieppe, Ortona to Caen, Kapyong to the former Yugoslavia has reaffirmed the need for such an ethos.

Some contend that there is a danger that the ethos of the Canadian Forces is weakening. Recent trends toward more civilian- and business-oriented practices, although of assistance in the management of DND, are seen by some within the military as having a negative impact on the Canadian Forces. Their belief is that, as military members attempt to accommodate not only the practices but also the characteristics and values underlying those practices, essential military values are being put at risk.

In light of the Somalia experience, it may not prove sufficient simply to articulate an ethos and exhort soldiers to follow it. It would seem that a more fundamental need exists for a confirmatory and probative exercise to demonstrate that all soldiers, but particularly the senior officers, live by the military ethos and personify its core values. The military, led by its senior officers, needs to reclaim the ethical high ground.

We urge the senior leaders of the Canadian Forces to redefine the characteristics and values of the Canadian military and to establish the capability to monitor itself on an ongoing basis. In that process it will be critical to confirm those core values without

which the health of the military profession in Canada cannot be restored. In the process of this reassessment, the CF leadership should be guided by the imperative that they must be prepared to conduct operations in peace and war in accordance with Canadian standards, values, laws, and ethics.

Soldiers wear the official uniform of Canada. They display the Canadian flag on those uniforms when on missions out of the country. Society's expectations of the nation's flag-bearers are indeed higher than for the average citizen. Those expectations include the notion that soldiers serve as a symbol of the national character.

An enlightened public, we believe, will accept that its modern military, even as it strives to be sensitive to changes in society, cannot shift away from its core values. A failure of military values lies at the heart of the Somalia experience. It is to be hoped that the public, led by politicians and the media, will support the military in its endeavour once again to occupy in the public imagination its special position as a repository of the nation's values.

THE NEED FOR A VIGILANT PARLIAMENT

Canada has begun a new relationship with its armed forces, one that arguably requires greater involvement by members of Parliament and Canadians generally in the direction, supervision, and control of the Canadian Forces. Civil control of the military may be a defining characteristic of liberal democracies, but it does not invariably occur. Civil control of the military, whether it is operating in Canada or abroad, should come from attentive citizens acting through an informed, concerned, and vigilant Parliament.

There is a perceived need to strengthen the role of Parliament in the scrutiny and development of defence policy. Moreover, it is possible that this goal can be achieved by establishing an effective mechanism in Parliament to oversee the defence establishment and by making a few, but significant, amendments to the *National Defence Act*.

The quintessential condition for control of the military and all aspects of national defence is a vigilant Parliament. During the period between 1949 and 1989, the missions, tasks, organization, and functioning of the armed forces were largely fixed by the circumstances of the Cold War. The oversight of the armed services by members of Parliament during this period was largely of a *pro forma* nature. Since 1989, however, the Canadian Forces have increasingly been called on to serve Canada in complex situations involving uncertain alliances, where the missions or the applicable doctrine are not always clear, and resources, too often, are inadequate.

Given this reality, Parliament must exercise greater diligence in critically monitoring the terms agreed to, or set by, the government for the employment of the Canadian Forces overseas, and safeguarding members of the armed forces from unreasonable risks; it must also monitor the operations of commanders and troops in the field. In 1994, a Special Joint Committee of the Senate and the House of Commons reported that "whatever our individual views on particular issues of defence policy or operations, there was one matter on which we agreed almost from the beginning - that there is a need to strengthen the role of Parliament in the scrutiny and development of defence policy." Proponents of a greater role for Parliament also see a need to strengthen Parliament's involvement in other important areas of national defence. Their argument proceeds on the basis that

Canada requires a modern and more effective mechanism for the greater control of national defence, one that is better suited to a sovereign liberal democracy and to the circumstances that the CF will most likely encounter at home and abroad.

Conducting inquiries of this nature arguably should be Parliament's responsibility, although it does not as yet do this. To achieve this goal of more effective oversight, Parliament's mechanisms for inquiry must be improved. A starting point in this regard, as discussed in Chapter 44, might be to have the powers and responsibilities of the Minister of National Defence, the Chief of the Defence Staff and, in particular, the Deputy Minister of National Defence, clarified in law. We also recommend that there be a parliamentary review of the adequacy of the *National Defence Act* every five years. This would also strengthen the role of Parliament and ensure that it increases, while also providing the military with increased access to Parliament.

CONCLUSION

It is inappropriate, at this point, to speak in terms of a *conclusion* to the Somalia debacle. Our investigation has been curtailed, and important questions remain unanswered. Somalia, unfortunately, will continue to be a painful and sensitive topic for Canada's military for years to come. There can be no closure to this subject until the myriad problems that beset the Canadian Forces and the Department of National Defence are addressed comprehensively and effectively.

We began this report by expressing our sincere hope that the Somalia operation represented the nadir of the fortunes of Canada's contemporary military, since there seemed to us to be little room for further descent. Regardless of whether the Somalia mission represents, in historical terms, the lowest ebb, the mission certainly revealed much about the military's current low estate.

The stigma of failure must be attached to the Somalia deployment because the mission failed in so many important ways. While it makes for dispiriting reading, a review of our findings on fundamental matters shows the extent of the morass into which our military has fallen.

Leadership was central to our Inquiry, because at issue was the extent to which the mission failed because of leadership shortcomings. Throughout this report, we ask repeatedly whether what ought to have been done was in fact done. Too often, our answer is "no".

Accountability was ever before us, since the whole purpose of an investigative inquiry is to provide a full accounting of what has transpired. What the Government of the day and the Canadian people were seeking from our Inquiry were our findings on the accountability of senior CF officers and DND officials for the failures of the Somalia mission. We provide principles of accountability to be used as the yardsticks by which we assess the actions and decisions of senior leaders. Again, too often, we find that those actions and decisions were scandalously deficient.

Chain of command, if not effective, consigns the military enterprise to failure. In our Inquiry, where the task is to examine and analyze the sufficiency of the actions and decisions taken by leaders and the effectiveness of the operation as a whole, the

importance of an effective chain of command is very clear. Regrettably, our conclusion is that the chain of command, whether in theatre or in Ottawa at NDHQ, failed utterly at crucial points throughout the mission and its aftermath.

Discipline, whose chief purpose is to harness of the capacity of the individual to the needs of the group, is initially imposed through the rigours of training. The ultimate goal of military discipline is to lead individual soldiers to the stage where they control their own conduct and actions. The probability of success for a particular mission will vary in proportion to the extent to which there is good discipline among soldiers. In the lead-up to the deployment, as well as in Somalia itself, that state of discipline among the troops was alarmingly substandard - a condition that persisted without correction.

Mission planning entails proper planning and preparation. Where inadequacies occur in these areas, the conditions for mission failure are created. Substantial planning failures and inadequacies were manifest in such things as last-minute changes to the mission, its location, the tasks involved, the rules governing the use of force, the organization, composition and structure of the force, as well as in shortfalls in logistical support, weapons and materiel, and force training.

Suitability focuses on the qualities of the unit selected for service in Somalia. With the selection of the CAR to serve in Somalia came the need for us to evaluate the adequacy of that choice by senior leadership, given such realities as recognized deficiencies in the organization and leadership of the Regiment, the restructuring and downsizing of the Regiment, the failure to remedy known disciplinary problems, and the substantial turnover in personnel just prior to deployment. Our examination of this question leads us to conclude that the CAR was clearly unsuited, in the mission-specific sense, to serve in Somalia.

Training is the bedrock of discipline and the foundation for the professional image of the armed forces. Fundamental to the operational readiness of a unit is the question of whether troops are well trained to perform all aspects of the specific mission for which the unit is being deployed. In this report, we have striven to answer the question of whether the soldiers who were deployed to Somalia were properly trained for their mission. This involved an assessment of the nature and adequacy of the actual training received and the policies underlying that training, together with an examination of whether the performance of our soldiers could have been improved or enhanced if they had been exposed to additional, more focused and sophisticated training. Our conclusion regarding mission-specific training is that on almost every count the Somalia mission must rate as a significant failure.

Rules of engagement refer to the operational directions that guide the application of armed force by soldiers within a theatre of operations and define the degree, manner, circumstances, and limitations surrounding the application of that force. Our task was to evaluate the extent to which the rules of engagement were effectively interpreted, understood and applied at all levels of the Canadian Forces' chain of command. We find that the ROE were poorly drafted, slow to be transmitted, never the subject of proper training, and inconsistently interpreted and applied. Moreover, we found serious deficiencies in the Canadian policy and procedures for the development, formulation, and transmission of ROE.

Operational readiness entails a rigorous and comprehensive assessment of whether an assigned unit is ready to mount its mission in an operational theatre. In some sense, the concept embraces all the matters described to this point. If a unit is led by competent and accountable leaders who respect and adhere to the imperatives of the chain of command system; if the soldiers serving under these leaders are properly recruited and screened, cohesive, well trained and disciplined; if they have a clear understanding of adequately conceived and transmitted rules of engagement, then one can have confidence that this is a unit that is operationally ready to deploy and to be employed. To our deep regret, we came to negative conclusions about each of these elements and found that the Canadian Airborne Regiment, in a fundamental sense, was not operationally ready to deploy and be employed for its mission.

Cover-up has been used in this report to describe a deliberate course of conduct that aims to frustrate broader moral, legal, or public claims to information and involves a purposeful attempt at concealment. In the military, laws and regulations impose specific duties in relation to reporting, retaining, or divulging information. In our inquiry, the reporting of significant incidents in theatre and the adequacy of the investigations prompted by such reports revealed the existence of one kind of cover-up, while the alteration and falsification of documents and the manipulation of access to information processes led to another. Also, a third variety emerged, as many of the documents to which we were entitled and that were pledged publicly to us by leaders, both governmental and military, reached us with deliberate tardiness, or in incomplete form, or not at all. We found deep moral and legal failings in this area when we unearthed the origins of cover-up in both the incident of March 4, 1993, and in our examination of the public affairs directorate of DND.

It gives us no satisfaction to have employed the vocabulary of shame in describing what has transpired. We believe that there is no less direct yet honest way to describe what we have found. Little honour is to be found in this failure.

The failure was profoundly one of leadership. Although in this report we have identified some individual failings - primarily in relation to the pre-deployment phase of the mission - the failings that we have recounted in the greatest detail have been those that concern organizational or group responsibility for institutional or systemic shortcomings. The CF and DND leaders to whom this applies are those who occupied the upper tier of their organizations during the relevant periods. The cadre of senior leaders who were responsible for the Somalia mission and its aftermath must bear responsibility for shortcomings in the organization they oversaw.

The senior leadership about which we have been concerned are an elite group. Until now, theirs have been lives of achievement, commendation, and reward. We are sensitive to the fact that implication in an inquiry such as ours, with its processes for the microscopic examination of past events and issues, can be a deeply distressing experience. Some who were members of this select group at the relevant time may even complain of having been tarred with the Somalia brush. We have little sympathy for such complaints. With leadership comes responsibility.

Many of the senior leaders about whom we have spoken in this report have retired or moved on to other things. In our view, this can only be to the good of the armed forces. It

is time for a new leadership to emerge in the Department of National Defence and the Canadian Forces, and it is time for that new leadership to move the forces in a new direction. Our dedicated and long-suffering soldiers deserve at least this much.

In our report, we make hundreds of findings, both large and small, and offer 160 recommendations. While what we propose is not a blueprint for rectifying all that ails the military, if the reforms we suggest are conscientiously considered and acted on with dispatch, we believe that the healing process can

Recommendations

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RECOMMENDATIONS

Chapter 15 - LEADERSHIP

We recommend that:

15.1 The Chief of the Defence Staff adopt formal criteria, along the lines of the core qualities of military leadership, other necessary attributes, and indicative performance factors set out in Chapter 15 of this Report, as the basis for describing the leadership necessary in the Canadian Forces, and for orienting the selection, training, development and assessment of leaders.

15.2 The core qualities and other necessary attributes set out in Chapter 15 of this Report be applied in the selection of officers for promotion to and within general officer ranks. These core qualities are integrity, courage, loyalty, selflessness and self-discipline. Other necessary attributes are dedication, knowledge, intellect, perseverance, decisiveness, judgement, and physical robustness.

15.3 The Chief of the Defence Staff adopt formal criteria for the accountability of leaders within the Canadian Forces derived from the principles of accountability set out in Chapter 16 of this Report, and organized under the headings of accountability, responsibility, supervision, delegation, sanction and knowledge.

15.4 The Canadian Forces make a concerted effort to improve the quality of leadership at all levels by ensuring adoption of and adherence to the principles embodied in the findings and recommendations of this Commission of Inquiry regarding the selection, screening, promotion and supervision of personnel; the provision of appropriate basic and continuing training; the demonstration of self-discipline and enforcement of discipline for all ranks; the chain of command, operational readiness and mission planning; and the principles and methods of accountability expressed throughout this Report.

Chapter 16 - ACCOUNTABILITY

We recommend that:

16.1 The National Defence Act, as a matter of high priority, be amended to establish an independent review body, the Office of the Inspector General, with well defined and independent jurisdiction and comprehensive powers, including the powers to:

1. evaluate systemic problems in the military justice system;
2. conduct investigations into officer misconduct, such as failure to investigate, failure to take corrective action, personal misconduct, waste and abuse, and possible injustice to individuals;
3. protect those who report wrongdoing from reprisals; and
4. protect individuals from abuse of authority and improper personnel actions, including racial harassment.

16.2 The Chief of the Defence Staff and the Deputy Minister of National Defence institute a comprehensive audit and review of:

1. the duties, roles and responsibilities of all military officers and civilian officials to define better and more clearly their tasks, functions and responsibilities;
2. the adequacy of existing procedures and practices of reporting, record keeping, and document retention and disposal, including the adequacy of penalties for failures to comply; and
3. the duties and responsibilities of military officers and departmental officials at National Defence Headquarters in advising government about intended or contemplated military activities or operations.

16.3 The Chief of the Defence Staff incorporate the values, principles and processes of accountability into continuing education of officer cadets at the Royal Military College and in staff training, command and staff training, and senior command courses. In particular, such education and training should establish clearly the accountability requirements in the command process and the issuance of orders, and the importance of upper ranks setting a personal example with respect to morality and respect for the rule of law.

16.4 To strengthen the capacity of Parliament to supervise and oversee defence matters, the National Defence Act be amended to require a detailed annual report to Parliament regarding matters of major interest and concern to the operations of the National Defence portfolio and articulating performance evaluation standards. Areas to be addressed should include, but not be limited to:

1. a description of operational problems;
2. detailed disciplinary accounts;
3. administrative shortcomings;
4. fiscal and resource concerns; and
5. post-mission assessments.

16.5 The National Defence Act be amended to require a mandatory parliamentary review of the adequacy of the act every five years.

16.6 The *Queen's Regulations and Orders* be amended to provide for a special and more effective form of military career review procedure to deal with cases of intimidation and harassment related to the Somalia deployment and this Commission of Inquiry.

16.7 Such special career review boards be entirely independent and impartial committees and contain representation from outside the military, including judges or other respected members of the larger community, to ensure transparency and objectivity in this process.

16.8 Decisions of these special career review boards be subject to a further effective review by a special committee of the House of Commons or the Senate or a judge of the Federal Court.

16.9 In the event that a finding is made that reprisals have occurred and career advancement has been adversely affected, a mechanism for redress be available.

16.10 For the next five years, an annual report reviewing the career progression of all those who have testified before or otherwise assisted the Inquiry be prepared by the Chief of the Defence Staff for consideration by a special committee of the House of Commons or the Senate.

16.11 A specific process be established, under the purview of the proposed Inspector General, designed to protect soldiers who, in the future, bring reports of wrongdoing to the attention of their superiors.

16.12 The *Queen's Regulations and Orders* Article 19 and other official guidelines and directives be amended to demonstrate openness and receptivity to legitimate criticism and differing points of view, so that members of the military enjoy a right of free expression to the fullest extent possible, consistent with the need to maintain good order, discipline, and national security.

Chapter 17 - THE CHAIN OF COMMAND

We recommend that:

17.1 The Chief of the Defence Staff:

1. confirm in doctrine and in orders that the chain of command is the sole mechanism for transmitting orders and directions to the Canadian Forces;
2. confirm in doctrine and in orders that staff officers are never part of the chain of command and have no authority to issue orders except in the name of their respective commanders; and
3. in the case of a specific operation, improve existing mechanisms for reviewing, confirming and publishing the chain of command.

17.2 The Chief of the Defence Staff ensure that technical networks, such as legal, medical or engineering specialist networks, do not interfere with or confuse the chain of command between commanders.

17.3 The Chief of the Defence Staff establish general concepts and principles for the command of Canadian Forces contingents on international operations. These concepts and principles should then be instilled through training and used to frame particular orders for commanders of specific missions.

17.4 For greater clarity, and to remedy deficiencies in existing practices¹ the Chief of the Defence Staff ensure that all commanders of Canadian Forces contingents destined for international operations are given operations orders concerning the chain of command:

1. within the contingent;
2. between the Canadian Forces contingent and allied commanders; and
3. between the deployed contingent and the Chief of the Defence Staff or subordinate commanders.

17.5 The Chief of the Defence Staff conduct national training exercises routinely to test and evaluate the Canadian Forces chain of command in likely or planned operational settings.

Chapter 18 - DISCIPLINE

We recommend that:

18.1 The Chief of the Defence Staff institute an official policy on screening aspirants for all leadership positions, beginning with the selection of master corporals:

1. identifying self-discipline as a precondition of both commissioned and non-commissioned officership; and
2. providing for the evaluation of the individual in terms of self-discipline, including the ability to control aggressive and impulsive behaviour.

18.2 The Chief of the Defence Staff ensure that the importance, function and application of discipline be taught in all officer leadership training, including Royal Military College, staff and command college courses, and senior command courses.

18.3 The Chief of the Defence Staff modify the performance evaluation process to ensure that each individual's standard of self-discipline is assessed in the annual performance evaluation report form, along with the individual's performance in applying discipline when exercising authority.

18.4 The Chief of the Defence Staff establish the head of Canadian Forces personnel (currently the Assistant Deputy Minister Personnel) as the focal point for discipline at the senior staff level in National Defence Headquarters, with advice and support from the Director General of Military Legal Services and the Director of Military Police. To this end, the head of personnel should establish and review policy on discipline, monitor all Canadian Forces plans and programs to ensure that discipline is considered, and assess the impact of discipline on plans, programs, activities and operations, both as they are planned and regularly as they are implemented.

18.5 The Chief of the Defence Staff emphasize the importance of discipline by reviewing frequent and regular reports of the Inspector General, and by requiring the head of personnel to report at least monthly at a Daily Executive Meeting on the state of discipline throughout the Canadian Forces, both inside and outside the chain of command, and by personally overseeing any necessary follow-up.

18.6 The Chief of the Defence Staff establish in doctrine and practice that discipline be identified as a determining factor in assessing the operational readiness of any unit or formation.

18.7 The Chief of the Defence Staff establish in doctrine and practice that during operations, all officers and non-commissioned officers must monitor discipline closely; and that the head of personnel oversee and, at the end of each mission, report on discipline.

18.8 To remedy deficiencies in existing practices, the Chief of the Defence Staff undertake regularly a formal evaluation of the policies, procedures and practices that guide and influence the administration of discipline in the Canadian Forces.

Chapter 20 - PERSONNEL SELECTION AND SCREENING

We recommend that:

20.1 The Chief of the Defence Staff enforce adherence to the following principles in the Canadian Forces promotion and appointment system:

1. that merit be a predominant factor in all promotion decisions; and
2. that the operational needs of the Service always have priority over individual career considerations and administrative convenience.

20.2 To remedy deficiencies in existing practices, and to avoid minimization or concealment of personnel problems, the Chief of the Defence Staff modify the Performance Evaluation Report system to ensure that a frank assessment is rendered of Canadian Forces members and that poor conduct or performance is noted for future reference by superiors (whether or not the matter triggers formal disciplinary or administrative action).

20.3 The proposed Inspector General conduct periodic reviews of appointments to key leadership positions in the Canadian Forces to ensure that the proper criteria are being applied and that such appointments are as competitive as possible.

20.4 The Chief of the Defence Staff ensure that good discipline is made an explicit criterion in all promotion and appointment decisions.

20.5 The Chief of the Defence Staff develop formal criteria for appointment to key command positions, including unit and sub-unit commands, deviation from which would require the formal approval of the Chief of the Defence Staff.

20.6 The Chief of the Defence Staff ensure that, for any future composite combat arms unit (such as the Canadian Airborne Regiment):

1. formalized criteria for selection to the unit are established;
2. the Commanding Officer have maximum freedom in selecting personnel for that unit; and
3. the Commanding Officer have maximum freedom to employ personnel as the Commanding Officer deems appropriate.

20.7 Canadian Forces Administrative Orders 20-50 and 20-46, which deal with the screening of Canadian Forces personnel for overseas deployments, be amended to:

1. place priority on discipline as a criterion for selecting personnel for overseas deployment;
2. make consideration of the behavioural suitability indicators mandatory; and
3. make it clear that although the behavioural suitability indicators listed in Canadian Forces Administrative Order 20-50, as well as the option of referring cases for assessment by behavioural specialists, can assist commanding officers in screening personnel for deployment, they in no way displace or qualify commanding officers' responsibility or accountability for screening personnel under their command.

20.8 The Chief of the Defence Staff develop and issue clear and comprehensive guidelines to commanders at all levels regarding prohibited racist and extremist conduct. The guidelines should define and list examples of racist behaviour and symbolism and should include a list and description of extremist groups to which Canadian Forces members may not belong or lend their support.

20.9 The Canadian Forces continue to monitor racist group involvement and affiliation among Canadian Forces members.

20.10 The Department of National Defence and the Canadian Forces clarify their position on the extent of their obligations under applicable privacy and human rights laws in screening applicants and members of the Canadian Forces for behavioural suitability, including racist group affiliation.

20.11 The Department of National Defence and the Government of Canada review their security policies and practices to ensure that, within the limits of applicable privacy and human rights legislation, relevant information concerning involvement by Canadian Forces members or applicants with racist organizations and hate groups is shared efficiently and effectively among all responsible agencies, including the chain of command.

20.12 The Department of National Defence and the Canadian Forces establish regular liaison with anti-racist groups to obtain assistance in the conduct of appropriate cultural

sensitivity training and to assist supervisors and commanders in identifying signs of racism and involvement with hate groups.

Chapter 21 - TRAINING

We recommend that:

21.1 The Canadian Forces training philosophy be recast to recognize that a core of non-traditional military training designed specifically for peace support operations (and referred to as generic peacekeeping training) must be provided along with general purpose combat training to prepare Canadian Forces personnel adequately for all operational missions and tasks.

21.2 Generic peacekeeping training become an integral part of all Canadian Forces training at both the individual (basic, occupational and leadership) and collective levels, with appropriate allocations of resources in terms of funding, people and time.

21.3 The Chief of the Defence Staff order a study to determine how best to integrate the full range of knowledge, skills, attitudes and values required for peace support operations at all stages of individual and collective training for both officers and non-commissioned members.

21.4 The Canadian Forces recognize, in doctrine and practice, that peace support operations require mental preparation and conditioning that differ from what is required for conventional warfare, and that the training of Canadian Forces members must provide for the early and continuous development of the values, attitudes and orientation necessary to perform all operational missions, including peace support operations.

21.5 The Chief of the Defence Staff ensure that the development of comprehensive training policies and programs for peace support operations makes greater use of a broad range of sources, including peacekeeping training guidelines and policies developed by the UN and member states, and the training provided by police forces and international aid organizations.

21.6 The Chief of the Defence Staff order that the mandates of all Canadian Forces institutions and programs involved in education and training be reviewed with a view to enhancing and formalizing peace support operations training objectives.

21.7 Recognizing steps already taken to establish the Peace Support Training Centre and Lessons Learned Centres, the Chief of the Defence Staff make provision for the co-ordination of and allocation of adequate resources to the following functions:

1. continuing development of doctrine respecting the planning, organization, conduct and evaluation of peace support operations training;
2. development of comprehensive and detailed training standards and standardized training packages for all components of peace support operations training;
3. timely distribution of current doctrine and training materials to all personnel tasked with planning and implementing peace support operations training, and to all units warned for peace support operations duty;
4. timely development and distribution of mission-specific information and materials for use in pre-deployment training;

5. systematic compilation and analysis of lessons learned, and updating of doctrine and training materials in that light;
6. systematic monitoring and evaluation of training to ensure that it is conducted in accordance with established doctrine and standards; and
7. provision of specialist assistance as required by units in their pre-deployment preparations.

21.8 The Chief of the Defence Staff oversee the development of specialist expertise within the Canadian Forces in training in the Law of Armed Conflict and the Rules of Engagement, and in intercultural and intergroup relations, negotiation and conflict resolution; and ensure continuing training in these skills for all members of the Canadian Forces.

21.9 The Chief of the Defence Staff ensure that the time and resources necessary for training a unit to a state of operational readiness be assessed before committing that unit's participation in a peace support operation.

21.10 The Chief of the Defence Staff integrate a minimum standard period of time for pre-deployment training into the planning process. In exceptional cases, where it may be necessary to deploy with a training period shorter than the standard minimum, the senior officers responsible should prepare a risk analysis for approval by the Chief of the Defence Staff. In addition, a plan should be developed to compensate for the foreshortened training period, such as making provision for the enhanced supervision of pre-deployment training activities, a lengthened acclimatization period, and supplementary in-theatre training.

21.11 The Chief of the Defence Staff confirm in doctrine and policy the recognition of sufficient and appropriate training as a key aspect of operational readiness.

21.12 Contrary to experience with the Somalia deployment, where general purpose combat training was emphasized, the Chief of the Defence Staff confirm in doctrine and policy that the pre-deployment period, from warning order to deployment, should be devoted primarily to mission-specific training.

21.13 The Chief of the Defence Staff establish in doctrine and policy that to facilitate pre-deployment training focused on mission-specific requirements, units preparing for peace support operations be provided, on a timely basis, with:

1. a clearly defined mission and statement of tasks;
2. up-to-date and accurate intelligence as a basis for forecasting the conditions likely to be encountered in theatre;
3. mission-specific Rules of Engagement and Standing Operating Procedures; and
4. a sufficient quantity of vehicles and equipment, in operational condition, to meet training needs.

21.14 The Chief of the Defence Staff establish mechanisms to ensure that all members of units preparing for deployment on peace support operations receive sufficient and appropriate training on the local culture, history, and politics of the theatre of operations,

together with refresher training on negotiation and conflict resolution and the Law of Armed Conflict, as well as basic language training if necessary.

21.15 The Chief of the Defence Staff establish in doctrine and policy that no unit be declared operationally ready unless all its members have received sufficient and appropriate training on mission-specific Rules of Engagement and steps have been taken to establish that the Rules of Engagement are fully understood.

21.16 The Chief of the Defence Staff ensure that training standards and programs provide that training in the Law of Armed Conflict, Rules of Engagement, cross-cultural relations, and negotiation and conflict resolution be scenario-based and integrated into training exercises, in addition to classroom instruction or briefings, to permit the practice of skills and to provide a mechanism for confirming that instructions have been fully understood.

21.17 The Chief of the Defence Staff establish in doctrine and policy that an in-theatre training plan be developed for any unit deploying on a peace support operation. The plan should provide for ongoing refresher training and remedial training in areas where deficiencies were noted before deployment and be modified as required to meet changing or unexpected conditions in theatre.

21.18 Canadian Forces doctrine recognize the personal supervision of training by all commanders, including the most senior, as an irreducible responsibility and an essential expression of good leadership. Canadian Forces doctrine should also recognize that training provides the best opportunity, short of operations, for commanders to assess the attitude of troops and gauge the readiness of a unit and affords a unique occasion for commanders to impress upon their troops, through their presence, the standards expected of them, as well as their own commitment to the mission on which the troops are about to be sent.

Chapter 22 - RULES OF ENGAGEMENT

We recommend that:

22.1 The Chief of the Defence Staff create a general framework for the development of Rules of Engagement to establish the policies and protocols governing the production of such rules.

22.2 The Chief of the Defence Staff develop and promulgate generic Rules of Engagement based on international and domestic law, including the Law of Armed Conflict, domestic foreign policy, and operational considerations.

22.3 The Chief of the Defence Staff establish and implement policies for the timely development of mission-specific Rules of Engagement and ensure that a verification and testing process for the Rules of Engagement is incorporated in the process for declaring a unit operationally ready for deployment.

22.4 The Chief of the Defence Staff ensure that the Canadian Forces maintain a data bank of Rules of Engagement from other countries, as well as Rules of Engagement and after-action reports from previous Canadian missions, as a basis for devising and evaluating future Rules of Engagement.

22.5 The Chief of the Defence Staff develop standards for scenario-based, context-informed training on Rules of Engagement, both before a mission and in theatre, with provision for additional training whenever there is confusion or misunderstanding.

22.6 The Chief of the Defence Staff develop and put in place a system for monitoring the transmission, interpretation and application of the Rules of Engagement, to ensure that all ranks understand them, and develop an adjustment mechanism to permit quick changes that are monitored to comply with the intent of the Chief of the Defence Staff.

22.7 The Chief of the Defence Staff ensure that any change in the Rules of Engagement, once disseminated, result in further training.

Chapter 23 - OPERATIONAL READINESS

We recommend that:

23.1 The Chief of the Defence Staff ensure that standards for evaluating individuals, units and elements of the Canadian Forces for operational tasks call for the assessment of two necessary elements, operational effectiveness and operational preparedness, and that both criteria be satisfied before a unit is declared operationally ready for any mission.

23.2 To avoid confusion between readiness for employment and readiness for deployment on a particular mission, the Chief of the Defence Staff adopt and ensure adherence to the following definitions throughout the Canadian Forces: Operational effectiveness is a measure of the capability of a force to carry out its assigned mission. Operational preparedness is a measure of the degree to which a unit is ready to begin that mission. Operational readiness of any unit or element, therefore, should be defined as the sum of its operational effectiveness and preparedness.

23.3 Contrary to the experience of the Somalia mission, the Chief of the Defence Staff ensure, before any Canadian Forces unit or element of any significant size is deployed on active service or international operations, that a formal declaration is made to the government regarding the readiness of that unit to undertake the mission effectively.

23.4 The Chief of the Defence Staff establish a staff, under CDS authority, to conduct no-notice tests and evaluations of the operational effectiveness and preparedness of selected commands, units and sub-units of the Canadian Forces.

23.5 The Chief of the Defence Staff order that national and command operational orders issued to Canadian Forces units tasked for active service or international operations state precisely the standards and degrees of operational effectiveness and operational preparedness demanded of individuals, sub-units, units, and commanders.

23.6 The Chief of the Defence Staff standardize format, information, and directions concerning declarations of operational readiness and require such declarations to be signed by commanders.

23.7 The Chief of the Defence Staff establish clear, workable and standard measurements of operational effectiveness and preparedness for individuals, sub-units, units, and commanders in units and formations of the Canadian Forces.

23.8 The Chief of the Defence Staff replace the Operational Readiness Evaluation System with a more reliable and efficient process aimed at collecting information about the effectiveness and preparedness of major units of the Canadian Forces for assigned operational missions.

23.9 The new readiness reporting system be capable of giving the Chief of the Defence Staff, senior commanders and staff officers a real-time picture of the effectiveness and preparedness of major operational units of the Canadian Forces for their assigned tasks.

23.10 The new operational readiness reporting system identify operational units as being in certain degrees of effectiveness and preparedness, such as high, medium and low, and in certain states of readiness, such as standby-ready and deployment-ready.

Chapter 24 - MISSION PLANNING

We recommend that:

24.1 The Government of Canada issue new guidelines and compulsory criteria for decisions about whether to participate in a peace support operation.

24.2 The Government of Canada define clearly the respective roles and responsibilities of the Department of Foreign Affairs and International Trade and the Department of National Defence in the decision-making process for peace support operations.

24.3 In briefings or advice to the Government relating to participation in a peace support operation, the Government of Canada require a comprehensive statement of how the peace support operations guidelines and criteria apply to the proposed operation.

24.4 The Chief of the Defence Staff develop Canadian Forces doctrine to guide the planning, participation and conduct of peace support operations.

24.5 The Government of Canada establish a new and permanent advisory body or secretariat to co-ordinate peace support operations policy and decision making.

24.6 The Government of Canada adopt the policy that Canadian participation in United Nations peace support operations is contingent upon:

1. completion of a detailed mission analysis by the Chief of the Defence Staff each time Canada is asked to participate in a peace support operation; and
2. inclusion in the mission analysis of the following elements: a determination of troop strengths, unit configuration, resource requirements, and weapons and other capabilities.

24.7 The Government of Canada, as part of its foreign and defence policy, advocate reform within the United Nations, particularly in the following areas:

1. development of a process to ensure that the mandates of United Nations operations, as adopted by the United Nations Security Council, are clear, enforceable and capable of achieving the goals of the mission; and
2. development of a process to enhance the current planning structure at the United Nations to improve co-ordination of peace support operations through proper development of concepts of operations and strategic planning.

Chapter 25 - MILITARY PLANNING

We recommend that:

25.1 To redress the planning problems earmarked by the Somalia mission, the Chief of the Defence Staff reinforce the importance of battle procedure (the process commanders use to select, warn, organize, and deploy troops for missions) as the proper foundation for operational planning at all levels of the Canadian Forces, and that the importance of systematic planning based on battle procedure be emphasized in staff training courses.

25.2 Contrary to recent experience, the Chief of the Defence Staff enunciate the principles that apply to planning, commanding and conducting operations by the Canadian Forces in each international operation where these differ from national principles of planning, commanding and conducting operations.

25.3 The Chief of the Defence Staff ensure that all states of command, such as national command, full command and operational command, are defined on the basis of Canadian military standards and criteria.

25.4 For each international operation, the Chief of the Defence Staff issue clear and concrete orders and terms of reference to guide commanders of Canadian Forces units and elements deployed on those operations. These should address, among other things, the mission statement, terms of employment, command relationships, and support relationships.

25.5 The Chief of the Defence Staff clarify the duties and responsibilities of the Deputy Chief of the Defence Staff and, in particular, identify precisely when the Deputy Chief of the Defence Staff is or is not in the chain of command.

25.6 In light of the Somalia experience, the Chief of the Defence Staff assert the authority of the Chief of the Defence Staff under the National Defence Act, to establish better "control and administration" of the Canadian Forces, taking appropriate steps to ensure that the Chief of the Defence Staff has adequate staff assistance to carry out this duty.

25.7 The Chief of the Defence Staff provide commanders deployed on operations with precise orders and unambiguous reporting requirements and lines to ensure that Canadian laws and norms are respected.

25.8 The Chief of the Defence Staff ensure that all plans for the employment of the Canadian Forces be subject to operational evaluations at all levels before operational deployment.

25.9 The Chief of the Defence Staff establish standing operating procedures for

1. planning, testing and deploying Canadian Forces in domestic or international operations; and
2. the conduct of operations by the Canadian Forces in domestic or international operations.

25.10 The Chief of the Defence Staff establish principles, criteria and policies governing the selection, employment and terms of reference for commanders appointed to command Canadian Forces units or elements in domestic or international operations.

25.11 The Chief of the Defence Staff conduct training and evaluation exercises to prepare and test staff procedures, doctrine, planning and staff officers in National Defence Headquarters and in the chain of command.

25.12 The Chief of the Defence Staff establish a uniform system for recording decisions taken by senior officers during all stages of planning for operations. The records maintained under this system should include a summary of the actions and decisions of officers and identify them by rank and position. The records should include important documents related to the history of the operation, including such things as estimates, reconnaissance reports, central discussions, orders, and casualty and incident reports.

25.13 The Chief of the Defence Staff or the Chief of the Defence Staff's designated commander identify and clarify the mission goals and objectives before commencing calculation of the force estimate.

25.14 The Chief of the Defence Staff base the force estimate for a given mission on the capacity of the Canadian Forces to fulfil the demands of the operation, as determined after a mission analysis has been completed and before recommending that Canadian Forces be committed for deployment.

25.15 The Chief of the Defence Staff develop a formal process to review force requirements once any Canadian Forces unit or element arrives in an operational theatre.

25.16 To remedy deficiencies in existing practices, before committing forces to an international operation, commanders should:

1. clearly establish the military mission as well as the tasks necessary to achieve the mission;
2. return to the practice of preparing military estimates before developing the organization and composition of forces to be employed in operational theatres;
3. be required to undertake a thorough reconnaissance of the specific area where the forces are to deploy; and
4. accept that in the interests of deploying a force that is appropriate, well balanced and durable, proper estimates of the requirements be completed before forces are committed and personnel ceilings are imposed.

25.17 The Chief of the Defence Staff develop specific doctrine outlining the intelligence-gathering process for all peace support operations, to be separate and distinct from the doctrine covering intelligence gathering for combat. This doctrine should include:

1. a statement confirming the purpose and principles of intelligence gathering for all peace support operations, from traditional peacekeeping to peace enforcement. Where required, a differentiation would be made between the strategic stage, the decision-making stage, and the operational planning stage of the operation;

2. a statement confirming the sources of information appropriate for use in the intelligence-gathering process;
3. a section outlining anticipated use of intelligence in peace support operations, during both the decision-making stage and the operational planning stage;
4. a section outlining the intelligence planning process during the various stages of planning, establishing what needs to be done and by whom, including any procedures required to develop an intelligence plan for the mission or intelligence support for the training of troops; and
5. a section describing the dissemination process for all stages, including the manner of dissemination and the personnel involved.

25.18 The Government of Canada urge the United Nations to expand its peacekeeping planning division to include an intelligence organization within the secretariat that would serve to co-ordinate the intelligence required for peace support operations, including maintenance of an information base on unstable regions available for use by troop-contributing countries.

25.19 The Chief of the Defence Staff ensure that planning doctrine includes appropriate assessment methodology to determine sufficient numbers of intelligence personnel and intelligence support personnel (interpreters) for the operation. In accordance with existing doctrine, the presence of intelligence personnel in the advance party should be ensured.

25.20 The Chief of the Defence Staff develop guidelines and procedures for ensuring that cultural training programs are appropriately supported by the intelligence staff by providing adequate and appropriate resources for the intelligence staff well in advance of the operation.

25.21 The Chief of the Defence Staff ensure that sufficient resources are available and adequate guidelines are in place for intelligence staff to foster self-sufficiency in the area of intelligence planning and to discourage over-reliance on other intelligence sources.

25.22 The Chief of the Defence Staff review the organization and process for intelligence planning to ensure maximum communication and efficiency in the intelligence-gathering and dissemination processes.

25.23 To remedy deficiencies in existing practices, the Chief of the Defence Staff ensure that logistical planning is finalized only after the mission concept is developed, the size and composition of the Canadian contingent is estimated, and a full reconnaissance of the area of operations has been undertaken.

25.24 The Chief of the Defence Staff provide guidelines stipulating that sufficient time be taken to assess any changes in areas of operation. Such guidelines should include the stipulation that military considerations are paramount in decisions to change the proposed mission site after materiel has been packed and logistics planning completed for the original site.

25.25 When a change in mission is contemplated, the Chief of the Defence Staff ensure that new logistical contingency plans are completed before the new mission is undertaken.

25.26 The Chief of the Defence Staff ensure that a National Support Element (that is, an integrated logistics support unit) is included as a separate unit at the commencement of every mission undertaken by the Canadian Forces.

Chapter 39 - OPENNESS AND DISCLOSURE

We recommend that:

39.1 The Department of National Defence ensure that the National Defence Operations Centre logs are properly maintained, by implementing the following:

1. an audit procedure to ensure that standing operating procedures provide clear and sufficient guidelines on the type of information to be entered and how the information is to be entered;
2. an adequate data base system, which includes software controls to ensure accurate data entry in each field and appropriate training for operators and users of this system; and
3. increased system security to an acceptable standard compatible with the objective of national security, including restricting access to authorized persons using only their own accounts and passwords and extending the use of secure (hidden) fields to identify persons entering or deleting data.

39.2 The Department of National Defence and the Canadian Forces take steps to ensure that an adequate record of in-theatre operations is created and preserved thereafter by:

1. establishing better systems and procedures to ensure a more complete and permanent record of events, including the recording of each day's activity or inactivity, so that every date is accounted for, to avoid the appearance of non-reporting or deleted records;
2. training soldiers to appreciate the importance of the log and diary and their responsibility to follow proper procedures in creating, maintaining, and protecting the record;
3. providing better procedures for supervising the maintenance of records in theatre to ensure adherence to established procedures;
4. improving the integration of secure data collection and storage systems to ensure the integrity of records created; and
5. ensuring that data banks are sufficient and include accurate information concerning individual taskings; the start and finish dates of each log and diary; and the location of records.

39.3 The Department of National Defence take the following steps to promote openness and transparency:

1. require the Deputy Minister of National Defence and the Chief of the Defence Staff to
 - 1.1. instil by example and through directives the importance of openness in responding to requests made under the *Access to Information Act*;

- 1.2. ensure that military and civilian personnel in the Department of National Defence are better trained to respond to *Access to Information Act* requests, particularly with regard to legal obligations and procedures; and
- 1.3. ensure that staff fully understand the requirement to report, as a significant incident under existing regulations, any suspected document alteration or improper response to *Access to Information Act* requests;
2. begin consultations with the Information Commissioner, within three months of the submission of this report to the Governor in Council, to determine the most effective way of improving departmental responses to *Access to Information Act* requests; and
3. ensure that public affairs policy and practices reflect the principles of openness, responsiveness, transparency and accountability expressed throughout this report.

Chapter 40 - MILITARY JUSTICE

We recommend that:

40.1 The *National Defence Act* be amended to provide for a restructured military justice system, establishing three classes of misconduct:

1. Minor disciplinary: Any misconduct considered minor enough not to warrant detention, dismissal or imprisonment should be considered minor disciplinary misconduct. Examples might include a failure to salute and quarrelling with another Canadian Forces member. Minor disciplinary misconduct would not include service offences now listed in the *Queen's Regulations and Orders* (QR&O) 108.31(2);
2. Major disciplinary: Any misconduct considered serious enough to warrant detention, dismissal or imprisonment should be considered major disciplinary misconduct triable only by a court martial. This would include infractions such as some of those listed in QR&O 108.31(2). Examples might include being drunk while on sentry duty during a time of war, insubordination and showing cowardice before the enemy. Major disciplinary misconduct would not include crimes under the *Criminal Code* or other federal statutes; and
3. Criminal misconduct: Any misconduct that would constitute a crime and is to be the subject of a charge under the *Criminal Code* or other federal statute or foreign law, and triable only by court martial or a civil court.

40.2 To prevent abuse of the commanding officer's discretion to determine into which class the misconduct falls, there be formalized safeguards provided for in the *National Defence Act* and regulations, including the possibility of independent military investigations into the misconduct, the authority of an independent military prosecutor to lay a charge for criminal misconduct arising out of the same incident, and the oversight performed by an independent Inspector General.

40.3 The *National Defence Act* be amended to provide clearly that any individual in the Canadian Forces or any civilian can lay a complaint with Military Police without fear of reprisal and without having first to raise the complaint with the chain of command.

40.4 The *Queen's Regulations and Orders* be amended to circumscribe the discretion of a commanding officer with respect to the manner of conducting summary investigations to ensure that these investigations are conducted according to the guidelines in Canadian Forces Administrative Order 21-9, dealing with general instructions for boards of inquiry and summary investigations.

40.5 The guidelines in Canadian Forces Administrative Order 21-9 be amended to provide that

1. summary investigations be restricted to investigation of minor disciplinary misconduct or administrative matters;
2. those conducting summary investigations have some minimum training standard in investigations, rules of evidence, and the recognition of potential criminality;
3. those conducting summary investigations have a specific duty to report matters of potential criminality directly to Military Police; and
4. those conducting summary investigations be free from any conflict of interest.

40.6 Military Police be independent of the chain of command when investigating major disciplinary and criminal misconduct.

40.7 Military Police be trained more thoroughly in police investigative techniques.

40.8 All Military Police, regardless of their specific assignment, be authorized to investigate suspected misconduct of their own accord unless another Military Police investigation is under way.

40.9 Control of the conduct of Military Police investigations of major disciplinary and criminal misconduct be removed from the possible influence of the commanding officer or the commanding officer's superiors. Military Police attached to units or elements of the Canadian Forces should refer major disciplinary and criminal misconduct to the Director of Military Police through dedicated Military Police channels.

40.10 The Director of Military Police oversee all Military Police investigations of major disciplinary and criminal misconduct and report on these matters to the Solicitor General of Canada.

40.11 The Director of Military Police be responsible and accountable to the Chief of the Defence Staff for all Military Police purposes, except for the investigation of major disciplinary or criminal misconduct.

40.12 Commanding officers have the power to request Military Police to investigate any misconduct, but commanding officers have no power to control the method of the investigation or limit the resources available to Military Police conducting investigations.

40.13 The Director of Military Police and all Military Police under the command of the Director have a system of ranking different from the general Canadian Forces system, so that Military Police are not seen or treated as subordinate to those they are investigating.

40.14 Professional police standards and codes of conduct be developed for Military Police.

- 40.15 To give effect to these new policing arrangements, Military Police be given adequate resources and training to allow them to perform their tasks.
- 40.16 Adequate numbers of appropriately trained Military Police accompany Canadian Forces deployments.
- 40.17 In general, the results of investigations into all types of misconduct - minor disciplinary, major disciplinary or criminal - be reported to the commanding officer of the unit or element to which the Canadian Forces member concerned belongs.
- 40.18 Results of investigations of major disciplinary and criminal misconduct be reported to an independent prosecuting authority under the direction of the Director General of Military Legal Services.
- 40.19 Control of the decision to charge for major disciplinary or criminal misconduct be removed from the commanding officer and vested in an independent prosecuting authority.
- 40.20 The commanding officer have the right to lay charges for minor disciplinary misconduct.
- 40.21 An independent prosecuting authority decide whether to lay charges for major disciplinary and criminal misconduct and have the responsibility for laying charges.
- 40.22 The prosecuting authority be independent in determining whether to charge and prosecute. However, guidelines should be developed to assist in the exercise of prosecutorial discretion.
- 40.23 Military Police serve as advisers to the independent prosecuting authority, but have no authority themselves to lay charges.
- 40.24 Commanding officers have no authority to dismiss charges laid by the independent military prosecutor.
- 40.25 The independent military prosecutor have authority to lay charges for minor disciplinary offences when the prosecutor deems it useful to prosecute multiple acts of misconduct, including minor disciplinary misconduct, at the same trial.
- 40.26 An accused person have a right to counsel when prosecuted for major disciplinary or criminal misconduct.
- 40.27 The standard of proof at a trial for major disciplinary or criminal misconduct be proof beyond a reasonable doubt.
- 40.28 There be no right to counsel in respect of minor disciplinary misconduct, since detention, dismissal or imprisonment would not be a possibility, but the right to counsel may be permitted at the discretion of the commanding officer.
- 40.29 The standard of proof at a trial of minor disciplinary misconduct be proof on a balance of probabilities. An accused person may be compelled to testify at a trial of minor disciplinary misconduct.

40.30 Accused persons charged with misconduct carrying a possible penalty of five years' imprisonment or more should have the right to elect trial by jury before a civilian court.

40.31 Punishments such as fine options, community service and conditional sentences, which have been made available in the civilian criminal process, be available within the military for minor and major disciplinary and criminal misconduct.

40.32 Formal rules be established to permit appeals of summary trials of minor disciplinary misconduct by way of redress of grievance.

40.33 All Canadian Forces members convicted at summary trials be served with a notice stating that an application for redress of grievance is available to appeal their conviction.

40.34 The *Queen's Regulations and Orders* be amended so that the Minister of National Defence has no adjudicative role in redress of grievance matters.

40.35 The *National Defence Act* be amended to

1. replace the office of the judge Advocate General with two independent institutions:
 - 1.1. the office of the Chief Military judge, to assume the judicial functions now performed by the office of the judge Advocate General; and
 - 1.2. the office of the Director General of Military Legal Services, to assume the prosecution, defence and legal advisory roles now performed by the office of the Judge Advocate General;
2. specify that the office of the Director General of Military Legal Services consists of three branches: a Directorate of Prosecutions, a Directorate of Advisory Services, and a Directorate of Legal Defence;
3. provide that the Director General of Military Legal Services report to the Minister of National Defence;
4. provide that the Chief Military Judge and all other judges be civilians appointed under the federal *Judges Act*; and
5. state that judges trying serious disciplinary and criminal misconduct are totally independent of the military chain of command.

40.36 The *National Defence Act* be amended to establish an Office of the Inspector General, headed by an Inspector General with the following functions relating to military justice:

1. Inspection: Inspections would focus on systemic problems within the military justice system.
2. Investigations: The Inspector General would receive and investigate complaints about officer misconduct and about possible injustices to individuals within the Canadian Forces. Among the types of officer misconduct the Inspector General could investigate are the following:

- 2.1. abuse of authority or position (for example, failure to investigate, failure to take corrective actions, or unlawful command influence); and
 - 2.2. improper personnel actions (for example, unequal treatment of Canadian Forces members, harassment including racial harassment, failure to provide due process, reprisals).
3. Assistance: Among the Inspector General's functions would be to correct or assist in correcting injustices to individuals.

40.37 The Inspector General have the power to inspect all relevant documents, conduct such interviews as may be necessary, review minor disciplinary proceedings and administrative processes, and make recommendations flowing from investigations.

40.38 Any person, Canadian Forces member or civilian, be permitted to complain to the Inspector General directly.

40.39 To the extent that the regulations and orders contained in the *Queen's Regulations and Orders* and Canadian Forces Administrative Orders can be made public without compromising overriding interests such as national security, the QR&O and CFAO be published in the *Canada Gazette*.

40.40 Adequate numbers of legal officers be deployed with units to allow them to perform their respective functions - prosecution, defence, advisory - without putting them in situations of conflict of interest.

40.41 Legal officers receive increased training in matters of international law, including the Law of Armed Conflict.

40.42 Legal officers providing advisory services be deployed on training missions as well as actual operations.

40.43 Legal officers providing advisory services guide commanding officers and troops on legal issues arising from all aspects of operations, including Rules of Engagement, the Law of Armed Conflict, Canadian Forces Organization Orders and Ministerial Organization Orders.

40.44 Legal officers providing advisory services educate Canadian Forces members before and during deployment on local law, the Law of Armed Conflict, and Rules of Engagement.

40.45 A Law of Armed Conflict section of legal officers be established and staffed as soon as possible within the office of the Judge Advocate General and moved to the office of the Director General of Military Legal Services once that office is established.

CONCLUSION

We recommend that:

1. The Minister of National Defence report to Parliament by June 30, 1998 on all actions taken in response to the recommendations of this Commission of Inquiry.
2. The transcripts of our proceedings, as amplified and illuminated by the credibility findings in this report, be examined comprehensively by appropriate authorities in

the Department of National Defence and the Canadian Forces, with a view to taking appropriate and necessary action with regard to witnesses who by their actions and attitude flouted or demeaned:

- 2.1. their oath or solemn affirmation;
 - 2.2. their military duty to assist the Inquiry in its search for the truth in the public interest;
 - 2.3. the trust and confidence of Canadians in them; or
 - 2.4. the officer's commission scroll, which expresses Her Majesty's special trust and confidence in a Canadian officer's loyalty, courage and integrity.
3. Save for those individuals who have been disciplined for actions in relation to the deployment, all members of the Canadian Forces who served in Somalia receive a special medal designed and designated for that purpose.

NOTE TO READERS

Military Ranks and Titles

In recounting events and reporting on testimony received, this report refers to many members of the Canadian Forces by name, rank and, sometimes, title or position held. Generally, we have used the rank and title in place at the time of the Somalia deployment or at the time an individual testified before this Commission of Inquiry, as appropriate. Thus, for example, the ranks mentioned in text recounting the events of 1992-93 are those held by individuals just before and during the deployment to Somalia, while ranks mentioned in endnotes are those held by individuals at the time of their testimony before the Inquiry.

Since then, many of these individuals will have changed rank or retired or left the Canadian Forces for other reasons. We have made every effort to check the accuracy of ranks and titles, but we recognize the possibility of inadvertent errors, and we apologize to the individuals involved for any inaccuracies that might remain.

Source Material

This report is documented in endnotes presented at the conclusion of each chapter. Among the sources referred to, readers will find mention of testimony given at the Inquiry's policy and evidentiary hearings; documents filed with the Inquiry by government departments as a result of orders for the production of documents; briefs and submissions to the Inquiry; research studies conducted under the Inquiry's commissioned research program; and documents issued by the Inquiry over the course of its work.

Testimony: Testimony before the Commission of Inquiry is cited by reference to transcripts of the Inquiry's policy and evidentiary hearings, which are contained in 193 volumes and will also be preserved on CD-ROM after the Inquiry completes its work. For example: Testimony of LCol Nordick, Transcripts vol. 2, pp. 269-270. Evidence given at the policy hearings is denoted by the letter 'P'. For example: Testimony of MGen Dallaire, Policy hearings transcripts vol. 3P, p. 477P.

Transcripts of testimony are available in the language in which testimony was given; in some cases, therefore, testimony quoted in the report has been translated from the language in which it was given.

Documents and Exhibits: Quotations from some documents and other material (charts, maps) filed with the Inquiry are cited with a document book number and a tab number or an exhibit number. These refer to binders of documents assembled for Commissioners' use at the Inquiry's hearings. See Volume 5, Chapter 40 for a description of how we managed and catalogued the tens of thousands of documents we received in evidence.

Some of the references contain DND (Department of National Defence) identification numbers in lieu of or in addition to page numbers. These were numbers assigned at DND and stamped on each page as documents were being scanned for transmission to the Inquiry in electronic format. Many other references are to DND publications, manuals, policies and guidelines. Also quoted extensively are the National Defence Act (NDA), Canadian Forces Organization Orders (CFOO), Canadian Forces Administrative Orders

(CFAO), and the Queen's Regulations and Orders for the Canadian Forces (which we refer to as the Queen's Regulations and Orders, or QR&O). Our general practice was to provide the full name of documents on first mention in the notes to a chapter, with shortened titles or abbreviations after that.

Research Studies: The Commission of Inquiry commissioned 10 research studies, which were published at various points during the life of the Inquiry. Endnotes citing studies not yet published during final preparation of this report may contain references to or quotations from unedited manuscripts.

Published research and the Inquiry's report will be available in Canada through local booksellers and by mail from Canada Communication Group Publishing, Ottawa, Ontario, K1A 0S9. All other material pertaining to the Inquiry's work will be housed in the National Archives of Canada at the conclusion of our work.

Acronyms and Abbreviations

This report contains many acronyms and abbreviations for government departments and programs and Canadian Forces elements, systems, equipment, and other terms. Generally, these names and terms are spelled out in full with their abbreviation or acronym at their first occurrence in each chapter; the abbreviation or acronym is used after that. For ranks and titles, we adopted the abbreviations in use in the Canadian Forces and at the Department of National Defence. A list of the acronyms and abbreviations used most often, including abbreviations for military ranks, is presented in Appendix 8, at the end of Volume 5.

ACKNOWLEDGEMENTS

On one level, public inquiries are temporary agencies of government with an official life of their own, reported in the media and identifiable to citizens as in our particular case, The Somalia Inquiry. On another level, they are organizations of expert personnel summoned to work together for a limited period of time. They have a life-cycle of birth, learning, productive maturity, and death -- somewhat untimely, in our case. The crisis that usually calls public inquiries into being, the urgency of the task and its difficulties, create an almost wartime atmosphere that demands great effort, close teamwork, and a tight focus on the ultimate goal. This challenge can bring out the best in men and women, as it did in our group.

Public inquiries are identified publicly with their Chairs and Commissioners but they flourish or fail in large part according to the strengths or weaknesses of their staffs who work behind the scenes. Our excellent staff was led and was largely the creation of our Secretary, Stanley Cohen. A brilliant lawyer with deep experience and understanding of government, he was able to quickly assemble a core team in the spring of 1995. His skills as an administrator, counsellor, negotiator, and animator of our group were extraordinary and vital to our success.

As have other inquiries in the past, we relied primarily on the work of legal and research components. Our Senior Counsel were Simon Noël and Barbara McIsaac who dealt masterfully with an overwhelming amount of documentary evidence, sometimes

conflicting requirements of lawyers for the various parties, and the task of examining witnesses fairly and comprehensively during our televised hearings. They were assisted by Intermediate Counsel Ian Stauffer, Sylvie Roussel, and Thomas Conway, as well as Junior Counsel Hélène Dorion, Lynn Lovett, John McManus, Eloïse Arbour, and Jennifer Oulton.

During part of our Inquiry we also benefited from the wisdom, wit, and courtroom experience of Hymie Weinstein before he was called back to Winnipeg by the demands of a public inquiry in his home city. François Daviault and François Lemieux also played an important role in our counsel group at different stages of our Inquiry.

Our research group, consisting of lawyers and academics with varied and extensive experience, was under the able direction of David Pomerant: Glenn Gilmour, Janice Tokar, Holly Solomon, Laura Farquharson, Donna Winslow, Claude Bouchard, David Goetz, Ellen Margolese, and Robert Young. This team carried out the monumental task of reviewing, analyzing, and distilling thousands of pages of material related to our terms of reference and, under our direction, participated in the drafting of major portions of this report. Eric Myles served as Special Assistant to the Secretary and Chief Historian responsible for the supervision of the group of file analysts who organized, classified, summarized, and evaluated the massive documentation that we obtained from hundreds of sources (Judith Shane, Robert LeBlond, Stephen Bierbrier, François-René Dussault, Deirdre Hilary, Christopher Bolland, Pierre Léonard, Tom Clearwater, Deryn Collier, Karen Capen, Ella Heyder, Maureen Armstrong, Ouafaa Douab, Suzanne Alexander, Cheryl Ringor, Marcia Waldron, Sophie Boulakia, and Alain Laurencelle). Eugene Oscapella and Greg Rose also provided invaluable assistance to both the research and the file analyst groups in the final report writing phase of our process.

Our military advisers brought a wealth of domestic and international experience to their role as our Technical Advisors: BGen (ret) Jim Simpson, LGen (ret) Jack Vance, LCol (ret) Doug Bland, Col (ret) Ted Nurse, and François Lareau. Their selfless service to our Inquiry embodied the true meaning of "fidelity to the military institution". Special investigations were the responsibility of Inspector Gerry Braun and Inspector Dan Killam on loan to us from the RCMP. Their tireless professional service was crucial to the success of our operation.

Director of Administration, André Plante, managed our own personnel and resources efficiently, assisted by Management Adviser Maurice Lacasse. Some of the essential services that we depended on throughout our Inquiry, and which were always performed above and beyond the call of duty, were provided by Library Technician, Linda Cameron; Neil Blaney, Dennis Brook, and Stephen Charron in Network Support for our computer system; Gail Bradshaw in Information Management; Finance Officer, Hélène Berthiaume; Records Manager, Gilles Desjardins; and Jane Simms, our supervisor of document processing clerks.

John Koh was both a member of our counsel group and Manager, Litigation Support. He, along with Michael Burn and Paul Harte, was of great assistance to us in organizing and gaining mastery over the enormous flow of documentation that we were obliged to process.

Our interface with the public, through hearings and media exposure, was the responsibility of Hearing Co-ordinator, Françoise McNamee, and Communications Manager, Sheena Pennie, of Delta Media, who handled more than 100 media calls daily on occasion.

During the hearings we relied on the experience and abilities of our Registrars, Linda Martel and Susan Fraser. We also wish to thank Denis Vezina, Marc Mayer, Michel Valiquette, and Gilles Franche who provided security and other support to us during our hearings.

In writing this report we were fortunate to have had the assistance of a team of hard working and professional writers and editors, under the direction of Tom Gussman, Ian Sadinsky, and Pauline McKillop.

In addition to these, we depended on a daily basis on the dedicated work of our able secretaries, Suzanne Yule, Kim LaViolette, Rachel Sauv , Kim Lutes, Sandra Racine, and Ghislaine Trottier, and our receptionist, Ann McAuliff as well as many specialists and technicians throughout our Inquiry, all of whom worked together as a team and exceeded the formal requirements of their tasks.

Outside our own group, we worked closely with military personnel who were designated to assist us, as we describe in this report. But we want to pay special tribute to the soldiers and officers, serving and retired, who volunteered to appear before our Inquiry and who assisted us informally by providing information of many kinds to Commissioners and Counsel, even when it was damaging on occasion to their own interests. Their bravery was an inspiration to us and their support encouraged us throughout.

Finally, we wish to express our thanks to the organizations that submitted briefs to us and the hundreds of individuals who communicated with us by e-mail, mail, and phone during the course of our Inquiry. They reminded us constantly that we were not alone in seeking answers to the difficult questions confronting our soldiers and politicians.

PREFACE

From its earliest moments the operation went awry. The soldiers, with some notable exceptions, did their best. But ill-prepared and rudderless, they fell inevitably into the mire that became the Somalia debacle. As a result, a proud legacy was dishonoured.

Systems broke down and organizational discipline crumbled. Such systemic or institutional faults cannot be divorced from leadership responsibility, and the leadership errors in the Somalia mission were manifold and fundamental: the systems in place were inadequate and deeply flawed; practices that fuelled rampant careerism and placed individual ambition ahead of the needs of the mission had become entrenched; the oversight and supervision of crucial areas of responsibility were deeply flawed and characterized by the most superficial of assessments; even when troubling events and disturbing accounts of indiscipline and thuggery were known there was disturbing inaction or the actions that were taken exacerbated and deepened the problems; planning, training and overall preparations fell far short of what was required; subordinates were held to standards of accountability that many of those above were not

prepared to abide by. Our soldiers searched, often in vain, for leadership and inspiration.

Many of the leaders called before us to discuss their roles in the various phases of the deployment refused to acknowledge error. When pressed, they blamed their subordinates who, in turn, cast responsibility upon those below them. They assumed this posture reluctantly -- but there is no honour to be found here -- only after their initial claims -- that the root of many of the most serious problems resided with "a few bad apples" -- proved hollow.

We can only hope that Somalia represents the nadir of the fortunes of the Canadian Forces. There seems to be little room to slide lower. One thing is certain, however: left uncorrected, the problems that surfaced in the desert in Somalia and in the boardrooms at National Defence Headquarters will continue to spawn military ignominy. The victim will be Canada and its international reputation.

This is the final report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia. To the best of our ability, it fulfills our obligation with respect to various orders in council to investigate the chain of command system, leadership, discipline, and actions and decisions of the Canadian Forces, as well as the actions and decisions of the Department of National Defence in respect of the Canadian Forces' participation in the peace enforcement mission in Somalia during 1992-93.

During the deployment of Canadian troops, certain events transpired in Somalia that impugned the reputations of various individuals, Canada's military, and the nation itself. Those events, by now well known to most Canadians, included repugnant hazing activities prior to deployment involving members of the Canadian Airborne Regiment (revealed through the broadcast of videotapes made by participants), the shooting of Somali intruders at the Canadian compound in Belet Huen, the beating death of a teenager in the custody of soldiers from 2 Commando, an apparent suicide attempt by one of those Canadian soldiers, and, after the mission, alleged instances of withholding or altering key information. Those events, with the protestations of a concerned military surgeon acting as a catalyst, led the Government to call for this Inquiry. Ironically, a military board of inquiry into the same events was considered insufficient by the present Government because it was held *in camera* and with much more restricted terms of reference. It was considered to fall short of Canadian standards of public accountability, and a full and open inquiry was demanded.

Our overall conclusion, as the title of this report and the opening passages of this preface make clear, is simple: the mission went badly wrong; systems broke down, and organizational failure ensued. Our report canvasses a broad array of issues and events to reach this unhappy result.

The *Inquiries Act* provides the authority to subpoena witnesses, hear testimony, hire expert counsel and advisers, and assess evidence. Under normal circumstances, such powers should have given us the confidence to present our findings without qualification. However, on January 10, 1997, while Parliament was adjourned, the Minister of National Defence announced that Cabinet had decided that this Inquiry had gone on long enough, that all hearings must be cut off on or about March 31, 1997, and that a report with

recommendations was required by June 30, 1997. This was the response of the Government to our letter setting out reporting date options and requesting an extension until at least December 31, 1997, a period that would have allowed us to continue and conclude our search for the truth. That search had already involved, among other things, thousands of hours of preparation and cross-examination of the individuals who played various roles in this mission -- and as time progressed, the superior officers to whom they reported. Because of the initial difficulty of estimating the actual magnitude of the work, compounded by the late arrival of certain documents we requested, we were twice granted extensions to enable our Inquiry to proceed. Each time the Inquiry was given an extension, however, it was for a shorter period than we had requested on the basis of the estimated work involved. Each 'compromise extension' left us short and generated more requests for additional time than would have been necessary if our initial time forecasts had been accepted. Adjustments to our plans or schedule were always made to respond specifically to our mandate from the Government and were communicated to and understood by the Government and officials in the Privy Council Office. As our investigation progressed we were able to move closer to the key centres of responsibility as we moved up the chain of command. Unfortunately, the Minister's decision of January 10, 1997 eliminated any possibility of pursuing this course to its logical conclusion and prevented us from expanding the focus from those who actually committed the deplorable acts in the field to those who were responsible before, during and after the Somalia mission throughout the full chain of command.

The Government's decision to cut off our hearings and impose a reporting date rendered it impossible for us to address comprehensively all the matters assigned to us under our original terms of reference. Applications were brought before the Federal Court Trial Division by John Edward Dixon (a potential witness whom we concluded could not be called because of time limitations) to challenge the legality of the Government's actions. In a decision rendered on March 27, 1997, Madam Justice Sandra J. Simpson ruled that the Government's actions were *ultra vires* and unlawful.

Essentially, her ruling meant that the Governor in Council would have two choices: to extend sufficient time to the Inquiry to complete the work set out in the terms of reference, or to revise the original terms of reference and, in so doing, limit what we would be required to cover in our report. On April 3, 1997, the Governor in Council issued another Order-in-Council recognizing "that the Commissioners will not be able to address all issues within their Mandate" (P.C. 1997-456). That Order-in-Council directed us to report on all paragraphs of our original terms of reference pertaining to the pre-deployment phase of the deployment of Canadian forces to Somalia. On all other matters, we were given discretion concerning the extent to which we would inquire and report within the imposed June 30, 1997 time frame, which was again confirmed.

This report, in compliance with that Order-in-Council, now addresses, in some sense, every paragraph of our original terms of reference. However, we have not been able to explore several important matters (notably, the March 16th torture death of Shidane Arone, the response of the upper echelons of National Defence Headquarters to the events of March 4th and March 16th, 1993, and allegations of high-level cover-up pertaining to those events) because of the curtailment of our mandate.

The decision to impose time constraints of the kind that have been forced upon us is without precedent in any previous Canadian inquiry of this magnitude. It has compromised our search for the truth. It will also inhibit or delay corrective actions to the system that allowed these events to occur in the first place.

The careful search for truth can be painstaking and, at times, frustrating. Public inquiries are equipped with the best tools our legal system can furnish for pursuing the truth, but even with access to significant procedural powers, the goal may prove elusive.

Even in the areas where we were able to conduct hearings -- on the predeployment phase of the mission and part of the in-theatre phase -- we were too often frustrated by the behaviour of witnesses whose credibility must be questioned. The power to compel testimony was our principal mechanism for determining what transpired in Somalia and at National Defence Headquarters. Some 116 witnesses offered their evidence to the Inquiry in open sessions that were televised across Canada.

We are cognizant of the institutional and peer pressure on witnesses appearing before us. Giving testimony before a public inquiry is a test of personal integrity that demands the moral courage to face reality and tell the truth. It also involves a readiness to be held to account and a willingness to accept the blame for one's own wrongdoing. Many soldiers, non-commissioned officers and officers have shown this kind of integrity. They have demonstrated courage and fidelity to duty, even where doing so required an acknowledgement of personal shortcomings or the expression of unwelcome criticism of the institution. These soldier-witnesses deserve society's respect and gratitude for contributing in this way to improving an institution they obviously cherish.

With regret, however, we must also record that on many occasions, the testimony of witnesses before us was characterized by inconsistency, improbability, implausibility, evasiveness, selective recollection, half truths, and even plain lies. Indeed, on some issues, we encountered what can only be described as a 'wall of silence'. When several witnesses behave in this manner, the wall of silence becomes a wall of calculated deception.

The proper functioning of an inquiry depends upon the truthfulness of witnesses under oath. Truthfulness under oath is the foundation of our system of justice. Some witnesses clearly flouted their oath.

Perhaps more troubling is the fact that many of the witnesses who displayed these shortcomings were officers, non-commissioned members (active or retired) or senior civil servants -- individuals sworn to respect and promote the values of leadership, courage, integrity, and accountability. For these individuals, undue loyalty to a regiment or the military institution or, even worse, naked self-interest, took precedence over honesty and integrity. By conducting themselves in this manner, these witnesses have also reneged on their duty to assist this Inquiry in its endeavours. In the case of officers, such conduct is a breach of the undertakings set out in their Commissioning Scroll.

Soldiers, even those of high rank, can become confused about where their ultimate loyalties reside. Loyalty to one's comrades is a high virtue. But in the larger scheme of things it must find its place among loyalty to the unit, regiment, the forces as a whole, and loyalty to one's country. Soldierly life in Canada's military is dedicated to preserving

and safeguarding the national interest and civil society under the rule of law. Accountability requires submission to law and legal authority. Soldiers who are called to account may wish to protect others or lash out in anger at those to whom they must account, but military decorum and duty require the stifling of these less worthy impulses. A higher standard of conduct than this is demanded. It was for this reason that we found so disturbing the spectacle put on before us by the Canadian military's highest serving officer, the acting Chief of the Defence Staff. His display of near-contemptuous behaviour, before an inquiry established by his government to examine problems in the very institution he serves and represents, was a shocking departure from appropriate standards. As we explained to him at the time of his testimony,* this kind of behaviour represents an affront to the rule of law which, after all, is the bulwark of democracy and democratic values. It strays far from the path of military ideals that are of concern to us in this report.

Our concern is not with the mere fact of contradictions in testimony. Even where all who testify speak the truth as they know it, contradictions can occur. Contradictions often relate to recollections of conversations that took place between or among people without the presence of other witnesses and without the benefit of notes. At the time, a particular conversation may have seemed unimportant. The passage of time may have driven its details from memory. We are not concerned with differences in recollection that simply reflect the frailty of human memory. We are concerned, however, with something darker than imprecision and contradiction, something closer to a pattern of evasion and deception.

This appearance, which in our view surrounded many of the senior officers who testified before us, reveals much about the poor state of leadership in our armed forces and the careerist mentality that prevails among many at the Department of National Defence. These senior people are part of an elite group in which soldiers and the general public place their trust and confidence. In responding as they have, many of these senior people have failed their subordinates and betrayed the public trust. Some of them will have retired by the time this report is made public. Those who remain in senior positions in the military should have their status reviewed.

We are well aware of recent private reports to the Minister of National Defence addressing issues of leadership and management in the Canadian Forces. Certainly, such studies and reports enhance the discussion. But no single study, especially one conducted behind closed doors, can detect the problems that pervade an organization such as the military and understand the organizational culture and myriad interpersonal and professional relationships within it. Only a full public examination of these issues, with an opportunity for members of the military to provide information and respond to criticism, could provide an in-depth assessment of the scope and magnitude of problems. Only a thorough analysis of the people, events and documentation involved could lead to a blueprint for meaningful change.

This Commission of Inquiry was established for that exact purpose. Its truncation leaves the Canadian public and the Canadian military with many questions still unanswered. In fact, the decision itself raises all kinds of new questions about responsibility and accountability.

Although we have raised concerns about the credibility of witnesses and leadership in the armed forces, it would be unfair to leave an overall impression that the mission to Somalia was a total failure. While we point out flaws in the system and shortfalls in leadership, we must acknowledge that many soldiers and commanders performed their duties with honour and integrity, even without direction from the helm. It is to the credit of these individuals and of the Canadian Forces that they were able to do so under such difficult circumstances.

The good work carried out by these members of the Canadian Forces is described in this report, and we believe that public recognition of their accomplishments is warranted. Accordingly, we support strongly the issuance of appropriate medals to Canadians who served so well during this troubled mission.

It is important to acknowledge the invaluable contribution that the Canadian Forces has made and continue to make on Canada's behalf. Thousands of soldiers have performed difficult and often dangerous tasks in pursuit of the nation's goals. Most often their dedication, selflessness and professionalism have been taken for granted, because these qualities were always assumed to be the norm. This is in part what made the events that are the subject of our mandate so unpalatable. It is the sharp contrast between those events and the accustomed performance of our military that elicited reactions of alarm, outrage and deep sadness among many Canadians. In the end, we are hopeful that our Inquiry will yield corrective measures to help restore the Canadian Forces to the position of honour it has held for so long.

As documented in this report, the disclosure of relevant documents by the Department of National Defence to this Inquiry was often a seriously flawed and deficient process. During our mandate, we attempted to make available as many documents as possible for public reference. It is our hope that concerned Canadians will continue to study those documents and will use our report to guide them in their search for the truth about the actions and events associated with the deployment of Canadian military personnel to Somalia.

* See testimony of VAdm Murray, Transcripts of Evidentiary Hearings, volume 153, pp. 31281-31283.

INTRODUCTION

In the spring, summer, and fall of 1992, the United Nations, concerned about the breakdown of national government in Somalia and the spectre of famine there, sought international help to restore some semblance of law and order in Somalia and feed its starving citizens. Canada, among other nations, was asked to help. After months of planning and training, and after a change in the nature of the United Nations mission from a peacekeeping mission to a peace enforcement mission, Canadian Forces personnel, as part of a coalition of forces led by the United States, were deployed for service to Somalia, mainly in December 1992. Many of the Canadian personnel involved in the deployment belonged to the Canadian Airborne Regiment Battle Group, itself made up largely of soldiers from the Canadian Airborne Regiment (a paratroop

battalion), with other army personnel added to it, including A Squadron, an armoured car squadron from the Royal Canadian Dragoons, a mortar platoon from 1st Battalion, The Royal Canadian Regiment, and an engineer squadron from 2 Combat Engineer Regiment.

On the night of March 16-17, 1993, near the city of Belet Huen, Somalia, soldiers of the Canadian Airborne Regiment beat to death a bound 16-year-old Somali youth, Shidane Arone. Canadians were shocked, and they began to ask hard questions. How could Canadian soldiers beat to death a young man held in their custody? Was the Canadian Airborne Regiment suitable or operationally ready to go to Somalia? Was racism a factor in improper conduct within the Regiment? Before long, Canadian media began to publicize accounts of other incidents involving questionable conduct by Canadian soldiers in Somalia. Major Barry Armstrong, surgeon to the Canadian Airborne Regiment, acting in fulfilment of his military duties, alleged that an earlier incident on March 4, 1993, where an intruder was shot dead and another was wounded by Canadian Airborne soldiers, appeared to have been an execution-style killing. And so, other questions arose: Were incidents in Somalia covered up and, if so, how far up the chain of command did the cover-up extend? Did the Canadian Forces and the Department of National Defence respond appropriately to the allegations of cover-up? And perhaps most problematic of all, were the mistreatment of Shidane Arone and other incidents of misconduct caused by a few "bad apples", or were they symptomatic of deeper institutional problems in the Canadian military at the time -- problems relating to command and control, accountability, leadership, or training? If so, did these problems still exist?

The Canadian Forces responded in many ways to the death of Shidane Arone and other incidents that occurred in Somalia. Several courts martial, arising mostly though not exclusively from misconduct relating to the death of Shidane Arone, were launched and concluded. A court martial trial began against Master Corporal Clayton Matchee, the person who allegedly beat Shidane Arone to death. The trial did not proceed, however, because injuries resulting from an apparent suicide attempt rendered MCpl Matchee unfit to stand trial. The most prominent court martial was arguably that of Private Kyle Brown, who was convicted of manslaughter and torture in the death of Mr. Arone. In some cases, appeals of the courts martial arising from the Somalia operation were launched. Other individuals involved suffered sanctions less severe than imprisonment upon conviction.

But perhaps more important, the Canadian Forces recognized the need for additional measures to respond to public concern about what happened in Somalia. Accordingly, the Chief of the Defence Staff of the Canadian Forces appointed an internal board of inquiry under section 45 of the *National Defence Act* to look into issues arising from the Somalia operation. The board conducted the first phase of its work from April to July 1993. The board's final report made several recommendations for change. However, its terms of reference were restricted in two ways. First, to avoid challenges to its jurisdiction under the *Canadian Charter of Rights and Freedoms*, it was essentially precluded from looking into incidents that could give rise to court martial proceedings. As its terms of reference said, "[n]o inquiry shall be made into any allegation of conduct that would be a service offence under the *National Defence Act*, and in particular any *Criminal Code* offence, that has resulted in the laying of a charge, the arrest of a person or the ordering of a military police investigation."¹ Second, its focus was on issues such as leadership and

discipline relating to the CARBG, which included the antecedents of the CARBG in Canada and higher headquarters in Somalia before and during its deployment there.² Thus, it had no authority to look into the actions or omissions of persons at the highest levels of the chain of command within the Canadian Forces. As well, the hearings were not open to the public. It was intended that there would be a second phase of the inquiry to address issues not addressed in its first phase.³

Critics argued that an open inquiry was needed to get to the truth of what happened and why. Representatives of the Liberal Party of Canada, the official opposition at the time the board of inquiry was established, argued for an open public inquiry under the *National Defence Act*.⁴ When the Liberals gained power after the 1993 federal election, they continued to express this view.⁵ However, as more revelations suggesting possible cover-up and other disclosures were made, the Government eventually decided to establish a public inquiry independent of the military that would have the power to subpoena witnesses not belonging to the military. As a result, on March 20, 1995, this Commission of Inquiry, governed by the federal *Inquiries Act*, was created.⁶ The act sets out the statutory powers and responsibilities of inquiries, generally giving us broad powers to summon and enforce the attendance of witnesses and to require the production of documents.⁷

APPROACH OF THE INQUIRY

Our Inquiry carried out its work under three closely interrelated components, each assigned a specific task. The three prongs were investigation, research, and hearings. The work was allocated among these three areas to ensure that the results of their efforts, when combined, would address in full each and every aspect of the terms of reference.

Our Investigative Team methodically sought factual evidence by studying over 150,000 documents and interviewing hundreds of potential witnesses in a relentless search for the truth. In parallel, our Research Team carried out an exhaustive comparative assessment of rules and policies affecting military operations and decision making. The third component of our approach, the part that was most visible to the public, was our hearings.

The hearings were divided into two parts: policy hearings and evidentiary hearings. Following procedural hearings on May 24, 1995, we held policy hearings during the week of June 19, 1995, at which the parties and the Department of National Defence (DND) presented policy submissions on a number of issues. Those hearings were limited strictly to receiving evidence on policy issues necessary to enable the Commission of Inquiry to clarify its mandate. The purpose of the evidentiary hearings was to elicit and probe litigious facts or those that could be established only through testimonial evidence. They commenced on October 2, 1995, beginning with hearings on the pre-deployment phase of the Somalia mission. Extensive hearings on the in-theatre phase of the deployment commenced on April 1, 1996. An unanticipated phase of the hearings, commenced on April 15, 1996, related to difficulties we had experienced in obtaining documents from DND and its Directorate General of Public Affairs (DGPA). This phase lasted more than five months, with many witnesses testifying on matters related to the handling of documents within DND, the CF and the DGPA. As a result of the Government's decision to order the early termination of the Commission of Inquiry,⁸ it

was not possible to complete our hearings on some of the events and actions in theatre and on some of the issues arising in the post-deployment phase. Nevertheless, we are confident that during our mandate we heard and reviewed sufficient testimonial and documentary evidence on a comparative basis to enable us to address the institutional and systemic problems we were asked to investigate in our terms of reference.

INTERPRETATION OF THE TERMS OF REFERENCE

The scope of a public inquiry is determined by its terms of reference, and ours were detailed and complex.⁹ Essentially, they required us to examine several major matters, such as the chain of command as it applied to the Somalia operation, and the leadership shown before, during and after the Somalia operation. The terms of reference were divided into two parts. The first part contained a broad opening paragraph, generally requiring us to inquire into and report on the chain of command system, leadership within the chain of command, discipline, operations, actions and decisions of the Canadian Forces, and actions and decisions of the Department of National Defence in respect of the Somalia operation. The terms of reference stated clearly that our investigation need not be limited to the details and issues set out in subsequent paragraphs.

The second part required us to look at specific matters relating to the pre-deployment, in-theatre, and post-theatre phases of the Somalia operation. Specific pre-deployment issues (before January 10, 1993) included the suitability of the Canadian Airborne Regiment for service in Somalia; the operational readiness of the Canadian Airborne Regiment Battle Group for its missions and tasks before deployment; and the state of discipline within the Canadian Airborne Regiment. In-theatre issues (January 10, 1993 to June 10, 1993) included the missions and tasks of Canadian Joint Task Force Somalia and the suitability of the composition and organization of the Task Force for its missions and tasks; the extent, if any, to which cultural differences affected the conduct of operations; the attitude of all rank levels toward the lawful conduct of operations; and the manner in which the Task Force conducted its mission and tasks in theatre and responded to the operational, disciplinary and administrative problems encountered, including allegations of cover-up and destruction of evidence. Post-deployment issues (June 11, 1993 to November 28, 1993) were to address the manner in which the chain of command of the Canadian Forces responded to the operational, disciplinary, and administrative problems arising from the deployment.

The terms of reference of this Inquiry obliged us to conduct an examination of the joint structure, planning and execution of the Somalia operation by the Canadian Forces and the Department of National Defence. We reviewed the military's actions and decisions (including those of the Department of National Defence) to determine whether structural and organizational deficiencies lay behind the controversial incidents involving Canadian soldiers in Somalia. We also reviewed the institutional reaction and response to these incidents. Our mandate includes proposing appropriate corrective measures for future missions. The Inquiry was not intended to be a trial, or a retrial of any trial previously held, although our hearings did include an examination of the institutional causes of and responses to incidents that previously resulted in the charge and trial of individuals. In the same way, the Inquiry was not an examination or re-examination of the issue of compensation for the victims. Hence, the Inquiry's primary focus was the organization

and management of the Canadian Forces and the Department of National Defence, as well as institutional and systemic issues, rather than the individuals who constitute them. However, this focus inevitably required us to examine the actions of the chain of command and the manner in which leadership was exercised. Nevertheless, we refrain in this report from making findings of individual misconduct, save as regards the pre-deployment phase and on the issue of disclosure of documents by the Department of National Defence and the Canadian Forces and the events involving the Directorate General of Public Affairs.

Our mandate thus required us to consider several fundamental institutional issues. How is accountability defined, determined and exercised in the chain of command of the Canadian Forces? Were reporting procedures adequate and properly followed so as to enable the flow of information within the chain of command and the adoption of appropriate corrective measures when required? Did actions taken and decisions made in relation to the Somalia operation reflect effective leadership or failures in leadership? To determine this, we intended originally to examine the decisions and conduct not only of officers and non-commissioned officers in the Canadian Forces, but also of top civilian staff at National Defence Headquarters, including the Deputy Minister of National Defence. We have been able to cover the vast majority of issues assigned to us under the terms of reference. However, because of the Government's decision to terminate the Inquiry, we were unable to carry out this intention with regard to the upper echelons, the allegations of cover-up, and the extent of their involvement in the post-deployment phase.

We were obliged to consider whether the correct criteria were applied to determine whether Canada should have committed troops to Somalia in the first place and whether the mission and tasks of the Canadian Forces and the rules of engagement governing their conduct in theatre were adequately defined, communicated and understood. It was also necessary, given the disciplinary and organizational problems that became apparent in the Canadian Airborne Regiment at relevant times, to assess the extent to which senior military leaders advised or should have advised the Minister of National Defence, through the chain of command, about the true state of readiness of the Canadian Airborne Regiment to participate in the mission. In the circumstances, we had also intended to address the scope of the responsibility and duty of the Deputy Minister of National Defence to keep the Minister of National Defence informed of significant events or incidents occurring in theatre and the extent to which these responsibilities and duties were carried out. Further, we had intended to examine in detail the duties and responsibilities of the political and civilian leadership at the ministerial level, including the scope of the duties and responsibilities of the Minister of National Defence at the time of the in-theatre activities, the Hon. Kim Campbell, and whether she was being kept accurately informed of problems occurring during the Somalia operation. In examining this broad issue, we had determined the importance of considering both the nature and the scope of the duties and responsibilities of the ministerial staff to keep the minister appropriately informed as well as the duty and responsibility of the deputy minister to organize the department in such a way as to ensure that information appropriate and necessary to its proper functioning was conveyed and received. Finally, where we

identified failures to fulfill necessary duties or convey appropriate information, we addressed the nature and scope of appropriate accountability for such failures.

In short, we interpreted our mandate reasonably and limited it to the issues set out in the terms of reference, which themselves were quite broad. We would not examine issues that appeared to us to fall outside our mandate. Some parties asked us to interpret our mandate to cover two issues that, while undoubtedly relevant in examining the effectiveness of the Canadian military, appeared to us to fall outside the terms of reference: the issue of the disbandment of the Canadian Airborne Regiment, and the issue of racism in the Canadian Forces generally. We ruled that the disbandment of the Regiment fell outside the scope of our mandate. An investigation of racism in the Canadian Forces would have required us to examine racist organizations throughout Canada and allegations of racist conduct in all units of the Canadian military. In our view, the terms of reference did not authorize such a broad inquiry, although we were prepared to examine aspects of racism that may have affected the Canadian Airborne Regiment Battle Group or that conceivably had an impact on the deployment. Nonetheless, we asserted that we would call any evidence that would do justice to issues falling within the terms of reference.¹⁰ Thus, we concluded that the terms of reference would permit us to inquire into racist conduct, insofar as it reflected systemic problems within the Canadian military, such as inadequate screening of recruits or inadequate training.

OUR METHODOLOGY

At the outset, we recognized that if we were to obtain all relevant facts, we would have to create a positive environment that would foster co-operation between the Canadian Forces members involved in the Somalia deployment and the Inquiry. Concerned that soldiers who wished to testify might feel intimidated and keep silent out of fear that testifying or co-operating might jeopardize their careers or promotions, we announced that we would take steps to monitor the career progress of any soldier who wished to testify. We paid particular attention to the case of Cpl Michel Purnelle, who was court-martialled after publishing a book critical of leadership in the Canadian Forces. Cpl Purnelle testified before us and was a credible witness who is to be commended for the example he set for other soldiers and for the assistance he rendered to the Inquiry. We were involved in his case at numerous junctures and made public statements with respect to actions taken against him. In particular, we intervened actively in an attempt by military authorities to prevent him from bringing important evidence to the Inquiry. We had several meetings with DND officials regarding the propriety of actions taken with respect to Cpl Purnelle and have continued to monitor his progress.

As well, we were determined to penetrate any wall of silence that might be erected around the Somalia operation. Accordingly, in 1995 and 1996 we visited many of the soldiers who served with the Canadian Airborne Regiment during the deployment in locations across the country --Petawawa, Ontario, Valcartier, Quebec, Winnipeg, Manitoba, and Calgary and Edmonton, Alberta. We talked to them in groups and in one-on-one sessions. We were initially optimistic that these efforts had succeeded in breaking down any barrier of mistrust that might have existed, but as events unfolded and witnesses appeared, that optimism began to wane. Nonetheless, the visits did prove

useful and, in some cases, helped us obtain new information and a better understanding of the deployment.

SOURCES OF INFORMATION AND ASCERTAINING THE FACTS

The facts and information in this report came to us from a variety of sources. We ordered the production of relevant documents from the Department of National Defence, the Department of Foreign Affairs and International Trade (formerly the Department of External Affairs) and the Privy Council Office.¹¹ At the Department of National Defence, the Somalia Inquiry Liaison Team (SILT) was created to collect and send documents, videos, and other information sought by the Inquiry. More than 150,000 documents were received from these departments, all of which were painstakingly categorized by the Inquiry's staff according to relevance and issue.

Recognizing that the reconstruction of what happened in Somalia would require full disclosure by DND and the rest of the government of all relevant material, we issued an order on April 21, 1995 for the production of all such documents. Initial estimates from SILT were that some 7,000 documents were likely involved and subject to disclosure. SILT representatives made a convincing case that great efficiencies would be associated with computer-scanning all such material and making it available in electronic form. What transpired after we agreed to this procedure was totally unexpected and painted a most unflattering picture of SILT officials.

DND's faulty scanning and transmission process placed an enormous burden on us to reconstruct files. All documents that were maintained collectively in subject-matter files at DND were scanned into individual file folders, effectively destroying the structural integrity of the DND file system by obscuring the subject-matter relationship between and among documents. This was tantamount to handing over pieces of a jigsaw puzzle to the Inquiry. This process was merely the first chapter in a saga of failure.

Document disclosure never came to formal closure throughout the life of the Inquiry. Disclosure took the form of a slow trickle of information rather than an efficient handing over of material. Key documents were missing, destroyed, or even altered. Many documents we requested were not forthcoming, and some of them came to our attention only by happenstance, such as when they were uncovered by a third-party Access to Information request. Some key documents were disclosed officially only after their existence was confirmed before the Inquiry by third parties. Representatives from SILT were reminded constantly of the slow pace and incomplete nature of DND disclosure. Following numerous meetings on the document transmittal process and private meetings with SILT officials at which we expressed frustration with the process, there were still no results. Finally, faced with an attempt to destroy Somalia-related documents, missing and destroyed field logs, and a missing National Defence Operations Centre computer hard drive, we were compelled to embark on the 'DPGA/document disclosure' phase of our investigation and to address the issue of compliance with our orders for production (see Volume 5, Chapter 39 for further details).

Many of the documents that were made available were filed as exhibits. Documents researched included the report of the internal board of inquiry, consisting of 11 volumes of documentation, the response of the Chief of the Defence Staff to the board's

recommendations;¹² the transcripts of the courts martial of those prosecuted as a result of alleged misconduct in Somalia; Canadian and other military manuals and policy documents; and literature on the Canadian military and United Nations peacekeeping and peacemaking missions.

The analysis in this report is based on testimony and submissions made by all parties at our hearings, the documents and other material entered as exhibits at the hearings, authoritative articles and books, material collected from conferences attended by Inquiry staff and consultants on relevant topics, papers written and other information provided by special consultants to the Inquiry, and original research and analysis conducted by our own research staff.

Research staff and technical advisers also travelled to points in Canada and abroad to obtain comprehensive information on relevant issues. For example, in the United States, they visited the Pentagon in Washington, D.C., and obtained information about the structure and doctrine of relevant aspects of the U.S. military, such as the role of the Inspector General in their armed forces. In March 1996 the Chairman, Commission Secretary and Director of Research travelled to London, England for meetings with the British Judge Advocate General and other senior military officials. In December 1996 the Director of Research met with senior Australian military officials. A conference sponsored by the United Nations focusing on the lessons learned from the Somalia mission was also attended by a member of our research staff.

In Canada, members of the research staff, technical advisers and consultants visited sites such as the Department of National Defence's Directorate of History in Ottawa, the Canadian Forces Base at Camp Borden, Ontario, and Royal Military College at Kingston, Ontario. The co-operation of members of the military who assisted Inquiry personnel on these visits was outstanding. Research staff also contacted numerous military personnel and independent experts and consultants for information on such issues as military ethics, training, and leadership. Experts and consultants also attended the Inquiry's premises to provide background information on major issues: for example, in October 1995, Professor Jarat Chopra of Brown University discussed "The Changing Nature of Peacekeeping: Missions to Somalia".

FAIRNESS OF THE INQUIRY'S PROCEDURES

Rules of Practice and Procedure

Early on, we established rules of practice and procedure to govern our proceedings. These rules were designed to ensure that persons appearing as parties were treated in a fair and just manner in accordance with due process. On May 24, 1995, we held initial hearings to determine whether certain persons or organizations should be given full or limited standing before the Inquiry. We also considered and disposed of a number of subsequent applications. A list of parties granted standing is found in Appendix 2. Parties given full standing, in addition to being able to file written submissions, were allowed to examine or cross-examine witnesses and make oral submissions subject to terms set by the Inquiry. Parties with limited standing were allowed to make written submissions and, with the permission of the Inquiry, to make oral submissions after the filing of their written statements. If a party believed that a person not called by Commission counsel

could provide relevant evidence, the party could apply in writing for an order that the witness be called to testify. Also, a party could, on written application, be authorized to call a witness. In effect, our procedures were created to ensure that all relevant witnesses were identified and their evidence advanced if it might assist us to carry out our mandate. As well, counsel for parties with full standing had broad powers of cross-examination.¹³ To prevent the Inquiry from becoming adversarial, we decided that all witnesses would first be examined in chief by Commission counsel. Counsel for parties or witnesses had the right to conduct a supplementary examination of their client after Commission counsel and a right of re-examination after cross-examination. To allot the time allowed for examination and cross-examination by parties, a rule of thumb was adopted: the total time allocated to all parties for questioning witnesses was to be equal to the time taken by Commission counsel to conduct the examination in chief.

In the latter phases of our hearings, we had the unfortunate task of issuing rulings denying the requests of various individuals to be heard. Under the time constraints imposed on the Inquiry, we were unable to accommodate such individuals because of our inability to explore the issues on which they wished to testify.

Key rulings of the Inquiry are reproduced in Appendix 3. Later in this chapter, we elaborate on the contents of some of our rulings.

Notices Under Section 13 of the *Inquiries Act*

The powers conferred by the *Inquiries Act*, such as the power to subpoena witnesses and obtain documents, were tempered by our commitment to fairness. A key rule of fairness is prescribed in section 13 of the *Inquiries Act*:

No report shall be made against any person until reasonable notice has been given to the person of the charge of misconduct alleged against him and the person has been allowed full opportunity to be heard in person or by counsel.¹⁴

We rejected a narrow interpretation of this provision, that is, that a "charge of misconduct" involved only misconduct of such a nature as to attract a criminal charge.¹⁵ Analyzing the law in this area, we decided that a "charge of misconduct" should be defined more broadly. Thus, we gave section 13 notices to all persons in relation to whom an allegation or finding had been or might be made that could reasonably bring discredit upon that person. In this way, the protections afforded by section 13 were made widely available, thereby ensuring a more effective commitment to fair process throughout the course of this Inquiry.

Section 13 of the *Inquiries Act* exists to provide procedural fairness to affected individuals. With this in mind we were determined to provide notification as early in our process as possible to individuals with regard to whom we expected allegations of misconduct to be made. For this reason notices affecting the pre-deployment phase of our proceedings were sent out in September 1995. Similarly, notices with regard to other phases of our hearings were sent to affected individuals at the first reasonable opportunity after we assessed the evidence we anticipated receiving in that phase.

The advantages of early receipt of section 13 notices are considerable. The affected individuals knew the nature of their jeopardy and were therefore able to examine and

cross-examine witnesses with this reality in mind. Also, notice recipients were called to testify before the Inquiry and could prepare for their testimony in light of knowledge of Commissioners' concerns about their actions and conduct.

The Government's decision to curtail our Inquiry resulted in the truncation of the in-theatre phase of the hearings and necessitated a decision to withdraw the section 13 notices sent out in relation to that phase. However, the DPGA/document disclosure and pre-deployment phases were self-contained and did not require this drastic step. In January 1997 we sent a letter to each section 13 recipient providing greater particularization and further specification of the allegations contained in the notices sent to them previously. We then reserved time in the final days of our hearings (the order in council curtailing the Inquiry obliged us to end our hearings "on or about March 31, 1997") for section 13 recipients to call witnesses to answer or rebut the allegations in their notices.

Section 13 recipients were also accorded substantial rights to file affidavit evidence and make written or oral submissions to Commissioners at the conclusion of our proceedings.

Finally, as a matter of fairness and to protect the reputations of the individuals involved, we ensured that the contents of section 13 notices would remain confidential until they were addressed in our final report or filed with the Inquiry by the recipient for the purpose of examining or cross-examining witnesses as to their contents. We also kept confidential the names of the recipients of such notices and invited them to protect such confidentiality.

Rulings and Formal Statements

In preparation for our hearings, and throughout the course of the investigation, it was necessary to make rulings on matters of procedure and various motions put before us. On August 3, 1995 we issued a detailed interpretation of our terms of reference as well as a statement on the role of Commission counsel. Copies of these and related documents can be found in Appendix 3.

On May 24, 1995 we issued a document on rules of practice and procedure that dealt with a number of procedural issues, including the requirements for standing, procedural, and public hearings; provisions for the calling of witnesses; a definition of "documentary evidence"; the requirements for written submissions; and conditions relating to media coverage of hearings. During April and May 1995, we issued orders for the production of documents to the Minister of National Defence, the Minister of Foreign Affairs and the Clerk of the Privy Council. Orders were also issued at various times to give individuals standing before the Inquiry.

A different example of an order was that of June 12, 1995, which contained reasons for our decision respecting an objection by counsel for the Government of Canada to the filing of an unedited version of the proceedings of the internal board of inquiry appointed by the Chief of the Defence Staff to investigate the leadership, discipline, operations, actions, and procedures of the Canadian Airborne Regiment Battle Group. The objection was made on the basis of counsel's argument that some of the information in that report related to national security or that the release of certain information could affect Canada's good international relations. Our terms of reference require that matters relating to

national security be heard *in camera* and kept confidential. In the end, considering arguments relating to the balance between the need for secrecy and the public's right to know, we adopted the test enunciated in section 38 of the *Canada Evidence Act* and developed by the Federal Court of Appeal in *Goguen v. Gibson*: A document will not be disclosed to the public if disclosure would likely be injurious to national security or international relations and if such injury would outweigh the importance and benefit of the disclosure to the public in the inquiry proceedings.¹⁶ Applying those principles, we ruled that certain information contained in the report of the board of inquiry would be severed from the documents to be filed.

It was also necessary to rule on a motion for disclosure of the transcript or tapes of Military Police witness interviews that formed the basis of Military Police Report Summaries filed at our hearings. This request was based on a claim of procedural fairness, and we took into consideration the fact that this was an investigation, not a civil or criminal trial. In the end, we granted the applicant's motion for disclosure.

Most challenging were rulings regarding individuals who received section 13 notices. Any individual who received such a notice faced the possibility of adverse findings regarding his or her conduct. On November 30, 1995 we issued a ruling dismissing a motion from counsel for LCol(Retired) Carol Mathieu to adjourn the Inquiry's proceedings and to declare that the representatives of the Department of National Defence, the Canadian Forces, the Government of Canada, and the Attorney General of Canada at the Inquiry were in a conflict of interest to the prejudice of the applicant.

On April 19, 1996, we considered a motion put forward by counsel for BGen Ernest B. Beno that sought either to disqualify the Chairperson of the Inquiry from continuing to act as a Commissioner for this Inquiry, on the grounds that his conduct with respect to the applicant created a "real apprehension of bias", or, alternatively, from participating in any way in the making of adverse findings with respect to BGen Beno. The applicant's concerns arose over questions and statements perceived to demonstrate "unfairness" toward the witness, both inside and outside the hearings. We considered the legal arguments and, in the end, dismissed the motion on the grounds that any findings to be made would be based solely and scrupulously on the evidence formally disclosed to the participants and received in our hearings, and that all findings and conclusions would be collective, that is, those of all Commissioners together. The applicant sought judicial review of our decision in the Federal Court Trial Division, which on February 20, 1997 upheld the claim of bias and prohibited the Inquiry Chairperson from participating in any discussions or decisions regarding matters of conduct where BGen Beno was involved. We immediately filed an appeal of that decision, believing that the facts did not support it, that the reasons for decision rested on an assumption of standards of conduct for a judge during a trial, and that those standards should not be applied to a Commissioner acting as an investigator in a hearing that is not a civil or criminal trial. On May 2, 1997, the Federal Court of Appeal, in a unanimous decision, quashed the decision of the Trial Division and concluded that there was no evidence of bias and no reasonable apprehension of bias on the part of the Chairman.

In addition to dealing with a variety of motions, we issued formal statements from time to time to clarify certain matters. These included opening statements at the commencement

of each phase of the hearings, comments on our investigation into the integrity of documents made available to us, and a statement on a letter sent by counsel for the Government regarding legal and ethical standards for all counsel contacting members of the military.¹⁷

We issued formal statements at a press conference following the January 10, 1997 decision to cut short our hearings, at which time each of us expressed concerns about the implications of such a decision, but reaffirmed our individual and collective commitment to stay on in pursuit of the truth. That was, after all, the only goal we had set for ourselves -- to seek the truth on behalf of Canadians. The impact of the Government's decision to cut short the Inquiry is discussed more fully in Volume 5, Chapter 42. Our hope is that the report sheds additional light on what actually transpired in Somalia, and that implementation of our recommendations will help to prevent such events from recurring.

Structure and Organization of the Report

This section explains, in broad outline, how this report is organized and presented. The report consists of five volumes and an executive summary.

Executive Summary

The executive summary contains a brief summary of the facts and issues and sets out our major recommendations. Its purpose is to give readers an overview of the major points found in the chapters on context and narrative (Volume 1) and analysis and recommendations (Volumes 2 through 5).

Volume 1

The preface in this volume sets the tone and introduces the challenges we faced in the Inquiry. This is followed by a discussion of the major themes and principles stemming from the terms of reference and significantly affecting our approach. These issues include leadership, the chain of command, discipline, mission planning, personnel selection and training, personnel suitability and cohesiveness, rules of engagement, operational readiness, cover-up, disclosure of information, military justice and accountability. These topics and themes appear throughout the report and form an integral part of our analysis and recommendations. At the beginning of our report, we explain the broad principles underlying these concepts and demonstrate the linkages between and among them.

Then we describe our approach to the Inquiry, how we interpreted the terms of reference, the methodology used to conduct our investigation, and various rulings and formal statements rendered during the course of the Inquiry.

The bulk of Volume 1 consists of nine chapters describing the background to the Inquiry and our report. It describes things as they were at the time of the Somalia mission. It is not intended to be interpretive or to pass judgement. Rather it presents our research on the military, legal, and cultural factors that defined Canada's participation in the mission during 1992 and 1993. Its purpose is to give readers a basic familiarity with the nature and organization of the Canadian military and the role of the military in society. Thus, it provides a context for understanding our detailed analysis of the issues raised in the terms of reference.

The volume concludes with three chapters describing what happened before Canadian troops were deployed to Somalia, during the deployment, and after they arrived home. It describes the events and actions that define the issues and points to areas where we believe an investigation of the facts is warranted. This part of the report points out where we suspect systemic problems exist, whereas volumes 2 through 5 provide an analysis of those suspicions. These three chapters are thus a detailed narrative summary of the events, actions and decisions relating to the Somalia operation. All controversial or disputed facts are noted there.

Volumes 2 through 5:

Analysis, Findings, and Recommendations

This is where we present our findings. We explore the events described in Volume 1 to reach conclusions about what happened during the mission and to make recommendations. For each of our key themes, we describe the standards and norms (what should have been expected), identify the variances detected (the concerns flagged in our narrative of events), and draw findings from that analysis. Recommendations follow the findings, and these appear again at the end of the report and in the executive summary.

Our analysis and findings are presented in volumes 2 through 5. Volume 3 is devoted to a case study of the mission planning process for the Somalia deployment. Volume 4 is devoted to our findings with respect to individual misconduct on the part of those officers of the Canadian Forces who received section 13 notices for the pre-deployment period of the mission and as regards the DPGA/document disclosure phase. Volume 5 contains additional findings on several important topics, including a thorough analysis of the incident of March 4, 1993 and its aftermath, and a detailed assessment of the military justice system, with recommendations for extensive change. In the same volume we spell out the implications of the government decision to truncate our Inquiry in midstream, and what else we could have accomplished with sufficient time. Volume 5 also contains a summary of our recommendations and appendices to the report.

The Appendices

The appendices contain important material relating to the operations and the content of the Inquiry, for example, our rules and procedures; and our terms of reference as contrasted with those of the internal board of inquiry appointed by the Chief of the Defence Staff. The appendices contain various lists covering administrative and procedural matters. These include names of staff, advisers and consultants, and lists of persons and organizations with standing. In addition we provide copies of Commissioners' rulings, lists of witnesses appearing before the Commissioners, the names of research studies undertaken by external consultants, a description of background briefings and seminars attended by Commissioners and staff, and a list of acronyms and abbreviations used in the report.

NOTES

1. See Board of Inquiry, Canadian Airborne Regiment Battle Group, Phase I, vol. XI (1993), exhibit p. 20.11, Terms of Reference: Board of Inquiry, as amended on 9

- July 1993, Appendix 1 to Appendix A to the Statement by the Board, p. 3237 (hereafter, Board of Inquiry, CARBG). A copy of this document is provided in Appendix 1 to this Report.
2. Board of Inquiry, CARBG, pp. 3236-3237.
 3. Board of Inquiry, CARBG, p. 3237.
 4. See, for example, House of Commons, *Debates*, April 29, 1993, p. 12863 (Mr. David Dingwall).
 5. Originally, the former minister of National Defence, David Collenette, believed that a public inquiry, headed by a civilian, should be held under the auspices of the *National Defence Act*. See House of Commons, *Debates*, November 17, 1994, p. 7931.
 6. Order-in-Council, P.C. 1995-442, March 20, 1995, a copy of which appears in Appendix 1. Initially, the Hon. Gilles Létourneau, Peter Desbarats and Anne-Marie Doyle were appointed commissioners. Ms. Doyle was later replaced by Mr. Justice Robert Rutherford. See Order-in-Council P.C. 1995-614, April 23, 1995, a copy of which appears in Appendix 1.
 7. *Inquiries Act*, R.S.C. 1985, chapter I-11, sections 4 and 5.
 8. Our evidentiary hearings concluded on March 19, 1997. In all, we heard from 116 witnesses.
 9. For the complete details of the terms of reference, see Order-in-Council P.C. 1995-442 (Appendix 1).
 10. See Commission of Inquiry into the Deployment of Canadian Troops to Somalia, "Statement on the Terms of Reference" (August 3, 1995), p. 13 (a copy of which is provided in Appendix 3): In investigating racism to the extent that our terms allow, the Commission will of necessity be required to investigate aspects of military operations possessing systemic dimensions and implications. Issues such as training and screening involve factual inquiries that lead beyond the narrow confines of any single regiment or unit and may require our analyzing various operations, procedures...that may have system-wide application.... Although the Commission is not in a position to embark on an exploration of the state of racism and human rights violations in the Canadian Forces in general, it is quite prepared to call and examine evidence for the purpose of doing justice to such issues as validly fall within its Terms of Reference.
 11. See Exhibits P-6, P-7, and P-8.
 12. This report was introduced as an exhibit subject to material ordered severed, among other things, to protect national security and to avoid prejudice to international relations. See Board of Inquiry, CARBG, vols. I-XII (July 19, 1993), Exhibit P-20; and Commission of Inquiry into the Deployment of Canadian Forces to Somalia, Order for Severance, June 12, 1995.
 13. "Commission of Inquiry into the Deployment of Canadian Forces to Somalia Rules", Exhibit P-5, a copy of which is provided in Appendix 3.
 14. *Inquiries Act*, section 13.

15. See Commission of Inquiry into the Air Ontario Crash at Dryden, Ontario, Final Report, vol.III (Minister of Supply and Services: 1993), p. 1194, where Commissioner Moshansky interpreted a "charge of misconduct" under section 13 of the *Inquiries Act* in this manner. However, out of an abundance of caution, he instructed commission counsel to give notice to all persons against whom comment might be made in the final report that could be considered adverse in nature.
16. [1983] 2 F.C. 463 (Fed C.A.).
17. Our concern was that the letter left an unfortunate impression that no contact could be made with any individual without prior notification to and approval of counsel for the Government. Upon clarification from another counsel for the Government, we advised counsel for all parties that the Government did not intend to prevent any initial contacts with potential witnesses, and that initial contact was permissible so long as any individual so contacted was advised of the availability of Government counsel before being interviewed.

THEMES

In this chapter we introduce the major themes that are central to our terms of reference and thus merit substantial attention in our account of what transpired in the desert in Somalia and across the boardroom tables of National Defence Headquarters in Ottawa. These themes are as follows:

- leadership
- accountability
- chain of command
- discipline
- mission planning
- suitability
- training
- rules of engagement
- operational readiness
- cover-up
- disclosure of documents
- military justice

Even a casual reading of our terms of reference reveals that two of these concepts are pre-eminent and central to our investigation and must therefore infuse this report: **leadership** and **accountability**.

These may appear to be easily understood concepts. In truth, the surface simplicity of these twin pillars can be a beguiling trap for the unwary. Like much that is profound, apparent simplicity can mask deceptive depth and texture. Take leadership, for example.

Can we address the definition of leadership in the armed forces in the way that U.S. Supreme Court Justice Potter Stewart attempted to deal with the vexing question of defining obscenity by concluding, "I know it when I see it."¹ We think not.

LEADERSHIP

Leadership, while difficult to define, is capable of articulation. Indeed, we address leadership in detail in Volume 2, Chapter 15 of this report. Leadership, as we make clear, encompasses, at least in part, certain qualities that enable the person possessing them to lead others in the accomplishment of an assigned mission or task -- one that requires harnessing the talents and energies of all for its successful completion. Leadership is essential to the exercise of command in the armed forces. Occupying a position of authority does not make an individual a leader. Leadership includes not merely authority but also the ability to lead others. It has been described by the legendary Canadian military leader, Gen Jacques Dextraze, as "the art of influencing others to do willingly what is required in order to achieve an aim or goal." General Dextraze listed such qualities of leadership as self-sacrifice, loyalty, integrity and courage, and we do not quarrel with his list. Others add to or refine such formulations, but the core that constitutes real leadership is irreducible.

There is little doubt that military leaders occupy a position of trust with regard to their troops -- leaders must care about their troops, and their first thoughts must be for their troops' welfare. Military men and women subscribe to a cause that insists upon their unlimited liability, and thus it is incumbent upon those who would lead them into peril or place them in harm's way to put the well-being of their subordinates before their own.

Leadership is central to the matters under consideration by this Inquiry, because at issue is the extent to which the mission failed because the system and its leaders failed. The Inquiry must answer the question of whether, in the context of the deployment of Canadian forces to Somalia, proper military leadership was exercised. The recurring issue is whether the leaders in the chain of command fulfilled their responsibilities: did they do what ought to have been done?

ACCOUNTABILITY

This question leads us naturally to the second of the twin pillars -- accountability. How can we measure or assess the role and actions of senior leaders in the Somalia deployment without insisting upon a full accounting of what transpired? Accountability is a vexing concept for theorists across a broad range of disciplines. It is often ill-defined and erroneously merged with the allied concept of responsibility. Clarity of thought and precision in definition are of the utmost importance for an adequate understanding of this key concept.

This Inquiry, in discharging its mandate, was asked to focus on the nature of the mission and tasks assigned to the Canadian Joint Task Force Somalia and the suitability of the forces deployed to accomplish the tasks assigned. The actual manner in which the mission was conducted, the effectiveness of the decisions and actions of leadership at all levels of the chain of command, and the adequacy of the command response to the operational, disciplinary, and administrative problems encountered must all be examined. In addition, the professional values and attitudes of all rank levels to the lawful conduct

of operations, the treatment of detainees, and the extent to which cultural attitudes affected the conduct of operations must be explored. Beyond this, the Inquiry was asked to review allegations of cover-up and destruction of evidence and, if these allegations were found to be substantial, to assess whether those in command responded appropriately. In essence, what the Government of the day and the Canadian people are seeking from this Inquiry is the accountability of senior officials for the failures of the Somalia mission.

As we define it, accountability is the mechanism for ensuring conformity to standards of action. In the military, this means that those called upon to exercise substantial power and discretionary authority must be answerable (i.e., subject to scrutiny, interrogation and, ultimately, commendation or sanction) for all activities assigned or entrusted to them. In any properly functioning system or organization, there should be accountability for actions, whether those actions are executed properly and lead to a successful result or are carried out improperly and produce injurious consequences.

Accountable leaders cannot shelter behind the actions of their subordinates. Accountable officials are always answerable to their superiors. In the military, with its elaborate system of rank and hierarchy, this reality is especially apparent.

In any organization, however structured, those at the apex should be accountable for the actions and decisions of those in the chain of authority who are subordinate to them. In a properly linked chain of command, accountability does not become attenuated the farther removed one is from the source of the activity. When the subordinate fails, that failure is shouldered by all who are responsible and exercise the requisite authority -- subordinate, superior, and superior to the superior.

Accountability in its most pervasive and all-encompassing sense resides inevitably with the chief executive officer of the organization or institution. In the diarchy that presides over Canada's military, this refers to the Chief of the Defence Staff and the CDS's civilian counterpart, the Deputy Minister of National Defence.

The term responsibility is not synonymous with accountability. One who is authorized to act or exercises authority is 'responsible'. Responsible officials are held to account. An individual who exercises powers while acting in the discharge of official functions is responsible for the proper exercise of the powers or duties assigned. In the chapter devoted to accountability (see Volume 2, Chapter 16) we make it clear that responsible officials include supervisors and delegates or agents who act on behalf of a superior officer. All are responsible for their actions and can be held to account for what goes wrong on their watch. One cannot delegate responsibility (and hence accountability) even if the authority to act has been delegated.

It is the responsibility of those entrusted with authority, those who exercise supervisory authority, and those who delegate the authority to act to others to know what is transpiring in the area of their assigned authority. Even if subordinates, whose duty it is to inform their superior of all relevant facts, circumstances, and developments, fail to fulfill their obligations, this cannot absolve the superior of responsibility for what has transpired. Ignorance of significant facts bearing on the discharge of an important responsibility does not often provide an adequate excuse for those who lead or are

responsible when the time comes to account. In the military, unlimited liability and unrestricted access to the use of force impose a premium on those entrusted with the responsibility of leadership.

These principles of accountability and their corollaries are the yardsticks by which we have assessed the actions and decisions of senior leaders with respect to those aspects of the Somalia deployment that we were able to explore in the time available to us.

CHAIN OF COMMAND

Chain of command is a quintessentially military notion and method of organization that has been appropriated by the captains of industry and professions other than the military. In its simplest terms, the 'chain' referred to is the line of responsibility that flows from the most superior officer of the organization, through subordinates at various rank levels, to those at the farthest reaches of the organization, all of whom are asked to take action or discharge obligations in the name of the organization. In the military, the chain of command is the line of authority and responsibility extending from the Chief of the Defence Staff to the lowest-ranked member of the Canadian Forces. It is the military connection that joins a superior officer to a subordinate for the legal transfer of orders and instructions.

Chain of command is the central organizing concept through which military discipline and leadership are effected. Once orders are given, the chain of command becomes the vehicle for ensuring compliance with those orders. When orders are given, the appropriate legal authority is vested in the recipient to carry out those orders. According to military theory, responsibility is not delegated. Rather, each link in the chain of command is responsible and accountable for the satisfactory performance of the obligation imposed.

The chain of command is organized around the principle of hierarchy, superior to subordinate, and the concept of 'command'. Commanders at each level respond to the orders and direction of their immediate superiors and subsequently issue orders appropriate to their level of command. In carrying out their responsibilities, commanders are empowered to issue orders and directions to those immediately subordinate to them.

Without an effective chain of command, the military enterprise is destined to failure. In our Inquiry, where the task is to examine and analyze the sufficiency of the actions and decisions of leaders and the effectiveness of the operation as a whole, the importance of an effective chain of command is very clear.

DISCIPLINE

Discipline is fundamental to the military endeavour. A few years ago, in a ground-breaking decision on military justice, the Chief Justice of the Supreme Court of Canada discussed the need for discipline in the armed forces:

The safety and well-being of Canadians depends considerably on the willingness and readiness of a force of men and women to defend threats to the nation's security. To maintain the armed forces in a state of readiness, the military must be in a position to enforce internal discipline effectively and efficiently. Breaches of

military discipline must be dealt with speedily and, frequently, punished more seriously than would be the case if a civilian engaged in such conduct.²

Discipline, for the military, has at least two important meanings. The first, discussed by the Chief Justice, applies the same connotations to the term that the larger society would: namely, that discipline entails the enforcement of laws, standards and mores in a corrective and, at times, punitive way. The second, and arguably more important meaning from a military perspective, entails the application of control to harness energy and motivation to a collective end. Discipline, thus conceived, is more positive than negative. It seeks actively to channel individual efforts into a collective enterprise. Where that enterprise is the waging of war or armed conflict, it permits the application of force in a controlled and focused manner. Controlling aggressivity so that the right amount of force is applied in exactly the right circumstances is of primary significance to the military. Discipline is the means of achieving such control.

Few professions are as dependent on discipline as the military. Since the chief purpose of military discipline is harnessing the capacity of the individual to the needs of the group, the probability of success for a particular mission varies in proportion to the extent to which there is concert or cohesion among soldiers. This cohesion occurs when soldiers are disciplined.

Discipline seeks to elicit from individuals their best and most altruistic qualities. It depends on the development of a sense of co-operation and teamwork in support of the group. While imposed initially through the rigours of training, the goal of discipline is to lead individuals gradually to the stage where, of their own volition, they control their own conduct and actions.

The task of ensuring the discipline of subordinates is a major priority of a commander. Good leadership begins with self-discipline, and for the sake of those serving below, a commander must establish a standard of self-discipline that merits emulation. The capacity of the individual soldier for self-correction may originate in the fear of punishment but, over time, respect for authority and willing obedience must reflect the individual's own self-discipline.

Our terms of reference obliged us to investigate and report on "the chain of command system, leadership within the chain of command, discipline, operations, actions and decisions of the Canadian Forces and the actions and decisions of the Department of National Defence in respect of the Canadian Forces deployment to Somalia...". We were also asked to inquire into whether the institutional responses to the operational, disciplinary and administrative problems encountered in the various phases of the Somalia operation were adequate. In our view, only by considering whether proper discipline existed can we determine whether an effective unit, capable of operational tasks, was dispatched to serve in Africa.

MISSION PLANNING

Mission planning is a major theme in this report, since an understanding of the nature of the mission and the tasks undertaken by the Canadian Airborne Regiment is fundamental to our mandate. As our narrative history of the Somalia operation recounts (see chapters 12 through 14 in this volume and chapters 24 and 25 in Volume 3), the precise definition

of the Somalia mission in the early days of deployment was slow to emerge. The mandate itself was imprecise and ephemeral, changing in midstream from a United Nations Chapter VI peacekeeping mission (Operation Cordon) to a considerably more dangerous Chapter VII peace enforcement operation (Operation Deliverance). The nature of the UN leadership and oversight was itself transformed as UNOSOM mutated into the U.S.-led UNITAF operation.

Mission planning considerations permeate our terms of reference, particularly as they relate to pre-deployment issues. Not only do the terms of reference direct us to investigate the mission and tasks assigned to the Canadian Airborne Regiment in the context of an assessment of the suitability of the Regiment for the mission, but they also indirectly require a comprehensive review of the operational readiness of the Regiment and the appropriateness of the training objectives and standards used to prepare the unit for deployment. Further, as noted earlier, we were required to report on the effectiveness of the decisions and actions taken by leadership in preparation for the mission, a task that necessitates a clear understanding of the nature of the mission assigned to the Regiment.

The importance of proper mission planning is undeniable. Inadequacies in planning and preparation can create the conditions for mission failure. When regular, deliberate, conscientious and comprehensive planning processes are followed, senior decision makers can identify areas where deficiencies exist or extra effort is needed. With this knowledge, they are obliged to ensure that the requisite steps are taken to prepare the force properly, for example, by adjusting training or altering the composition of the force. Consequently, we focused our hearings with respect to mission planning on issues such as last-minute changes to the mission, its location, the tasks involved, the rules governing the use of force, and the leadership of the force, and whether they led to planning failures affecting the organization, composition, and structure of the force, as well as shortfalls in logistical support, weapons and materiel, and force training.

SUITABILITY

Suitability in the context of this Inquiry embraces a plethora of issues, including general and mission-specific factors such as cohesion, as well as selection, screening, and promotion processes or mechanisms. More particularly, our task was to determine whether a unit composed of parachutists and, more particularly, the Canadian Airborne Regiment, was suitable for selection for service in this particular mission in Somalia.

A Department of National Defence publication lists five characteristics that differentiate airborne forces from more conventional forces: air mobility; quick reaction; flexibility in terms of tactical deployment; lightness (referring to light scale of equipment); and suitability to low-intensity conflicts (including peacekeeping or peace enforcement).³

While few would argue with the requirement for paratroops to have these general attributes, some would contend that there is a basic incompatibility between the elite parachutist's creed, including a commitment to fight on to the objective and never surrender, and the peacekeeper's constabulary ethic, which requires a commitment to the minimum use of force. The question for us was whether the selection of a paratroop unit with this different ethic as Canada's UN standby unit could be offset by proper training preparations.

If one accepts that there is no inherent characteristic disqualifying an airborne regiment from selection for deployment on the Somalia mission, the question of suitability then focuses on the suitability of the actual unit selected for service in Somalia. In assessing this question, we were also obliged to pay attention to the availability and suitability of an alternative to the CAR in the selection process.

Since the CAR was selected to serve in Somalia and was, in this sense, deemed suitable, we have been obliged to evaluate the adequacy of that choice by senior leadership, given such realities as, among others, recognized deficiencies in the organization and leadership of the regiment; the restructuring and downsizing of the regiment; the reduction (from colonel to lieutenant-colonel) in the rank necessary to command the CAR; the failure to remedy known disciplinary problems; and the substantial turnover in personnel just before deployment.

As we have indicated, the probability of success in a mission varies in proportion to the extent of concert or cohesion among soldiers. This kind of cohesion occurs where soldiers are properly disciplined and trained. Cohesion imparts to the group a unity of purpose. Our Inquiry was to assess to what extent, by dint of proper leadership, training, discipline and values, group cohesion was achieved in the Somalia deployment. Cohesion, thus comprehended, is an important indicator in the assessment of overall suitability.

Suitability can also be examined at the micro level in terms of the acceptability for service of those within the unit designated for deployment to Somalia. This measure of suitability involves considering the adequacy and application of the mechanisms and processes in place for selecting and screening candidates for admission to the forces or for deployment to an operational theatre.

The Somalia deployment underscores the importance of judgement regarding such key personnel issues as behavioural suitability and professionalism. In 1992, almost no guidance on these factors was available to the chain of command in the deploying unit. Leaders of deploying units relied heavily on the overall CF personnel system to select, screen, employ and promote unit members appropriately at any given time.

In Somalia, a great many unsavoury events conspired to call into question the adequacy of the individual selection and screening processes in place before deployment. In our report, we analyze and assess the essential capacity of the Canadian Forces processes to screen for criminal tendencies, psychological instability, security risks, disciplinary threats, and racism. However, the full story of the Somalia deployment cannot be recounted without describing the rash of disciplinary incidents, the unbounded hazing rituals, and the presence of right-wing extremists and racist incidents and paraphernalia within the CAR.

A persistent and lingering allegation of rampant careerism in the CF has made it necessary for us to evaluate the methods and mechanisms in place for securing the appropriate career development of officers and members of the armed forces, including performance evaluation reports, merit boards, and criteria for promotions. We have been obliged, in this regard, to examine whether bureaucratic and administrative imperatives were allowed to dilute the merit principle in the appointments process. Also, we wanted

to investigate whether individual career management plans were allowed to take precedence over the operational needs of the mission. In essence, was the merit principle observed, and were the best, most suitable candidates selected for service in Somalia?

TRAINING

Suitability is intimately linked to the theme of appropriate training. Training in the military is the bedrock of discipline and the foundation for the professional image of the armed forces. Our Inquiry was directed to look into "the appropriateness of the training objectives and standards used to prepare for deployment of the Airborne Regiment". Training, in turn, is linked to the question of the operational readiness of the CAR for deployment to Somalia. Fundamental to the operational readiness of a unit is the question of whether troops are well trained to perform all aspects of the mission for which the unit is being deployed.

We assume that the Canadian Forces accepts a duty to train and prepare adequately all armed forces personnel slated for deployment on a peacekeeping mission. This is as much for the protection of Canada's soldiers as it is for the safety and security of civilians living in the area of the intended deployment.

Peacekeeping, and even peace enforcement, differ fundamentally from the conduct of war. There is an established, traditional method of preparing to wage war. This kind of training is referred to as general purpose combat training (GPCT). According to military regulations, GPCT involves basic soldiering skills, including firing specific weapons, throwing grenades, achieving fitness standards, applying military first aid, performing individual fieldcraft, performing nuclear/biological/chemical defence, applying mine awareness, navigating using a map and compass, communicating using communications equipment, and identifying fighting vehicles and aircraft. In the Canadian Forces, GPCT forms the basis for peacekeeping training. Any other training is mission-specific and is delivered as part of a unit's pre-deployment preparations for a peacekeeping mission.

In addition to providing fighting skills, GPCT instills a strong sense of discipline in a unit, together with the impetus and ability to work cohesively and efficiently. These attributes can enhance the performance of any task, whether in combat or delivering aid to civilian populations. A combat-ready contingent commands respect, and this can be of critical importance in a theatre where war or civil strife is occurring.

At this time there is no consensus with regard to whether general purpose combat training is sufficient preparation for non-traditional military missions such as peacekeeping and peace enforcement. Certainly within the Canadian Forces there was a belief (at least until the fall of 1995) that GPCT was sufficient training for all purposes, and very little non-traditional training, if any, was given in preparation for peacekeeping/peace enforcement missions. This is remarkable, given Canada's long history of involvement in peacekeeping.

Today's soldiers must be more than avid warriors. They must exercise skills that fit more naturally within the realms of civilian policing, diplomacy and social service. In developing the appropriate skills for a given peace support operation, training is arguably more effective than ad hoc experience.

In Chapter 21 on training we devote considerable attention to the question of what constitutes valid and useful non-traditional training for peace support missions. Suffice to say that a mix of generic and mission-specific training beyond GPCT seems to be required. Peacekeeping soldiers require an understanding of the peacekeeper's roles and responsibilities; they must learn advanced techniques of negotiation and conflict resolution to be effective; the diversity of their assignments demands sensitivity to issues of intercultural relations; they require an appreciation of the full gamut of UN procedures affecting such matters as the establishment of buffer zones, the supervision and monitoring of cease-fires, and the protection of humanitarian relief efforts. The modern peacekeeper must know how to establish and maintain law and order, impose crowd control, conduct searches, and handle detainees, while at the same time lending assistance to relief efforts and co-operating with humanitarian agencies. These general skills must be supplemented by an acquired knowledge of the language, culture, geography history, and political background of the theatre of operations.

To discharge our obligation in this report, we must answer the question of whether the soldiers sent to Somalia were properly trained for their mission. This is a complex question. It involves an assessment of the nature and adequacy of the training received and of the policies underlying that training, together with an examination of whether the performance of our soldiers could have been improved or enhanced if they had been exposed to additional, perhaps more sophisticated, training.

RULES OF ENGAGEMENT

One specific area of training that has commanded our attention, whether in the context of non-traditional training or general purpose combat training, is the formulation and observance of rules of engagement (ROE).

Rules of engagement are the operational directions that guide the application of armed force by soldiers in a theatre of operations. The ROE define the degree and manner and the circumstances and limitations surrounding the application of force. To take an example that had some prominence during our hearings, the rules of engagement tell soldiers when they can fire a weapon and whether it is appropriate to shoot to kill.

The rules of engagement in effect constitute official commands. They are an expression of government policy and are promulgated by the Chief of the Defence Staff. ROE are the means by which the government ensures that military activity aligns with Canadian foreign policy and legal objectives. In *R. v. Mathieu* Mr. Justice Hugessen stated that the ROE "constitute orders to Commanders and Commanding Officers",⁴ which is undoubtedly correct, but they are also of crucial importance to soldiers in the field, since they are the clearest and most concise authoritative expression of when force can be employed. For this reason, the ROE are condensed and printed on a card, to be carried at all times by soldiers on duty in an operational theatre.

Since the ROE are of importance to the soldier's tasks and duties while on deployment, they are an integral part of training for the mission. Training performance can be assessed, at least in part, against the standards enunciated in the ROE. Since the rules of engagement are tantamount to orders, a soldier could be charged under the Code of Service Discipline for failing to comply with them.

The rules of engagement depend to a great extent on clarity of expression. To the extent that they are ambiguous, their utility is compromised. Soldiers are entitled to look to their commanders for clarification of what is intended by any given rule within the ROE. Thus, it is critical for commanders to know and to understand what is contained in and intended by the rules of engagement.

Our terms of reference direct us to evaluate "the extent to which the Task Force Rules of Engagement were effectively interpreted, understood and applied at all levels of the Canadian Forces chain of command". Significant questions arose in Somalia in relation to the ROE. The mission changed from peacekeeping under Chapter VI of the UN Charter to peace enforcement under Chapter VII. The planned deployment took place in a rapidly changing environment in which the ROB were very slow to find their way to the soldiers. In addition, the interpretation of the ROE changed significantly during the deployment, resulting in serious confusion about the meaning and application of the rules. The adequacy of training on the rules of engagement during pre-deployment and in theatre was also raised for our consideration. Behind these questions about the practical use and application of the rules of engagement during the Somalia operation is the larger issue of the sufficiency of Canadian policy and procedures for the development, formulation and transmission of ROE.

OPERATIONAL READINESS

Operational readiness entails a rigorous and comprehensive assessment of whether an assigned unit is effective and prepared to mount its mission in an operational theatre. It embraces all the themes described to this point. If a unit is led by competent and accountable leaders who respect and adhere to the imperatives of the chain of command system; if the soldiers serving under these leaders are properly recruited and screened, cohesive, well trained, and disciplined; if they have a clear understanding of adequately conceived and transmitted rules of engagement, then we can have confidence that this is a unit that merits the right to bear arms under the Canadian flag or the UN banner and that is operationally ready to deploy.

The assignment of missions and the assessment of operational readiness are the responsibility of commanders.

Operational readiness contains both qualitative and quantitative aspects. Strategic and tactical doctrine, leadership, discipline, morale, unit cohesion, technical competence and logistical support are all factors contributing to operational effectiveness and preparedness -- all must be measured and assessed to determine operational readiness. If assessments of readiness are left wholly or mainly to subjective determinations, the process becomes fundamentally flawed. Subjectivity, by its nature, complicates the ability to confirm the accuracy of an assessment. We must regard as suspect the reliability of wholly subjective determinations on an issue as contentious as the readiness of a military unit to perform appropriately in a hostile theatre.

In fulfilling our mandate to investigate the state of readiness of the Canadian Airborne Regiment when it was deployed to Somalia, we evaluated whether the Canadian Forces Operational Readiness and Effectiveness System (ORES) -- in place at the time Operation Cordon and Operation Deliverance were planned and used in the assessment of

the state of readiness of the CAR -- was flawed by its excessively subjective nature. More generally, we saw it as our responsibility to take the measure of the defence policies in place in 1992 and 1993 concerning operational readiness in the Canadian Forces.

COVER-UP

Cover-up is an important theme of this report. It finds expression in paragraph (k) of our terms of reference, which directs us to investigate, in relation to in-theatre events, 'the manner in which the Task Force conducted its mission and tasks in-theatre and responded to the operational, disciplinary and administrative problems encountered, including allegations of cover-up and destruction of evidence'.

This Inquiry had its genesis, at least in the public's mind, in the events surrounding the torture and death of a Somali citizen, Shidane Arone. Our work was expected to take us at least as far as that March 16, 1993 incident and its aftermath. The Government's decision to truncate the work of this Inquiry curtailed our ability to investigate this incident and the allegations of cover-up surrounding it. However, our Inquiry equally owes its origins to the courageous efforts of Maj Barry Armstrong to bring to light another incident, also involving the death of a Somali citizen at the hands of Canadian soldiers. This incident occurred some 12 days before the homicide of Mr. Arone, on March 4, 1993. This incident, like the one involving Mr. Arone, also prompted allegations of cover-up, which we have been able to explore, albeit only within the ambit of the theatre of operations. For the most part, the upper echelons of the Canadian Forces and the major figures in the National Defence Headquarters bureaucracy have been excluded from our examination by reason of the Government's decision to shorten our Inquiry.

The term 'cover-up' is used in this report to describe a deliberate course of conduct that aims to frustrate broader moral, legal, or public claims to information. Most attempts at a more thorough definition tend to require a purposeful attempt at concealment. It is probably accurate to say that this element of wilfulness conforms to the usual understanding of the term cover-up. Most people, we believe, would not consider failures to report, reveal, or preserve information that result from pure accident or even benign neglect as constituting a cover-up. The term has more sinister connotations, usually reflecting a suspicion that the concealment is purposeful and, quite possibly, orchestrated. Cover-up is the handmaiden of conspiracy.

In the case of a public institution like the military, special laws and regulations typically impose specific duties in relation to reporting, retaining, or divulging information. Furthermore, the criminal law requires individuals to refrain from acting or attempting to act in a manner that compromises the functioning or integrity of public institutions. This is especially important when those institutions play a fact-finding and/or adjudicative role. Together these affirmative and negative legal duties constitute, at least partially, the prevailing standard for openness on the part of public institutions and their personnel. These duties exist to support individuals' legal accountability in criminal, civil, or professional terms for their personal conduct and performance and, in certain contexts like the military, the conduct and performance of their subordinates.

But cover-up is not a legal term, and the concept clearly extends beyond the scope of legally mandated claims to information or evidence. Before there can be a cover-up, there must be some obligation, legal or moral, to maintain an accessible record, and to report or divulge the information in question. Within the military there are many such obligations. A few examples of the legal obligations under which members of the military operate will suffice to map the terrain at this point.

All Canadian Forces members are required to report "to the proper authority any infringement of the pertinent statutes, regulations, rules, orders and instructions governing the conduct of any person subject to the Code of Service Discipline."⁵ Also, a commander of a base, unit, or other element of the forces must report significant events that occur on or affect a base, unit, station, or other element. Essentially, "significant" incidents are deemed to be those that could engender public interest or that might otherwise come to the attention of senior departmental officials by means outside the normal military reporting chain.⁶ Moreover, an officer commanding a command is required to report immediately to NDHQ and to the appropriate regional headquarters any serious or unusual incident of military significance, affecting any base, unit, or element in the command, that is not otherwise required to be reported if it is likely to be the subject of questions to NDHQ.⁷

Beyond these Code of Service Discipline matters, CF Military Police are required, among other things, to investigate and report on all criminal and serious service offences committed or alleged to have been committed by persons subject to the Code of Service Discipline and on all criminal offences, serious service offences and security violations or offences that occur on or in respect of a defence establishment, works, materiel, or operation. They must also investigate and report on all incidents involving CF members, DND employees or defence works in which the security of Canada could be threatened.

Hence, military life is subject to broad requirements to observe and report and, by the same token, to a high degree of supervision and oversight. Reporting of significant or unusual incidents may spawn a variety of investigations and inquiries, examples of which are discussed throughout this report. Our own Inquiry, for example, was preceded by an internal board of inquiry.

The seeds of a cover-up can reside in the simple fact that some official may not wish to "let the bad news out". Careers can be made or lost simply because mistakes or errors are made on one's watch. Thus, the requirement to report may invite an unwelcome spotlight and can provide the impetus or the motivation to conceal or cover up matters of importance.

But it is not only internal processes involving disclosure and oversight that may produce this result. The *Access to Information Act* gives the public, on request and subject to a variety of exceptions, the right to access to "any record under the control of a government institution."⁸ The Department of National Defence is listed in a schedule to the act as a government institution that is subject to this right of access. The public's right to know, as facilitated by this act, might be seen by some bureaucrats, or even by senior officials, as focusing unwanted attention on matters that some would prefer to keep in the shadows.

Both internal and external reporting mechanisms have their place in our consideration of allegations of cover-up. The inadequate reporting of significant incidents in theatre and the inadequacy of the investigations prompted by such reports raise the spectre of one kind of cover-up. The alteration and falsification of documents and the manipulation of access to information processes led us in the direction of another, perhaps related, kind of cover-up. These matters are pursued in the chapters dealing with the incident of March 4, 1993 and our examination of the public affairs branch of DND (which we refer to as the DGPA phase of our investigation), both in Volume 5.

DISCLOSURE OF DOCUMENTS

Disclosure of documents became a thorny issue for this Inquiry almost from its inception. An organization as massive and as extended as the Department of National Defence relies in an exceptional way on processes that document the transmission of official instructions. We recognized that it would be fruitless to attempt to reconstruct what occurred in Somalia in 1993 without full disclosure from the Department of National Defence and the Government of Canada of all relevant documentation. Accordingly, on April 21, 1995 we issued an order pursuant to section 4 of the *Inquiries Act* for the immediate production of all such material. Since documents are the communications lifeblood of the Canadian military, it was naturally expected that the documentation involved in the Commissioners' request would be extensive.

Representatives from the Somalia Inquiry Liaison Team (SILT) established by DND confirmed this impression. Their initial estimation of the amount of material to be disclosed was some 7,000 documents. Over time it would be demonstrated that this figure, substantial in itself, represented a vast underestimation of what would be necessary to satisfy the Commissioners' order.

As discussed in the chapter dealing with the DGPA phase and with the general subject of DND disclosure (Volume 5, Chapter 39), document disclosure never really came to formal closure throughout the life of the Inquiry. We were drawn inescapably to the conclusion that all that should have been disclosed was not disclosed.

In that chapter we document how disclosure took the form of a slow leak of information, rather than an efficient handover of material. We describe our efforts to determine why documents went missing or were altered or destroyed. We also describe our efforts to remind representatives of SILT of the urgency of our requests and of the need for an appropriate level of compliance with our orders. Finally, when these efforts came to nought, and with the unfolding spectacle of altered Somalia-related documents, missing and/or destroyed field logs, and a missing National Defence Operations Centre computer hard drive, we had no choice but to embark upon the 'document destruction' or DGPA phase of our proceedings so as to call senior DND officials to account for these many shortcomings in disclosure.

Document disclosure was no mere side issue for our Inquiry. A legal or quasi-legal tribunal must have the capacity to vindicate itself and ensure the integrity of its processes. When the possibility of manipulation of the documentary record or, even worse, possible obstruction, appears, it must be pursued. The entire credibility of the inquiry process hinges on matters such as these.

MILITARY JUSTICE

Military justice merits its place as a major theme of this report since that system played a pivotal role in the aftermath of the central events in Somalia. Military justice encompasses far more than the adjudicative process -- that is, the process for trying service, disciplinary or criminal offences within the military. The adjudicative process was certainly on display in the aftermath of the Somalia deployment (12 court martial proceedings were convened) but it is only one of the three main components of the military justice system. The other two processes are policing or investigation, and prosecution. These two elements command the bulk of our attention in this portion of our report.

We declared on several occasions that the Inquiry was not a trial and that it was not the purpose of the Inquiry to try or retry any matter that had been heard in the civil or criminal courts. We were charged primarily with reporting on institutional and systemic failures and shortcomings. Our findings in relation to these systemic issues may also be linked to individual failings. Because of the Government's decision to restrict the time within which we were to report, however, we determined that we would not comment or report on individual misconduct, except as regards issues pertaining to the pre-deployment and DGPA phases. Our examination of military justice is therefore entirely institutional or systemic -- which is not to say that it fails to concern itself with facts and circumstances that are part of the record of this Inquiry or that the discussion fails to describe faithfully the relevant testimony of relevant actors on relevant events and incidents.

In March 1997 we published one of the research studies we commissioned, *Controlling Misconduct in the Military*, by Martin Friedland. The study examines at some length a variety of issues bearing on the subject of military justice. The military justice system is the core mechanism for controlling misconduct in the military. When less harsh controls -- leadership, loyalty to one's unit or comrades, administrative sanctions, and rewards -- fail, the military justice system may still deter improper conduct on and off the battlefield.

One of the major purposes of the military justice system is to curb misbehaviour or, more positively, to encourage appropriate conduct. The intimate link between military justice and discipline was discussed in our treatment of the theme of discipline. Anthony Kellett, in his excellent text, *Combat Motivation: The Behavior of Soldiers in Battle*, states that the "first and, perhaps, primary purpose of military discipline is to ensure that the soldier does not give way in times of great danger to his natural instinct for self preservation but carries out his orders, even though they may lead to his death." A further purpose, he states, is to maintain order within an army so that it may be easily moved and controlled so that it does not abuse its power. If an army is to fulfill its mission on the battlefield, it must be trained in aggression; however, its aggressive tendencies have to be damped down in peacetime, and the medium for this process is discipline."⁹ The use of internal military discipline to ensure adherence to laws, standards and mores is an aspect of the operation of the military justice system. The military requires almost instinctive obedience to lawful military orders. Drill is used to instill instinctive obedience. Taken as a whole, the military justice system also serves this purpose.

Policing, which is the responsibility of Military Police, and the charging and prosecutions process, which is under the control of the commanding officer but heavily influenced by the office of the Judge Advocate General, play very important roles in attempting to control misconduct in the military. As our probe into the Somalia operation unfolded, it became progressively more evident that an examination of the Somalia deployment would be incomplete without serious attention being devoted to these key elements of the system. The deployment, beset as it was by numerous problems involving serious breaches of discipline and several instances involving the loss of civilian lives, cast an unflattering light on the way the military organizes itself to investigate and prosecute possible criminal behaviour.

With regard to investigations, we were interested in the role that Military Police play in the Canadian Forces. This led us inevitably to consider the relationship of Military Police to their commanding officers and, more generally, to the entire chain of command. Did they, because of their relatively junior status, experience a wall of non-co-operation when investigating serious misconduct? Since Military Police are controlled and restrained by such mundane realities as available resources, physical location, and the chain of command's inherent ability to control these variables, how significant is the problem of 'command influence' and its first cousin, 'conflict of interest'? In our chapter on the military justice system (Volume 5, Chapter 40) we examine these and other questions in light of a number of incidents or events that occurred during the Somalia deployment.

Problems relating to the charging and prosecutions process also owe much of their pertinence to the issues of command influence and conflict of interest. Here, once again, our discussion is driven by the examples afforded by the deployment itself.

In general terms, we wanted to analyze key roles in the charging process -- those of the commanding officer (CO) and the Judge Advocate General (JAG) -- in order to assess to what extent a lack of institutional independence could be discerned and whether an appearance of unlawful command influence exists. We examined subsidiary questions such as whether a lack of clarity in the criteria for laying charges results in too wide a grant of discretion to the CO with regard to the actual laying of charges. If the CO's powers are indeed too broad in this respect, then questions of both apparent and actual command influence arise, since there is a need for both the appearance of justice and actual justice.

Our discussion of command influence and conflict of interest leads naturally to a consideration of the adequacy of safeguards to prevent conflict of interest. The role of the commanding officer in the prosecutions process can pose difficulties if the CO has had any involvement in the decision to charge or in the incident itself. This has particular relevance in the Somalia context, where the incidents are clearly linked to problems within the chain of command.

As a final element of our treatment of military justice, we examine the office of the Judge Advocate General and its institutional independence. We assess the validity of the widely held perception that the JAG lacks institutional independence in the area of prosecutions. Our discussion here is primarily of a theoretical nature, owing to our tight deadline. Nevertheless, the public record does reveal a few significant examples, and it is these that have commanded our attention and yield important insights concerning whether the JAG

and the JAG's office have conflicting roles that ultimately undermine the appearance of justice.

The themes discussed in this chapter are strongly interrelated. Individually and together, they define the standards for and relationships within a properly functioning military system. They form the foundation for our investigation into the events surrounding the Somalia mission and provide a framework for our analysis and conclusions. These themes serve as a roadmap to understanding our journey, which began in the fall of 1992 in Petawawa and took us to the theatre of operations in Somalia and to National Defence Headquarters in Ottawa.

NOTES

1. *Jacobellis v. Ohio*, 378 U.S. 184 (1964), p. 197.
2. *R. v. Généreux*, [1992] 1 S.C.R. 259 at 293.
3. Department of National Defence, *Airborne*, vol. 1, Airborne Operations (B-GL-310-001/FT-001, 1990), p. 1-2-2.
4. CMAC 379, November 6, 1995, p. 4.
5. *Queen's Regulations and Orders* (QR&O) 4.02(e) and 5.01(e).
6. Canadian Forces Administrative Order (CFAO) 4-13.
7. QR&O 4.11.
8. R.S.C. 1985, chapter I-11, section 4(b).
9. Boston: Kluwer, Nijhoff, 1982, pp. 89-93.

STRUCTURE AND ORGANIZATION OF THE CANADIAN FORCES

This chapter describes the organization and structure of the Canadian Forces (CF) at the time of the Somalia mission in 1992-93. In addition, it defines and explains a number of terms and concepts that appear throughout the report. The goal is to give readers an overview of the complexity of the organization as a context for understanding the environment in which decisions were taken before, during and after the deployment to Somalia. In particular we want to highlight the complexity inherent in an organizational structure based on the amalgamation of defence department and military staff at National Defence Headquarters in Ottawa.

Second, we want to draw a distinction between organization for function and organization for process. Understanding how an organization is structured does not always help in understanding how it actually works -- how decisions are made, how information flows, how the work of the organization is actually accomplished. In this chapter we concentrate mainly on structure, leaving for later chapters our analysis of how this structure affected the issues and incidents that are the substance of our mandate.

BACKGROUND

Before July 1964, the head of each of the three armed services in Canada -- the Royal Canadian Navy, the Canadian Army, and the Royal Canadian Air Force -- had direct access to the minister of National Defence and provided service-related advice to government. In July 1964, Parliament amended the *National Defence Act* to integrate the three services under a newly created position, the chief of the defence staff (CDS). The CDS became the senior serving officer of the three services and solely responsible for the "control and administration" of them.¹ In April 1967, Parliament passed the *Canadian Forces Reorganization Act*, abolishing the three services and creating a new single service, the Canadian Armed Forces, with common uniform and rank designations for sea, land, and air members.

The Department of National Defence, a department of government, and the CF the "armed forces of Her Majesty raised by Canada", are separate entities.² Until 1972 each had entirely separate staff. In the early 1970s, a management review, ordered by the minister to investigate defence and CF organization at the centre, recommended amalgamation of the staffs of the Department of National Defence (DND) and CF Headquarters into a new organization with a single staff -- National Defence Headquarters (NDHQ).³ The department, headed by the minister, and the forces, headed by the chief of the defence staff, were to remain separate entities, served by the integrated staff. However, the deputy minister (on behalf of the minister) and the CDS presided over the integrated NDHQ staff as a diarchy. This arrangement often confuses attempts to separate and define departmental and CF issues.

Since 1972, although DND and the CF have undergone several organizational and structural modifications, the essentially collegial nature of the structure has remained unchanged. Air Command was created in 1975, bringing command and control of air resources together under a single commander. The Land Force Area Commands were approved in 1990, dividing the Canadian land mass into four regions to simplify control of the army's domestic activities and support. The creation of Maritime Forces Atlantic (MARLANT), an operational-level maritime headquarters on the east coast, was approved in 1992, providing a second regional headquarters, balancing Maritime Forces Pacific (MARPAC), and allowing Maritime Command HQ to concentrate on strategic issues. NDHQ itself has been restructured several times. In addition, at NDHQ, a CF joint staff system was adopted in 1992, and the joint force headquarters system was put in place in 1994.

HIGHER ORGANIZATION FOR DEFENCE

Civil control of the CF is rooted in the parliamentary system. The Governor General of Canada, as the Sovereign's representative, is the Commander in Chief of the CF. Cabinet is responsible to Parliament for formulating and implementing government policy, including defence and military policy. The minister of National Defence, under the *National Defence Act* (NDA), presides over DND and is responsible for the "management and direction" of the CF and all matters related to national defence. The minister is assisted by two senior advisers, the deputy minister and the chief of the defence staff. The deputy minister is appointed by the Governor in Council (that is, the

Cabinet) under the NDA but draws power and authority from other statutes, such as the *Interpretation Act* and the *Financial Administration Act*. The CDS draws authority from the NDA, section 18, which charges the CDS with the "control and administration of the CF", but "subject to the regulations and under the direction of the Minister". All orders and instructions of the government to the CF are issued through the CDS, unless the Governor in Council directs otherwise.⁴

LEGAL ASPECTS OF COMMAND

Through the *National Defence Act* Parliament has set out the basic law governing command in the CF. However, command is exercised under the law in large measure through traditional methods derived from the customs of the service. Officers and non-commissioned members of the CF are, of course, expected to exercise command prudently and to maintain "good order and discipline" fairly. To understand the structure of the CF we need to appreciate the legal basis for command, the special responsibilities and duties of the CDS and subordinate officers and the traditional methods for exercising command in peace and war.

Primary authority rests with the Governor in Council to implement and amplify the NDA by regulations for the "organization, training, discipline, efficiency, administration and good government of the Canadian Forces."⁵ Under section 12(2) of the NDA, the minister has the power to regulate the same matters but subject to any regulation made by the Governor in Council and Treasury Board. The minister has the power to make regulations governing who commands what and whom, but the "exercise" of command is then in the hands of the designated commanders subject to law.

Subsection 18(1) of the NDA states that the Governor in Council may appoint a CDS "who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Canadian Forces." Furthermore, "command" of and in the CF is confirmed as a military activity that flows through commissioned and non-commissioned officers under section 18(2):

Unless the Governor in Council otherwise directs, all orders and instructions to the Canadian Forces that are required to give direction to the decisions and to carry out the directions of the Government of Canada or the Minister shall be issued by or through the Chief of the Defence Staff.

Although the CDS is subject to the minister's direction in exercising general powers, the responsibilities of the CDS are not delegated from the minister. Moreover, the CDS has responsibility exclusive of the minister of National Defence in three areas: powers in respect of which the CDS is not subject to the direction of the minister, for example, in the promotion of members below the rank of general;⁶ in all matters related to "aid of the civil power";⁷ and in the conduct of military operations.

The CDS may assign some command and administrative responsibilities to subordinate officers, who may in turn assign or allocate duties and responsibilities to officers and members of the CF under their command.⁸ Such assignments or allocations are not to be confused with a delegation that in law cannot be further delegated, for example, a CO's jurisdiction to conduct summary trials may be delegated to certain subordinate officers under QR&O 108.10. The assignment of command is limited by regulation or custom of

the service (NDA, section 49). Specifically, commanding officers at every level are always "responsible for the whole of the organization" they command and cannot delegate "matters of general organization and policy; important matters requiring the commanding officer's personal attention and decision; and the general control and supervision of the various duties that the commanding officer has allocated to others."⁹

THE CHAIN OF COMMAND

In the next chapter we explore in detail the principles and construction of the chain of command -- the chain of authority and accountability that extends from the office of the CDS to the smallest element of the CF and back to the office of the CDS. The chain is formed when the CDS assigns a portion of the CDS's authority to carefully selected subordinate commanders immediately below the CDS and directly accountable to the CDS. Each of these commanders in turn, and following established custom, assigns a portion of their entrusted authority to subordinates directly accountable to them. Thus the chain of command is formed. It is also a hierarchy of individual commanders who take decisions within their linked functional formations and units. The chain of command, therefore, is a military instrument joining a superior officer -- meaning "any officer or non-commissioned member who, in relation to any other officer or non-commissioned member, is by [the NDA], or by regulation or custom of the service, authorized to give a lawful command to that other officer or non-commissioned member"¹⁰ -- to other officers and non-commissioned members of the CF. No other person, including ministers and public servants, is part of the chain of command, nor does any other person have any command authority in the CF.

Image: [Ranks and Insignia](#)

CIVILIANS IN DND

In 1992 DND employed about 32,000 civilians at NDHQ and in the commands (but not in operational units). The majority of civilians work on bases and stations throughout Canada, in research, technical or administrative positions. They are an important part of the "Defence Team"¹¹ and contribute their services in the management, scientific and professional, administrative, foreign service, and technical categories, in more than 50 different occupational groups and sub-groups. DND maintains its own civilian career management system, focusing on matching employees' developmental needs with departmental needs. The defence staff is roughly 30 per cent civilian.

NATIONAL DEFENCE HEADQUARTERS

NDHQ, in Ottawa, combines DND's corporate headquarters and CF strategic headquarters. It is directed collegially by the deputy minister and the chief of the defence staff. By virtue of its leadership diarchy, its functional organization, and its trans-functional processes, NDHQ operates through a series of committees.¹²

- **Defence Council** (DC), the senior of these committees, is designed to give the minister a forum for discussing items of current interest. Defence Council is not a decision-making body. It is chaired by the minister and is usually attended by the DM, the CDS, and group principals.¹³

- **Defence Management Committee**, co-chaired by the DM and the CDS, is the major departmental co-ordinating committee. It is advisory in nature and considers all significant matters of policy, plans, programs, and administration that require the approval of the minister, the DM or the CDS. Its membership consists of the vice chief of the defence staff (VCDS), the deputy chief of the defence staff (DCDS), group principals, and the commanders of Maritime Command, Land Force Command and Air Command.
- **Program Control Board (PCB)**, chaired by the VCDS and attended mainly by the DCDS and the group principals, reviews all matters involving the assignment of departmental and Canadian Forces financial, personnel, and materiel resources to approved projects and activities. Decisions are made on a consensual basis, and approved changes within the authority of PCB are entered into the Defence Services Program.¹⁴ Changes beyond PCB's mandate are referred to the Defence Management Committee.
- **The Daily Executive Meeting (DEM)** is an informal early-morning meeting intended to co-ordinate DND and CF responses to fast-breaking developments. DEM is broken into two parts: part one deals with intelligence, operations, and other military matters and is chaired by the CDS; part two covers departmental matters, with the DM taking the lead. The meeting is attended by the VCDS, group principals and their key subordinates. Where required, direction is given by the CDS and the DM to the DCDS and the group principals.
- **Armed Forces Council** is a CF advisory body, chaired by the CDS, that brings together the collective military leadership to provide military advice to the CDS. The membership includes the lieutenant-generals and vice-admirals of the CF.

NDHQ RESPONSIBILITIES

NDHQ takes government policy, funding allocations, current operational considerations, and other issues to provide

- defence policy advice to government;
- contributions to other government departments; and
- the strategic plan for the provision of combat-capable multi-purpose forces for use as the Government of Canada directs.¹⁵

NDHQ has always been organized on functional rather than process lines. The operation of NDHQ is co-ordinated by the vice chief of the defence staff, on behalf of the deputy minister and the chief of the defence staff, through six major functional groups: operations, policy and communications, personnel, materiel, finance, and defence information services; and by two special groups, the Chief of Review Services, and the Judge Advocate General. The VCDS is the *de facto chief* of staff of NDHQ. The VCDS is also the senior resource manager for the department and the co-ordinating authority for inter-group activities. The VCDS acts for the CDS in the absence of the CDS.

Five assistant deputy ministers -- Policy and Communications, Personnel, Materiel, Finance, and Defence Information Services -- are accountable to the DM and the CDS for the effective and efficient execution of the responsibilities assigned to their respective

groups.¹⁶ The deputy chief of the defence staff is accountable to the CDS for the efficient and effective performance of the operations of the CF.¹⁷ The Chief of Review Services reports to both the CDS and the DM and is responsible for providing independent and objective assessments of the effectiveness, efficiency and economy of the CF and DND, as these qualities relate to performance of operations, programs or activities. The Judge Advocate General superintends the CF military justice system and is the senior legal adviser in DND and the CF providing services and advice in all legal matters. The Director General Public Affairs, whose office came under scrutiny during our Inquiry, is responsible for both external and internal communications and public affairs and reports to the DM and the CDS through the assistant deputy minister (Policy and Communications).¹⁸

ORGANIZATION OF THE CANADIAN FORCES

Image: [NDHQ Organization Before and During the Somalia Deployment](#)

The CF consists of three components: the Regular Force, the Reserve Force, and the Special Force. The Regular Force comprises officers and non-commissioned members who are enrolled for continuing full-time military service. The Reserve Force consists of officers and non-commissioned members who are enrolled for other than continuing full-time service when not on active service. The Special Force can be constituted by the Governor in Council in an emergency or if considered desirable in consequence of any action undertaken by Canada under the United Nations Charter, the North Atlantic Treaty or any similar instrument for collective defence.¹⁹ The Special Force does not exist at present.

All members of the CF are assigned, for purposes of administration and discipline, to serve in a unit or other element of the CF called a ship, squadron, battalion, regiment, station, or any other appropriate designation in accordance with the customs and traditions of the service.²⁰ The minister is the only authority who can create "units or other elements" of the CF. When a unit or other element is established, the CF is notified by the CDS through the promulgation of a Canadian Forces Organization Order (CFOO). The CFOO details such things as role, command and control arrangements, and administrative and disciplinary arrangements.²¹

A formation is defined in the *Queen's Regulations and Orders* as an element consisting of two or more units grouped under a single commander that has been designated a formation by or on behalf of the minister.²² The role of a formation is assigned at the time of its creation. Units and other elements, such as formations, are usually assigned to 'commands' on the basis of a common grouping of like resources, e.g., army units and elements are assigned to Land Force Command.

The major commands of the CF are Maritime Command, Land Force Command (previously called Force Mobile Command), Air Command, and Communication Command. The commanders of these commands report to the CDS and are responsible for the day-to-day leadership and management of the forces assigned to them, their peacetime training requirements, and their operational readiness. The commands function as force-generators, meaning they must ensure their troops are assembled and properly equipped, trained and tested, so that they are operationally ready for the tasks that may be

assigned to them by the CDS.²³ Maritime, Land, Air, and Communications commands, having produced the forces, do not usually continue to command their troops once they have been deployed for an operational task -- instead, the troops are placed under the command of the CDS and controlled from NDHQ.

ORGANIZATIONS RELEVANT TO THE WORK OF THE INQUIRY

National Defence Operations Centre

The main command, control and information centre for military operations is the National Defence Operations Centre (NDOC). It serves the CDS by tracking operations in progress, maintaining information received, compiling reports and returns from units, briefing senior officers and officials, and maintaining operational communications with units and formations in Canada and abroad. It is thus the information exchange facility between the CDS and staff at NDHQ and units and formations deployed in the field. The NDOC operates under the direction of the deputy chief of the defence staff, the principal staff officer for operations in NDHQ, on behalf of the CDS. The NDOC is made up of a joint staff, specially trained in operational planning and control of deployed forces.²⁴ The Canadian Joint Task Force Headquarters in Somalia passed information to NDHQ through the NDOC.

Image: [Major Commands in the CF](#)

Land Force Command

The role of Land Force Command (LFC) in 1992-93 was to provide general-purpose, combat-ready land forces to meet Canada's defence commitments. The Commander LFC, a lieutenant-general, was accountable to the CDS for the operational readiness of the command and for all aspects of training, discipline, and administration of units, formations, and other elements under command. Immediately subordinate to LFC were four geographic regions commanded by major-generals. Land Force Central Area was one of the regions and contained most of the land forces deployed to Somalia.²⁵

Area commanders are major-generals and are responsible to the Commander LFC for the operational readiness of their troops and for all aspects of training, administration, and discipline of units and formations under their command. The role of Land Force Central Area (LFCA) in 1992-93 was to generate general-purpose, combat-ready land forces for LFC in accordance with assigned tasks,²⁶ from assigned resources in Ontario.²⁷ LFCA HQ in Toronto was the superior headquarters of the Special Service Force.

The role of the Special Service Force (SSF), a brigade-sized formation with its headquarters at Canadian Forces Base Petawawa in 1992-93, was to provide general-purpose, combat-ready land forces in accordance with assigned tasks.²⁸ The Commander SSF, a brigadier-general, was responsible to the Commander LFCA for the operational readiness of the SSF and for all aspects of training, administration, and discipline for units under command. The SSF HQ was the superior headquarters to the Canadian Airborne Regiment before its departure for Somalia.

The senior Canadian military formation created and deployed for Operation Deliverance was Canadian Joint Force Somalia (CJFS), commanded by a colonel. The role of CJFS

headquarters was to assist the commander of the CJFS in his duties.²⁹ The headquarters as of December 15, 1992 was onboard the ship HMCS *Preserver*, which was situated near Mogadishu. On January 8, 1993, the headquarters moved to the United States embassy compound in Mogadishu.³⁰

When given its assignment for Operation Deliverance, the CAR was strengthened by the addition of other units and combat capabilities,³¹ making it a battle group (CARBG). Upon deployment to Somalia, the superior headquarters of the CAR became the Canadian Joint Force Somalia Headquarters (CJFS HQ). The mission of the CARBG was not yet established when it arrived in Somalia.

Image: [Land Force Command Organization](#)

The Organization of Army Units

The basic fighting component in the army is the unit. A unit is a self-contained organization led by a commanding officer. Army units have a command and control element, a combat service support element, and several operational elements. Units are characterized by type as combat arms (armour, artillery, and infantry), combat support arms (field engineers, signals, intelligence, and tactical aviation), or combat service support (transport, maintenance, supply, medical, dental, and military police). Combat arms units fight in contact with the enemy; combat support arms units provide direct and indirect support to combat arms units; combat service support units serve a useful and necessary purpose, but their fighting capability is limited to self-defence.

In the Canadian army order of battle, the major infantry unit is called a battalion. It is led by a commanding officer, normally a lieutenant-colonel, and consists of a number of sub-units called companies. By the fall of 1992, the Canadian Airborne Regiment was a battalion-sized infantry unit. Its companies were called commandos and were led by officers with the rank of major. Companies or commandos usually consist of three platoons, each led by a lieutenant. A platoon usually consists of three sections, each led by a sergeant.

In armour (tank), engineer and signal units, battalion-sized units are called regiments, companies are called squadrons, and platoons are called troops. In artillery units, battalion-sized units are referred to by number (for example, Second Regiment, Royal Canadian Horse Artillery), companies are called batteries, and platoons are called troops.

In operations for a particular mission and in training, units of one type and sub-units of other types are often brought together; for example an infantry battalion might be grouped with an armour squadron. This temporary organization, larger than a battalion, is called a battle group. In preparation for the deployment to Somalia, the CAR was augmented with additional troops and became the Canadian Airborne Regiment Battle Group. It included, in addition to the three airborne commandos, the service commando and the headquarters commando integral to the CAR, an armour squadron and a field engineer squadron.

The Chain of Command for Somalia

When orders are issued, the appropriate legal authority is vested in the recipient to carry out those orders. Responsibility is not delegated. Each commander in the chain of

command is responsible for ensuring that orders are carried out satisfactorily. The chain of command is hierarchical. Commanders at each level respond to orders and direction received from their immediate superior commander and, in turn, issue orders and direction to their immediate subordinates.

The chain of command in place before deployment of the CARBG to Somalia began with the Chief of the Defence Staff and ran to the Commander Land Force Command, to the Commander Land Force Central Area, to the Commander Special Service Force, to the Commanding Officer of the Canadian Airborne Regiment Battle Group. The chain of command in place during the deployment to Somalia was different from the previous chain of command. It began with the Chief of the Defence Staff and ran to the Deputy Chief of the Defence Staff, to the Commander Canadian Joint Task Force Somalia, to the Commanding Officer of the CARBG.

Image: [Land Force Central Area Organization 1992-1993](#)

Image: [Special Service Force Organization 1992-1993](#)

Image: [Canadian Joint Force Somalia Organization 1](#)

Image: [Canadian Joint Force Somalia Organization 2](#)

COMMAND AND CONTROL DEFINED

The terms command and control, although closely related and often used together, are not synonymous. These terms are important because they clearly identify the limits of authority when command or control is delegated. **Command** is the authority vested in an individual member of the armed forces to direct, co-ordinate, and control military forces. The CDS exercises command over the CF Subordinate commanders exercise command, under the authority of the CDS, over their units or elements. Command is further defined in the CF Joint Doctrine Manual in three levels: full, operational, and tactical command.³²

- **Full command** is the military authority and responsibility of a superior officer to issue orders to subordinates. It covers every aspect of military operations and administration and exists only within national services. No alliance or coalition commander has full command over forces assigned to an alliance or coalition. In assigning forces to an alliance or coalition, countries belonging to the alliance or coalition assign only operational command. (Full command is sometimes referred to as national command.)
- **Operational command** is the authority of a commander to assign missions or tasks, redeploy forces, and reassign forces. It does not include responsibility for administration or logistics.
- **Tactical command** is the authority of commanders to assign tasks to forces under their command. It is narrower in scope than operational command and is used primarily in maritime operations.

Control is the authority exercised by a commander over part of the activities of subordinate organizations or other organizations not normally under command. Control is defined more specifically as operational, tactical, administrative, or technical.³³

- **Operational control** is the authority of a commander to direct forces assigned so that the commander can accomplish specific missions or tasks, which are usually limited by function, time, or location; to deploy units concerned; and to retain or assign tactical control of those units.
- **Tactical control** is the authority of a commander to give detailed direction and control the movement of units necessary to accomplish a mission or task.³⁴
- **Administrative control** is the direction or exercise of authority over subordinates regarding administrative matters.
- **Technical control** is control within certain specialized areas such as medical or legal jurisdiction, parallel to but outside the chain of command, for purely technical issues. Operational commanders can override this control if it is seen to jeopardize the mission.

It is interesting to note, for example, that in Somalia the U.S. Commander of UNITAF had operational control over the Canadian troops, but the Canadian commander of the CJFS retained full and operational command of those troops.

The Role of Commanders

Commanders have authority to issue legal orders to subordinates. They have two principal responsibilities. Their primary responsibility is to achieve the assigned mission. Commanders have the authority to direct the operations of a formation, and they alone are accountable for the outcome. Second, commanders must ensure the adequate welfare of the troops and that their troops do not face needless hardship and sacrifice.³⁵ Although commanders are always responsible and accountable for every aspect of the units and elements under their command, they usually restrict their involvement to important issues affecting their troops and leave routine issues to be resolved by subordinate commanders or staff.

A commander is responsible and accountable for knowing and understanding the situation being faced, identifying and considering the options available, developing a plan, informing subordinates, assigning missions, tasks and resources to subordinates, and motivating, directing, and leading troops.³⁶ Commanders exist at all levels and are joined by degrees of authority; hence the term chain of command. In the Canadian Airborne Regiment, the commanding officer, the officers commanding the commandos (and equivalents), the platoon commanders, and the section commanders were all commanders in their own right and empowered to receive and to issue orders.

The foremost principle of command is the concept of unity of command; a single commander is vested with the authority to plan and direct operations.³⁷ The term 'commander' is applied to an individual placed in charge of a battle group or formation. The term 'commanding officer' is used to identify a person placed in command of a unit or other element whose organization expressly calls for a commanding officer. The term 'officer commanding' is used to identify a person placed in command of a sub-unit. To avoid ambiguity, the term 'commander', when used in any other sense, is combined with the level of command, for example, 'platoon commander'.

Ranks and Typical Appointments Within LFC

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Rank	Appointment
Lieutenant-General	Commander Land Force Command
Major-General	Area Commander
Brigadier-General	Brigade Commander
Colonel	Area Chief of Staff
Lieutenant-Colonel	Battalion Commander
Major	Company Commander
Captain	Platoon Commander
Lieutenant	Platoon Commander
Chief Warrant Officer	Regimental Sergeant-Major
Master Warrant Officer	Company Sergeant-Major
Warrant Officer	Platoon Second-in-command
Sergeant	Section Commander
Corporal ³⁸	Fully trained soldier
Private	Trained soldier

DISCIPLINE

Members of the CF submit to the Code of Service Discipline as set out in the *National Defence Act*. That code allows formal trials, by military tribunals, of members of the CF and certain civilians and punishment of those convicted of service or criminal offences. We discuss our findings on the subject of discipline in Chapter 18 (Volume 2).

Order and obedience among members of the CF are accomplished through training and discipline, especially self-discipline. Violations of routines, procedures or orders, if infrequent and considered to be minor in nature, rarely merit use of the powers of punishment under the QR&O and are handled by the appropriate non-commissioned officer or warrant officer. In such cases, corrective action normally takes the form of additional supervised training for the violator. Serious breaches of good order and discipline, on the other hand, can lead to charges and punishments under the Code of Service Discipline.

RELATIONSHIPS IN UNITS

Each unit consists of a combination of officers, warrant officers and other noncommissioned members, grouped in accordance with a prescribed organizational structure. They work together to carry out their mission in accordance with the orders and directions of their commanding officer.

THE ISSUING OF ORDERS

The chain of command converts orders into work as orders and instructions flow downward. The normal medium for the transfer of orders from one level to another in a unit is the orders group. This is the formal relationship for transferring orders and information and usually takes the form of a meeting of the commanding officer with direct subordinates and liaison personnel from organizations affected by the CO's orders.

Orders are usually issued in a prescribed pattern, beginning with the situation, followed by a statement of the mission, the method of execution, and the necessary administrative and logistics support; orders conclude with directions for command and control of the operation. At battalion level, commanding officers normally issue their orders orally and may distribute written notes for confirmation and verification. At company level, officers commanding normally issue their orders orally. At platoon and section level, orders are almost always oral.

A unit of the CF, by its very structure, also possesses less formal mechanisms for passing information; for example, there is a customary pairing structure in units whereby at each level of command, commissioned officers are advised by non-commissioned members. A commanding officer with the rank of lieutenant-colonel would normally have a chief warrant officer (CWO) as the regimental sergeant-major. Sub-unit company officers commanding (majors), would have master warrant officers as company sergeants-major, and platoon commanders (captains or lieutenants) would have warrant officers as platoon seconds-in-command. This pairing provides a balance of experience and mutual respect at each level that allows for frank and confidential discussion of the full range of issues affecting a unit or sub-unit.

The personnel in each unit are also segregated socially into three groups: officers, warrant officers and sergeants, and corporals and privates. This gives each group an opportunity to share ideas and experiences with peers, while respecting the inherent differences of authority between ranks. It also gives individuals an opportunity to relax away from the observation of their superiors. While a unit is living in a non-operational setting on a CF base, this segregation is formalized into the officers' mess, the warrant officers' and sergeants' mess, and the junior ranks' club. During long periods of field training or, in operations, if the unit remains in one location, similar institutions can be created in temporary facilities, if circumstances and resources permit.

Authority in any unit or other element of the CF centres unequivocally on the commanding officer. COs have the legal power to place subordinates in harm's way and to punish those who fail to carry out assigned tasks. The CO's experience, uniqueness, demeanour, conduct, and confidence all contribute to leadership style. The CO's authority to issue legal orders is unquestioned. These conditions may contribute to what is called the loneliness of command.

On the other hand, the RSM, combining broad experience and easy access to the CO, has relatively little authority but considerable power. In keeping with the function of ensuring that the soldiers are well looked after and that the unit is well disciplined and in good order, the RSM is free to visit all parts of the unit lines. The RSM can resolve minor issues as they are found or refer more serious concerns to an officer commanding or to the CO, if the RSM believes it might affect the unit as a whole. The RSM is held in high regard by all officers in the unit and is a role model for non-commissioned members.

Chief warrant officer is the highest rank that can be achieved by a noncommissioned member. Appointment of a CWO to be the regimental sergeant major is considered the most prestigious appointment attainable by a non-commissioned member within the regimental family. Since relatively few RSMs are appointed (only one in a unit at any time), those who reach this position are treated with the highest respect. In a unit, the CO

and the RSM together form an imposing team, possessing both authority and power. They are usually treated with a certain degree of circumspection by all, both inside and outside the regiment. Their attitudes, priorities, likes, and dislikes are often emulated by other members of the regiment, and in this sense they set the tone for how the unit operates.

THE ROLE OF COMMAND AND STAFF

The term 'command' in the context of 'command and staff' is the authority vested in a member of the CF to direct, co-ordinate, and control military forces.³⁹ Orders and the appropriate delegated authority to act on those orders flow down through officers and non-commissioned officers in the chain of command. Command represents the executive authority to give direction.

Staff activities are the management activities associated with the executive authority of the commander.

The term 'staff' applies both to personnel who assist in planning and preparing the orders that commanders wish to issue, and to those who assist commanders in monitoring and controlling the actions taken by subordinate units in executing those orders. Staff officers have no authority independent of the commander and must not interfere in the relationship between a commander and a subordinate commander. Staff must not reject requests or proposals from a subordinate commander without the commander's direction. Nevertheless, staff serve two masters. Although their final loyalty is unreservedly to the commander, staff must work tirelessly to support subordinate commanders and troops in the field.

Staff officers at all levels work (directly or indirectly) for line officers. As a rule, staff size increases as the complexity of operations and the level of organization increases. For example, a battalion may have only a few staff officers, while a brigade may have many.

There are three types of staff: general staff, special staff, and personal staff. General staff assist the commander in meeting the operational responsibilities of command. They assist by preparing and issuing the commander's orders, arranging the support necessary to achieve the mission successfully, and monitoring and co-ordinating current and subsequent activity. General staff responsibilities are divided into six broad categories: personnel (G1), intelligence (G2), operations (G3), logistics (G4), civil/military relations (G5), and communications (G6). The prefix G is used when referring to a single environmental force (land or air), N refers to maritime staff, and J designates joint staff-staffs supporting more than one environment. Thus staff of Canadian Joint Force Somalia were designated with the prefix J to denote the joint nature of the force, which included HMCS *Preserver*, the Canadian Airborne Regiment Battle Group, and air force resources. No matter what the designation, however, staff in each of the six groups perform the same functions.

G 1 (or N1 or J1) staff assist the commander in personnel administration. This includes planning for personnel replacements, manpower allocations, promotions, course selection for individuals, and record keeping. They also co-ordinate all areas related to the discipline and well-being of soldiers, such as notifying next-of-kin; administering

honours and awards; the provision of pay, postal, medical, dental, chaplain, and legal services; public affairs; and handling and administering prisoners of war.

G2 staff provide the commander with the intelligence needed to plan and conduct operations. This includes, among many tasks, preparing intelligence reports and summaries; co-ordinating the analysis of incoming information; directing the interrogation of prisoners of war; and assisting in the planning of deception, surveillance, and patrol operations.

G3 staff assist the commander in planning, directing, supervising, and co-ordinating operations. The G3 branch is the pre-eminent staff branch, and all other staff effort must support its activities. Its activities include preparing staff estimates; preparing and distributing operations orders and instructions; co-ordinating (in consultation with other members of the staff) movement, surveillance, deception and concealment, and nuclear; biological, and chemical defence; liaison; electronic warfare; communications; engineer support; fire support; and tactical aviation support.

G4 staff assists the commander in planning all the logistics aspects of a proposed operation. This includes planning for the provision of supplies (ammunition, fuel, rations, clothing, and other supplies); maintenance and repair of all classes of vehicles and equipment; disposal policies; and the use of transportation resources, including airlift, movement control services, and administrative movement. The G4 staff has a large responsibility to ensure that the commander's mission is supportable and that logistics support is co-ordinated to ensure that the logistics plan supports the development and execution of the operational plan.

The G5 staff assists the commander by developing and executing plans and policies related to local national authorities and the civilian population. This includes gathering information on civilian/military matters and determining the state of political, psychological, and economic factors and their potential impact on planned operations. G5 also deals with liability claims from civilians and provides advice to other staff branches on local national issues.

The G6 staff assists the commander by developing and executing plans and policies related to communication and information systems. This includes developing procedures to identify, collect, process, present, and distribute information needed to implement the commander's plan.⁴⁰

Special staffs provide a narrow or specialized type of advice, including legal, medical, dental, religious, and public information. These staff often hold designated appointments within a unit, formation, or other element and have direct access to the commander on matters within their specialty, for example, the regimental medical officer.

Personal staffs provide direct assistance to the commander in meeting personal needs and arranging work and visit programs; a personal staff may include *aides-de-camp*, secretaries, drivers, and executive assistants.

Image: [Organization of Staff](#)

CONCLUSION

Although the CF appears to be a large and ponderous organization with an endless set of rules, regulations and traditions, these elements are considered necessary and have evolved over time, largely through trial and error, and primarily during times of war. They are intended to provide a clear and easily recognizable line for the exercise of authority and the chain of command.

NOTES

1. *National Defence Act* (NDA), Part II, section 18(1).
2. NDA, Part II, section 14.
3. See *The Management Review Group Report* (July 1972).
4. NDA, Part II, section 18.
5. NDA, section 12.
6. *Queen's Regulations and Orders* (QR&O) 11.01(2).
7. NDA, section 236.
8. QR&O 1.13.
9. QR&O 4.20(3).
10. NDA, section 2, "Interpretations". To paraphrase, an 'officer' is a person who holds Her Majesty's commission in the Canadian Forces, and a 'non-commissioned member' is any other person enrolled in the CF.
11. The term Defence Team was coined by D2000, an internal management renewal committee seeking to eliminate wasteful bureaucratic practices. The term includes all personnel, both military and civilian, in the department.
12. These descriptions are drawn from DND, *Concept and Policy: Organization* (November 1, 1993), vol. 1, chapter 4.
13. Group principals are the senior managers of the personnel, materiel, policy and communications, finance, and information services groups. The deputy chief of the defence staff, the senior military operations staff officer in the CF is also considered a group principal.
14. The Defence Services Program is the spending portion of the DND business plan.
15. DND, *Management, Command and Control Re-engineering Team: Phase One Report*, Revision 1 (March 1, 1995), p. 23.
16. DND, *Concept and Policy: Organization*, p. 4-2-2.
17. DND, *Concept and Policy: Organization*, p. 4-2-1.
18. Public Affairs operated separately for many years and became linked to policy only in 1990.
19. NDA, Part II, section 15 (1) (Regular Force); NDA, Part I, section 15 (Reserve Force); NDA, Part II, section 16 (Special Force).

20. In NDA, section 2, a unit is defined as "an individual body of the Canadian Forces that is organized as such pursuant to section 17, with the personnel and material thereof".
21. DND, NDHQ, 1901-3119(DGFD), EIC 941, UIC 3119, October 15, 1992, designated the Canadian Contingent United Nations Operation in Somalia, Canadian Forces Organization Order (CFOO) 1.326.
22. The QR&O contain regulations made by the governor in council, the minister and Treasury Board pursuant to the *National Defence Act*, as well as orders from the chief of the defence staff. Volume I of the QR&O deals with administration, volume II with discipline, and volume III with finance, while volume IV Contains appendixes, e.g., the *National Defence Act*.
23. NDA, Part II, section 18.
24. In military terminology, 'joint' denotes operations or planning involving two or more services. In Canada, with its single service, the term refers to operations or planning for units or formations of two or more from Maritime Command, Land Force Command, and Air Command. DND, *Joint Doctrine for the Canadian Forces Joint and Combined Operations*, B-GG-005-004/AF-000 (1995), p. 1-11.
25. CFOO 3.0.0, Land Force Command, 1901-280/C3-5 (DGFD), November 15, 1992.
26. CFOO 3.2.0, Land Force Central Area, 1901-280 (DGFD), December 30, 1992.
27. The other parts of LFC are Land Force Western Area (LFWA), Land Force Quebec Area (LFQA), and Land Force Atlantic Area (LFAA).
28. CFOO 3.20, Special Service Force, 1901-1 (DGFD), October 1, 1990.
29. CFOO 1.327, Canadian Joint Force Somalia, February 10, 1992, p. 2/6.
30. CJFS HQ War Diary, January 1993, p. 11/25.
31. DND 007331, Op Deliverance Op O [operation order] 1, paragraph 2 B 1, 091823Z [December 9, 1992].
32. DND, *Joint Doctrine for the Canadian Forces Joint and Combined Operations*, pp. 2-1 and 2-2.
33. DND, *Joint Doctrine for the Canadian Forces Joint and Combined Operations*, p. 2-2.
34. DND, *Joint Doctrine for the Canadian Forces Joint and Combined Operations*, pp. 2-3 and 2-4, paragraph 3b.
35. CF, *Land Formations in Battle: Book 1* (Publication B-GL-301-001/FT-001, November 26, 1987), vol. 1, p. 3-2-1.
36. CF, *The Army* (Publication B-GL-300-000/Fp. 000, Interim 1), p. 8-5.
37. CF, *The Army*, p. 8-2.
38. The term master corporal was created during the integration/unification process (see QR&O 3.08). It is an appointment, not a rank. The second-in-command of a section is a master corporal.

39. CF, *Operational Staff Procedures*, vol. 2, Staff Duties in the Field (B-GL-303-002/Fp. 002, Interim 1, May 1991), p. 1-1.

40. DND, *Joint Doctrine for Canadian Forces Joint and Combined Operations*, p. 3-6.

THE CHAIN OF COMMAND

MILITARY COMMAND, DISCIPLINE, AND LEADERSHIP

Command, discipline, and leadership are the essence of the military system. At the head of the system stands the commander, the officer from whom all authority radiates.

Traditionally, command is defined as the legal authority to issue orders and to compel obedience. It must be clear in law, organization, and execution. Thus, command, decision, and organization are all highly integrated.¹ The chain of command describes a linked system of officers in command of units and formations.

Military command is of course a human activity, fashioned by creative imagination and therefore beset by the frailties of human nature. The operations of the armed forces place people in harm's way and may demand that they sacrifice their lives. Often soldiers follow their leaders willingly and obey their orders even in the most trying situations. At other times, soldiers have resorted to mutiny and resisted every effort to compel them. Although command authority is usually reinforced by a code of military laws to maintain discipline, authority without sound leadership is rarely effective by itself.

Military leadership -- the ability to gain the willing obedience of subordinates -- is an essential component of command. Personal courage, integrity, sacrifice, a willingness to take difficult decisions, and "a clear sense of personal responsibility" have characterized military leadership throughout the ages. When this sense of responsibility is married to "a deep personal understanding of the troops and their problems, a clear purpose, discipline, and hard training", soldiers have followed leaders without coercion.² War is conducted in an environment of great personal danger, and orders alone may not hold troops under fire, but respected leaders usually do.

The most successful leaders, however, can accomplish little if they are indecisive or if their decisions are flawed. Careful plans, the best weapons and well trained troops are all wasted if the commander fails to employ them wisely. Sound decisions may be the essence of command, but commanders need sound training, proven staffs, and a balanced combination of logic and intuition gained from experience. Without these aids, according to experienced commanders, "an uncertain perspective, intuition, and the plausible will dominate and action will tend to be haphazard or misdirected."³

Command decision begins from a clear perspective and careful analysis of the circumstances in which the decision will be made. A commander's staff and subordinate commanders may help to assess any situation, but "[t]he commander, *by his own statement and analysis of objectives, fulfills his inescapable obligation to provide unity of concept in the midst of diverse distractions, contradiction, and paradox.*"⁴ Finally, however, the decision is left to the commander alone and ultimately depends on the commander's courage to make it and integrity in taking responsibility for it.

Command includes choice and judgement and therefore involves ethics. Traditionally, commanders are held "ethically responsible for what they do precisely in terms of what they promise to do and not to do. Specifically, soldiers are ethically responsible for observing the code of ethics they agreed to uphold when they acquired special membership in the profession of arms."⁵ In the CF, this 'code' is implicit in the custom of the service⁶ and enforced by the Code of Service Discipline,⁷ and it applies to all officers and non-commissioned members. For commanders, however, it carries special meaning.

Although all persons are ultimately responsible for their own fate, military service in effect transfers individual choice from subordinate to superior. Moreover, the effects of command carry risks for those who are obliged by law to obey commands and orders. Commanders therefore must, through intellect, training, and experience, understand the reasons for and the consequences of their actions or inactions. Furthermore, commanders may be called upon to explain and defend their choices in terms of both the Code of Service Discipline and what society perceives as right and wrong.

The chain of command in the CF is, first, an authority and accountability chain from the office of the CDS to the lowest element of the CF and back to the office of the CDS. It is also a hierarchy of individual commanders who take decisions within their linked functional formations and units. The chain of command, therefore, is a military instrument joining a superior officer -- meaning "any officer or non-commissioned member who, in relation to any other officer or non-commissioned member, is by [the *National Defence Act*], or by regulation or custom of the service, authorized to give a lawful command to that other officer or non-commissioned member"⁸ -- to other officers and non-commissioned members of the CF. No other person, including ministers and public servants, is part of the chain of command, nor does any other person have any command, authority in the CF.

The chain of command in the CF, beginning with the CDS, is composed of commanders who have different degrees of authority. An officer commanding a command is usually a general officer appointed by the CDS. The Commander Land Force Command is an example. Commanding officers are appointed to command units and elements of the CF, and their terms of reference are drawn from their superior's orders, custom, and regulation. An officer who is appointed to command a sub-unit or sub-element of a major unit, such as a commando in the Canadian Airborne Regiment, is usually referred to as an 'officer commanding'.

The major difference between these appointments is that commanders of commands, commanding officers, and officers commanding all have graduated powers of punishment and other powers drawn from the *National Defence Act* (NDA) and regulations. Commanders of commands have powers prescribed by regulation, extending to the "exercise [of] command over all formations, bases, units and elements allocated to the command"⁹ and certain other powers, such as the power to convene courts martial.¹⁰ On the other hand, commanding officers and officers commanding have authority only over their units and sub-units and lesser powers under the NDA.¹¹

In the CF, the term commander can be used generally to describe any officer who is appointed to a position of command of a command, unit, or element of the CF. In this

report, the term commander is used in this general sense to refer to officers in any command appointment.

Where our report refers to actual establishment positions in the CF, the more exact term is used. For example, we refer to officers commanding CF commands as 'commanders of commands' and officers commanding units or elements of the CF as 'commanding officers'. Where we refer to individual officers commanding CF commands, their rank and name are used, for instance, LGen Gervais, Commander Land Force Command. Similarly when we refer to particular commanding officers, the individual is identified by rank and name, for instance, LCol Morneault, Commanding Officer, CAR.

Commanders give direction to members of the CF and subordinate commanders by issuing lawful commands and orders, which subordinate commanders are compelled to obey. These lawful orders originate in the NDA as amplified in regulations, principally the *Queen's Regulations and Orders* (QR&O). Orders can take several forms. For example, the CDS may issue CF-wide orders. Examples of these include Canadian Forces Administrative Orders (CFAOs) and Canadian Forces Organization Orders (CFOOs). Commanders of commands may issue command-wide orders, and commanding officers might issue orders applicable throughout their units. Often, commanders and commanding officers issue so-called 'standing orders' and 'routine orders' covering routine matters such as the duties of guards and sentries. All these orders, notwithstanding their method of transmittal, have the force of a direct order from the issuing commander.

During operations, commanders at all levels issue orders to their troops and subordinate commanders to give effect to their plans. These orders may be issued in writing or orally, depending on the urgency of the situation, the level of command, and the complexity of the operation, among other things. In the army, a commander may bring subordinates together and give orders in what is called an 'orders group'. Again, regardless of the method used to give orders, they are orders from the authorized commander and must be obeyed.

Members of the CF are not required to obey any orders or directions issued to them by anyone other than superior officers of the CF. On the other hand, every person who disobeys a lawful command of a superior officer may be guilty of an offence under the NDA.¹² This stipulation defines accountability in the CF -- subordinate to superior -- and is reinforced by section 129 of the NDA which states that "any act, conduct, disorder, or neglect to the prejudice of good order and discipline is an offence." Moreover, the fact of enrolment in the CF (section 20, NDA) places an individual under the provisions of the Code of Service Discipline and requires that individual to act in conformity with the norms of good order and discipline. Members of the CF, therefore, are always required to obey lawful orders and are always liable to be called to account by their superiors, whether they are under specific orders or not.

The chain of command functions within the CF. Appointment of an officer to command a command, unit or element of the CF confers special responsibilities on that officer because it requires the officer to train, discipline, and administer the forces under command. Several aspects of the custom of the service distinguish superior officers appointed as commanders from all other superior officers. First, such appointments are

usually limited in time. Second, the organization of units provides for a clear hierarchy of officers and non-commissioned members so that a commander is usually the only lawful source of commands and orders within a particular unit or other element.

This status is emphasized by the fact that officers appointed as commanders have special powers, such as the power to authorize officers or other ranks to lay charges under the Code of Service Discipline and special powers of punishment, only while they hold that appointment. Also, under the custom of the service and regulation, commanding officers are held directly accountable and responsible for the performance of their units and formations.¹³

Officers appointed to command CF commands, units, and formations have special responsibilities under regulations. Among other things, commanding officers at every level are "responsible for the whole of the organization" they command and cannot delegate "matters of general organization and policy; important matters requiring [the commander's] personal attention and decision; and the general control and supervision of the various duties that the commanding officer has allocated to others."¹⁴ It is our understanding that an officer commanding a command and all other senior commanders have in custom, and by analogy with QR&O 4.20, the same or similar responsibilities as a commanding officer. These responsibilities and the additional powers given to commanders under the NDA and regulations demand their unqualified diligence in the performance of their duties.

While officers are always accountable for the units under their command, it would be unusual for a superior officer to bypass immediate subordinate commanders to issue orders directly to units or individuals. Nevertheless, both the custom of the service and the NDA compel superior officers -- inside or outside the extant chain of command -- to take corrective action whenever they believe subordinates have issued illegal orders or endangered their troops and when they observe acts contrary to good order and discipline. Therefore, although the organization of the CF into units and other elements provides for a logical way to issue orders, maintain discipline, conduct operations, and assess accountability, it is not sacrosanct.

THE LEGAL ASPECTS OF COMMAND

The law governing command authority in the CF is prescribed in the NDA and in regulations. Primary authority rests with the Governor in Council for the "organization, training, discipline, efficiency, administration, and good government of the Canadian Forces" (section 12). The minister, under section 12(2), also has the power to regulate the same matters but is subject to Governor in Council and Treasury Board primacy. Command of and in the CF, however, is a distinct activity, separate from these general categories.

The legislative aspects of command are addressed in two provisions. Section 18(1) of the NDA states that the Governor in Council may appoint a chief of the defence staff "who shall...subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Canadian Forces." "Control and administration" must be interpreted as the military notion of full command, subject only to the prerogatives of the Queen of Canada, the NDA, and the direction of the minister.

Furthermore, command of and in the CF is confirmed as a military activity that flows through officers and non-commissioned members of the CF by section 18(2):

Unless the Governor in Council otherwise directs, all orders and instructions to the Canadian Forces that are required to give effect to the decisions and to carry out the directions of the Government of Canada or the Minister shall be issued by or through the Chief of the Defence Staff.

The NDA provision regarding command states that "[t]he authority and powers of command of officers and non-commissioned members shall be as prescribed in regulations."¹⁵ One of the regulations implementing this statutory provision is QR&O 1.13. It is a regulation made by the Governor in Council and states that the CDS *may* assign some of the CDS's powers to assistant deputy ministers of DND who are officers of the CF:

Where any power or jurisdiction is given to, or any act or thing is required to be done by, to or before the Chief of the Defence Staff, the Chief of the Defence Staff may, on such terms and conditions as he deems necessary, assign that power or jurisdiction to, or authorize that act or thing to be done by, to or before *an officer* [of the CF] not below the rank of major-general holding [an associate or assistant deputy minister appointment] at National Defence Headquarters...and, subject to any terms or conditions prescribed by the Chief of the Defence Staff, that power or jurisdiction may be exercised by, or that act or thing may be done by, to or before that officer (emphasis added).¹⁶

QR&O 1.14, 1.15, and 1.16 empower the CDS to authorize anyone (officer or civilian) holding a position of assistant deputy minister to exercise powers or jurisdiction of the CDS under regulations made by the Treasury Board, the Governor in Council, or the minister.¹⁷ Thus, the law allows civilian assistant deputy ministers to exercise certain responsibilities of the chief of the defence staff, although with limitations. Assistant deputy ministers have no right to act in the place of the CDS without the CDS's authority. In any case, these individuals are expressly excluded from acting in areas dealing with rank and structure of the CF, aid of the civil power, code of service discipline, and any aspect of operations or the chain of command of the armed forces.¹⁸ These provisions provide only for the delegation of the powers of the CDS to civilian assistant deputy ministers in the non-command areas of policy, finance, and materiel.

Thus, the chain of command the linked military system of authority and accountability in the CF -- can be described in two ways. First, it is a hierarchy of individual commanders beginning (and ending, ultimately) in the office of the CDS. Whereas the CDS serves at the pleasure of the government, commanders serve only at the pleasure of the CDS. Second, the chain of command is also an organizational hierarchy of functional formations, units, and elements together constituting the CF. These formations, units and elements exist only at the pleasure of the minister of National Defence, and none has any permanent life or legal status beyond the CF as a 'single service'.

The Code of Service Discipline is applicable only to members of the CF except in special circumstances. Therefore, not only are civilians normally not subject to the orders of military persons, but members of the CF are not in any way subject to orders issued to

them by civilians. Even the minister is not in the chain of command. The minister has no authority to issue orders to the CF except through the CDS and then only within prescribed limits. As Brooke Claxton once remarked during his long term as defence minister, "The chain of command flows from the commander-in-chief... in Canada the Governor General, down to the lowest recruit.... The minister is not in the chain of command; nor should he issue orders any more than he should wear a uniform."¹⁹

The chain of command in the CF as set out in the NDA and regulations is unambiguous. Beginning with the CDS, it links superior officers of the CF to every individual member of the CF. The NDA stipulates how lawful orders are to be passed down in the CF, that is, from superior to subordinate members. The regulations compel subordinates to obey any commands and orders that are not manifestly illegal. Furthermore, the law, regulations, and custom of the service imply that superior officers will oversee carefully the execution of lawful commands, orders, and directions, for to do otherwise would be prejudicial to good order and discipline within the CF and a dereliction of duty.²⁰ The chain of command therefore defines accountability and responsibility within the CF, because it indisputably links individuals with authority and responsibility to other individuals with lesser levels of authority and responsibility.

THE CHIEF OF THE DEFENCE STAFF IN THE CHAIN OF COMMAND

The chief of the defence staff is obviously distinct from every other officer of the CF. This position encompasses several unique (and overlapping) duties and responsibilities as leader of the Canadian Forces and as the government's military adviser. This is the officer who connects the armed forces to the government and the government to the armed forces. No CDS should attempt to force a military solution on the defence minister or the Cabinet, but neither can the CDS temper advice to satisfy partisan political interests. But no CDS is ever a neutral messenger, because a principal duty of the CDS is to give the government sound apolitical military advice and then to ensure that the government's decisions are carried out by the Canadian Forces.

In reality, the relationship between any CDS and the government is not set by rules, but rather is defined by the confidence each has in the other. The government must have confidence in the integrity of the advice offered by the chief of the defence staff, and the CDS must have confidence in the government's defence policy. Furthermore, the CDS must weigh government policy against the responsibility to support the members of the CF and to protect them from undue harm. Where confidence is absent on either side, civil/military relations suffer; this in turn has negative consequences for control over the armed forces and accountability.

Although it is not so stated in the NDA, the CDS is the *de jure* and *de facto* commander of the CF, and officers look to that person for command decisions. The CDS is responsible ultimately for the CF and for the duties that the incumbent delegates to subordinate commanders. The CDS cannot stand apart from the chain of command without breaking the chain of authority and accountability in the armed forces. Furthermore, because the CDS is the link between Parliament and the CF, any separation of the CDS from the commanders and units in the field reduces civil control over the

military. Unity of command, therefore, is an essential part of civil/military relations, more important, perhaps, than a mere prerequisite to military discipline and efficiency.

The CDS shares responsibility for national defence with government leaders. In both law and custom, the CDS has duties to Canada and to the members of the CF that transcend the line between the preferences of the government and military operations. No CDS can acquiesce in policies that might recklessly endanger national defence or the lives of service personnel. The chief of the defence staff is by statute responsible for the control and administration of the CF at all times, and these professional duties cannot be compromised. The CDS is responsible for providing appropriate but apolitical advice to ministers and for carrying out wide-ranging duties without regard for partisan politics. It is possible, therefore, that the competing nature of the CDS's duties could bring that individual into conflict with the government's opinions, policies and interests. Certainly, any chief of the defence staff would want to avoid such a situation, but, at the same time, whoever occupies that office must compromise neither political neutrality nor responsibility to Canada or the CF simply to avoid a confrontation.

Parliament demands that the Canadian Forces be commanded by officers who are accountable to Parliament. The system of command of the CF in peacetime, crisis, and war is therefore an essential component of national civil/military relations. If the system of command is not precise, then accountability and parliamentary control of the armed forces will be diminished.

NOTES

1. Henry Eccles, *Military Concepts and Philosophy* (New Jersey: Rutgers University Press, 1965), pp. 118-119. See also testimony of MGen Dallaire, Policy hearings transcripts vol. 3P, pp. 477p. 479P.
2. Eccles, *Military Concepts and Philosophy*, p. 245. See also testimony of MGen Dallaire, Policy hearings transcripts vol. 3P, pp. 479p. 480P.
3. Eccles, *Military Concepts and Philosophy*, p. 119.
4. Eccles, *Military Concepts and Philosophy*, p. 149.
5. Richard Gabriel, *To Serve with Honor* (Westport, Connecticut: Greenwood Press, 1982).
6. These are traditions and customs that, although unwritten, have come to be accepted aspects of military practices and behaviour. See MGen Dallaire, Policy hearings transcripts vol. 3P, pp. 480p. 481P; and MGen Roy, Transcripts vol. 1, pp. 69-77.
7. *National Defence Act* (NDA), R.S.C. 1985, Chapter N-5, Part IV (as amended to April 30, 1993).
8. NDA, section 2, "Interpretation": an 'officer' is a person who holds Her Majesty's commission in the Canadian Forces, and a 'non-commissioned' member is any other person enrolled in the CF.
9. *Queen's Regulations and Orders for the Canadian Forces* (QR&O) 3.21.
10. QR&O 111.05(c).

11. QR&O 4.20, and QR&O 1.02 and 101.01.
12. NDA, Part V section 83, p. 32.
13. NDA, section 4.20.
14. QR&O 4.20.
15. NDA, section 19. This section must be read with section 49 of the NDA.
16. An 'officer' includes an officer cadet or any person pursuant to law attached or seconded to the CF as an officer (NDA, section 2).
17. The minister of National Defence can give approval for any officer (of or above the rank of colonel serving outside Canada) to do anything that can be done by the CDS.
18. QR&O 1.14, 1.15, and 1.16.
19. National Archives of Canada, "Brooke Claxton", *Memoirs*, Manuscript Group. 32, B5, vol. 221, pp. 21-22.
20. It is an offence to issue unlawful orders.

MILITARY CULTURE AND ETHICS

The culture and ethics that inform the Canadian military are important to an understanding of the events that took place in Somalia. While a series of isolated incidents may seem unrelated on the surface, they may also reflect deeper institutional shortcomings regarding ethical matters and underlying cultural attitudes regarding duty and accountability.

This chapter briefly explores some elements of Canadian military culture and ethics as a background to our inquiry into the experience of the Canadian Forces in Somalia.¹ The specific focus is three aspects of military life: its corporate separateness from society, changes in the nature of military professionalism, and the role of ethics in the military.

SEPARATENESS

Common to most modern military organizations is the notion of being different from the rest of society. The Canadian military is no different from other armed forces in feeling a consequent separateness from society. In 1869, William Windham described armed forces generally as "a class of men set apart from the general mass of the community, trained to particular uses, formed to peculiar notions, governed by peculiar laws, marked by peculiar distinctions".² According to a recent DND statement of the Canadian military ethos, the Canadian military sees itself as "a distinct sub-set of the entire Canadian fabric".³

This notion of corporate separateness flows from the distinctive mandate of the CF to maintain the security and defend the sovereignty of Canada, if necessary by means of force. Unlike other professions in our society, the CF can be called on to ensure the very survival of Canada.

Moreover, the service to be performed by Canada's military is total, involving what British General Sir John Hackett has called the "clause of unlimited liability" -- or loss of life:

The essential basis of military life is the ordered application of force under an unlimited liability. It is the unlimited liability which sets the man who embraces this life somewhat apart. He will be (or should be) always a citizen. So long as he serves he will never be a civilian.⁴

The concept of unlimited liability in defence of national interests distinguishes members of the military profession from other professions. Furthermore, the military allows for the lawful killing of others in the performance of duty. Moreover, the responsibility of military leadership permits the sacrifice of soldiers' lives in order to achieve military objectives. The stark and brutal reality of these differences from normal society has traditionally been a distinguishing feature of military life, contributing to a sense of separateness -- even superiority -- in relation to the civilian population.

Distinctive Culture

As a result of its distinctive mandate and the need to instill organizational loyalty and obedience, most military organizations develop a culture unto themselves, distinguished by an emphasis on hierarchy, tradition, rituals and customs, and distinctive dress and insignias. The separation between civilian and military society in Canada, as in other countries, is also maintained by physical and social space. For example, military bases are located for the most part in relative isolation, such as Petawawa, Ontario, and Gagetown, New Brunswick. Military activities are centred on the base, which discourages interaction with civilian society. Single men and women live on the base, while many married personnel live nearby in the town, which sometimes seems an extension of the military base. Most Canadian military operations since the Second World War have been overseas on NATO and UN missions, keeping elements of the CF distant from the Canadian public.

Regimental Culture

The military culture of a nation is made up of sub-cultures. The Canadian army has regimental divisions reflecting geographic and linguistic divisions in Canada, for example -- western anglophone (PPCLI, Princess Patricia's Canadian Light Infantry), central and eastern anglophone (The RCR, The Royal Canadian Regiment), and central francophone (Royal 22^e Régiment, or Royal 22nd Regiment, often referred to in English as the 'Vandoos'). These territorial divisions define areas of recruitment, training and residence for regimental members.

A recent DND board of inquiry noted that the "regimental system forms a strong subculture within the CF that is a pervasive and often unforgiving milieu within which all combat arms and most other Army personnel live their daily lives."⁵ This regimental subculture provides a common bond uniting its members. According to MGen (ret) Dan Loomis, the regiment is a pseudo-kinship organization.⁶ It is often referred to as a family and, according to another analyst, its essence is tribal and corporate rather than instrumental and bureaucratic.⁷

One is considered a member of a regiment for life. This link continues throughout a member's career in the military and after retirement. According to MGen Loomis, "The Regimental Family permeates all facets of one's life from pseudo-birth as a new member to death."⁸ Regiments influence the career advancement of members through the administration of career assessment and recommendations to promotion boards at NDHQ. Within each regiment, there is a horizontal infrastructure of messes, and 'paternal' guidance is provided by a senior advisory organization, often known as the 'senate', made up of regimental 'elders'.

A vertical chain of command within the regiment ensures that discipline is maintained and that information flows freely through the system. However, this can also lead to an attitude among officers of looking after only their own. DND's recent board of inquiry concerning Canbat 2 (investigating the serious breakdown of discipline during the CF mission in the former Yugoslavia) noted that

there was a widespread tendency for all personnel in the chain of command to concern themselves almost exclusively with their own subordinate commands. The command structure of 'A' squadron was reticent to concern itself with anything which occurred in the Engineer Sqn and vice versa. Although Army culture has inculcated officers and [senior] NCOs not to overlook a fault, there has been a growing tendency not to meddle in the affairs of others.⁹

The corporate nature of army culture may also lead to a sense of exclusiveness and an apparent tendency to justify disrespect for authority outside the group. The same board of inquiry noted that at the unit level in the army, "there has been too often the tendency to ignore criticism which comes from outside of one's own unit or the chain of command"¹⁰.

It is a well accepted axiom that a soldier's regiment is his family. Many studies of battlefield stress and why soldiers fight have reinforced the notion that a soldier will risk his life for his comrades and for the honour and survival of his regiment. This issue is fraught with emotion. Many officers and soldiers spend their entire lives in a single regiment and they naturally become blind to many of its faults. Criticism of one's regiment, especially from an outsider, is tantamount to blasphemy and is not tolerated.¹¹

In addition, information that could tarnish the reputation of the regiment may be deliberately hidden.¹² 'Whistleblowing' is frequently perceived as counter to the corporate nature of the military. Similarly, revealing wrongdoing to outsiders, particularly civilians, is by nature suspect.

It is understandable that a soldier would want to keep any news of wrongdoing within his regiment. The concept of family is strong and it is reinforced daily. As a parallel illustration, if one has an alcoholic sibling one does not go out into the street and announce it to the world...in the military this concept of washing dirty linen entre nous can actually work against the chain of command if it is applied with too much rigour.¹³

While unit loyalty is essential for armed conflict, smaller group loyalty can also undermine disciplinary authority. Walls of silence can be erected to protect a unit

member. "Not only might a schismatic group of this kind foster and maintain inappropriate norms, but by assuring anonymity through norms of group loyalty and by imposing severe sanctions for violations of the solidarity norm, it can facilitate acts of subversion and defiance." ¹⁴

CHANGES IN THE NATURE OF MILITARY PROFESSIONALISM

Similar to professions such as medicine and law, the military controls the education, training, and socialization of its members by means of its own specialized training programs, including schools. The educational format is determined by the military, which defines content, means, methods, and planning, with minimal influence exercised by the student. In the Canadian army, for example, regiments make up the basic organization of the land force, providing the institutional framework for the career training and advancement of individuals after they have completed basic training. ¹⁵

The CF trains its junior officers for the major commands (Maritime, Land Force, Air), and support services together in a single institution -- the Royal Military College of Canada. In addition, the Canadian Forces Command and Staff College in Toronto and the Canadian Land Force Command and Staff College in Kingston provide developmental training for future senior officers of the Canadian Forces.

These training programs are designed to impart professional standards of knowledge, skill and competence in addition to core military values. Instruction in ethics is not formalized or presented to officers early in their careers. ¹⁶ As well, programs in military ethics and values are taught by instructors with a divergence of credentials and without service-wide standards or objectives to guide them.

A common assertion in the military is that the profession of arms has a long tradition, with a high and exacting standard and inherent nobility derived from the nature of war and the conditions of service. Traditionally, soldiers are expected to possess military virtues in all facets of their lives. This is inherent in the idea that the military is not a job but a way of life. For the military, performance expectations are believed to be higher than for civilians and include the notion that individual soldiers should serve as a symbol of all that is best in the national character.

A man can be selfish, cowardly, disloyal, false, fleeting, perjured, and morally corrupt in a wide variety of other ways and still be outstandingly good in pursuits in which other imperatives bear than those upon the fighting man. He can be a superb creative artist, for example, or a scientist in the very top flight, and still be a very bad man. What the bad man cannot be is a good sailor, or soldier, or airman. Military institutions thus form a repository of moral resource that should always be a source of strength within the state. ¹⁷

In order to fulfill these moral obligations, the military must promulgate and enforce explicit rules derived from formal ethical standards, hold personnel accountable for following minimal standards of duty and conduct demanded by these rules, and sanction or even punish those who fail to do so.

Civilianization and Bureaucratization

A major factor that has influenced the concept of professionalism within the Canadian military is a shift toward 'civilianization'. This has been accompanied by the introduction of occupational values as opposed to the traditional institutional values of the military. American observers noticed this change after the World War II, attributing it mainly to changes in the technology of war.

Technological trends in war-making have necessitated extensive common modification in the military profession.... The changes in the military reflect organizational requirements which force the permanent military establishment to parallel other large-scale civilian organizations. As a result, the military takes on more and more the common characteristics of a government or business organization. Thus the differentiation between the military and the civilian is seriously weakened. In all these trends the model of the professional soldier is being changed by 'civilianizing' the military elite to a greater extent than the 'militarizing' of the civilian elite.¹⁸

This raised concern among military analysts that officers, in particular, were acquiring skills and an orientation characteristic of civilian administrators or political leaders.¹⁹

These occupational values are thought to have emerged in Canada because of increased job specialization, a decline in the perceived importance of the combat arms, the introduction into the military of civilian management principles, and bureaucratic rationalization. These elements were noted after unification in 1968, but became a significant concern only after the amalgamation of Canadian Forces headquarters and departmental headquarters in 1972. It was claimed that a traditional perception of military service as a calling or vocation, made legitimate by broadly based national values, had given way to a subjective definition of military service as an occupation in the labour market, involving the performance of work for civilian forms of rewards under specified contractual conditions.²⁰

The post-World War II Canadian military has also been affected by increased levels of bureaucracy. This is related to the maintenance of the army during peace time. In the CF, the majority of enlisted personnel are engaged in technical and administrative roles rather than in purely military endeavour.²¹ They form part of a complex defence bureaucracy, which resembles the traditional pyramid model of a combat organization in form but not in spirit.²² Bureaucratization has been seen by some traditionalists as a threat to the military's distinctiveness in society because of its replacement of traditional standards of military leadership with managerial principles.²³ Officers were seen to be in danger of becoming mere managers of human and materiel resources. Military analysts noted a dichotomy between two sets of skills and attitudes: the heroic qualities of loyalty, unity, obedience, hardiness, and zeal versus the managerial, oriented toward coping with the larger political and technological environment.²⁴

These changes may have influenced standards of accountability. Owen Parker has written rather critically that "occupationalists in the professional military devote substantial effort to ensuring that nothing untoward or unflattering can ever be attributed to them: if

blame can be deflected elsewhere then that course should be followed".²⁵ If true, this may have a significant effect on the obligation to report difficulties.

ETHICS IN THE CANADIAN MILITARY

According to one CF document, it is generally accepted that there are three elements to military ethics:

There is a military ethos which can best be understood as a general statement of what we serve in terms of the spirit of the profession. There is ethics or military ethics which is usually used as a title of the various components or facets of the military ethos, such as obedience, courage and so on. Finally there is the code of military ethics which contains obligatory statements of duty and responsibility.²⁶

Although the Canadian military does not have a standardized ethical code, professional ethics are considered in basic military documents such as the officer's commission and oath, the enlisted member's contract and oath, the law of armed conflict, the code of service discipline, the *National Defence Act*, and, of course, the Canadian constitution.

When soldiers become non-commissioned or commissioned officers, they freely enter into a moral and legal contract that imposes professional duties and standards. The texts of their commissions and oaths establish broad parameters, such as the vow to discharge the officer's duties of office faithfully.

It is only logical for soldiers to be aware of their ethical obligations and to have an ability to perform them. In this regard, some have promoted the adoption of a code of ethical conduct for the military: "One needs a very clear statement of the ethical obligations that one ought to observe if one is to be expected to behave ethically."²⁷ Canadian authors such as LCol (ret) Charles Cotton and Maj A.G. Hines have proposed various ethical statements of purpose for the Canadian military.²⁸ The Australians maintain that soldiers cannot truly be held ethically responsible for obligations unless they are aware of them.²⁹ They believe that a formalized code of military ethics is one of the surer ways of informing members of the profession of their ethical obligations as professionals.

In Canada, the Oath of Allegiance is the soldier's code of moral obligation. The obligations of enlisted personnel and officers are similar. In addition, the oaths for officers and enlisted personnel provide the formal foundation for an officer's greater authority and responsibility.³⁰ However, an officer solemnly swears to discharge duties, while the enlisted member swears to obey orders of officers in the ranks above. Even though only the enlisted oath explicitly requires obedience, some authors have argued that all soldiers have the same obedience duties.³¹ Officers also have a greater responsibility to disobey or dissent that may compete with the basic duty to obey.

Teaching of Ethics in the Canadian Forces

Training in ethics in the Canadian military forms one component of the education received by officers and non-commissioned members of the CF. There has been some concern regarding the difference in training received among the ranks, particularly among the lower ranks. Formal ethics education is evidently uneven between commissioned officers, non-commissioned officers and non-commissioned soldiers.

Before 1992, the recruiting, training and education system in the CF provided training for officers, up to and including the rank of major, on how to command and lead subordinates, ethics and professionalism, as well as control and supervision.

Since 1992, ethics training has received considerable attention and has been modified to include specific lectures on ethics, the Canadian military ethos, and qualities such as loyalty, honesty, integrity, dedication, and courage. These courses are often structured as a liberal arts university course might be, delving into the complexities of ethical concepts and examining topics such as moral obligation, the moral basis of traditional military values, and the study of codes of honour. Ethics training and development occupy an important place in the Staff College curriculum.

Before 1992, training provided to non-commissioned members, up to and including the rank of warrant officer, examined definitions of truth, duty, bravery, integrity, loyalty, and courage. Post-1992 training added more on ethics and the development of personal and military values.³² Non-commissioned officer training suggests that military ethics are subsumed under the law of war (now called the law of armed conflict). The law of war is based on The Hague conferences of 1899 and 1907, the Geneva conferences of 1929 and 1949, and numerous separate pacts and treaties. It establishes the conditions of war and the rights of non-combatants, prisoners of war, the wounded and the sick.³³

Since 1993, a variety of additional training and educational programs has also been introduced to employees at the Department of National Defence and to members of the CF. According to a briefing note prepared for the chief of the defence staff, the primary rationale for these changes is "the ethical political imperative that the composition and the culture of our military must reflect the population that it serves".³⁴ Subjects include Aboriginal awareness, cultural values, and ethics. Another initiative is the defence ethics program which has been in place since the late 1980s. Its major elements are "ethics awareness and education, the development and enhancement of core values, and the provision of practical advice on ethics in the workplace".³⁵

NOTES

1. The information in this chapter is drawn mainly from an independent research study prepared for our Inquiry. See Donna Winslow, *The Canadian Airborne in Somalia: A Socio-Cultural Inquiry*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997).
2. William Windham, quoted in Maj Louis E. Grimshaw, "Ethical Tensions for Senior Leaders in the Canadian Forces", notes for a seminar workshop at JSCOPE XVII, Washington D.C., January 1995.
3. "Canadian Forces Officer General Specification", Revision 2 (A-PD-150-001/AG-001, October 1994), Preface, pp. ii-iii.
4. General Sir John Hackett, *The Profession of Arms* (London: Times, 1963), p. 222.
5. DND Board of Inquiry, *Command Control and Leadership in Canbat 2, The Board Report* (November 15, 1996), paragraph 702.

6. MGen (ret) Dan Loomis, *The Somalia Affair: Reflections on Peacemaking and Peacekeeping* (Ottawa: DGL Publications, 1996), p. 51.
7. Charles A. Cotton, "Commitment in Military Systems", in *Legitimacy and Commitment in the Military*, ed. Thomas C. Wyatt and Reuven Gal (New York: Greenwood Press, 1990), p. 50.
8. Loomis, *The Somalia Affair*, p. 60.
9. DND Board of Inquiry, *Command Control and Leadership in Canbat 2*, paragraph 410.
10. DND Board of Inquiry, *Command Control and Leadership in Canbat 2*, paragraph 411.
11. DND Board of Inquiry, *Command Control and Leadership in Canbat 2*, paragraph 718.
12. DND Board of Inquiry, *Command Control and Leadership in Canbat 2*, paragraph 719.
13. DND Board of Inquiry, *Command Control and Leadership in Canbat 2*, paragraph 720.
14. LCol K.W.J. Wenek, "Behavioural and Psychological Dimensions of Recent Peacekeeping Missions", *Forum, Journal of the Conference of Defence Associations Institute* 8/5 (1993), p. 20.
15. Maj C.A. Cotton, "Military Attitudes and Values of the Army in Canada", Research report 79/5 (Willowdale, Ontario: Canadian Forces Personnel Applied Research Unit, 1979), p. 5.
16. Maj C.R. Shelley, "A Crisis of Character? Ethical Development in the Canadian Officer Corps", *Canadian Defence Quarterly* (1996), p. 26.
17. General Sir John Hackett, "The Military in the Service of the State", in *War, Morality, and the Military Profession*, second edition, ed. M.M. Walkin (Boulder, Colorado: Westview Press, 1979), pp. 124-125.
18. Morris Janowitz, *Political Conflict: Essays in Political Sociology* (Chicago: Quadrangle Books, 1970), p. 126.
19. Janowitz, *Political Conflict*, p. 130.
20. Charles A. Cotton, "The Institutional Organization Model and the Military", in *The Military, More than just a Job?* ed. Charles Moskos and Frank Wood (Washington: Pergamon-Brassey's, 1988), p. 41.
21. Cotton, "The Institutional Organizational Model and the Military", p. 11.
22. F.C. Pinch and Charles Cotton, "The Winds of Change: Manning the Canadian Enlisted Force", in *Life with the Rank and File*, ed. D.R. Segal and H.W Synayko (Washington: Pergamon-Brassey's, 1986), p. 242.
23. Richard A. Gabriel, *To Serve with Honor: A Treatise on Military Ethics and the Way of the Soldier* (Westport, Connecticut: Greenwood Press, 1982), p. 98.
24. Gary L. Wamsley, "Contrasting Institutions of Air Force Socialization", *American Journal of Sociology* 78/2 (1972), pp. 400-402.

25. Owen Parker, "The Influences of Organizational Culture on the Personnel Selection Process", Ph.D. dissertation, York University, 1995, p. 81.
26. DND, Directorate of Personnel Development Studies, Annex G to 4503-1 (CO), April 22, 1996.
27. Gabriel, *To Serve with Honor*, p. 9.
28. See Charles A. Cotton, "A Canadian Military Ethos", *Canadian Defence Quarterly* 12/3 (1982); and A.G. Hines, "Military Ethics: A Code for the Canadian Forces," speech to the Canadian Forces Staff College, 1992.
29. The Australian army issues a pamphlet entitled "Army Ethos and Values" to all members and operates a defence ethics and fraud awareness campaign in addition to code of conduct and ethics programs.
30. See Gerald E. Miller, "Public Law and the Military Commander: Responsibility and Authority", *Naval War College Review* 4 (1971).
31. This argument is made by Miller in "Public Law and the Military Commander"; in M.M. Walkin, "Ethics of Leadership", in *War, Morality and the Military Profession*; in Kenneth Wenker, "Professional Ethics: An Attempt at Definition", *U.S. Air Force Academy Journal of Professional Military Ethics* (April 1981); and in Lawrence Crocker, *The Army Officer's Guide* (Harrisburg, Pennsylvania: Stockdale, 1979).
32. Col Gordon King, Deputy Chief of Staff for Education in Canadian Forces Recruiting, Training and Education System Headquarters, briefing for Commissioners.
33. See Anthony E. Hartle, *Moral Issues in Military Decision Making* (Lawrence: University Press of Kansas, 1989) for details.
34. CDS Briefing note, NS 014291.
35. CDS Briefing note, NS 014292.

CIVIL-MILITARY RELATIONS

In Canada, as in most liberal democratic states, *civil control* of the military means the control of the armed forces by civilians elected to Parliament acting in accordance with statutes passed by that legislative body. This principle is distinctly and conceptually different from the notion of *civilian control* of the military, which may mean control by anyone not enrolled in the armed forces, such as public servants.

CIVIL CONTROL OF THE CANADIAN ARMED FORCES

Civil control is intended to ensure that decisions and risks affecting national defence and the employment of the Canadian Forces are taken by politicians accountable to the people rather than by soldiers, officials, and others who are not. In practice, therefore, the Cabinet collectively, under the direction of the prime minister, is responsible and accountable to Canadians to control the Canadian Forces (CF) in all respects.

Canadians entrust the federal government with the responsibility to prepare defence policy and to provide reasonable assurance that the armed forces are able to defend the

nation. However, the delegation of these responsibilities to the government of the day is limited. Governments do not have unrestricted control over the CF. Rather, Canada's constitutional arrangements and laws provide a set of checks and balances meant to control the authority of the government, the armed forces, and the civil bureaucracies. In effect, responsibility for formulating defence policy and implementing and administering that policy is shared among the governor general; the prime minister; the minister of national defence, the chief of the defence staff (CDS), and, in a narrow sense, the deputy minister of national defence.¹

Customs and norms, evolved from history and now inherent in the relationship between politicians and soldiers, together with certain explicit laws and regulations, usually protect society from the armed forces and from any attempt by the government to use the armed forces for partisan purposes. Generally, politicians and military officers perform different, but complementary, roles in planning for national defence and controlling the armed forces. That is to say, the law gives politicians control over matters affecting the establishment, provision, and use of armed forces, while officers are *allowed, under the direction of ministers*, to control matters more strictly military. Such military matters include force standards and doctrine, discipline, organizing units and formations, certain promotions, and the direction of field operations. There is a narrow space between what is a civil and what is a military responsibility, but it is sufficiently wide to permit ministers and officers to adjust to political and military circumstances without either party crossing inappropriately into the other's domain.

ORGANIZATION FOR NATIONAL DEFENCE

Civil control of the armed forces is based in law. The *National Defence Act*, supplemented by regulations -- principally the *Queen's Regulations and Orders (QR&O)* -- governs almost all aspects of civil-military activity in Canada.² Moreover, all subordinate arrangements for defence organization, levels of authority, and the relationships between politicians, officers, and officials are also subject to the laws and regulations governing national defence and its public administration. Few meaningful discussions, reforms or changes in arrangements for civil control of the CF command authority, or defence administration can be advanced without reference to the act and regulations.

The act clearly establishes two broad areas of jurisdiction that determine the parameters and relationships between the civil authority and the CF. The first area concerns the organization of the defence department and relations between civil authorities and military officers. The second concerns military organization and command and the specific powers of military authorities.

The Canadian defence establishment comprises two separate entities: the Department of National Defence (DND) and the CF. This distinction is important and has a long history. Legislation governing the three separate armed services always referred to the army, navy, and air force as "the armed forces of Her Majesty", strongly implying that the armed forces are distinct, even from the government. Parliament carried this terminology into the *National Defence Act (NDA)* when it consolidated the separate service acts in 1950.³ Furthermore, during the 1950 debate on the NDA, parliamentarians specifically

separated the department from the armed forces by organizing the act into two "parts".⁴ When the services were unified in 1968, this separation remained.

After the Canadian Forces Headquarters and the bureaucratic staffs of DND were amalgamated in 1972 to become National Defence Headquarters (NDHQ), officers and officials began to refer to the CF and DND as if they were one entity. This error prompted the Judge Advocate General (JAG) to declare in 1988 that "a major confusing factor for those dealing with the two national defence organizations [the CF and DND] is the integrated structure of NDHQ", which left the impression that the two entities were simply branches of one organization. Concluding that the inference was wrong, the JAG noted that "to refer to DND and the Canadian Forces as if they were the same organization is incorrect and has significant legal consequences."⁵

THE DEPARTMENT OF NATIONAL DEFENCE

DND is a department of government authorized under Part I, section 3 of the NDA:

There is hereby established a department of the Government of Canada called the Department of National Defence over which the Minister of National Defence appointed by commission under the Great Seal shall preside.

Part I of the act relates only to DND; the remaining parts relate to the CF. The department, like all other federal departments, is managed by a department head, the deputy minister, who directs a civilian staff. The DM is guided by various acts and regulations that assign responsibility for the financial control of the budget and management of departmental public servants.⁶

The Canadian Armed Forces

The CF is clearly shown to be separate from DND in Part II, section 14 of the NDA:

The Canadian Forces are the armed forces of Her Majesty raised by Canada and consist of one Service called the Canadian Armed Forces.

Part II of the NDA provides direction on the composition, organization, command, and administration of the armed forces. Parts IV through IX prescribe the *Code of Service Discipline*. Indeed, except for Part I, all other parts of the NDA apply only to members of the CF (except in unique circumstances), further distinguishing the CF from DND.

Also, whereas DND is a single entity a department without other elements, the NDA states that "[t]he Canadian Forces shall consist of such units and other elements as are from time to time organized by or under the authority of the minister."⁷ Under QR&O 2.08(1), the minister may authorize:

1. the establishment of commands and formations; and
2. the allocation to commands and formations of such bases, units and elements that the Minister considers expedient.⁸

The Administration of National Defence

Clearly, officials in DND and officers of the CF must co-ordinate their activities and cooperate to fulfill the directions and policies of the government. However, the broad

organization of the defence establishment and its management processes must not interfere with the government's capacity to maintain effective direct control of the armed forces. Furthermore, because command in the CF provides special powers to individuals over Canadian citizens and carries with it specific responsibility to use deadly force in the defence of Canada, command authority and accountability in the armed forces must be unambiguous and exercised according to law.

The CF and DND are unique among government agencies and departments in that neither has a stated statutory purpose. The employment of the Canadian Forces, except for "aid of the civil power", provided in Part XI of the *National Defence Act*, is at the discretion of the Crown.⁹ Therefore, the government of the day must choose how it wishes to use the Canadian Forces. This condition places special responsibilities on the government and Parliament to give clear direction to the CF and to oversee its activities carefully.

In practical terms of command and administration, how the defence establishment is structured -- as one entity or two -- has significant consequences as well for civil control of the armed forces. That is not to say that the relationship between the CF and DND is immutable. However, when the statutory structure of the CF and DND is changed by administrative fiat, civil-military relationships can become dangerously confused. Uncertified, such confusion can lead to situations where no one is sure of who has authority over whom and who is accountable within the defence establishment for policy, command, and administration of the CF. What the law makes clear, bureaucratic practices may make ambiguous.

THE DECISION MAKERS

An understanding of the laws governing the key actors and the relationship between them is central to any discussion of the exercise of power and policy outcomes in Canada's national defence. It is also important to understand that any change in the distribution of responsibilities and authority and the relationship between the key actors in the defence establishment may have significant consequences for the formulation of defence policy, command of the CF, and defence administration. Therefore, any suggestions for reform or changes in relationships between the minister, the CDS, and the deputy minister must be made with reference to the NDA, and only after careful analysis of the impact of such reforms on civil-military relations.

The statutory position of and relationships between the minister of national defence, the deputy minister, and the chief of the defence staff are established principally by the National Defence Act. The minister and the deputy minister are appointed by the Governor in Council under "Part I, Department of National Defence" of the NDA, while the CDS is appointed by the Governor in Council under "Part II, The Canadian Forces".

The Minister of National Defence

As noted earlier, section 3 of the NDA establishes the "Department of National Defence over which the Minister of National Defence...shall preside." The NDA provides, under section 4, that the minister "holds office during pleasure, has the management and direction of the Canadian Forces and of all matters relating to national defence".

Generally, the minister's powers fall into three main groups:

1. those exercised by virtue of the minister's constitutional position as a minister of the Crown, such as making submissions to the Governor in Council and advising the Cabinet on defence matters;
2. those of a legislative nature, such as making regulations within the minister's powers or under the authority of an act of Parliament, e.g., subsection 12(2) of the NDA; and
3. all other powers vested in the minister by or under various acts of Parliament, e.g., the *Aeronautics Act*, the *Visiting Forces Act*, and the NDA, including the minister's power under the NDA to manage and direct the Canadian Forces and the CDS.

Section 12(2) provides that the minister, subject to any regulations made by the Governor in Council, may make regulations for the "organization, training, discipline, efficiency, administration and good government of the Canadian Forces". However, the minister "does not have power to make regulations" when "there is express reference to regulations made or prescribed by the Governor in Council or the Treasury Board in respect of any matter" ¹⁰

The Chief of the Defence Staff

An important distinction between Part I and Part II of the NDA clearly sets the CDS apart from the minister and DND. Specifically, section 18(1) of the NDA states:

The Governor in Council may appoint an officer to be the Chief of the Defence Staff, who shall...subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Canadian Forces.

The powers of the CDS are derived from the NDA and regulations (principally, the QR&O, volumes I,II, and III). As noted, the CDS is subject to the direction of the minister in the exercise of general powers, but the duties of the CDS are not delegated from the minister. The CDS has responsibility exclusive of the minister and deputy minister of national defence in three areas:

(a) Those powers in respect of which clearly the CDS is not subject to direction by the minister or the deputy minister. QR&O articles 204 and 205 are examples of regulations that imply that the power given to the CDS is not subject to the direction of the minister. Under those articles, the rate of pay of a general officer is, within the annual ranges prescribed by Treasury Board, "as determined from time to time by the Chief of the Defence Staff on the basis of merit." In this case, the CDS will be influenced strongly by the deputy minister in respect of the financial resources available and other financial implications, but the ultimate decision must be that of the CDS.

(b) Powers given to the CDS in a form that, of necessity, implies that the CDS is not subject to the direction of the minister or the deputy minister in exercising those powers. For example, Part XI, section 278 of the NDA allows the CDS to call out "in aid of the civil power" such part of the Canadian Forces as the CDS considers necessary. Here Parliament has specifically placed reliance on the opinion of the CDS, and it is that opinion, not that of the prime minister, the

minister of national defence, or the deputy minister, that is critical. In forming an opinion the CDS will, of course, consider various factors such as operational and financial requirements. As the senior military officer the CDS is the best judge of the former but may seek the deputy minister's advice on the latter. Although the CDS will eventually form an independent opinion, the views of the prime minister and the minister of national defence are undoubtedly influential, as the CDS must retain their confidence.

(c) Powers that concern *purely military matters*, such as the conduct of military operations within political, financial or foreign policy restraints imposed by the government.¹¹

Thus, there is an organization known as "the department", which is primarily civilian, over which the minister "presides". There is a separate organization known as the "Canadian Forces", which is under the control of the CDS. Whereas the minister has different statutory powers in respect of both organizations, the statutory powers of the chief of the defence staff apply only to the CF and those of the deputy minister only to DND.

It is important to note also that the minister has the "management and direction" of the Canadian Forces, whereas the CDS, "under the direction of the Minister", has the "control and administration of the Canadian Forces". The distinction between "management" and "administration" is not clear. But what is clear is that Parliament chose to vest "control" of the Canadian Forces directly in the chief of the defence staff, subject only to the "direction" of the minister.

There have been suggestions that the *National Defence Act* should be amended to state that the CDS has "command" of the CF -- the word command being generally synonymous with "control" but emphasizing more strongly the authority to be exercised over a military force. Such suggestions have never gone far, however, because the "Command-in-Chief...of all...Military Forces [is] vested in the Queen",¹² and changing the status of the CDS might raise complicated constitutional questions regarding the role of the governor general.

The Deputy Minister

Section 7 of the NDA provides for a "Deputy Minister of National Defence who shall be appointed by the Governor in Council." The act is silent, however, about the DM's authority in matters of defence policy and administration. Generally, the deputy minister has powers only regard mg the department, and they are usually only those related to powers vested in the position by acts of Parliament. That is, the deputy minister's authority is derived from acts such as the *Financial Administration Act* and the *Interpretation Act*, including regulations made under those acts. The DM's position and relationship with the minister and the CDS are governed by section 23(2) of the *Interpretation Act*, which reads in part:

Words directing or empowering a minister of the Crown to do an act or thing, regardless of whether the thing is administrative, legislative, or judicial or otherwise applying to him by his name of office, include (a) a minister acting for a minister; (b) the successor of that minister; (c) and his or their deputy. Nothing

in this paragraph (2) (c)...shall be construed to authorize a deputy to exercise any authority conferred on a minister to make a regulation

Thus the deputy minister may have, subject to authority delegated by the minister, substantially the same powers as the minister. Nevertheless, the main powers of the deputy minister of DND that are conferred by statutes relate primarily to financial management and the direction of civilian personnel. Some individuals believe that because deputy ministers act at times as the 'alter ego' of ministers and because, generally, they can exercise any power assigned to them by ministers, the deputy minister of DND has near unlimited authority over any defence matter, including operational decisions of the CF.

Such an argument is invalid for several reasons. First, ministers of national defence do not exercise total control over every aspect of defence policy, because the chief of the defence staff has statutory responsibilities under the *National Defence Act*, including "control" of the Canadian Armed Forces. Therefore, because in some respects the minister does not control the CF, a deputy minister of DND obviously cannot exercise control over the Canadian Forces or the chief of the defence staff. Second, according to some authorities, where a minister presides over two distinct departments, "officials from one department cannot act for and on behalf of the minister presiding over [the other] department."¹³ If that is so, given that the CF and DND are two separate entities, the deputy minister of DND would be precluded from acting for the minister in the management and direction of the Canadian Forces. Third, it is also argued that ministers cannot delegate "serious" duties that Parliament intends them to fulfill and can delegate to an official only powers and duties that are "incidental and appropriate to [the] functions" of that official.¹⁴ The management and direction of the armed forces are certainly serious matters, and military planning and operations are never "incidental" functions of public servants. Fourth, members of the CF are not public servants subject to the direction of public service leaders, and the DM has no authority over them. Finally, the law states clearly that orders and directives to the CF must be issued by the CDS which means, of course, that the DM cannot issue orders to the CF.

In addition to these inherent legal limitations, other limitations to the authority of the deputy minister over the Canadian Forces have their roots in custom. By long established custom, the deputy minister of DND does not exercise the powers of the minister in respect of matters of an operational nature or having to do with military discipline. A legal opinion was given by the Judge Advocate General in 1961 to the effect that, although the Interpretation Act did in law permit the deputy minister to direct the former chiefs of staff of the three services in the control and administration of the services, it is a well established departmental custom that such legal power should be exercised only in relation to procurement, defence property, and civilian personnel, or where there are serious financial implications.

CONCLUSION

Civil control of the armed forces and the relationship between political and military leaders is a critical issue. Canadians generally are unaware of the significance of this political responsibility until serious issues about the behaviour of members of the Canadian Forces and the Department of National Defence become public. In 1994,

however, a Special Joint Committee of the Senate and the House of Commons reported that "whatever our individual views on particular issues of defence policy or operations, there was one matter on which we agreed almost from the beginning -- that there is a need to strengthen the role of Parliament in the scrutiny and development of defence policy."¹⁵ We explore this matter further in later chapters.

NOTES

1. See Douglas Bland, *National Defence Headquarters: Centre For Decision*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997).
2. These regulations, as prescribed in the *National Defence Act*, sections 12 and 13, can be made by the governor in council (that is, the cabinet), the minister, or the Treasury Board.
3. *National Defence Act* (NDA), Part II, section 14.
4. See House of Commons, Special Committee on Bill No. 133, "An Act Respecting National Defence", *Minutes of Proceedings and Evidence*, especially No. 1, May 23, 1950.
5. DND, Office of the Judge Advocate General, *Newsletter* (April 1988), p. 4.
6. Two of the main acts are the *Financial Administration Act* and the *Interpretation Act*.
7. NDA, section 17(1). Section 17(2) provides that units and other elements can be "embodied" in such of the components (regular, reserve or special) as the minister may direct.
8. The chief of the defence staff (CDS) can exercise the minister's powers (QR&O 2.08(1)(b)) whenever the CDS considers it necessary to do so by reason of "training requirements or operational necessity", provided that it is not a permanent reallocation of units to a command or formation.
9. NDA, section 277 provides that the attorney general (or equivalent) of a province may ask the CDS for the call-out of the Canadian Forces in aid of the civil power, but only to quell a riot or other disturbance of the peace beyond the capacity of the civil powers. See also sections 275, 279, and 280.
10. NDA, section 13.
11. These descriptions are based in part on the NDA and in part on interviews conducted at NDHQ. They also reflect interpretations made by DND officials from time to time concerning the relationship between the minister of national defence, the deputy minister, and the CDS. Readers are cautioned to use only the NDA for formal terms of reference, as some DND documents include descriptions that are of uncertain validity.
12. Constitution Act, 1867, Part III, section 15. See also House of Commons, Special Committee on Bill 133, pp. 40-41.
13. Henry Molot, "The *Carltona* Doctrine and Recent [Amendments] to the *Interpretation Act*", *Ottawa Law Review* 26/2 (1994), p. 272.

14. Molot, "The Carltona Doctrine", p. 275.

15. Parliament of Canada, Special Joint Committee on Canada's Defence Policy, *Security in a Changing World* 1994 (October 25, 1994).

THE MILITARY JUSTICE SYSTEM

In our earlier discussion of themes we identified discipline as an essential aspect of military operations. Few professions are as dependent on discipline as the military. Ensuring appropriate discipline within the CF entails, in part, using the military justice system to enforce laws, standards and mores in a corrective and, at times, punitive way.

The military justice system is separate from the civilian justice system. The Code of Service Discipline, set out in the *National Defence Act*, establishes the standards of conduct expected of members of the CF. The conduct is enforced in part through a system of service tribunals, the military substitute for civilian courts. In essence, the military justice system complements the civilian justice system to accommodate -- in theory, at least -- the unique operational demands of the military.

However, the military justice system in place during the Somalia deployment, and largely still in place today, exhibited serious deficiencies. These deficiencies contributed to disciplinary problems before and during deployment. Just how the military justice system contributed to these problems is analyzed in depth in Volume 5, Chapter 40. In this chapter we describe the system to provide a context for this later discussion of deficiencies.

THE JUDGE ADVOCATE GENERAL

The *National Defence Act* provides for the Governor in Council to appoint a Judge Advocate General (JAG).¹ The act does not require the Judge Advocate General to be an officer or other member of the CF. However, in practice, the Governor in Council has always appointed a CF officer to the position. The Judge Advocate General is, "in addition to those duties and functions devolving upon him by virtue of the *National Defence Act*, responsible to the Minister for such legal matters pertaining to the Canadian Forces as the Minister may direct".²

The Judge Advocate General performs several roles:

1. in a judicial capacity, superintending the CF military justice system, including courts martial;
2. as the senior legal adviser to the CF, providing legal advice associated with the command, control, management, and administration of the CF and its activities;
3. as senior legal adviser to the Department of National Defence, providing departmental legal advice and services; and
4. managing and directing the Legal Branch of the CF, consisting of about 80 regular force legal officers and 50 reserve force legal officers.³

Each of these major roles involves multiple duties. For example, the role of superintending the military justice system requires the JAG to control the provision of legal advice and services to the military justice system; ensure the efficient planning,

organization, staffing, directing, and administering of the courts martial and summary trial processes; and provide qualified legal officers to act as prosecutors and defending officers at courts martial. The specific duties associated with the four main roles are set out in an annex to this chapter.

The Judge Advocate General has direct contact with senior political, departmental, and military officials. Within National Defence Headquarters (NDHQ), the Judge Advocate General has direct contact with the minister, deputy minister, chief of the defence staff, vice chief of the defence staff, deputy chief of the defence staff, assistant and associate assistant deputy ministers, branch chiefs, and directors general. Outside NDHQ, the Judge Advocate General has direct contact with the commanders of commands and formations.⁴ The Judge Advocate General also works with federal, provincial, and municipal governments on legal matters affecting the CF and the Department of National Defence.⁵

MILITARY POLICE

Military Police (MP) are an essential part of the military justice system. There are now about 1,300 Security and Military Police (SAMP) positions in the CF -- about 2 per cent of the CF.⁶ The percentage in the U.S. Army is considerably greater, at about three to four per cent of its military forces.⁷ Some CF military police are attached to bases, units or NDHQ. Others form platoons in each of the brigades, but they could be deployed as separate units.

One of the central roles of the MP is to maintain law and order within the CF, including the enforcement of the criminal law and the Code of Service Discipline. MP investigate possible violations of the Code of Service Discipline and report violations to the appropriate military authorities. This 'routine policing' mandate is vast and occupies the most time and resources in the administration of military policing.

Military Police also have limited responsibilities with respect to the enforcement of civilian law. As discussed below, MP have the powers of peace officers. This gives them some authority, beyond that granted by the *National Defence Act*, to enforce civilian law. In this role, MP may also become involved in civilian law enforcement matters by agreement with civilian authorities.

In addition to their role in the military justice system, MP perform important combat functions. These include tactical and administrative movement control; route signing and traffic control; reception, custody, and control of prisoners of war or detainees; control of refugees; and all aspects of security. We acknowledge that MP performing these operational functions must form an integral part of the field formation and function under the operational chain of command. However, such an arrangement for Military Police engaged in providing *police* support to the military justice system may not afford adequate protection from command influence and thus may well undermine their effectiveness.

A 1996 report recommended several changes to the operational focus, command and control, and services provided by MP.⁸ The recommendations included the creation of alternative reporting lines to the CDS or deputy minister in certain cases to protect the

integrity of investigations and a reduction in garrison policing. The report also proposed minor changes to the current structure, functions and accountability framework of MP.

Military Police Powers⁹

Military police personnel are "specially appointed persons" under section 156 of the *National Defence Act*.¹⁰ As such they have the power to arrest,¹¹ investigate,¹² and use force in certain circumstances.¹³ Military Police do not, however, have the power to lay charges (even charges for criminal offences) under the Code of Service Discipline.¹⁴ Only an officer or non-commissioned member authorized by a commanding officer to lay charges can lay a charge.¹⁵

Military Police personnel are also "peace officers"¹⁶ under section 2 of the *Criminal Code*. Section 2 defines peace officers to include officers and noncommissioned members of the CF appointed for purposes of section 156 of the *National Defence Act*. The definition also includes any officer or noncommissioned member performing duties prescribed by the Governor in Council as being of such a kind that they "necessitate" the person having peace officer powers. In the QR&O,¹⁷ the Governor in Council prescribes the duties that necessitate peace officer powers as any lawful duties performed as a result of a specific order or established military custom or practice related to any of the following:

1. the maintenance or restoration of law and order;
2. the protection of property;
3. the protection of persons;
4. the arrest or custody of persons; or
5. the apprehension of persons who have escaped from lawful custody or confinement.

When acting as peace officers, military police have the powers of arrest set out in section 495 of the *Criminal Code*.¹⁸ They can also lay charges in civil courts without the concurrence of the commanding officer.

The Security Orders for the Department of National Defence and the Canadian Forces describe the jurisdiction of the Military Police as follows:

1. MP are the primary police force of jurisdiction and exercise police authority with respect to:
 - 1.1. persons subject to the Code of Service Discipline, without regard to their rank, status or location; and
 - 1.2. any other person, including civilian employees, dependants, visitors or trespassers, in regard to an event, incident or offence, real or alleged, which occurs or may occur on or in respect to defence establishments, defence works, defence materiel or authorized Canadian Forces programmes, activities or operations.
2. Prior to exercising police authority off a defence establishment, MP must first satisfy themselves that some other police agency does not have a right of primary

- jurisdiction. A connection, or nexus, to the Service is an essential prerequisite. In the absence of such a nexus, police authority should only be exercised by MP with the concurrence of the appropriate civil authority. Police authority is clearly distinct from the implicit duties and responsibilities of any good citizen.
3. Where an offence has been committed in Canada by a person subject to the Code of Service Discipline outside of a defence establishment, the matter should be dealt with by the appropriate civilian authorities, unless a Service connection, or nexus, is apparent. In these latter cases, the matter may be considered a Service offence and dealt with accordingly.
 4. NDA, Section 70, provides that certain offences shall not be tried by a Service tribunal in Canada. When an offence which should be dealt with by civil authorities is reported to MP, it shall be the responsibility of the appropriate MP or of a security adviser to ensure that the incident is expeditiously reported to the appropriate crown prosecutor or civil police. Subsequent MP enquiries will normally be conducted parallel to or in concert with any civil police investigation. Such incidents will, in any event, be documented by means of an MP report. Should the civil authority fail to act in such an instance, then an MP enquiry will be completed and recorded to the extent deemed necessary by the appropriate security adviser. Should the circumstances so warrant, local authorities will be advised of the outcome of MP inquiries conducted separately from those of the civil authority. Where appropriate, an information may be sworn. Outside of Canada, MP will investigate and report in accordance with international agreements and practices.¹⁹

The CF uses the military justice system whenever possible.²⁰ For persons subject to the Code of Service Discipline, the Military Police are "using the military disciplinary system whenever legally possible",²¹ whether the conduct occurred on or off DND property. Similarly, the Security Orders for the Department of National Defence and the Canadian Forces state:

MP shall not resort to the indiscriminate use of the civilian courts in dealing with persons subject to the Code of Service Discipline, when it would be more appropriate to permit a commanding officer to deal with such persons in a Service proceeding.²²

Military Police Independence

The Security Orders for the Department of National Defence and the Canadian Forces state:

MP form an integral part of CF organizations and are operationally responsible to their commanders and commanding officers (COs) for the provision of effective police and security services. Specialist advice and technical direction, on these services, is provided by security advisers within their respective organizations.²³

Military Police are clearly members of the unit or other element of the CF in which they serve. In other words, MP are not part of a chain of command outside the normal chain of command. A recent *Police Policy Bulletin* reinforces this position: the Military Police

"are subject to orders and instructions issued by or on behalf of Commanders."²⁴ Furthermore, "police and investigative functions must be conducted in such a manner to, within the law, support the Commander's legitimate operational mission."²⁵ Another section states:

"Specially Appointed Persons [i.e., the Military Police] and Commanders share a common interest of maintaining discipline and reducing the incidence of crime and criminal opportunities. Specially Appointed Persons must therefore be the agent of their Commander and his community in the attainment of this goal."²⁶

However, significant links to National Defence Headquarters remain. The Military Police are "technically responsive" to NDHQ:²⁷

MP assigned to bases, stations and CF units are under the command and control of the appropriate commanders or commanding officers (CO) of those bases, stations or units. Still, when performing a specific policing function related to the enforcement of laws, regulations and orders, they are also technically responsive to NDHQ/DG Secur [Director General Security] and D Police Ops [Director Police Operations].²⁸

"[S]ignificant or unusual incidents having criminal, service or security implications" must be reported to NDHQ.²⁹ The Director General Security is the department's senior security and police adviser and is responsible for the "technical direction, coordination and supervision of all security and police matters in the CF and DND."³⁰ DG Secur in turn is responsible to the deputy chief of the defence staff.

A new police policy published in 1994, after the Somalia deployment, deals with the reporting requirements of Canadian military police employed as part of a multi-national force: "[T]he senior Canadian Military Police member appointed as a SAMP [Security and Military Police] Advisor of a Canadian Contingent deployed overseas shall be at least a Warrant Officer notwithstanding the size of the Canadian Contingent."³¹ The SAMP adviser is to "ensure that all investigations involving members of the Canadian Contingent are conducted in accordance with DND Police Standards and Policies."³² Furthermore, "all incidents involving Canadian Contingent members which would be reportable if they had occurred in Canada, must be reported to D Police Ops." A copy of all reportable incidents that have been investigated must be sent to the D Police Ops.³³

Widespread communication outside the chain of command is also encouraged: "To facilitate the resolution of matters related to police and security inquiries, lateral and vertical channels of communication are authorized between military police at all levels".³⁴ In addition, Military Police Investigation Reports (MPIR) of more than "local significance" are sent to NDHQ.³⁵

NDHQ approval is required before an investigation can be stopped. One police policy bulletin provides that military police must notify the senior local military police person if "aware of an attempt, by any person, to influence illicitly the investigation of a service or criminal offence."³⁶

REGULATIONS AND ORDERS

The *National Defence Act* empowers the Governor in Council, the minister and the Treasury Board to make certain regulations. The Governor in Council and the minister can each make regulations for the "organization, training, discipline, efficiency, administration and good government of the Canadian Forces and generally for carrying the purposes and provisions"³⁷ of the act into effect. Treasury Board can make regulations "prescribing the rates and conditions of issue of pay and allowances of officers and non-commissioned members and for forfeitures and deductions".³⁸ Regulations made under the act are normally published in the *Queen's Regulations and Orders for the Canadian Forces*.³⁹ The word orders in the title of the QR&O refers to orders made by the chief of the defence staff.⁴⁰

HISTORY OF THE MILITARY JUSTICE SYSTEM IN CANADA

The Canadian military justice system is based on the military justice system of the United Kingdom. Until the *National Defence Act* first came into effect in 1950, British statutes governed military discipline in the Canadian Army and in the Royal Canadian Air Force (RCAF). Canada's *Militia Act*⁴¹ (1927) and *Royal Canadian Air Force Act*⁴² (1940) provided that the *Army Act* of Great Britain and the *Air Force Act* of the United Kingdom applied to the Canadian Army and the RCAF respectively. A Canadian statute, the *Naval Service Act*⁴³ (1944), dealt with naval discipline. However, almost all discipline provisions in the *Naval Service Act* closely resembled the British provisions.⁴⁴

Today the CF military justice system is governed solely by Canadian law. However, the main features of the system -- types of offences, basic powers of trial and punishments -- closely resemble the British system that formerly applied to the CF.

THE CODE OF SERVICE DISCIPLINE AND RELATED PROVISIONS

The Code of Service Discipline consists of Parts IV to IX of the *National Defence Act*:

- Disciplinary Jurisdiction of the Canadian Forces (Part IV)
- Service Offences and Punishments (Part V)
- Arrest (Part VI)
- Service Tribunals (Part VII)
- Mental Disorder Provisions (Part VII.1)
- Provisions Applicable to Findings and Sentences after Trial (Part VIII)
- Appeal, Review and Petition (Part IX)

In this section we examine these parts and discuss provisions of the act that do not form part of the code but are nonetheless integral parts of the military justice system -- for example, release from custody pending appeal and search warrants.

Disciplinary Jurisdiction of the CF (Part IV of the *National Defence Act*)⁴⁵

Persons Subject to the Code of Service Discipline

The *National Defence Act* sets out who can be tried by a military tribunal for an alleged service offence under the Code of Service Discipline.⁴⁶ (A service offence includes offences against the *Criminal Code* of Canada or other federal statute.⁴⁷) Members of the regular force are subject to the Code of Service Discipline 24 hours a day. Members of the reserve force are subject to the Code only while on military service or at certain other times specified in the *National Defence Act*. These include being in or on a vessel, vehicle or aircraft of the CF or on any defence establishment or work for defence. Civilians can also be subject to the Code of Service Discipline -- for example, if they are dependants accompanying members of the CF serving abroad.⁴⁸

Place of Offence

Under the Code of Service Discipline all service offences committed outside Canada and most committed in Canada can be tried by service tribunals. The only exceptions are certain offences committed in Canada -- murder, manslaughter, certain sexual offences, and abduction offences under sections 280-283 of the *Criminal Code*.⁴⁹ These can be tried only by civil courts.

Place of Trial

The *National Defence Act* states that a service tribunal may, in or outside Canada, try a person subject to the Code of Service Discipline.⁵⁰ However, under international law, before such a trial can be held in another country, that country must normally consent. The consent is usually set out in a 'status of forces agreement'. For example, the jurisdiction of CF tribunals in North Atlantic Treaty Organization countries is prescribed in the NATO *Status of Forces Agreement*.⁵¹ The United Nations usually obtains the agreement of the host country to allow national contingents of United Nations peacekeeping forces there to exercise disciplinary and criminal jurisdiction over their own troops. However, as usually happens with peace *enforcement* missions, neither the United Nations nor Canada had a status of forces agreement with Somalia.

Limitation Periods and Double Jeopardy

Except for a few very serious offences,⁵² the limitation period for prosecuting offences at a trial by service tribunal is three years. However, the limitation period does not apply to trials of a CF member by a civil court. For example, a civil court may try a charge of theft under the *Criminal Code* after the three-year period, but the same offence can be tried only within the three-year period as a service offence under section 130(1) of the *National Defence Act*. When a service tribunal convicts or acquits a person of an offence, no civil court in Canada, and no other Canadian service tribunal, can try that person again for the same or a substantially similar offence. As well, when a civil court or a court of a foreign state convicts or acquits a person of an offence, no service tribunal can try that person for the same or a substantially similar offence.⁵³

Service Offences and Punishments (Part V of the *National Defence Act*)

Service Offences

Part V of the act specifies various service offences for which a person subject to the Code of Service Discipline can be tried by a service tribunal.⁵⁴ Some of these offences are not criminal or otherwise punishable in civilian life -for example, desertion, talking back to a superior, and showing cowardice before the enemy.⁵⁵ Members of the CF in Canada are also subject to trial under the Code of Service Discipline for Canadian criminal law offences committed in Canada.⁵⁶ The Supreme Court of Canada has described the Code of Service Discipline as follows:

Although the Code of Service Discipline is primarily concerned with maintaining discipline and integrity in the Canadian Forces, it does not serve merely to regulate conduct that undermines such discipline and integrity. The Code serves a public function as well by punishing specific conduct which threatens public order and welfare. Many of the offences with which an accused may be charged under the Code of Service Discipline...relate to matters which threaten public order and welfare. For example, any act or omission that is punishable under the *Criminal Code* or any other Act of Parliament is also an offence under the Code of Service Discipline.⁵⁷

Persons subject to the Code of Service Discipline can also be tried by Canadian service tribunals for offences against the criminal law of any country in which they are serving.⁵⁸ Unlike most Canadians, CF members remain subject to Canadian criminal law even while outside Canada.⁵⁹ Thus, Pte Brown and MCpl Matchee were charged with second degree murder (an offence under section 235(1) of Canada's *Criminal Code*) for the death of Shidane Arone in Somalia on March 16, 1993.⁶⁰

Punishments

The *National Defence Act* sets out the punishments that can be imposed for service offences. Punishments depend on the tribunal and the offence,⁶¹ and may include death, imprisonment for two years or more, dismissal with disgrace from Her Majesty's service, imprisonment for less than two years, dismissal from Her Majesty's service, detention, reduction in rank, forfeiture of seniority, severe reprimand, reprimand, fine, or minor punishments.⁶² The death penalty still exists for several military offences, such as a commander acting traitorously in action or a soldier showing cowardice before the enemy.⁶³ Sentences of death were carried out against 25 Canadian soldiers in the First World War and one during the Second World War.⁶⁴ There have been no executions in the CF since then.

Part V of the *National Defence Act* also deals with substantive law⁶⁵ -- for example, the definition of parties to offences, the effect of ignorance of the law, and the application of civil defences -- and with procedural law, including provisions on conviction for related offences.⁶⁶

Investigations into Possible Violations of the Code of Service Discipline

Investigations Generally

The Duty to Investigate

The *National Defence Act* and QR&O include several powers allowing for the investigation of possible breaches of the Code of Service Discipline, but few provisions compelling such action.

Investigation Before a Charge is Laid

Regulations appear contradictory as to whether an investigation of an alleged offence must take place before a charge is laid.⁶⁷ The QR&O state, "An investigation *shall* be conducted as soon as practical after the alleged commission of an offence."⁶⁸ Yet the next article of the QR&O advises simply that, where a complaint is made or where there are other reasons to believe that a service offence has been committed, an investigation "should" be conducted to determine whether sufficient grounds for charging exist.⁶⁹ An investigation would be mandatory only after a charge is laid. However, the Office of the Judge Advocate General appears to favour the interpretation that an investigation is mandatory even before charges are laid.⁷⁰

In specific cases, such as the extended illegal absence of a CF member, commanding officers are clearly obliged to investigate.⁷¹ As well, a commanding officer must cause any suspected contravention of the *Narcotic Control Act* to be investigated as soon as practicable. The investigation is to be carried out as the commanding officer considers appropriate, "having regard to the means of investigation at the CO's disposal and the circumstances giving rise to the suspicion or alleged contravention".⁷²

Investigation After a Charge is Laid

Once a person is charged with an offence under the Code of Service Discipline, the *National Defence Act* requires that an investigation be conducted:

Where a charge is laid against a person to whom this Part applies alleging that the person has committed a service offence, the charge shall forthwith be investigated in accordance with regulations made by the Governor in Council.⁷³

The method of carrying out the investigation of a charge is left largely to the investigator's discretion. The investigator may investigate "in such a manner as seems...appropriate in the circumstances."⁷⁴ The results of the completed investigation must then be sent to the commanding officer or delegated officer to whom the charge report was referred.⁷⁵

Types of Investigations

Some of the investigative resources available to commanding officers, such as boards of inquiry and summary investigations, are described in the *National Defence Act* and the QR&O respectively. Others, such as very informal investigations ordered by a commanding officer, have no grounding in the act or QR&O,⁷⁶ but seem to have become an established part of military culture. If the commanding officer decides to investigate alleged misconduct, the commanding officer generally has considerable discretion in

choosing the type of investigation and who will undertake the investigation. However, in more serious cases, the commanding officer is required to request the help of the Special Investigation Unit (SIU). For example, the commanding officer must ask for SIU assistance in investigating acts of subversion, espionage, sabotage or terrorism, and theft of identification or pass material. The commanding officer must also request SIU assistance in the case of suicide by a CF member or civilian employee who holds a Level 3 security clearance.⁷⁷

Summary Investigations

A summary investigation refers to an investigation, other than a board of inquiry, ordered by the chief of the defence staff, an officer commanding a command or formation, or a commanding officer.⁷⁸ Commanding officers are given great latitude in deciding which matters will be subject to a summary investigation. Summary investigations, therefore, can be used to investigate both possible misconduct by an individual and systemic problems within the CF. The summary investigation, the QR&O simply state, is to be conducted "in such manner" as the authority ordering the investigation "sees fit."⁷⁹

In some cases, commanding officers are obliged to investigate an incident, such as a serious injury or death not sustained in action, but they have the choice between a summary investigation and a board of inquiry.⁸⁰

Boards of Inquiry

The minister, the chief of the defence staff, an officer commanding a command or a formation, and a commanding officer have the authority to convene a board of inquiry.⁸¹ The board of inquiry is a more formal means of investigation than the summary investigation. The *National Defence Act* allows the convening of a board of inquiry "where it is expedient that the Minister or any such other authority should be informed on any matter connected with the government, discipline, administration or functions of the Canadian Forces or affecting any officer or non-commissioned member."⁸² For example, following the Somalia deployment, a board of inquiry was appointed to examine the actions of the Canadian Airborne Regiment Battle Group.

There is some discretion in deciding whether to order a summary investigation or a board of inquiry. However, death or serious injury in an aircraft accident must be examined by a board of inquiry.⁸³ Furthermore, the CDS (in CFAO 21-9) has ordered that a board of inquiry must be convened to investigate

- matters of unusual significance or complexity;
- when specifically required by QR&O, CFAO or other regulations and orders; or
- when directed by higher authority.⁸⁴

Like a summary investigation, a board of inquiry can look into the conduct of individuals, broader organizational issues, or both. The QR&O detail how a board of inquiry is to be conducted, as do the CFAO.⁸⁵

Military Police Investigations Ordered by Commanding Officer

A commanding officer may also order a Military Police investigation. The commanding officer or a delegated officer normally does not order MP to investigate minor offences. Instead, the commanding officer will usually order an officer or NCO other than an MP to investigate a minor offence,⁸⁶ such as being absent without leave. If the offence is not minor, MP conduct the investigation, even though the Code of Service Discipline permits any competent or qualified person to be assigned the task of investigating an offence.⁸⁷ The Military Police present an investigation report to the commanding officer but do not lay charges under the Code of Service Discipline. In its brief to this Commission, the Department of National Defence submitted that "Military police personnel form an integral part of Canadian Forces units and formations, and when so employed they are operationally responsible to the commanding officer or superior commander [of the unit or formation concerned] for the provision of effective police and security services and advice".⁸⁸

Military Police Investigations Initiated by MP

MP also have the authority to investigate alleged service offences of their own accord. The *Military Police Procedures* in force at the time of the Somalia deployment stated that "MP shall conduct an investigation and report on all criminal and serious service offences" committed or alleged to have been committed by those subject to the Code of Service Discipline and on all criminal, serious service offences and security violations relating to a defence establishment.⁸⁹ However, the apparent freedom of MP to select investigative methods can be severely restricted by the commanding officer, particularly when the MP are 'first line' MP, meaning that they fall directly under the commanding officer's authority. Practical considerations such as limited resources and personnel can further circumscribe the freedom of MP to investigate as they might otherwise see fit.

Informal Investigations

If the commanding officer is not required by regulation or order to order a summary investigation or board of inquiry, it is not unusual for a commanding officer to order an investigation that is less formal than the summary investigation contemplated by the QR&O and CFAOs. These are sometimes called CO's investigations. Although they have no specific statutory authority and have not been provided for in regulations or orders, they have become a method of investigation in the CF.

Action After the Investigation

If an investigation uncovers apparent misconduct by an individual, the commanding officer has several options:

- if the misconduct appears to be a service offence, deal with the misconduct through the disciplinary system by authorizing someone to lay a charge;
- deal with the misconduct through the administrative process; or
- ignore the misconduct, even criminal misconduct, in which case no further action will likely be taken unless civilian authorities have the legal right to undertake proceedings.

It appears that commanding officers also sometimes deal with misconduct through informal sanctions, such as confinement to camp or extra work, without any trial.

Image: [Figure 7.1s--Options for Responding to Misconduct](#)

Arrest (Part VI of the *National Defence Act*)⁹⁰

Grounds for Arrest and Arrest Warrants

The *National Defence Act* contains a broad power of arrest: "Every person who has committed, is found committing or is believed on reasonable grounds to have committed a service offence or who is charged with having committed a service offence may be placed under arrest."⁹¹ An officer may arrest without warrant any non-commissioned member (NCM), an officer of equal or lower rank, or any officer "engaged in a quarrel, fray or disorder".⁹² A non-commissioned member may arrest without warrant any NCM of lower rank, or any NCM who is "engaged in a quarrel, fray or disorder".⁹³ Any specially appointed officer or non-commissioned member (that is, members of the Military Police) may detain or arrest without warrant any person subject to the Code of Service Discipline regardless of the rank or status of that person.⁹⁴ Commanding officers and delegated officers⁹⁵ can issue a warrant of arrest authorizing "any person to arrest any other person triable under the Code of Service Discipline"⁹⁶ who has committed, is believed on reasonable grounds to have committed, or is charged under the act with having committed a service offence.

Duties of Person Arresting, Forms of Custody, and Reviews of Custody

A person who has been arrested or detained must be given appropriate information without delay, including the fact of being under arrest, the reason for the arrest, and the right to counsel. The person must be released from custody unless certain conditions justify custody.⁹⁷ Custody may be close (confinement to a cell) or open (confinement to a unit, base, or ship).⁹⁸ The act requires that a decision to keep a person in custody be reviewed in some situations.⁹⁹ If a summary trial has not been held or a court martial ordered for the person in custody after 28 days, that person can petition the minister for release or for disposition of the case; if no summary trial has been held or a court martial ordered within 90 days, the person in custody must be released unless the minister decides otherwise.¹⁰⁰

Service Tribunals (Part VII of the *National Defence Act*)

The Pivotal Role of the Commanding Officer

The commanding officer (CO) is extremely important in the military justice system. A commanding officer is defined as (a) the officer in command of a base, unit or other element of the CF, (b) any other officer designated a CO by the chief of the defence staff, or (c) for disciplinary purposes, a detachment commander.¹⁰¹ The CO has both disciplinary powers and powers like those available to a judge. These include the power to issue arrest and search warrants, cause investigations to be conducted, dismiss any charge of any disciplinary or criminal offence, try most military personnel, delegate some powers of trial and punishment to junior officers, and apply for the convening of courts

martial. The mere presence of an accused person on a base or with a unit or other element under the command of a CO is sufficient to give to the CO disciplinary jurisdiction over the person.

Charges and Investigations

A charge or formal accusation alleging a service offence by a person subject to the Code of Service Discipline is laid when it is put in writing on a charge report and signed by an officer or non-commissioned member authorized by a CO to lay charges.¹⁰² Hence, only an officer or an NCM authorized by the CO to lay charges can lay a charge.¹⁰³

However, by authorizing subordinates to lay charges, the commanding officer can in practice influence the decision to charge and the charges that are laid.

Once a charge is laid, it must be investigated. The results of such an investigation must be delivered to the commanding officer or to an officer to whom the commanding officer has delegated powers of trial and punishment. A delegated officer who receives the report of an investigation has three choices:¹⁰⁴

1. if the officer believes that the results of the investigation do not warrant proceeding with the charge, the officer must refer the charge to the commanding officer and recommend that it be dismissed;
2. if the officer can try the offence using powers delegated by the commanding officer, and if the officer considers that the powers of punishment would be adequate, the officer must proceed with the trial of the charge; or
3. in any other case, the officer must refer the charge to another delegated officer having greater powers of punishment or to the commanding officer.

If after receiving the results of an investigation, a commanding officer concludes that the charge should not be proceeded with, the charge must be dismissed.¹⁰⁵ If the commanding officer does not dismiss the charge, it must be proceeded with "as expeditiously as circumstances permit."¹⁰⁶

Military Trials

The military justice system has two kinds of trials: summary trials and courts martial. Summary trials are the less formal of the two. Military rules of evidence do not apply at summary trials, and there is no right to be represented by legal counsel. Summary trials are not meant to try serious military offences. Summary trials are the most widely used disciplinary process in the CF. Courts martial are used much less frequently and are reserved for more serious offences.

Image: [Military Justice System: Types of Trial](#)

Image: [Military Justice System: Types of Trial](#)

Image: [Military Justice System: Types of Trial](#)

Summary Trials

There are three types of summary trials: summary trial by a commanding officer, summary trial by an officer to whom a CO has delegated some of the CO's power to conduct trials, and summary trial by a superior commander.¹⁰⁷

Summary Trial by Commanding Officer

At a summary trial a commanding officer can try an officer cadet or a non-commissioned member below the rank of warrant officer. For some offences, the commanding officer must give the accused the right to elect trial by court martial. The right to elect must be offered when the accused is charged with certain offences¹⁰⁸ -- for example, a *Criminal Code* offence incorporated¹⁰⁹ into the Code of Service Discipline -- or when the punishments envisaged as appropriate in the likely event of conviction would include imprisonment, detention or a fine greater than \$200. The greatest punishment a CO can impose on a sergeant, master corporal, corporal or private is 90 days of detention, which for an NCO includes the consequential punishment of reduction in rank.¹¹⁰ Although a CO cannot sentence a person to imprisonment, "detention" consists of service in a service detention barracks with a rigorous routine. Detention is thus at least as severe as imprisonment. Also, the accompanying reduction in rank is tantamount to a fine possibly amounting to thousands of dollars.

Summary Trial by Delegated Officer

At a summary trial, a delegated officer not below the rank of captain can try a non-commissioned member below the rank of warrant officer for offences for which the accused has no right to elect a court martial.¹¹¹ The greatest punishment a delegated officer can impose on a sergeant, master corporal or corporal is a severe reprimand. The greatest punishment that can be imposed on a private is a \$200 fine.¹¹² Thus, a delegated officer cannot sentence a convicted person to imprisonment, detention, or reduction in rank.

Summary Trial by Superior Commander

A superior commander can try an officer of the rank of major, captain, lieutenant, or second lieutenant, or a non-commissioned member of the rank of chief warrant officer, master warrant officer or warrant officer.¹¹³ The superior commander must allow the accused to exercise the right to elect trial by court martial when the accused is charged with a serious offence¹¹⁴ or when the punishment envisaged as appropriate in the likely event of conviction would include a fine of more than \$200. A superior commander can award a severe reprimand, a reprimand or a fine. Thus, a superior commander cannot sentence a person to imprisonment or detention or reduction in rank. However, conviction of any offence is likely at least to delay normal promotion of an officer, and that could be the equivalent of a fine of thousands of dollars.

Procedure, Right to Assisting Officer, and Other Matters

The procedure at a summary trial is relatively simple. The accused has the right to be represented by an assisting officer but not by legal counsel.¹¹⁵ An assisting officer can be an officer or, exceptionally, a non-commissioned member.¹¹⁶ Proof of the offence beyond

a reasonable doubt is required for conviction.¹¹⁷ There is no formal statutory right of appeal. However, the accused can apply for redress of grievance¹¹⁸ under regulations that permit CF members to make a complaint to a CO if they consider that they have "suffered any personal oppression, injustice or other ill-treatment" or have any other cause for grievance.¹¹⁹

Courts Martial

A court martial normally occurs if the accused elects to be tried by court martial or if a CO for other reasons applies to a higher authority for disposal of charges¹²⁰ and the "convening authority" directs trial by court martial. The minister, the chief of the defence staff, an officer commanding a command, and other service authorities as prescribed or appointed by the minister are convening authorities.¹²¹ A court martial can be convened only if the commanding officer has signed a charge sheet and sent an application to a higher authority for disposal of charges. This again demonstrates the pivotal role of the commanding officer in the military justice system.

Types of Courts Martial

There are four types of courts martial -- general courts martial (GCM), disciplinary courts martial (DCM), standing courts martial (SCM), and special general courts martial (SGCM). Disciplinary courts martial and standing courts martial can try members of the armed forces only.¹²² General courts martial can try civilians and members of the armed forces.¹²³ A special general court martial can try civilians only.

GCMs and DCMs consist of a panel of non-lawyer officers, one of whom is president; seated with them is a judge advocate military officer who is *not* a member of the court. SGCMs and SCMs both consist of a legally trained person as a judge alone, with no panel.

A GCM can try a person of any rank and can impose any punishment prescribed for any offence, but a DCM cannot try an officer of or above the rank of major and cannot impose a punishment greater than imprisonment for less than two years.¹²⁴ A GCM consists of five members (officers) assisted by a judge advocate, while a DCM consists of three members (officers), also assisted by a judge advocate, all appointed by the chief military trial judge.¹²⁵ The president of a GCM is of the rank of colonel or above, while the president of a DCM is of the rank of major or above.¹²⁶

There are important similarities in the relationship of a judge advocate to the members of a GCM or DCM and that of a judge to a jury in a criminal trial in the civilian justice system. The judge advocate, like a judge presiding at a jury trial, determines questions of law or mixed law and fact.¹²⁷ However, the role of the members of a GCM or DCM differs substantially from that of a jury. For example, the verdict of the jury must be unanimous, but the verdict of a GCM or DCM is determined by majority vote of the members. As well, the judge, not the jury, passes sentence at a civil trial, but the sentence at a GCM or DCM is determined by majority vote of the members.¹²⁸ The Court Martial Appeal Court stated recently that a trial before a general court martial is not a jury trial "although such court may share some of the characteristics of a civilian criminal jury trial."¹²⁹

The third category of courts martial is the standing court martial. An SCM is established by the Governor in Council and consists of one officer, called the president, who is or was a barrister or advocate appointed by the minister of National Defence.¹³⁰ The maximum punishment that such a court can impose is imprisonment for less than two years.¹³¹

The fourth type of court martial is a special general court martial, which consists of a person designated by the minister "who is or has been a judge of a superior court in Canada or is a barrister or advocate of at least ten years standing."¹³² An SGCM can try civilians only.¹³³ As punishment, an SGCM can impose a fine, imprisonment or the death penalty.¹³⁴

The procedure at an SCM or SGCM is similar to a trial before a magistrate or a judge alone. The Court Martial Appeal Court has stated that an SCM is "obviously very like a civilian criminal trial by judge alone; it is a trial by judge alone for an offence, which might or might not be criminal in a civilian context, provided for by the Code of Service Discipline".¹³⁵

Evidence, Right to Legal Counsel, and Other Matters

An accused at a court martial has the right to representation by legal counsel or a defending officer. The accused also has the right to an adviser. A defending officer may be any commissioned officer, a legal counsel may be any barrister or advocate in good standing, and an adviser may be any person, regardless of status or rank.¹³⁶ A prosecutor is appointed for each new trial.¹³⁷ The rules of evidence at trials by court martial have been codified.¹³⁸ Almost all courts martial are public.¹³⁹ Part VII of the *National Defence Act* also deals with matters such as witnesses at courts martial, evidence on commission, objections to being tried by the judge advocate and members chosen for the court martial, and oaths at courts martial.¹⁴⁰ There are no preliminary inquiries for courts martial. However, the accused receives a synopsis of the evidence before trial. The synopsis should include a brief summary of the circumstances relating to the charge and the names of witnesses.¹⁴¹

The Charter and Service Tribunals

The only direct reference in the *Canadian Charter of Rights and Freedoms* to military tribunals is section 11(f), which provides that a person charged with an offence that carries a maximum penalty of five years or more is entitled to a jury trial, unless the offence is one under military law tried before a military tribunal.

Despite only one mention of military tribunals in the Charter, many court decisions have considered the extent to which the military justice system is subject to the Charter. The Supreme Court of Canada decided in *R. v. Généreux*¹⁴² that the structure of the general court martial at the time of the *Généreux* trial infringed section 11(d) of the Charter¹⁴³ because the GCM was not an independent and impartial tribunal for several reasons. Among these was the appointment of the members of the court by the military authority ordering the trial. The Supreme Court also decided that the violation of section 11(d) could not be justified under section 1 of the Charter. Amendments to the *National Defence Act* and the QR&O made after the *Généreux* trial (but before the Supreme Court of Canada decision) have to some extent addressed the problems noted by the Supreme

Court.¹⁴⁴ *Généreux* is also noteworthy for the Court's express recognition of the "need for separate tribunals to enforce special disciplinary standards in the military".¹⁴⁵

Mental Disorder (Part VII.1 of the *National Defence Act*)

Part VII.1 of the act deals with fitness to stand trial and the defence of mental disorder.¹⁴⁶ It also contains provisions on assessment orders and reports, provincial review boards established under the *Criminal Code*, and periodic inquiries into the sufficiency of the evidence by courts martial after an accused has been found unfit to stand trial.

Like the *Criminal Code*, the *National Defence Act* states that an accused "is presumed fit to stand trial unless the court martial is satisfied on the balance of probabilities that the accused person is unfit to stand trial."¹⁴⁷ In April 1994, the GCM of MCpl Matchee found him unfit to stand trial. In June 1994, the Ontario Criminal Code Review Board also decided that MCpl Matchee was unfit to stand trial by court martial.¹⁴⁸ However, if a person initially found unfit to stand trial later becomes fit, the *National Defence Act* permits trying the person on the same charge.¹⁴⁹

After a finding of unfitness, a court martial must hold an inquiry within two years after the finding and every two years thereafter until the accused is tried. The purpose of the inquiry is to decide whether there is sufficient evidence at that time to put the accused on trial if he or she were fit to stand trial. If the court martial concludes that sufficient evidence for a trial does not exist, the accused must be acquitted.¹⁵⁰

Provisions Applicable to Findings and Sentences After Trial (Part VIII of the *National Defence Act*)

Part VIII of the act allows the minister to designate service prisons and detention barracks.¹⁵¹ It also deals with such matters as committal to penitentiaries, civil prisons, and detention barracks and the rules applicable there.¹⁵² The persons who can act as committing authorities are the minister of national defence, the chief of the defence staff, an officer commanding a command, a commanding officer, and "such other authorities as the Minister prescribes or appoints for that purpose."¹⁵³

Part VIII also sets out the conditions that apply to certain punishments. For example, the punishment of death requires approval by the Governor in Council, and carrying out the death penalty punishment is subject to regulations by the Governor in Council.¹⁵⁴ The punishment of dismissal with disgrace or dismissal from Her Majesty's Forces must first be approved by the minister of national defence or, in the case of a non-commissioned member, the CDS.¹⁵⁵

The minister, the CDS, an officer commanding a command, and "such other authorities as the Minister prescribes or appoints for that purpose"¹⁵⁶ have various discretionary powers relating to punishments. They can "mitigate, commute or remit any or all of the punishments included in a sentence passed by a service tribunal."¹⁵⁷ They can also quash or substitute findings, substitute a new punishment for one that has not been approved or one that is illegal, or suspend a punishment of imprisonment or detention.¹⁵⁸

Commanding officers can do the same in respect of punishments or findings of a summary trial if the offender is under their command and the trial was not a summary trial before a superior commander.¹⁵⁹ The minister can set aside a finding of guilty and

direct a new trial when the Judge Advocate General certifies that there should be a new trial because of an "irregularity in law".¹⁶⁰

Other provisions of Part VIII deal with matters such as the transfer of offenders and restitution of property.¹⁶¹

Appeal, Review, and Petition (Part IX of the *National Defence Act*)

The Court Martial Appeal Court of Canada

The *National Defence Act* establishes a Court Martial Appeal Court of Canada (C.M.A.C.) as a superior court of record¹⁶² and provides for the chief justice of the court to make rules for the court.¹⁶³ A person who is subject to the Code of Service Discipline can appeal from a court martial (but not from a summary trial) to the C.M.A.C. on the legality of any finding of guilty, the legality of the sentence, and other matters mentioned in section 230 of the act. With the permission of the C.M.A.C., a convicted person can appeal the severity of the sentence. The minister of national defence may appeal in respect of the legality of a finding of not guilty and on several other matters specified in section 230.1 of the act, including, with the permission of the C.M.A.C., the severity of the sentence.¹⁶⁴

Several provisions govern the disposition of appeals by the C.M.A.C. For example, on an appeal by a convicted person about the legality of a finding of guilty, the C.M.A.C. can dismiss the appeal, allow the appeal and enter a finding of not guilty, or order a new trial.¹⁶⁵ On an appeal by the minister from a finding by any court martial of not guilty, the C.M.A.C. can dismiss or allow the appeal. If it allows the appeal, the court can set aside the finding and direct a new trial.¹⁶⁶

The Supreme Court of Canada

The *National Defence Act* provides for appeals to the Supreme Court of Canada by a person convicted at a trial by court martial whose appeal has been dismissed by the C.M.A.C. The appeal is as of right if it is on a question of law and there is a dissenting opinion on that question of law in the C.M.A.C. Even if there is no dissenting opinion, the Supreme Court may grant permission to the person to appeal the question of law. Where the C.M.A.C. has wholly or partially allowed an appeal by a person, the minister of national defence can, as of right, appeal any question of law to the Supreme Court of Canada if there is a dissenting opinion by a judge of the C.M.A.C. on that question; if there was no dissenting opinion, the Supreme Court of Canada may grant the minister permission to appeal on a question of law.¹⁶⁷

Review and Petition

If there is no appeal from a court martial as to the legality of any finding of guilty or the legality of the sentence, the Judge Advocate General must review the proceedings. If the Judge Advocate General decides that any punishment or finding is illegal, the minutes of proceedings must be referred to the chief of the defence staff. The CDS can take such action under the *National Defence Act* as the CDS deems fit.¹⁶⁸ A person who has been found guilty by a court martial can also petition for a new trial on grounds of new evidence discovered after the trial.¹⁶⁹

Redress of Grievance

There is no formal statutory right to appeal a conviction at a summary trial. However, a convicted person can apply for redress of grievance¹⁷⁰ under regulations permitting CF members to make a complaint to a commanding officer if they consider that they have "suffered any personal oppression, injustice or other ill-treatment", or have any other cause for grievance.¹⁷¹ However, the perception among CF members that relying on a redress of grievance can harm one's career¹⁷² could limit its use.

Miscellaneous Provisions

Release Pending Appeal

When a person subject to the Code of Service Discipline is sentenced to a period of imprisonment or detention, that person may apply to the sentencing court martial or to a judge of the Court Martial Appeal Court for release from incarceration pending appeal.¹⁷³ The *National Defence Act* sets out the conditions for the release,¹⁷⁴ which may include an undertaking by the person.¹⁷⁵ Appeals from decisions about release can be made to the Court Martial Appeal Court.¹⁷⁶

Inspections, Searches, and Search Warrants

Part I of the *Inspection and Search Defence Regulations* authorizes an officer or non-commissioned member to "conduct an inspection.. of any officer or non-commissioned member or any thing in, on or about. ..any controlled area, or...any quarters under the control of the Canadian Forces or the Department, in accordance with the custom or practice of the service".¹⁷⁷ Part II of the regulations applies to all persons subject to the Code of Service Discipline; it authorizes searches of the "person or personal property while entering or exiting a controlled area".¹⁷⁸ Part II also authorizes searches of "personal property about a controlled area or any restricted area within the controlled area where the designated authority has reasonable grounds to believe that the personal property is or may contain anything that is likely to endanger the safety of any person within the controlled area".¹⁷⁹

The *Defence Controlled Access Area Regulations* also allow searches.¹⁸⁰ These regulations apply to everyone except those subject to the Code of Service Discipline. Searches under the *Inspection and Search Defence Regulations* and the *Defence Controlled Access Area Regulations* are "conducted for the maintenance of security of defence establishments and do not require a search warrant".¹⁸¹

The *National Defence Act* permits a commanding officer to issue a search warrant when the purpose of the search is to gather evidence of an offence.¹⁸²

Minor Punishments and Informal Sanctions

The *National Defence Act* sets out the punishments that can be imposed for service offences¹⁸³ including the following 'minor punishments' that can be imposed on a person convicted at a summary trial:¹⁸⁴

- confinement to ship or barracks
- extra work and drill

- stoppage of leave
- extra work and drill not exceeding two hours a day
- caution

Professor Friedland states that almost all of these minor punishments are sometimes imposed by a commanding officer even without holding a summary trial.¹⁸⁵ Such punishments are referred to here as informal sanctions. There is no authority in the act or QR&O for informal sanctions.

Using Administrative Action and Career Review Boards in Addition to or in Lieu of Disciplinary Action

Misconduct is often dealt with through disciplinary action -- that is, via the military justice system's service tribunals. In addition, commanding officers can apply administrative sanctions regarding the same misconduct. In some cases, commanding officers may use administrative action as a substitute for disciplinary action. As well, NDHQ may convene a career review board (CRB) to examine and make a recommendation about the career prospects of a CF member who violates the Code of Service Discipline.

Administrative action by a commanding officer

A commanding officer may take both administrative and disciplinary action. For example, a CF member who violates the *Narcotic Control Act* is liable to administrative action, disciplinary action, or both.¹⁸⁶

The impact of administrative action on a CF member can be profound, including release from the CF. The specifics of administrative action differ between officers and non-commissioned members, although the process is generally similar. The administrative sanctions that can be imposed on non-commissioned members, by escalating degree of severity, are as follows:

1. verbal warning
2. recorded warning¹⁸⁷
3. counselling and probation¹⁸⁸
4. suspension from duty¹⁸⁹
5. compulsory release¹⁹⁰

The process for officers is similar. However, rather than a recorded warning, the lower level of administrative action for an officer is a 'reproof'. A reproof can also be given to a non-commissioned member of warrant officer rank or above. The reproof is something of a hybrid mechanism, in that it is more disciplinary in nature than the recorded warning. However, the QR&O clearly state that a reproof "is not a punishment and shall not be referred to as such."¹⁹¹

There appears to be little to guide a commanding officer (or any other authorized person) on when it is appropriate to give a reproof. A commanding officer must restrict the administering of a reproof to conduct that "although reprehensible is not of sufficiently serious nature, in the opinion of the commanding officer, to warrant being made the

subject of a charge and brought to trial". Still, conduct for which a reproof has been administered "should not subsequently form the subject of a charge."¹⁹²

Hence by using discretion to determine that misconduct is not sufficiently serious to warrant a charge, a commanding officer could preclude altogether the possibility of later disciplinary action against the officer or NCM concerned.

Instead of counselling and probation, officers are subject to a report of shortcomings, which similarly is considered a "final attempt to salvage the career of an officer of the Regular Force or Reserve Force."¹⁹³

Administrative action is not to be used as a substitute for disciplinary action. For example, the CFAO on report of shortcomings states that a report "shall not be considered a substitute for disciplinary action. A CO shall consider taking action under the Code of Service Discipline with respect to shortcomings attributable to misconduct which may, by their seriousness or repetition, result in a report of shortcomings."¹⁹⁴ Still, the CFAO on Personal Relationships states that "disciplinary action is to be considered when the conduct is so unacceptable that disciplinary action is more appropriate than administrative action, or *when administrative action has failed to correct the inappropriate conduct*".¹⁹⁵

Career review boards

Career review boards (CRBs) are convened from time to time at NDHQ to review the service career of members of the CF whose conduct has raised questions about suitability for further service.

CRBs are not mentioned in the *National Defence Act* or in the QR&O, and there is no specific CFAO on the subject, although some CFAO do mention CRBs. Some of the circumstances in which a CRB may be convened, and the nature of the decisions it makes, are set out in two manuals used by the Personnel Careers Branch.¹⁹⁶ These documents do not identify the role of the commanding officer in the process; however, it seems likely that the CRB would be aware of the circumstances that allegedly justify the ordering of a CRB from a superior -- in some cases, the commanding officer.

A CRB makes one of the following recommendations:

- continued employment in current military occupation code (MOC) without career restrictions;
- continued employment in current MOC with career restrictions;
- compulsory occupational transfer;
- recourse or reassessment after a stipulated period of time;
- release; or
- another decision that serves the best interests of the CF and takes account the circumstances of the member.

CONCLUSION

In this chapter we have described the military justice system in place during the Somalia deployment -- a system that has remained largely untouched since then. We have not

attempted to explain the deficiencies of the system. In Volume 5, Chapter 40 we take this next step, examining how the military justice system failed to secure and preserve an acceptable standard of discipline before and during the deployment. Among the issues addressed in Chapter 40 are the breadth of the discretion given to commanding officers to control investigations and the charging and disciplinary processes. In Chapter 40 we also address the many conflicts of interest inherent in the military justice system -- conflicts of interest that led to incomplete investigations, inappropriate decisions and, ultimately, serious abuses of Somali civilians.

ANNEX A

Major Responsibilities of the Judge Advocate General and Duties Related to Those Responsibilities*

*

MAJOR RESPONSIBILITY

*

Superintendence of the Military Justice System for the Canadian Forces

DUTIES ASSOCIATED WITH RESPONSIBILITY

1. controls the provision of legal advice and services to the military justice system;
2. ensures, in conjunction with other Canadian Forces and Departmental authorities, the efficient planning, organizing, staffing, directing and administering, according to law, of the court martial and summary trial processes;
3. is responsible for the provision of qualified legal officers to acts as prosecutors and defending officers at courts martial and qualified court reporters to record the proceedings;
4. appoints judge advocates for General and Disciplinary Courts Martial and recommends to the Minister qualified persons for designation as Special General Courts Martial and Standing Courts Martial;
5. appoints persons to take

evidence on commission under section 161 of the *National Defence Act*;

6. is responsible for the transcription of courts martial, the production and certification of verbatim transcripts, their distribution to military authorities and convicted persons and the maintenance of official records of all courts martial;
7. as required by Part IX of the *National Defence Act*, is responsible for:
 - 7.1. the review of all courts martial proceedings;
 - 7.2. the preparation of opinions concerning the legality of all findings of fact and law and the legality of sentences;
 - 7.3. the formulation of recommendations concerning the exercise of powers to quash findings, substitute findings and to substitute, mitigate, commute, remit or suspend punishments, and
 - 7.4. receipt, review and referral for disposition to the Court Martial Appeal Court or an appropriate Canadian Forces authority of all appeals by persons convicted by courts martial;
8. in relation to new trials:
 - 8.1. pursuant to section 211 of the *National Defence Act*, receives, reviews and recommends to the Chief of the Defence Staff disposition

of petitions for new trials,
and

8.2. pursuant to section 181
of the *National Defence Act*,
certifies to the Minister the
need in individual cases for
new trials;

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9. pursuant to section 212 of the
National Defence Act, summons
witnesses to give evidence
before courts martial and
commissions taking evidence;

10. certifies for the purposes of
proceedings under section 256
of the *National Defence Act*,
convictions of Canadian Forces
members for desertion or
absence without leave; and

11. pursuant to *Queen's Regulations
and Orders* 101.055, approves
restoration of evidence
submitted to service tribunals.

*

MAJOR RESPONSIBILITY

*Senior Legal Adviser to the Canadian
Forces -- provision at all levels of the
Canadian Forces of legal advice and
services associated with the command,
control, management and administration
of the Canadian Forces and its activities

DUTIES ASSOCIATED WITH RESPONSIBILITY

1. The JAG controls:
 - 1.1. the monitoring of
developments in federal,
provincial, municipal,
international, and, in some
cases, foreign law;
 - 1.2. the evaluating of their
impact on current and
proposed policies, plans,
objectives and operations,
and
 - 1.3. the identification of
options and trends and the
recommending of responses
in light of those options and
trends;

2. oversees the provision of legal guidance to responsible authorities in the formulation, implementation and review of policies, plans and programs;
3. oversees the review and validation for legality of headquarters and command operations plans and orders and the provision of legal guidance in the execution of those plans and orders;
4. ensures the selection and appointment of suitable qualified counsel to represent the Canadian Forces and Department of National Defence in cases before the Supreme Court of Canada, the Court Martial Appeal Court, the Federal Court of Canada and other federal and provincial tribunals;
5. oversees the preparation, administration, presentation and departmental review of submissions and pleadings by appointed counsel in the above mentioned cases;
6. cooperates with Canadian Forces and Department of National Defence authorities and officials of the Department of Justice in the preparation and submission to Parliament of bills to amend defence-related legislation;
7. oversees the review, drafting and amendment of all defence-related regulations, orders and submissions to higher authority to ensure that they conform to government drafting standards,

are lawful and do not conflict with the *Canadian Charter of Rights and Freedoms*, the *Canadian Bill of Rights* and the *Statutory Instruments Act* and other applicable legislation;

8. cooperates with Canadian Forces and Department of National Defence authorities and other government officials in the planning, preparation, negotiation, review and administration of:
 - 8.1. intergovernmental agreements and memoranda of understanding,
 - 8.2. contracts, and
 - 8.3. interdepartmental memoranda of understanding affecting the Canadian Forces and Department of National Defence;
9. establishes, in consultation with Canadian Forces authorities, objectives and priorities for Canadian Forces training concerning:
 - 9.1. the Geneva Conventions and the Protocols additional to them, the law of armed conflict and related matters, and
 - 9.2. military law related to:
 - 9.2.1. the Code of Service Discipline,
 - 9.2.2. administrative and quasi-judicial procedures under the *National Defence Act*, its regulations and orders,
 - 9.2.3. constitutional law,

9.2.4. emergency
legislation and its impact
on the operation of the
Canadian Forces and
Department of National
Defence

10. and ensures the development, provision and continuing review of Canadian Forces training in the above-mentioned areas to meet those priorities and objectives;
11. approves contingency plans for Legal Branch involvement;
12. provides qualified legal officers to work as legal staff officers within the Assistant Deputy Minister (Personnel) Group;
13. ensures the provision of legal aid in accordance with Canadian Forces Administrative Order 56-5 to Canadian Forces members both inside and outside Canada and to the dependants of Canadian Forces members accompanying Canadian Forces members serving outside Canada; and
14. establishes and maintains effective working relationships

with officials of government departments and with representatives of civilian and other military organizations, on a national and international level, in order to further their cooperation and participation in the advancement of Canadian Forces and Department of National Defence goals.

*

MAJOR RESPONSIBILITY

*

Senior Department of National Defence
Legal Adviser -- provision, of
Departmental legal advice and services
in support of Department of National
Defence and its activities

DUTIES ASSOCIATED WITH RESPONSIBILITY

1. the procurement, management and disposal of material including capital equipment and real property;
2. contracting for personal services;
3. the entering into of leave and licence agreements;
4. the constitution and operation of Department of National Defence schools and the drafting, review, negotiation and administration of agreements and contracts with Department of National Defence teachers and local school boards;
5. the administration of the *Canada Elections Act* and Special Voting Rules, including the establishing and operating of polls in Canada and abroad to receive votes of Canadian Forces members, certain public servants and dependants for federal general elections;
6. the administration of civilian grievance and disciplinary processes;
7. the administration of the *Canadian Forces*

- Superannuation Act*; and
8. the administration of the *Garnishment, Attachment and Pension Diversion Act*.

*

MAJOR RESPONSIBILITY

*Management and Direction of the Legal Branch

DUTIES ASSOCIATED WITH RESPONSIBILITY

1. determining, in consultation with senior officials, the Canadian Forces and Department of National Defence legal requirements;
2. ensuring the development, promulgation and review of legal policies and plans to meet those requirements;
3. organizing the Legal Branch and ensuring the development and recommendation of resource requirements, in terms of money, manpower and material, for the Legal Branch to meet established Canadian Forces and Department of National Defence requirements;
4. controlling the development, monitoring and review of standards of professional competence, training, performance and responsiveness for the Legal Branch;
5. exercising professional and technical control over all legal personnel;
6. controlling the employment of legal officers (except those posted to Director Personnel Legal Services and SHAPE), court reporters and support staff; and
7. developing, recommending and administering personnel policies and plans concerning the

recruitment, employment, posting, compensation and career development of legal officers, court reporters and support staff.

*

MAJOR RESPONSIBILITY

*Additional responsibilities

DUTIES ASSOCIATED WITH RESPONSIBILITY

1. in accordance with the *Crown Liability Act* and the *National Defence Claims Order (1970)* and Regulations, managing and administering the processing of claims by and against the Crown for damage, injury or death arising out of the activities of the Canadian Forces and Department of National Defence including settling, without reference to the Department of Justice, any claims not exceeding \$10,000;
2. acting as the Director of Estates responsible for collecting, administering and distributing according to law the service estates of all deceased officers and non-commissioned members;
3. sitting as a member of the Department of National Defence Contracts Settlement Committee;
4. acting as Chairman of the Service Pension Board established by statute to determine the reason for release of, and thereby the benefits to be paid to, officers and non-commissioned members of the Canadian Forces upon release from the Regular Force;
5. in accordance with an agreement with the Department of Justice,

administering the employment of civilian lawyers conducting prosecutions under the Defence Controlled Access Area Regulations and the Government (Department of National Defence) Property Traffic Regulations;

6. acting as Branch Adviser for the Legal Branch, and
7. authorizing publication of the Judge Advocate General Journal, the Judge Advocate General Newsletter and other military legal publications and periodicals.

* Source: Terms of Reference for National Defence Headquarters Staff, Judge Advocate General, TOR 1.0.2 (1988-08-24) (Document A-AE-D20-001/AG-001).

NOTES

1. *National Defence Act* (NDA), R.S.C. 1985, chapter N-5, section 9.
2. *Queen's Regulations and Orders* (QR&O) 4.08.
3. These figures were obtained in June 1997 from the administrative section of the Office of the Judge Advocate General. The Office of the Judge Advocate General consists of its main office at NDHQ in Ottawa and sub-offices at certain CF bases in Canada staffed by military lawyers and administrative personnel (military and civilian) responsible to the Judge Advocate General for the performance of their duties; see Canadian Forces Administrative Order (CFAO) 4-1, "Office of the Judge Advocate General: General Duties and Jurisdiction of Legal Officers".
4. Terms of Reference for National Defence Headquarters Staff, Judge Advocate General (JAG), TOR 1.0.2, article 2 (1988-08-24) (Document A-AE-D20-001/AG-001).
5. Terms of Reference for JAG, article 8.
6. Martin L. Friedland, *Controlling Misconduct in the Military*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997), p. 47. These figures do not include civilian employees or people working for the Communications Security Establishment.

In the Canadian civilian population, there is about one police officer for 500 citizens, compared with one military police member for every 50 CF members; see Canadian Centre for Justice Statistics, "Police Personnel and Expenditures in Canada -- 1994", *Juristat* 16/1 (January 1996). Several factors explain the

- relatively high ratio of military police to CF members. Some military police are involved in policing Canadian embassies around the world, and more than 120 are seconded to United Nations forces or NATO. Moreover, the military police control the detention barracks and the service prison in Edmonton. Spouses, children, and other dependants of CF members who accompany the members outside Canada -- all subject to the Code of Service Discipline -- are not included in the calculation of the ratio of MP to CF members; this makes the relative size of the MP force appear greater than it actually is.
7. Major M.R. McNamee, "Military Police: A Multipurpose Force for Today and Tomorrow", paper prepared for the United States Naval War College, June 1992, p. 26. The U.S. Army military police also play a modest combat role.
 8. Management, Command and Control Re-engineering Team, C-18 Security and Military Police (known as "Op Thunderbird"), Final Report, September 30, 1996.
 9. Two official CF publications discuss the powers and jurisdiction of the military police: Security Orders for the Department of National Defence and the Canadian Forces, *Military Police Procedures*, vol. 4 (1991) (A-SJ-100-004/AG-000, April 1991), superseded by *Military Police Policies* (A-SJ-100-004/AG-000, October 31, 1995, with modifications on February 28, 1996).
 10. Section 156 states:
 156. Such officers and non-commissioned members as are appointed under regulations for the purposes of this section may
 - a) detain or arrest without a warrant any person who is subject to the Code of Service Discipline, regardless of the rank or status of that person, who has committed, is found committing, is believed on reasonable grounds to have committed a service offence or who is charged with having committed a service offence;
 - b) exercise such other powers for carrying out the Code of Service Discipline as are prescribed in regulations made by the Governor in Council.

QR&O 22.02(2) spells out who is included in section 156:
 The following persons are appointed for the purposes of section 156 of the *National Defence Act*:

 - a) every officer posted to an established position to be employed on military police duties, and
 - b) every person posted to an established military police position and qualified in the military police trade, provided that such officer or person is in lawful possession of a Military Police Badge and an official Military Police Identification Card.

See also *Military Police Procedures*, chapter 2-2.
 11. See QR&O 22.02 and *Police Policy Bulletin* 5.0/94. Section 3 of the Bulletin contains limitations on the power to arrest contained in section 495 of the *Criminal Code*.
 12. See *Police Policy Bulletin* 5.0/94. See also QR&O 101.12, which seems somewhat more favourable to the accused than civilian procedures. Paragraphs 6 and 8 state that military police cannot read a fellow accused's statement to the

- accused and that the accused should not be cross-examined on a statement he or she has given.
13. See *Police Policy Bulletin* 7.0/94.
 14. They can lay charges under the *Criminal Code* in civil courts when they are acting as "peace officers" under the *Criminal Code*.
 15. QR&O 106.01 and 106.095.
 16. See *Military Police Procedures*, vol. 4, chapter 2-2. See also *Police Policy Bulletin* 3.11/94 (Specially Appointed Persons), and 3.2/95 (Specially Appointed Persons: Status and Discretion).
 17. QR&O 22.01(2).
 18. See *Courchene* (1989), 52 C.C.C. (3d) 375 (Ont. C.A.); *Nolan v. The Queen* (1987), 34 C.C.C. (3d) 289, [1987] 1 S.C.R. 1212.
 19. *Military Police Procedures*, vol. 4, chapter 2-1, paragraph 7 and following.
 20. As a military police warrant officer testified before the Inquiry in October 1995, "If it can be handled in the military, it is handled within the military" (testimony of WO Ferguson, Transcripts vol. 5, p. 974).
 21. *Police Policy Bulletin* 3.0/94.
 22. *Military Police Procedures*, vol. 4, chapter 2-1, paragraph 13.
 23. *Military Police Procedures*, vol. 4, chapter 11-1, paragraphs 1-10. Paragraph 11 provides that the appropriate commanders and COs should be informed of military police investigations "at the earliest practical moment". See also chapter 1-1 (paragraph 10).
 24. *Police Policy Bulletin* 3.2/95, paragraph 7.
 25. *Police Policy Bulletin* 3.2/95, paragraph 8.
 26. *Police Policy Bulletin* 3.2/95, paragraph 18.
 27. *Military Police Procedures*, vol. 4, chapter 1-1, paragraph 12.
 28. CFAO 22-4, paragraph 4, states: "Technical direction means the specific instruction on the performance of security and military police functions provided by security advisors (with the advice and direction of military and/or civil legal authorities as the circumstances warrant)." See also Joint Doctrine for Canadian Forces: Joint and Combined Operations ((1995) B-GG-005-004/AF-000), paragraph 3(d).
 29. CFAO 22-4, paragraph 14, states: "Significant or unusual incidents having criminal, service or security implications and involving the CF or DND will be reported forthwith by the military police via a Military Police Unusual Incident Report (MPUIR)...directly to DG Secur." The submission of such a report, the paragraph continues, "does not absolve commanders of the requirement to submit a Significant Incident Report (SIR) in accordance with CFAO 4-13, "Unusual Incidents". CFAO 22-4 reaffirms *Military Police Procedures*, vol. 4, chapter 48, "Military Police Unusual Incident Report".
 30. CFAO 22-4, paragraph 5.

31. Police Policy Bulletin 14.0/94, paragraph 6.
32. Police Policy Bulletin 14.0/94, paragraph 8.
33. Police Policy Bulletin 14.0/94, paragraphs 9 and 10.
34. CFAO 22-4, paragraph 13.
35. *Military Police Procedures*, vol. 4, chapter 47, paragraph 3 of Annex B: "MPIR are distributed...on a need-to-know basis within DND." See also paragraph 5: "Distribution/circulation of MPIR of local significance only are usually limited to the base/station."
36. *Police Policy Bulletin 3.2/95*, paragraph 25. Paragraph 27 states further that "if the allegation of illicit influence involves a superior Specially Appointed Person, the member shall submit their complaint to the next senior Specially Appointed Person in the military police technical net/channel." *Police Policy Bulletin 3.11/94*, paragraph 14-10, provides that a military police appointment may be suspended for "submission to improper or illicit influences with respect to the performance of their duties." These provisions recognize the danger of command influence being exerted by persons in the chain of command, particularly by those higher up the chain.
37. NDA, section 12.
38. NDA, section 12.
39. Volume I of the QR&O is entitled Administration; vol. II, Disciplinary; vol. III, Financial; and vol. IV, Appendices. Unless otherwise indicated, all references to the QR&O in this chapter are to vol. II.
40. QR&O, vol. I, article 1.23(1), states that the CDS "may issue orders and instructions not inconsistent with the *National Defence Act* or with any regulations made by the Governor in Council, the Treasury Board or the Minister: (a) in the discharge of his duties under the *National Defence Act*; or (b) in explanation or implementation of regulations." Section 18(2) of the NDA states that "Unless the Governor in Council otherwise directs, all orders and instructions to the Canadian Forces that are required to give effect to the decisions and to carry out the directions of the Government of Canada or the Minister shall be issued by or through the Chief of the Defence Staff".
41. R.S.C. 1927, chapter 132, section 69.
42. S.C. 1940, chapter 15, section 11.
43. S.C. 1944-45, chapter 23.
44. R.A. McDonald, "The Trail of Discipline: The Historical Roots of Canadian Military Law" *Canadian Forces JAG Journal* 1/1(1985), p. 10.
45. Part IV of the *National Defence Act* is amplified in QR&O, chapter 102, "Disciplinary Jurisdiction".
46. NDA, section 60(1).
47. NDA, section 130(1).
48. NDA, sections 60(1)(f) and 61(1)(c).

49. NDA, sections 67 and 70. Section 2 of the act defines a "service tribunal" as "a court martial or a person presiding at a summary trial". Section 2 also defines "service offence" as "an offence under this Act, the *Criminal Code* or any other Act of Parliament, committed by a person while subject to the Code of Service Discipline".
50. NDA, section 68.
51. QR&O, vol. IV, Appendix 2.4.
52. NDA, section 69. Among the exceptions are the offences of desertion and spying and those relating to a grave breach of the *Geneva Conventions*, referred to in the *Geneva Conventions Act*, R.S.C. 1985, chapter G-3, section 3(1).
53. See NDA, sections 66 and 71. These provisions reflect the rule against double jeopardy in section 11 (h) of the *Canadian Charter of Rights and Freedoms*. Section 2 of the *National Defence Act* defines a "civil court" as meaning "a court of ordinary criminal jurisdiction in Canada and includes a court of summary jurisdiction".
54. Section 2 of the *National Defence Act* defines "service offence" as "an offence under this Act, the *Criminal Code* or any other Act of Parliament, committed by a person while subject to the Code of Service Discipline". For an analysis of the offences contained in the NDA, sections 73 to 130 and 132, see QR&O, chapter 103, "Service Offences".
55. NDA, sections 88, 85 and 74.
56. NDA, section 130(1)(a).
57. *R. v. Généreux*, [1992] 1 S.C.R. 259, p. 281 (Chief Justice Lamer for the majority).
58. NDA, section 132.
59. NDA, section 130(1)(b).
60. Note also NDA, section 273, regarding the competence of civil courts in Canada to try such an offence committed outside Canada by a person subject to the Code of Service Discipline.
61. Various tribunals have limits on the punishments they can hand down. For the provisions on punishments and sentences, see NDA, sections 139 to 149, 203 and 206, and QR&O, chapter 104, "Punishments and Sentences". As for minor punishments, see QR&O 104.13(2) and 108.48 to 108.53. For limitations on the powers of service tribunals to punish, see QR&O, chapter 108, "Summary Trial by Delegated officers and Commanding Officers"; chapter 110, "Summary Trials by Superior Commanders"; General Courts Martial, QR&O 111.17; Disciplinary Courts Martial, QR&O 111.36; Standing Courts Martial, QR&O 113.53; and Special General Courts Martial, QR&O 113.04.
62. NDA, section 139(1).
63. NDA, sections 73-74.
64. Desmond Morton, "The Supreme Penalty: Canadian Deaths by Firing Squad in the First World War", *Queen's Quarterly* 79 (1972), pp. 345, 351.

65. For the examples given, see NDA, sections 72(1), 150 and 151.
66. NDA, sections 133-138.
67. Under general rules for investigation of service offences, the QR&O state, "An investigation *shall* be conducted as soon as practical after the alleged commission of an offence" (QR&O 107.02, emphasis added). However, the next section of the QR&O advises simply that an investigation "should" be conducted to determine if sufficient grounds for charging exist where a complaint is made or where there are other reasons to believe that a service offence has been committed; an investigation would be mandatory only after a charge is laid (QR&O 107.03).
68. QR&O 107.02 (emphasis added).
69. QR&O 107.03.
70. According to the JAG's policy submission to the Inquiry, "The Code of Service Discipline requires a commanding officer. . .to investigate any service offence that may have been committed by a person under his or her command." See DND, "Brief for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia: Military Justice", Document book 3P, p. 10, paragraph 30.
71. QR&O 21.43.
72. CFAO 19-21, paragraph 14.
73. NDA, section 161.
74. QR&O 107.05.
75. QR&O 107.05.
76. CFAO 21-9, paragraph 2, does state that the authority directed to order an investigation should consider means other than summary investigations and boards of inquiry for obtaining information. The authority should "exercise discretion in his choice of the type of investigation."
77. CFAO 22-3, paragraph 7.
78. QR&O 21.01(1).
79. QR&O 21.01(2) and (3).
80. QR&O 21.46.
81. NDA, section 45(1) and QR&O 21.07(2).
82. NDA, section 45(1).
83. QR&O 21.56(2).
84. CFAO 21-9, paragraphs 1-10. See also G1 Pers Svcs, Special Service Force (SSF) Standing Administrative Instruction 204: Boards of Inquiry and Summary Investigations, May 8, 1989, article 1: "Generally speaking, unless orders specify otherwise, BOI will be restricted to matters of considerable importance or complexity."
85. QR&O 21.07 and following, and CFAO 21.
86. QR&O 107.05.
87. DND, "Brief for the Commission of Inquiry: Military Justice", p. 11.

88. DND, "Brief for the Commission of Inquiry: Military Justice", p. 10. The title "superior commander" applies to an officer commanding a formation (QR&O 110.01). QR&O, vol. 1, 1.02, defines a formation in part as "an element of the Canadian Forces comprising two or more units designated as such by or on behalf of the Minister...". The usual title for an officer commanding a formation is "commander".
89. *Military Police Procedures*, vol. 4, chapter 15-1, paragraph 1. However, CFAO 22-4, paragraph 15, states simply that "Military police investigate and report on" the offences described in paragraph 15. Note that new procedures were implemented in 1995.
90. Part VI of the NDA is amplified in QR&O, chapter 105, "Arrest, Close Custody and Open Custody".
91. NDA, section 154(1).
92. NDA, section 155(1). Section 2 of the act states that an officer is "a person who holds Her Majesty's commission in the Canadian Forces" and that a noncommissioned member is "any person, other than an officer, who is enrolled in...the Canadian Forces". The ranks of officers and non-commissioned members are set out in a schedule to the NDA enacted pursuant to section 21 of the act.
93. NDA, section 155(2).
94. NDA, section 156, and QR&O, vol. I, chapter 22, "Military Police and Reports on Persons in Custody".
95. A delegated officer is a junior officer to whom the commanding officer has delegated powers of trial and punishment (NDA, section 163(4), and QR&O 108.10).
96. NDA, section 157(1).
97. NDA, section 158(1), and QR&O 105.16.
98. See QR&O 105.32 to 105.35 for conditions of close and open custody.
99. QR&O 105.21 to 105.23 and 105.28.
100. NDA, sections 159(2) and 159(3).
101. QR&O, vol. I, article 1.02, and vol. II, article 101.01.
102. QR&O 106.01.
103. QR&O 106.01 and 106.095.
104. QR&O 107.12(1).
105. Once the commanding officer dismisses the charge, the *National Defence Act* prevents the person from being tried in respect of that offence or any other substantially similar offence. NDA, section 66(1); QR&O 107.12, note (C).
106. NDA, section 162.
107. NDA, sections 163(1), 163(4) and 164. These jurisdictional provisions of the *National Defence Act* are augmented by QR&O, vol. II, chapter 108, "Summary Trial by Delegated Officers and Commanding Officers"; chapter 109,

- "Application for Disposal of Charges by Higher Authority"; chapter 110, "Summary Trials by Superior Commanders"; and CFAO 19-25, "Summary Trials", and 110-2, "Summary Trials of Majors".
108. Those included in QR&O 108.31(2).
109. Under section 130 of the NDA.
110. Before passing sentence of more than 30 days' detention on a private or any detention or reduction in rank on an NCO, the CO would need to have the punishment approved by higher authority; see QR&O 108.33(3).
111. NDA, section 163(4), and QR&O 108.10.
112. QR&O 108.11.
113. A superior commander is usually an officer of the rank of brigadier-general or above; see QR&O 110.01. CFAO 110-2, "Summary Trial of Majors", explains that summary trials for majors should be held only for "minor traffic offences committed outside Canada". However, this CFAO, an order by the CDS, could not legally restrict the authority under section 164(1) of the *National Defence Act* for a superior commander to try a major on any charge.
114. Specified in QR&O 110.055(2)).
115. QR&O 108.03(1) and 108.03(8)(b).
116. QR&O 108.03(2).
117. QR&O 108.15, 108.32(1), and 110.07.
118. DND, "Brief for the Commission of Inquiry: Military Justice", p. 17. On redress of grievance, see QR&O, vol. 1, 19.26 and 19.27, and CFAO 19-32, "Redress of Grievance".
119. QR&O, vol. 1, 19.26(4). Where the decision of the CO does not afford redress, the member can seek redress (in progressive order) from other "redress authorities", including the chief of the defence staff and, as the last resort, the minister.
120. Unless a CO dismisses a charge or there has been a summary trial, the CO must apply to higher authority to dispose of the charge; see QR&O, chapter 109, "Application for Disposal of Charges by Higher Authority". The CO must apply to a higher authority to dispose of the charge when he or she is prohibited from trying the accused because of the rank of the accused -- for example, if the offence was committed by a commissioned officer. In such an instance, the decision to convene a court martial will depend on factors that include the recommendation of the CO, the rank of the accused, the charge, the sufficiency of the powers of punishment of the superior commander, and the possibility of a right to elect trial by court martial.
121. NDA, section 165, and QR&O 111.05, 113.06, and 113.55.
122. QR&O, chapter 111, "Convening and Powers of Courts Martial"; chapter 112, "Trial Procedure at General and Disciplinary Courts Martial"; and chapter 113, "Special General Courts Martial and Standing Courts Martial"; and CFAO 111-1, "Courts Martial Administration and Procedures".

- 123.NDA, section 166.
- 124.QR&O 111.16, 111.17, 111.35, and 111.36.
- 125.NDA, sections 167 and 173, and QR&O 111.051, 111.22, and 111.41.
- 126.NDA, sections 168 and 174, and QR&O 111.21 and 111.40.
- 127.See NDA, section 192(3), and QR&O 112.06, 112.54, and 112.55.
- 128.However, when the only punishment a court martial can impose is death, the finding of guilty must be unanimous. When a punishment of death is possible but not mandatory, it can be passed only with the concurrence of all the members (NDA, section 193).
- 129.*R. v. Deneault* (C.J.A.G.) (1994), 167 N.R. 138, p. 144.
- 130.NDA, section 177(1).
- 131.NDA, section 177(2).
- 132.NDA, section 178(1).
- 133.NDA, section 178(1), and QR&O 113.03.
- 134.NDA, section 178(2), and QR&O 113.04.
- 135.*Lunn v. R.*, C.M.A.C. file # 352, December 8, 1993, p. 6.
- 136.QR&O 111.60; see also NDA, section 179.
- 137.QR&O 111.24, 111.43, 113.107, and 113.60.
- 138.*Military Rules of Evidence*, C.R.C. 1978, chapter 1049. These rules are also found in QR&O, vol. IV, Appendix 1.3. The statutory authority for these rules is the NDA, section 181.
- 139.NDA, section 180, QR&O 112.10, and CFAO 19-25, paragraph 17.
- 140.NDA, sections 183, 187 and 188.
- 141.QR&O 109.02(2)(a).
- 142.*R. v. Généreux*, [1992] 1 S.C.R. 259 (Chief Justice Lamer for the majority).
- 143.Section 11(d) reads: "Any person charged with an offence has the right...to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal."
- 144.See C.F. Blair, "Military Efficiency and Military Justice: Peaceful Co-Existence", *University of New Brunswick Law Journal* (1993), p. 240, and G. Cournoyer and T. Dickson, "Of Legal Free Trade and Opportunity Lost: How Canadian Constitutional law could have tipped the scales in favor of an independent military justice system in the United States", *Federal Bar News and Journal* 41(1994), p. 275.
- 145.*R. v. Généreux*, [1992] 1 S.C.R. 259, p. 293 (Chief Justice Lamer for the majority).
- 146.Part VII.1 of the NDA, sections 197 to 202.25, is amplified in QR&O, chapter 119, "Mental Disorder".

- 147.NDA, section 198(1). The corresponding *Criminal Code* provision is section 672.22.
- 148.The jurisdiction of the Ontario Criminal Code Review Board comes from the NDA, section 202.25.
- 149.NDA, section s. 198(5). The corresponding *Criminal Code* provision is section 672.32(1).
- 150.NDA, section 202.12. The corresponding *Criminal Code* provision is section 672.33.
- 151.NDA, section 205(1). See also QR&O 114.41, "Designation of Service Prisons and Detention Barracks".
- 152.NDA, section 220, and QR&O, vol. IV, Appendix 1.4, "Regulations for Service Prisons and Detention Barracks".
- 153.NDA, section 219(1), and QR&O 114.40(2).
- 154.NDA, sections 206(1) and 203.
- 155.NDA, section 206(2). Under QR&O 1 14.08(2)(b), the CDS can approve the punishment when the offender is a non-commissioned member.
- 156.QR&O 114.27.
- 157.NDA, section 212.
- 158.See NDA, sections 207-209, 211, and 213-218, and QR&O 114.15-114.18, 114.25-114.26, 114.30-114.31, and 114.35-114.36.
- 159.QR&O 114.55.
- 160.NDA, section 210(1), and QR&O 117.01.
- 161.NDA, sections 226 and 227.
- 162.NDA, sections 234 to 236. On appeals, see QR&O, chapter 115, "Appeals from Courts Martial".
- 163.NDA, section 244, and QR&O, vol. IV Appendix 1.2, "Court Martial Appeal Rules", SOR/86-959.
- 164.In *R. v. Boland*, Court Martial Appeal Court (C.M.A.C.) file # 374, May 16, 1995, p. 18, the C.M.A.C. increased the sentence of imprisonment of Sgt Boland to one year (technically the sentence was not "increased", since the original sentence was a punishment of 90 days' detention, not imprisonment; 'detention' and 'imprisonment' are different punishments).
- 165.NDA, section 238.
- 166.NDA, section 239.1(1). In *R. v. Mathieu*, C.M.A.C. file # 379, November 6, 1995, the Court set aside the acquittal of LCol Mathieu and ordered a new trial.
- 167.NDA, section 245.
- 168.NDA, sections 246 and 247, and QR&O 116.01 and 116.02. For example, in the case of an illegal punishment, the CDS could substitute a legal punishment; see NDA, section 213.
- 169.NDA, section 248, and QR&O 117.03.

- 170.DND, "Brief for the Commission of Inquiry: Military Justice", p. 17. On redress of grievance, see QR&O 19.26 and 19.27, and CFAO 19-32, "Redress of Grievance".
- 171.QR&O 19.26(4). where the decision of the CO does not afford redress, the member can seek redress (in progressive order) from other "redress authorities", including the CDS and, as the last resort, the minister.
- 172.Friedland, *Controlling Misconduct in the Military*, pp. 41-42.
- 173.NDA, sections 248.1 to 248.2, and QR&O, chapter 118, "Release from Detention or Imprisonment Pending Appeal Following Court Martial". Although section 248.1 of the act permits an application to be made to a standing court martial in "such circumstances as may be provided for by the regulations", no regulations have been enacted.
- 174.NDA, section 248.3.
- 175.NDA, section 248.5, and QR&O 118.09.
- 176.NDA, section 248.9.
- 177.SOR/86-958, section 3; also found in QR&O, vol. IV; Appendix 3.3; see also QR&O 19.76, 19.77, and 19.78. The regulations define "controlled area" to mean "any defence establishment, work for defence or materiel".
- 178.SOR/86-958, section 5. The expression "persons subject to the Code of Service Discipline" includes a broader range of persons than does the expression "officers and non-commissioned members". NDA, section 60.
- 179.SOR/86-958, section 8.
- 180.SOR/86-957, found in QR&O, vol. IV, Appendix 3.2.
- 181.QR&O 107.06, note (C); see also QR&O 19.76, notes (C) and (D). Sections 5 and 8 of the *Inspection and Search Defence Regulations*, SOR/86-958, and section 14 of the DCAAR, SOR/86-957, provide expressly that the searches are without warrant.
- 182.See NDA, sections 273.2 to 273.5, and QR&O 107.06 to 107.12.
- 183.NDA, section 139(1).
- 184.QR&O 104.13(2).
- 185.See Friedland, *Controlling Misconduct in the Military*, pp. 42-43, and note 23, p. 150. See also oral presentation by Capt Reed at our policy hearings (Transcripts vol. 3P, p. 444P): "Informal sanctions may range from verbal reprimands to remedial additional training."
- 186.CFAO 19-21, paragraphs 18 and 20. Administrative and disciplinary guidelines are included in this order and in A-AD-005-002/AG-000. Commanding officers dealing with drug offences are subject to guidelines about which form of action to take. However, "the decision whether to take disciplinary action and the nature of that action is within the authority and at the discretion of the CO."
- 187.CFAO 26-17, "Recorded Warning and Counselling and Probation-Other Ranks". Note that this is only a general outline of the process. There are a number of

- qualifications in the policy and procedures for the application of these mechanisms, and the process is complicated by the fact that there are specific recorded warnings for reasons relating to alcohol, drugs, indebtedness, and obesity, each with somewhat different procedures required.
- 188.CFAO 26-17, "Recorded Warning and Counselling and Probation Other Ranks".
- 189.QR&O 19.75: "'suspend from duty' means to relieve an officer or non-commissioned member from the performance of all military duty." The person can be suspended "in any circumstances that, in the authority's opinion, render it undesirable in the interests of the service that the member remain on duty." See its use with respect to racist conduct set out in CFAO 19-43, paragraph 22.
- 190.CFAO 15-2, Annex A, "Specific Release Policies", Section 2 Compulsory. See also CFAO 49-10, Annex E, Appendix 2 Recommendation for Compulsory Release; and QR&O 15.01, Table C, item 2 and 5F.
- 191.QR&O 101.11, paragraph 3. Paragraph 2 states that "a reproof shall be reserved for conduct which although reprehensible is not of sufficiently serious nature, in the opinion of the officer administering the reproof, to warrant being made the subject of a charge and brought to trial." This seems more disciplinary in tone than the recorded warning. See also CFAO 101-1 (Reproof Officers and Warrant Officers) for the amplification of QR&O 101.11.
- 192.QR&O 101.11.
- 193.CFAO 26-21, paragraph 1(a).
- 194.CFAO 26-21, paragraph 3.
- 195.CFAO 19-38, paragraph 17 (emphasis added).
- 196.CPDP/Operating Procedures Manual 301-2 (for non-commissioned members) and CPCD/OPM 203-7 for officers.

THE CANADIAN FORCES PERSONNEL SYSTEM

The Canadian Forces (CF) operates an elaborate and highly structured system for personnel recruitment, development and management. This chapter reviews the chief features of this system to place the selection, screening and training of military personnel for the Somalia mission in context.¹ Questions of selection, screening, and training specific to that mission are dealt with in Volume 2, chapters 20 and 21.

In any major CF deployment, the personnel who serve are sent largely on the basis of their current job and posting. With the exception of the contingent commander, CF members go because the unit or sub-unit in which they serve has been assigned to participate in the mission. Some categories of personnel within a unit may be left behind as a 'rear party' because their military trade or specialization is not required or is not a priority. Personnel may also be left behind simply to comply with the manning ceiling set for the mission. But in general, once a unit is selected by the chain of command, all members of that unit are presumed to be deploying unless they are specifically screened out for some reason.

There is a set of explicit and uniform standards for deployment suitability, which relate primarily to administrative, medical, and family considerations.² The concern is to minimize the operational disruption and financial cost of unexpectedly and prematurely repatriating and replacing personnel in a distant operational theatre.³

Behavioural suitability, on the other hand, is a matter of discretion for the chain of command within the deploying unit. Until recently (May 1994), there was little formal guidance on how that discretion should be exercised.⁴ To identify personnel who might pose a significant disciplinary risk during a mission, the system relied on the attitude and judgement of commanders and supervisors within the deploying unit. Obviously this approach also relied heavily on the general personnel system to recruit, screen, train, employ, and promote CF members appropriately.

Thus, an understanding of the critical elements of this system is useful before delving into the selection, screening, and training of CF personnel participating in the Somalia deployment.

The military is not a typical employer for several reasons. One important reason is that the CF has a monopoly on the legitimate development and use of military force in and for our society; that is, for all intents and purposes, the CF is the only social institution that can provide contemporary military training and is, at the same time, the only legitimate consumer of such skills.

A number of special precepts about service in the CF flow from this basic reality. First, since it is the only place to learn and develop combat and combat management and support skills, there are no lateral transfers into the military. All CF members start at the bottom of their respective rank structures (officers as lieutenants and non-commissioned members as privates), and all subsequent career progression is based on acquiring specific experience and knowledge through education, training, and employment over time.

Moreover, there are established patterns to career progression in the military. Each level of responsibility fits into a functional structure designed to conduct or support military operations. One cannot intelligently employ and manage a particular component of that structure without intimate knowledge of how the sub-components work. The only way to acquire such knowledge in a meaningful and reliable way is through the particular training, education and employment experience offered at each level of responsibility.

Hence, military employment, training and education opportunities, as well as promotion to higher rank, are carefully structured to progress in a specified order and at a certain rate.⁵ For example, promotions are given only one rank level at a time, and levels of responsibility cannot be skipped in military employment. To take a simple example, officers cannot expect to command a battalion until they have commanded platoons and companies.

Progression through this highly structured and physically challenging system of professional development takes a lot of time and training. As a result, military careers begin at a relatively young age and involve many years of service before retirement.

Military service is, indeed, a career rather than a job. A number of factors contribute to this. First, as noted earlier, the CF is the country's only real consumer of military skills; second, the military requires its leaders at all levels (including the highest levels) to have undergone its elaborate program of in-house professional development; third, Canada has a standing, full-time, military force to staff, maintain, support and lead; and fourth, the recruitment, training, education, and maintenance of a soldier represents a considerable investment of resources. The CF has a strong institutional interest in providing meaningful careers to those with significant potential in their military trade and to avoid premature attrition among them. The intense and continuous nature of combat readiness and the corresponding requirement for military discipline make special demands on CF members. There is also a unique role for morale as a factor in military life and, indeed, in operational capability. Hence, the CF concerns itself with the broader welfare of its members, not just job performance.

RECRUITMENT

Having reviewed some of the distinctive features of personnel management in the CF, we now turn to an examination of the key elements of the personnel system designed to meet the particular requirements of the CF. Unless otherwise indicated, the procedures described in this chapter were in place in 1992.

Basic Standards

Under the QR&O for the Canadian Forces, recruits must be at least 17 years of age and must be "of good character" to be enrolled in the forces.⁶ The preferred age for entry into 'operational' and 'unskilled' military trades (called military occupation codes, or MOCs), like the infantry, is 17 to 25 years.⁷ All direct-entry applicants for the officer corps must have a university degree, membership in a professional association, be a graduate of a suitable course of a recognized institute of technology, or have former commissioned service.⁸ For service in the non-commissioned ranks, an applicant must normally have completed grade 10.⁹ Other basic conditions for enrolment relate to citizenship and health standards.¹⁰ Both officer and non-commissioned member (NCM) applicants undergo various aptitude tests to determine the MOC for which they are best suited.¹¹

The following persons, among others, are normally precluded from enrolment in the CF: anyone previously released from the CF, the RCMP or any foreign force for inefficiency or poor conduct; anyone who has previously been punished with dismissal with disgrace from Her Majesty's service; anyone who has engaged in "sexual misconduct"; and anyone who has "an outstanding obligation to the judicial system", meaning anyone awaiting trial, incarcerated, under suspended sentence, on probation, or on parole.¹² Aside from these restrictions, recruiters appear to have considerable discretion in weighing criminal record information when assessing an applicant's character or general suitability for military service.¹³ In terms of screening out active racists, before October 1993, there was no policy on this subject.¹⁴

These are the minimum legal standards for enrolment. With larger pools of qualified applicants and a smaller recruitment quota, there has been a significant increase in the quality of recruits over recent years. By the same token, there were some problems with

applicant quality at certain times during the 1970s and 1980s, when civilian job market conditions were better and recruitment quotas were higher.

Since the late 1980s, recruitment standards for the full-time Regular Force and the part-time Reserve Force have been the same.¹⁵ Currently, some 10,000 members are recruited annually, with about 20 per cent going into the Regular Force.

The Recruitment Process

The first stage in the recruiting process is the contact interview, which takes place at a recruitment centre. At this stage, the applicant is counselled about the forces and the various trades available in the military. Basic eligibility is confirmed at this stage. Applicants are also asked whether they have ever been convicted of a criminal offence for which they have not received a pardon.¹⁶ Applicants are asked only about convictions under the *Young Offenders Act* for which they are currently under a resulting disposition, such as a probation order. Such applicants are not asked for details about the offence itself.¹⁷

The next stage is testing for specific employment aptitudes and, in the case of non-commissioned members, general learning ability.¹⁸

A medical assessment is then conducted to determine, among other things, the sort of employment for which the applicant is fit.¹⁹ Applicants are also asked to reveal their medical history, including, specifically, any previous treatment by a psychiatrist, psychologist, or social worker.²⁰

An assessment interview is then conducted by a military career counsellor. Applicants are questioned more thoroughly about their qualifications, education and employment history, and motivation.²¹ Further military career counselling is also conducted. Applicants are asked about their history of drug use, and the CF policy on drugs is explained. Applicants are also questioned about their experience with and attitudes toward people of diverse racial and cultural backgrounds, and the CF policy in this regard is reviewed. This last component of the interview has been in place only since October 1993.²²

The next step is reliability screening. All CF enrolees must pass an 'enhanced reliability' check.²³ This includes review of identification documentation; verification of qualifications, employment history and references; a criminal record check; and a credit check.²⁴

If the reliability status is granted, the applicant is given a Military Potential rating by the military career counsellor. This rating integrates everything the counsellor knows about the applicant from interviews, tests and other sources, and assesses this profile in relation to the demands of the military and of the particular occupation in which the applicant is interested.²⁵ The general attributes that counsellors are to look for in applicants are teamwork, perseverance, physical endurance, conformity to rules, acceptance of criticism, and initiative. In the case of applicants for the officer ranks, leadership skills are also sought. The ratings range from one to nine, with those scoring only one or two deemed unsuitable. Applicants are eligible to receive offers of enrolment with the CF in order of merit, based on their Military Potential rating.²⁶

The aim of the Military Potential rating is to predict whether an applicant will integrate successfully into the Canadian Forces, particularly during basic recruit training and initial military occupation training.²⁷ However, recent internal research casts doubt on the effectiveness of this rating as a predictor of performance, either in basic training or subsequent military occupation qualification training.²⁸

Criminal Records and Recruitment

Even in cases where a pardon has not yet been granted, a previous criminal conviction does not necessarily preclude admission to the CF. However, since hiring for the CF is competitive, past offences do adversely affect an applicant's chances of enrolment. Moreover, if sufficiently serious, a criminal record could lead to denial of reliability status (a prerequisite for enrolment) or denial of a security clearance.²⁹ The consequences of a denial or revocation of a security clearance range from various employment restrictions to occupational transfer to release from the CF.³⁰

Use of information about convictions under the *Young Offenders Act* is carefully controlled. Young offender information is not sent to the relevant recruitment centre. Instead, it goes to the CF Recruitment, Education and Training System headquarters, where the implications of the information for enrolment suitability are assessed. If personnel at the recruitment centre do happen to learn about young offender convictions, they are not permitted to use that information in determining an applicant's suitability for enrolment.³¹

Psychological Assessment

During the medical examination, applicants are asked about problems with drug or alcohol abuse and any previous treatment by a psychiatrist, psychologist, or social worker.³² Disclosures of past treatment are followed up, and details are obtained from the treating professional.³³

In most cases, however, psychological testing is used only to help determine an individual's aptitude for particular military occupations, not to assess psycho-social stability.³⁴ By contrast, applicants for most civilian police forces undergo a series of psychological screening tests.³⁵ Normally, psychological fitness (in the sense of predisposition to aberrant behaviour) is assessed subjectively by recruiters on the basis of the applicant's behavioural and social history.³⁶ To this end, recruiters investigate applicants' education, work experience, family and social relationships, criminal convictions, drug use, and debts.

Recruiters are not trained in the behavioural sciences, but guidelines for recognizing and assessing psychological warning signs are provided in the *Recruiter's Handbook for the Canadian Forces* and various recruiting directives. Moreover, recruiters receive training from CF personnel selection officers, who have at least a master's degree in psychology,³⁷ as well as specialized training and work experience. Personnel selection officers are also available to provide technical advice to recruiters and others in the personnel selection system in particular cases of concern, or on general issues.³⁸ Furthermore, specific cases can be referred to a personnel selection officer where the recruiter has a doubt about an applicant's psychological fitness.³⁹

Post-Enrolment Screening and Monitoring

Screening and monitoring of CF personnel continue after enrolment.

Basic Training

In addition to its essential developmental value, basic military training is considered an excellent opportunity to gauge a recruit's ability to adapt psychologically to military life and discipline.⁴⁰ This period is marked by intensive training and indoctrination combined with extensive direct observation by superiors and frequent peer evaluations. Moreover, specialist personnel are available on training bases to assist in the diagnosis of psychological disorders and behavioural instability.⁴¹

Security Clearance

To perform their duties, most CF members require some level of security clearance in addition to the reliability vetting that is a condition of enrolment.⁴² The main additional elements for the security clearance are the personal character reference check and the Canadian Security Intelligence Service (CSIS) indices check.⁴³ This latter check could expose involvement in extremist organizations, provided the organization is deemed to represent a "threat to security" as defined in the *Canadian Security Intelligence Service Act*.⁴⁴

For example, white supremacist groups were not necessarily seen as security threats by CSIS at the time of the Somalia deployment, and whatever interest CSIS did have in such organizations focused on their leaders, rather than the general membership.⁴⁵ Moreover, before October 1993, active affiliation with racist groups was not, in itself, deemed inconsistent with membership in the CF.⁴⁶

Updating Reliability and Security Clearance Data

Supervisors must report changes in circumstances or behaviour that could be relevant to a member's suitability to hold a security clearance, and reliability screening information must be updated at least every 10 years.⁴⁷

Maintenance of Conduct Sheets

Convictions for civil or military offences that occur after enrolment are recorded on a member's conduct sheet, which will be seen by superiors, career managers, and merit boards.⁴⁸

Performance Evaluation and Career Review

CF members are assessed at least once a year on their performance by their supervisors.⁴⁹ Performance appraisals are seen by at least the supervisor's superior, and they are reviewed at even higher levels if they are particularly good or bad.⁵⁰ Members are liable to be released involuntarily from the CF for a range of shortcomings, including serious or persistent disciplinary problems and poor performance.⁵¹

TRAINING

Training for peace support operations must be seen in the context of military training in general.⁵² In the CF, training is aimed first at achieving operational readiness to perform

missions and tasks and, second, at supporting the career development of CF members. Training forms part of the overall personnel management system and is of two types: individual and collective. Responsibility for individual training falls within the mandate of the assistant deputy minister for personnel (ADM(Per)), while collective training is within the purview of the deputy chief of the defence staff, who retains the overall policy-setting function. The planning, development, and management of collective training are delegated to the functional commands through the Chief of the Defence Staff Direction to Commanders, which details the missions to be accomplished, including training missions.

Individual Training

Individual training is aimed at satisfying professional and technical requirements of CF members operating within the CF's military occupational structure and the separate career development/management systems for officers and non-commissioned members. It includes general military training, occupational training, and specialty (or specialist) training, conducted mainly at in-service training establishments or educational institutions (basic training schools, military colleges, command and staff colleges, warrant officers' academies, etc.), but also outside DND (for example at civilian universities). Basic occupational training for operational personnel -- including members of the combat arms -- is typically conducted within the operational command environments, with technical support from the central system if required.

There are both basic and advanced levels in all categories of individual training. General military training, which is tied to general specifications for both officers and non-commissioned members, can take place any time during a service career. It includes such training as leadership courses for senior officers and senior non-commissioned members, usually offered to enable them to fulfil a requirement for a specific rank or as a prerequisite for a higher rank.

Individual training for CF members is progressive. It begins at the basic (new entry) level, which is designed primarily to teach general military skills and provide initial indoctrination into the CF way of life. It then proceeds through basic and advanced occupational training (usually a rank progression prerequisite) and is finally interspersed with general military training and/or specialty training as required by the level of responsibility achieved or a specific duty assignment within an occupational group.

The CF controls the quality and quantity of individual training by means of a planning and management model encompassing a five-phase approach to training: analysis, design, conduct, evaluation, and validation. The analysis phase focuses on the specific need for training, and the result of the process is a course-training standard or on-job training standard. These standards, against which individual performance is assessed, are monitored and updated periodically.

Responsibility for individual training is dispersed through three levels of management:

1. NDHQ, where policy is established and its implementation verified; quantitative needs are determined, and occupational specifications are developed and approved.

2. Designated commands/training agencies, where training standards are produced, training is validated, and resources are provided.
3. Training establishments, which design and conduct training, as well as evaluate course members and course training.

Collective Training

Collective (or operational) training is planned, scheduled, and conducted at the formation or unit level. It is designed to build cohesive teams and units that can act independently or in concert with others to perform a variety of missions or tasks (e.g., peace operations, war fighting, etc.). Collective training capitalizes on general military and occupational skills and competencies already acquired by CF members and forms the bulk of mission-specific peacekeeping training for the combat arms and support elements to be deployed. Refresher training may occur as part of an annual operational training cycle or as required by a specific mission, generally at the unit level; in the case of the Land Force, it is regulated by individual battle task standards and offered only if a deficiency in a skill is detected through testing.

Whereas the ADM(Per) has a direct and an indirect, as well as a relatively continuous monitoring function respecting adherence to policies and standards in the individual training system, the deputy chief of the defence staff has only indirect and periodic mechanisms for monitoring consistency across commands (e.g., annual training plans, Chief Review Services reviews). Thus, collective training is decentralized training, with a minimum of control being exercised by NDHQ over how policies and standards are applied. The bulk of training for peacekeeping falls into this category. As a consequence, standardization in peacekeeping training must be maintained primarily through well developed policies and supporting documentation to ensure a thorough understanding of direction and requirements.

Training is central to the Canadian Forces. It not only provides the basis for developing the knowledge, skills, and abilities needed for a wide range of functions, but is also a primary vehicle for promoting morale and cohesion. From the perspective of operational capability, a well managed training system with adequate resources provides the best means -- short of actual operations -- of developing and practising command and leadership skills.

CAREER DEVELOPMENT OF MEMBERS AND OFFICERS

Career Development of Non-Commissioned Members

Throughout their careers, NCMs are required to take general military training, as well as occupation-related training.⁵³ The requirements -- common and environmental -- for all NCMs are found in the NCM General Specification. The development of NCMs includes on-the-job training, as well as training in leadership, management, occupational and specialty training, and self-study.⁵⁴

Under the Canadian Forces training system, there are three basic developmental periods in the career of an NCM: basic recruit, junior leader and senior leader.

- **Basic Recruit:** The aim of this primary developmental period is to produce an individual who is well motivated, disciplined, physically fit, capable of handling personal weapons, and capable of survival in hostile environments.⁵⁵ The NCMs in the CAR in 1992 would have attended basic recruit training at CFB St. Jean or CFB Cornwallis. Today, because of rationalization required by budget cuts, all basic training for recruits is done at the Canadian Forces Recruit School at St. Jean.⁵⁶ This first developmental period for NCMs would include, in addition to basic training, army-specific training, either as part of their basic occupational training or through a separate course.⁵⁷ Combat arms NCMs would normally have attended one of the battle schools.
- **Junior Leader:** This stage involves significant on-the-job training, training at the base and unit, and formal courses, notably the Junior Leader Course. Junior leader training aims to broaden knowledge of general military subjects; develop leadership/management skills; and provide practical experience in leadership and supervisory duties, to a level required of junior supervisors (master corporal to sergeant ranks).⁵⁸

For infantry NCMs, in addition to the cross-environmental junior leader course, there are also formal courses and other training related to the infantry MOC, e.g., weapons use and training.

- **Senior Leader:** This final stage aims to provide NCMs of sergeant-level rank with the knowledge, skills, and experience described for junior leaders at the higher level required by warrant officers. Again, on-the-job experience is a crucial component of this stage. It is complemented by the senior leader course, which is cross-environmental, involving personnel from Land Force, Air, and Maritime commands. There is an increased emphasis on leadership and management, given the importance of these to the normal functions of NCMs at the rank of warrant officer and above.

As with the other two periods, this one includes continuing occupational and environmental training through formal courses and on-the-job learning.

Career Development of Officers

The progression of an officer's career involves training, education and employment. During an officer's tenure with the Canadian Forces, this includes on-the-job training, as well as training in leadership, management, occupational and specialty training, and self-study.⁵⁹

Officer candidates can be recruited at the beginning of their post-secondary education, which is then integrated with their development as an officer. This can be done through attendance at a military college (of the original three -- Royal Military College of Canada in Kingston (RMC), Royal Roads Military College in Victoria, and Collège militaire royal de Saint-Jean in Quebec -- only RMC remains) or through attendance at another university, combined with summers spent in officer training.

Alternatively, officers can be recruited at the end of their university studies, in which case their initial training is more intensive and compressed. Finally, a small number of

officers are recruited from the ranks, through plans that permit serving NCMs to upgrade their education as required to qualify them for officer responsibilities. Whatever the method of entry, the basic approach to the development of officers remains the same. Under the Canadian Forces training system, there are four basic developmental periods in the career of an officer.

- **Basic Officer Development:** This provides the training and education required for the officer's first appointment and runs from the time of entry to the stage of military occupation qualification. At the end, officers meet their common and specific occupational requirements and possess the fundamental information and skills required to begin their first leadership position. It includes training in elementary aspects of leadership.

The key element of training during this period is the Basic Officer Training Course.⁶⁰ It also includes training specific to the officer's environment (Maritime, Land Force, or Air) and MOC. The basic MOC training for all three combat arms branches of Land Force (artillery, infantry, and armour) is given through courses at the appropriate school at the Combat Training Centre at Gagetown.

- **Junior/Intermediate⁶¹ Officer Development:** Normally, this development period runs from MOC qualification, which leads to the first appointment, until a junior officer is promoted to the rank of major. Again, all aspects of the junior officer's development -- employment (on-job learning), education, and training -- are geared to multiple requirements, in this case occupational, environmental, and functional command. During this stage lieutenants and captains would apply and practise their MOC and common skills from the first development period, but would also be doing self-study, through the Officer Professional Development Program,⁶² and formal courses. The junior officer at this stage would be leading CF members at the sub-unit level.

A key educational component for a Land Force officer is attendance at the Canadian Land Force Command Staff College at Fort Frontenac in Kingston.⁶³ As well, during this period an army officer would normally complete the Intermediate Tactics Course.⁶⁴

- **Advanced Officer Development:** By this stage the officer -- typically at the level of major or lieutenant-colonel -- is increasingly skilled as a leader, with the requisite knowledge of principles and techniques of leadership. Training is by no means over, but rather continues, meeting the needs of the officer's current rank and possible higher ranks. This period may also involve specialized training for a particular appointment or appointments. It is at this level that officers are considered for command of units.

A key educational component at this stage is attendance at the Canada Forces Command and Staff College, which is a course given for senior officers from all three environments.⁶⁵ This course has been described as "the cornerstone activity in the development of the senior officer cadre and the centre for instruction of operational level environmental, joint and combined doctrine within the CF."⁶⁶

During this period of officer development, officers would normally occupy a combination of staff and command positions of increasing responsibility. In combination

with major and shorter courses both in leadership and in a specific occupational field, officers can be expected to acquire the guidance, leadership training/experience, and management skills necessary to discharge their functions as senior leaders in the CF.

- **Colonel and General Officer Development:** This is the culminating developmental period for a select group of CF officers. During this stage they receive the training and experience required for high-level command and staff employment and for particular senior appointments. This is when the officer's development as a highly skilled leader and commander is completed. Ordinarily, this period would entail command of a base or formation and more. Since 1994, when the National Defence College program was terminated, no formal course of development has been available for officers at this level.⁶⁷

PROMOTIONS AND APPOINTMENTS

Although the key criterion in promotion and appointment decisions in the CF is ostensibly merit, it cannot be said that this is the only factor. Staffing needs and limitations appear to be the real driving force behind the promotion and appointment system.⁶⁸ Generally speaking, there are no promotions unless there are vacancies -- no matter how deserving those eligible for promotion may be.⁶⁹ But the converse is equally true. In the event of a vacancy, a member of the relevant class of eligible candidates will be promoted.⁷⁰ The military personnel system cannot go outside itself to fill the position, nor can it leave a significant gap in its organization indefinitely.

The number of personnel available to fill a position is necessarily restricted by a variety of systemic constraints. As the only source of training in military skills and knowledge, the CF can hire only from within, and all entrants must move up the relevant rank structure to acquire specific knowledge and abilities through training, study and employment experience.⁷¹ Before being eligible for promotion, members must have been in their current rank for a minimum number of years.

There are also many functional and occupational categories in the military. Despite unification, Land Force Command, Maritime Command, and Air Command continue to function as distinct branches to a significant degree. In terms of staffing, this means that, below the level of the national command and support bureaucracy (or a joint force headquarters), positions tend to be restricted to a particular command. This is certainly true for combat positions. Beyond that, the military personnel structure is divided into numerous fields and sub-disciplines (called branches and military occupation codes respectively).⁷² Many positions in the military are trade-specific. In addition, the key combat arms occupations in the Land Force environment have a regimental system that adds a further dimension to promotions and appointments.

Since environmental command, MOC, and rank all imply certain types or levels of knowledge, training and experience, this elaborate and self-contained personnel structure enables the military to focus quickly on a manageable pool of candidates.

Promotion in the CF

For the most part, promotion to higher rank is based on competition among peers (i.e., personnel holding the same rank within the same occupation) and is determined by

relative ranking by centralized panels called merit boards.⁷³ There are several key exceptions to this general rule. First, certain promotions are handled outside the competitive merit board process. After enrolment as an NCM, promotions up to and including the rank of corporal are handled within the member's unit by the commanding officer.⁷⁴ The same process can be extended to master corporal appointments in the Land Force combat arms occupations where the need arises, through the Delegated Authority Promotion System (described later in this chapter).⁷⁵ Promotion to major-general or above is by personal selection of the chief of the defence staff with the approval of the minister.⁷⁶

In addition, a number of entry-level promotions for officers are automatic upon meeting the requirements. After enrolment as an officer-cadet and completion of the stipulated requirements, commissioning in the rank of second lieutenant and promotion to lieutenant are automatic. In the case of officers commissioned from the NCM ranks, commissioning in the rank of second lieutenant with simultaneous promotion to lieutenant (where the prior rank attained was master corporal or higher) or captain (where the prior rank attained was master warrant officer or higher) are automatic. For specialist officer classifications (chaplain, medical, legal), post-commissioning promotion up to the rank of captain is non-competitive.⁷⁷

In all other cases, personnel are selected for promotion from merit lists ranking all eligible members of a given military occupation and rank relative to each other. Merit lists are compiled annually by the various merit boards based on the annual performance evaluation reports and other personnel file contents, such as course reports, conduct sheets, and records of administrative actions against the member.⁷⁸ This process is outlined in greater detail below.

Performance Evaluation Reports

These reports (known as PERs) are completed on all CF personnel each year. More than one can be done in a year if there is a new posting or in cases of exceptionally good or poor performance. Reports are completed by members' supervisors, who are usually their immediate superiors in the chain of command.⁷⁹

Members are rated, in comparison with their peers, on the basis of a variety of performance-related skills or factors. These include acceptance of responsibilities and duties; application of job knowledge and skills; problem analysis; decisiveness; planning and preparation; delegation, direction and supervision; communication; working with others; and ensuring the well-being and development of subordinates. Members are also rated on the following professional attributes: professional knowledge, appearance, physical fitness, conduct, intellect, integrity, loyalty, dedication, and courage. On each of these points, members are rated as low, normal or high, and within these broad ratings there are often two to three further gradations. There is also space on the report form for comments by the supervisor.

Finally, members are given an overall rating on their potential: 'adverse', 'low normal', 'normal', 'high normal', 'superior', or 'outstanding'.⁸⁰ The report also indicates whether the member is recommended for promotion. In addition to the other reporting requirements relating to disciplinary actions, such actions must also be noted in the performance

evaluation report. In the case of officers, this includes convictions under civilian penal law (but, in the case of provincial offences, only those where there is a sentence of imprisonment) and under the Code of Service Discipline.⁸¹ However, a reproof is not referred to in a PER.⁸² In the case of NCMs, only serious breaches need to be reported on the member's PER.⁸³

PERs must be shown to the member.⁸⁴ They are then reviewed by the supervisor's superior who also provides comments and recommendations. In the case of PERs with an outstanding or an adverse rating, a further review by more senior levels of command is mandatory. In fact, CFAO 26-6 defines an outstanding or adverse PER rating as a judgement by the reporting officer that the member being evaluated "is so exceptional in every respect, in comparison to other officers of the same rank, that the officer's effectiveness and potential, or lack thereof, should be brought to the attention of senior officers in the chain of command." In addition to these mandatory reviews, PERs can be reviewed by other senior officers. A member's CO is obliged to report any change in circumstances occurring after submission of the PER that may affect the member's eligibility or suitability for promotion.⁸⁵

When an officer receives an adverse overall rating on a PER, the CO must follow the procedure governing career shortcomings in CFAO 26-21 and counsel the officer or -- if this has already been attempted without success -- place the officer on report of shortcomings.⁸⁶

Finally, all PERs are sent to the appropriate NDHQ career management staff.⁸⁷ Copies are not to be retained by units, bases or commands.⁸⁸ The career manager makes sure that the report is complete and otherwise meets established requirements. Among other things, a team at NDHQ monitors all NCM PERs to ensure that reporting practices are standardized, exceptionally high or low ratings are substantiated, and higher ratings are not being over-used.⁸⁹ Personnel staff at NDHQ may even send a PER back if there is a problem with it. For example, evidence before us indicated that, occasionally, a PER contains a contradiction between the supervisor's comments and the overall rating.⁹⁰ Career managers retain the PERs, along with other relevant documentation, on the CF members for whom they are responsible.

Colonel Arp, a former career manager for lieutenant-colonels and -- at the time of his testimony -- special assistant to the ADM (Per), gave evidence about the PER system among other things. He conceded that PERs do tend to emphasize the positive elements of a member's performance and downplay problems. Interpreting a PER properly, therefore, involves considering not only what it says, but also what it does not say. To deal with the problem of inflated ratings, a ceiling was placed on the proportion of personnel who could receive the top two overall ratings. Each formation was limited to rating 8 per cent of its personnel 'outstanding' and 22 per cent as 'superior'; exceptions had to be approved by the Commander Land Force Command. These constraints led units to conduct their own internal boards to decide who would receive the top ratings. In Colonel Arp's experience, officers did not get promoted without at least a 'superior' rating on their most recent PERs. In other words, members had to be in the top third of their rank and occupation, according to PER ratings, in order to advance.

Generally, members must have served two or three years in their current rank to be eligible for merit board consideration. It is largely their PERs that determine which of the eligible personnel are selected by the career manager for consideration by a merit board. Current practice is to submit only eligible members in the top 50 per cent of their rank and classification --based on their last three PERs -- to a merit board for promotion ranking.

Merit Boards

Some 86 different merit boards are convened annually to consider promotions within the various ranks and military occupations. The boards are structured to ensure experience and familiarity with the needs and challenges of the branch in question, while maintaining objectivity and independence.

Officer merit boards normally consist of six to eight officers from a trade or branch similar to that of the candidates being considered. Within the relevant branch, the widest possible representation from the various sub-disciplines is sought, and at least two of the three elements of the armed forces should be represented.⁹¹ Where applicable, there is also representation from the appropriate regiments. Normally, the board chair is three ranks above the candidates, and board members are two ranks higher. COs from the combat arms branches are precluded from sitting on officer merit boards, and no one can serve more than two consecutive years on a board.

NCM boards have four members, including either two or three officers and one or two senior NCMs, depending on the rank level of the promotion.⁹² Like the officer boards, experience in the relevant branch, inter-element representation, and official language representation are sought in merit board composition. Board members are not normally to serve in consecutive years. In the case of infantry NCMs, promotions are handled by regimental merit boards, which include battalion COs and regimental sergeants-major.⁹³ NCM merit boards decide who will be offered further periods of service and indefinite service, as well as promotions.⁹⁴

The results of board decisions are sent to the appropriate promotion authority for approval.⁹⁵ Once approved, merit lists are in force until replaced by the next ones, usually after a year. Promotions must be made based on the order of precedence in the lists. Only the chief of the defence staff personally can authorize a deviation from the list. The CDS is responsible for approving promotions to all ranks up to colonel and recommends all promotions to the general officer ranks. The minister of national defence approves all promotions to the general officer ranks, and the Cabinet appoints the CDS. In the case of promotion to ranks below colonel, however, the CDS's responsibility can be, and has been, delegated to other officials.⁹⁶

Criteria for Promotion

Normal Progression

In addition to the existence of a vacancy and a potential candidate's merit list position, a variety of criteria for promotion are prescribed by the CDS, depending on the rank and occupation in question.⁹⁷ The common criteria for promotion among officers are the completion of specified periods of qualifying service in the current rank; attaining the

qualification requirements of the particular MOC; medical fitness in relation to the officer's field of employment; and possession of the minimum security clearance required in that MOC.⁹⁸ The common criteria for promotion of NCMs are similar, except that NCMs must also have a recent history of satisfactory performance and conduct and the recommendation of their CO.

All candidates for competitive promotion in the officer ranks are also rated by merit boards on their performance -- as indicated in PERs and course reports -- and their potential for more senior rank, which includes an assessment of experience, qualifications, linguistic ability, remaining years of service, personality, and physical fitness.⁹⁹ In the case of NCMs, COs are to recommend promotion only where the member has demonstrated the necessary potential and where the CO is prepared to retain and develop the member in that rank.¹⁰⁰ In the infantry, only the top five per cent are promoted in a given year.¹⁰¹

Incidents of misconduct or poor performance generally jeopardize a member's promotion prospects, at least in the immediate term. In the case of NCMs, recent satisfactory conduct is a formal criterion for promotion, although that standard is open to interpretation and thus allows for the exercise of discretion by the chain of command and NDHQ.¹⁰² In the case of officers, any conduct sheet entries must be indicated on the PER, so merit boards will be aware of civil or military offences.¹⁰³ Officers on report of shortcomings will not be posted out of their parent units.¹⁰⁴ Where officers or warrant officers have received a reproof, a record of this remains in their file for one year and is therefore seen by the merit board in that year but not thereafter.¹⁰⁵ NCMs on counselling and probation are not eligible for promotion and will not be posted out of their current unit during the probation period.¹⁰⁶ By itself, a recorded warning does not affect promotion or posting eligibility,¹⁰⁷ but in a competitive environment, it can obviously be a handicap.

Exceptions

The CDS can waive any promotion requirement,¹⁰⁸ and NCMs can be promoted in recognition of meritorious service or an act of gallantry.¹⁰⁹

Accelerated Promotion

Accelerated promotion allows members of the CF who demonstrate exceptional ability and potential to be promoted more quickly than normal.¹¹⁰ Normally, members must serve two to four years in a rank (depending on the rank) to be eligible for promotion to the next rank.¹¹¹ If accelerated promotion is authorized, officers can be promoted after as little as one year in rank; NCMs can be promoted after one to three years, depending on the rank.¹¹² In the case of accelerated private to corporal promotions, NDHQ (specifically, the Director General Personnel Careers Other Ranks) establishes annual ceilings for each of the commands.¹¹³

For both officers and NCMs, accelerated promotion first requires the recommendation of the member's CO.¹¹⁴ The promotion authorities are the same as for normal promotions: the member's CO, for promotions up to corporal; and the Director General Personnel Careers Other Ranks, for promotions to master corporal and above.¹¹⁵

For officers, a special PER is prepared on the nominee and forwarded to NDHQ. The report must set out in detail "the reasons why the officer is deserving of rapid and extraordinary promotion, and why such promotion will be in the interests of the CF."¹¹⁶ The report must include specific assessments of the nominee's "leadership and management abilities" and a description of the officer's "outstanding qualities". The report must also be supported by the most senior officer at each level of the chain of command. If fully supported, the PER is referred to the next scheduled merit board for consideration.

For NCMs, the procedure is somewhat different, depending on the rank and MOC. For accelerated promotion to corporal, the approving authority is the same as for a regular promotion -- the member's CO, subject to any limitations prescribed by the commands.¹¹⁷ The general procedure for accelerated promotion to master corporal or above is similar to that for officers. A special PER is submitted and considered by the regular merit board.¹¹⁸ The criteria are distinct however: accelerated promotion to corporal requires demonstration of outstanding performance in the member's trade, whereas promotion to master corporal or above also requires leadership potential. Aside from the normal minimum time in rank, the member must meet all other qualifications for the promotion.

Delegated Authority Promotion System (DAPS)

The DAPS is a special form of accelerated promotion to the rank of master corporal that applies to certain MOCs, including the infantry. In fact, DAPS replaces the general accelerated system just described with respect to promotions to master corporal in the affected classifications. DAPS aims to ensure an adequate number of master corporals in the combat arms occupations.¹¹⁹ So, in contrast with accelerated promotion, which is merit-driven, the DAPS responds to organizational requirements.

If vacancies in the affected occupation classifications cannot be filled by application of the normal criteria, the Director General Personnel Careers Other Ranks authorizes DAPS promotions.¹²⁰ Privates or corporals selected by their CO who meet all qualifications for promotion to master corporal, except for time served in current rank, can then be promoted to master corporal.¹²¹ The CO is responsible for ensuring that the member has all the necessary qualifications.

The key difference between DAPS and accelerated promotion generally is that no special PER is prepared or considered by a merit board. Once NDHQ determines the need for DAPS to fill vacancies at the master corporal level and COs have selected candidates, promotions are automatic rather than competitive. In this respect, DAPS differs from both the normal promotion system for master corporals and the accelerated system.

The Regimental System

In the case of the combat arms occupations in the Land Force environment -- armour, artillery, field engineer, and infantry -- promotion occur in the context of a regimental system. Each regiment has its own history and traditions. Members progress in their careers within a particular unit or family of units. Along the way, they may serve in extra-regimental postings such as staff positions at higher headquarters and CF training and educational institutions or when units or sub-units of their regiment have been grouped in larger formations with units or sub-units from other regiments. But members

remain affiliated with their home regiment, and they are not transferred between regiments.¹²²

In addition to the official command structure of the component units, each regiment has a semi-official oversight and advisory entity, a regimental council known variously as the Senate, the Regimental Guard, or la Régie, the heads of which are known colloquially as 'Godfathers'. These bodies are normally composed of the serving general officers of the regiment and certain honorary appointees, such as retired generals from that regiment. The role is to oversee the long-term well-being of the regiment.

An important aspect of their mandate is to provide advice and input to NDHQ personnel staff on key promotions and appointments within the regiment. This is, to a certain extent, a natural role for them, since they know the officers who are candidates for promotion, having observed their development from officer-cadet to lieutenant-colonel. They also know the candidate supervisors better than career managers are likely to do.¹²³

By contrast, a member's superiors in the chain of command and the career manager at NDHQ change regularly. Because of their unique corporate memory, input from the regimental councils on personnel matters is highly valued by the chain of command. Although they have no formal authority in the process, the personnel recommendations of these regiment councils are, in practice, very influential.

Within the regimental council, a regimental colonel is appointed by the other members, among other things, to track the career development of key personnel in the regiment and advise NDHQ career managers on particular serving members. Col (ret) John Joly -- who held this position for Princess Patricia's Canadian Light Infantry between 1988 and 1991 -- described his role as follows:

to act on behalf of the regiment to manage the postings, career development, major corps selections and grooming of our officers and NCOs and soldiers in order to maintain the health and vitality of the regiment as a whole, the battalions in particular. And more importantly, [to manage] the individuals in their development so that in the longer term the regiment would not suffer any declines through mismanagement of the personnel assets...¹²⁴

Regiments also conduct their own merit boards to rank the serving personnel of the regiment. In the case of NCMs, promotions are actually decided by these regimental boards, which are recognized in the CFAOs. For officers, however, the official merit boards are established according to rank level and combine candidates from all regiments as well as other combat arms occupations, resulting in "a much broader base of comparison and a higher standard [for promotion]."¹²⁵ The regiment's advice on officer promotions is conveyed to NDHQ merit boards, either directly through their representatives on the boards,¹²⁶ or indirectly through the career managers. In the case of key appointments in the regiment, the regiment provides recommendations to career managers and often directly to Land Force Command Headquarters as well.

Appointments in the Infantry

As with promotions, the filling of unit and sub-unit command appointments involves a subtle interaction between NDHQ personnel staff (chiefly career managers), the chain of

command, and the regimental councils. The appointment process involves more discretion, however, and the influence of regimental councils is more decisive. PERs and regimental rankings are important in the appointments process, but since command appointments usually occur within the first five years of achieving the required rank, many candidates for such postings will not be on a merit list, because they will not yet be eligible for further promotion. Another difference is that with postings or appointments, the wishes of the member are also an important factor. CF members do not apply for promotion, but they do, to a degree, apply for appointments.

The appointments system operates under certain constraints that do not affect promotions. A particular posting may have a bilingualism requirement. Postings have a specific tour length: three years generally, but only two years for command appointments, so candidates would generally have to be available for that period. Moreover, the CF tries to ration certain highly prized appointments, so that more members have a chance at them. Such postings include unit commands, certain senior staff positions, and various NATO, UN and other foreign postings -- generally, a member will not receive any of these appointments more than once. In addition, there may be personal constraints on a particular member, such as family situations, and for budgetary reasons, career managers are limited to a certain number of subsidized personnel relocations per year. Career managers testifying before this Inquiry, however, stated this constraint does not apply to unit command appointments.

Furthermore, appointments must be filled on the basis of the manning priorities established by the vice chief of the defence staff. Priority one postings such as UN appointments, must be filled first. There are relatively few priority two postings, but they include command of combat arms units. The majority of postings are priority three, including positions within units most positions at NDHQ.

Operating within these constraints, career managers consult widely in compiling their list of potential candidates. The environmental command -- in the case of the Canadian Airborne Regiment, Land Force Command -- is consulted and provides input on the requirements of the position and the available personnel. The branch adviser¹²⁷, -- in this case the Director of Infantry -- also has some understanding of the criteria candidates should meet, as well as further information on the career advancement needs, preferences and prospects of candidates. The adviser is also in touch with the regime and with Land Force Command HQ. In the case of a sub-unit command appointment, the unit commanding officer is also a key player and effectively has a veto over postings to the unit. For unit CO appointments, the brigade commander is consulted. However, this is not part of the formal process. Strictly speaking, the key players in the selection process are the career manager, the branch adviser, and the Land Force Commander. But peers and subordinates are not consulted; only superiors are consulted.¹²⁸ Candidates are also interviewed before being put on the list of personnel recommend for a posting. Once career managers have arrived at a tentative posting plan for the personnel in the rank and occupations for which they are responsible, they interview those members, discussing their options based on their performance, the positions of interest to the members, and their long-term career goals. These interviews are not an occasion to evaluate the candidate; this is the responsibility of the chain of command through the PERs.

Based on these consultations and members' personnel files, the career manager and the branch adviser come up with a list of suitable candidates for appointment. This list is taken to the appropriate regimental council by the branch adviser. The regimental council makes a selection from this list. Barring any administrative problems with the regiment's choice, the career manager takes their recommendation to the Deputy Commander LFC, where it is reviewed and discussed in detail. The career manager then interviews the members about the proposed postings. Finally, the matter goes to the Commander LFC for final approval, although the formal posting order is put out by the NDHQ personnel staff under the assistant deputy minister for personnel on behalf of the chief of the defence staff.

In the case of NCMs, the key players in promotions and postings are the unit CO and the regimental sergeant-major. The appropriate NDHQ career manager does everything in consultation with those officials.¹²⁹

The effectiveness of the CF personnel system -- in combination with the mission-specific training, selection and screening of CF personnel -- in the case of the deployment to Somalia in 1992-93 is considered in Volume 2.

NOTES

1. As Dr. Franklin Pinch wrote in "Screening and Selection of Personnel for Peace Operations: A Canadian Perspective" (Gloucester, Ontario: 1994), "Screening and selection do not stand alone but are part of the overall human resources management strategies of any armed force, including the CF."
2. See Canadian Forces Administrative Orders (CFAO) 20-46 (Annex A-J) and 20-50; and Force Mobile Command Operating Procedure 101, November 29, 1977.
3. CFAO 20-50, paragraph 3.
4. The only formal rule on the subject was in CFAO 20-50, paragraph 4a, which stipulated that "Members with a history of repeated misconduct shall not be considered for a posting outside Canada." Since Somalia, behavioural suitability has become a distinct factor in pre-deployment screening, and the unit CO has been given specific criteria to consider in making such assessments. See NDHQ, CANFORGEN 023 of 021500Z May 1994, re Social and Behavioural Suitability Screening, Document book 89A, tab 10.
5. Chief Review Services, Program Evaluation Division, "Report on NDHQ Program Evaluation Assessment Study -- EA 1/86: Personnel -- Recruiting, Development and Distribution", May 13, 1988, p. 11, paragraph 27.
6. *Queen's Regulations and Orders* (QR&O) 6.01(1).
7. CFAO 6-1, Annex A, Serial 2a, and Annex B, Serial 2b.
8. CFAO 6-1, Annex A, Serial 3.
9. CFAO 6-1, Annex B, Serial 5.
10. See QR&O 6.01(1)(a); and CFAO 6-1, Annex A, Serials 1 and 4, and Annex B, Serials 1 and 4.
11. CFAO 6-1, Annex A, Serial 5, and Annex B, Serial 3.

12. QR&O 6.01(2)(b), (3) and (4); and DND, *Recruiter's Handbook for the Canadian Forces* (April 1, 1995, Publication AL 1/95), p. 2-4, section 213, paragraphs 1 and 3, and p. 2-2, section 233, paragraph 1.
13. No such guidance could be found in the QR&O, the CFAO, the *Recruiter's Handbook*, or the Recruitment Directives.
14. Testimony of Cdr Jenkins, Transcripts vol. 6, pp. 1201-1202, vol. 14, p. 2537; and Briefing note for Minister of National Defence (MND), April 15, 1994, re Racism and the Canadian Forces, Document book 89A, tab 9, p. 4, paragraph 8c.
15. Recruiting Directive 12/89, Integrated Recruiting Operations, August 16, 1989, p. 4, paragraph 10.
16. MGen C.W. Hewson, "Report on Disciplinary Infractions and Anti-Social Behaviour within Force Mobile Command with Particular Reference to the Special Service Force and the Canadian Airborne Regiment" (Ottawa: September 1985), p. 12, paragraphs 31-32, and Annex K, Letter of August 28, 1985, from Capt McAlea, Deputy Judge Advocate -- Eastern Region, re Recruit Screening -- Criminal Convictions, p. K-1, paragraph 2 (hereafter, Hewson report).
17. *Recruiter's Handbook*, p. 2-5, section 215, paragraph 3.
18. CFAO 6-1, Annex A, Appendix 1, serial 5, and Annex B, serial 3.
19. CFAOs 34-30, 34-31, paragraph 3, and 34-43.
20. Hewson report, p. 12, paragraph 34.
21. The information in this paragraph comes largely from *Recruiter's Handbook*, Chapter 2, and Annex E to Chapter 2.
22. Briefing note for MND re Racism and the Canadian Forces, p. 4, paragraph 8c.
23. DND, *Security Orders for the Department of National Defence and the Canadian Forces* (Publication A-SJ-100-001/AS-000), vol. 1, paragraphs 20.01 and 21.11.
24. *Security Orders*, vol. 1, paragraphs 21.06 and 21.10.
25. Information drawn from *Recruiter's Handbook*, p. 2-33, sections 266 and 267.
26. Chief Review Services, "Report on NDHQ Assessment Study -- EA 1/86", p. 16, paragraph 42.
27. *Recruiter's Handbook*, p. 2-33, section 266, paragraph 1.
28. Maj L.J. Grandmaison and Maj A.J. Cotton, "An Empirical Review of the Military Potential Rating of Non-Commissioned Member Applicants", Technical Note 11/94 (Willowdale, Ontario: Canadian Forces Personnel Applied Research Unit (CFPARU), August 1994), p. 7, paragraph 14, and p. 14, paragraph 31; and Capt J.M. Stouffer and Maj J.P. Bradley, "Assessing the Defensibility of the 1993/94 Direct Entry Officer and Officer Candidate Training Plan Selection Boards", Technical Note 22/94 (CFPARU, September 1994), p. 4-5, paragraph 11.
29. *Security Orders*, vol. 1, paragraphs 21.54 and 22.48e.
30. *Security Orders*, vol. 1, paragraph 22.25; QR&O 15.01 Item 5(d) or (f); and testimony of Cdr Jenkins, Transcripts vol. 6, p. 1199.

31. *Recruiter's Handbook*, p. 2-5, section 215, paragraph 4.
32. Hewson report, p. 12, paragraph 34.
33. Maj K.W.J. Wenek, Directorate of Personnel Selection Research and Second Careers, "The Assessment of Psychological Fitness: Some Options for the Canadian Forces", Technical Note 1/84 (NDHQ: July 1984), Document book 1, tab 1.1, p. 2, paragraph 4a.
34. Wenek, "The Assessment of Psychological Fitness", p. 1, paragraph 2b, and p. 2, paragraph 4a; and Chief Review Services, "Report on NDHQ Program Evaluation E 4/86: Special Review of DND Security Screening Policy and Procedures" (May 13, 1987), p. 80, paragraph 237.
35. J.-P. Brodeur, *Racism and Accountability in a Peacekeeping Context*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997).
36. The following information on recruitment comes from Wenek, "The Assessment of Psychological Fitness", p. 2, paragraph 4a; and CFAO 2-3, paragraph 16f.
37. CFAO 6-1, Annex A, Appendix 1, Serial c.
38. Wenek, "The Assessment of Psychological Fitness", p. 2, paragraph 4a; and CFAO 2-3, paragraph 16b.
39. CFAO 2-3, paragraphs 16b and 16i.
40. Hewson report, Document book 1, tab 1, p. 14, paragraph 40; and Wenek, "The Assessment of Psychological Fitness", p. 3, paragraph 4b.
41. Wenek, "The Assessment of Psychological Fitness", p. 3, paragraph 4b.
42. Chief Review Services, "Report on NDHQ Program Evaluation E 4/86", p. 40, paragraph 84.
43. *Security Orders*, vol. 1, Annex B, p. 22B-1.
44. R.S.C. 1985, chapter C-23, section 2; and Chief Review Services, "Report on NDHQ Program Evaluation E 4/86", p. 87, paragraph 256.
45. Briefing note, Cdr Jenkins to Deputy Chief of the Defence Staff, re Extremist and Activist Organizations, May 18, 1993, Document book 89A, tab 6, p. 2, paragraph 6.
46. Testimony of Cdr Jenkins, Transcripts vol. 14, p. 2537.
47. *Security Orders*, vol. 1, paragraphs 21.12, 22.24 and 22.84.
48. CFAO 26-16, paragraphs 3, 4, 6 and 7; and CFAO 26-6, paragraph 24.
49. CFAO 26-6, paragraph 9; and CFAO 26-15, paragraph 8.
50. CFAO 26-6, paragraphs 10 and 13.
51. QR&O 15.01.
52. This section draws heavily on Paul Larose-Edwards, Jack Dangerfield and Randy Weekes, *Non-Traditional Military Training for Canadian Peacekeepers*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997), pp. 11-14.

- See also *Canadian Forces Individual Training System -- Introduction* (A-P9-000-001/PT-000), vol. 1 (PT-000), July 1989, p. 1-1-1; and *Management of Training* (A-P9-000-002/PT-000), vol. 2, March 1991, pp. 1-5.
53. General military training duties and responsibilities are outlined in the requirements in the NCM General Specification (NCMGS), as well as the QR&O; see DND, "Leadership Development in the Canadian Forces", brief for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia, p. 9.
 54. "Leadership Development in the Canadian Forces", p. 4.
 55. "Leadership Development in the Canadian Forces", pp. 9-10.
 56. "General Service Knowledge", OPDp. 2, 1995/96, Officer Professional Development Program, Student Study Guide (A-PD-050-OD1/PG-002), p. 3-5-5.
 57. "Leadership Development in the Canadian Forces", p. 10.
 58. "Leadership Development in the Canadian Forces", p. 10.
 59. "Leadership Development in the Canadian Forces", p. 4.
 60. Successful completion of this course is, under most officer entry plans, a prerequisite to the granting of a commission: "Leadership Development in the Canadian Forces", p. 6. The course is held at the Canadian Forces Officer Candidate School at CFB Chilliwack.
 61. This level is referred to as 'Intermediate' in the Officer Professional Development System Document (5570-1 (ADM (Per), May 4, 1994), p. 11, but as 'Junior' in "Leadership Development in the Canadian Forces", pp. 4-5. The two documents contain similar descriptions of the contents of this stage.
 62. Completion of the Basic Level Officer Professional Development Program is a prerequisite for promotion: "Leadership Development in the Canadian Forces", p. 6.
 63. For army combat arms, combat support arms, and combat service support officers, this course is a prerequisite for future attendance at the Canadian Forces Command and Staff College.
 64. The Intermediate Tactics Course consists of Part One, a self-study package, and Part Two, a 20-day course. It "aims to train army officers to apply combined arms tactics, administration and training at the sub-unit level and function in a level 3 staff appointment": "Leadership Development in the Canadian Forces", p. 7.
 65. Completion of Basic and Advanced Level OPDP is a prerequisite for attendance at CFCSC and for promotion to lieutenant-colonel. Completion of the CFCSE with few exceptions, a prerequisite to promotion to colonel: "Leadership Development in the Canadian Forces," pp. 6-8.
 66. "Leadership Development in the Canadian Forces", p. 8
 67. In the past, officers at this high level would normally have attended the 10-month National Defence College Course in Kingston or a foreign equivalent.
 68. Chief Review Services, "Report on NDHQ Program Evaluation Assessment Study -- EA 1/86", p. 11, paragraph 27, and p. 49, paragraph 162.

69. QR&O 11.02(a).
70. However, officers can decline a promotion without prejudice to future consideration. An NCM who declines a promotion is subject to a career review board, where the possible outcomes range from retention in the current military occupation classification, without any career restrictions, to release from the CF. See CFAO 11-6, paragraph 17d, and CFAO 49-4, paragraphs 8c and 41.
71. "Leadership Development in the Canadian Forces", p. 4, paragraph 12; and *Report of the Auditor General of Canada, 1990*, Chapter 20, "Department of National Defence Human Resource Management, Planning and Personnel Management", p. 485.
72. There are some 37 military occupation codes (MOCs) at present, and some 96 specific NCM occupations, all divided among 23 branches, ranging from chaplain to artillery.
73. CFAO 49-4, paragraph 9b, and Annex J, paragraph 1; and CFAO 11-6, paragraphs 6 and 7.
74. CFAO 49-4, paragraphs 4a, 8 and 9b.
75. CFAO 49-4, Annex B, Appendix 2.
76. QR&O 11.01(1) and CFAO 11-6, paragraph 8.
77. This information is drawn from CFAO 11-6, paragraph 5, and Annex A, paragraphs 6, 8, 10, 13, 14, 15 and 21, and Annex B, paragraph 4.
78. CFAO 11-6, Annex C, paragraph 8, and CFAO 26-12, paragraph 2.
79. CFAO 26-6, paragraph 9, and CFAO 26-15, paragraph 8.
80. Testimony of Col Arp, Transcripts vol. 12, p. 2174.1.
81. CFAO 26-6, paragraph 24, and CFAO 26-16, paragraph 7.
82. CFAO 101-1, paragraph 5.
83. CFAO 26-15, paragraph 15.
84. Much of the information in this paragraph comes from CFAO 26-6.
85. CFAO 11-6, paragraph 16, and CFAO 49-4, paragraph 13.
86. CFAO 26-6, paragraph 25, and CFAO 26-21, paragraphs 8 and 9.
87. CFAO 26-6, paragraphs 4 and 29, and CFAO 26-15, paragraphs 14 and 18.
88. CFAO 26-6, paragraph 21a, and CFAO 26-15, paragraph 14.
89. CFAO 26-15, paragraph 16; see also Annex B.
90. We are indebted to Maj Ralph Priestman, LCol Glen Nordick and Col Jan Arp whose testimony provided valuable background information.
91. Information on officer merit boards is found in CFAO 11-6, Annex C.
92. NCM boards are subject to the specifications in CFAO 49-4, Annex J.
93. Testimony of Col (ret) Joly, Transcripts vol. 18, p. 3309, and CWO Cooke, vol. 26, p. 4878.
94. Testimony of CWO Cooke, Transcripts vol. 26, p. 4878.

95. The various promotion authorities for Regular Force personnel are as follows: to any rank below master corporal -- the member's CO; appointment to master corporal, or promotion to sergeant or any of the warrant officer ranks -- the Director General Personnel Careers Others Ranks; commissioning in the rank of second lieutenant, or promotion to lieutenant or captain -- the Director Personnel Career Administration Officers; promotion to major -- Chief Personnel Careers and Senior Appointments; promotion to lieutenant-colonel -- the Assistant Deputy Minister (Personnel); promotion to colonel -- the Chief of the Defence Staff; and promotion to brigadier-general or subsequent general officer ranks -- the Minister of National Defence on the recommendation of the CDS. See QR&O 11.01; CFAO 49-4, paragraph 4; and CFAO 11-6, paragraph 9.
96. QR&O 11.01; CFAO 49-4, paragraph 4; and CFAO 11-6, paragraph 9. See previous note for the list of promotion authorities.
97. CFAO 11-6, paragraphs 3 and 4, and Annexes A and B; and CFAO 49-4, paragraph 9 and Annex A.
98. CFAO 11-6, paragraphs 4a to 4e.
99. CFAO 11-6, paragraph 4 f (1), and Annex C, paragraph 8.
100. CFAO 49-4, paragraph 12.
101. Testimony of Col (ret) Joly, Transcripts vol. 18, p. 3301.
102. CFAO 49-4, Annex A, Table 1.
103. CFAO 26-6, paragraph 24.
104. CFAO 26-21, paragraph 5.
105. CFAO 101-1, paragraph 4; and testimony of LCol Nordick, Transcripts vol. 2, p. 285.
106. CFAO 49-4, paragraph 17, and CFAO 26-17, paragraph 6d; and testimony of LCol Nordick, Transcripts vol. 2, p. 283.
107. CFAO 26-17, paragraph 4.
108. QR&O 11.02(2).
109. CFAO 49-4, paragraph 3.
110. CFAO 11-6, paragraph 18, and CFAO 49-4, Annex B, paragraph 1.
111. CFAO 11-6, Annex A, paragraph 20, and CFAO 49-4, Annex A, Table 1.
112. CFAO 11-6, paragraph 18, and CFAO 49-4, Annex B, Appendix 1.
113. CFAO 49-4, Annex B, paragraph 9.
114. CFAO 11-6, paragraph 19, and CFAO 49-4, Annex A, Table 2 and Annex B, paragraph 1.
115. CFAO 49-4, paragraph 5.
116. This and the following information is from CFAO 11-6, paragraph 19.
117. CFAO 49-4, paragraph 5.

118. Much of the following information, including that on DAPS, is taken from CFAO 49-4, including Annex B.
119. Testimony of CWO Cooke, Transcripts vol. 26, p. 4882.
120. The information in this paragraph is taken from CFAO 49-4, Annex B, Appendix 2.
121. However, COs, on their own authority, promote the selected privates as far as corporal without NDHQ involvement, as is the case in normal promotions to corporal.
122. Testimony of LCol Calvin, Transcripts vol. 1, p. 166.
123. Testimony of Col Arp, Transcripts vol. 11, p. 2169, and vol. 12, p. 2120.1.
124. The testimony of Col (ret) Joly provided valuable information.
125. Col (ret) Joly, Transcripts vol. 18, p. 3309.
126. For captain to major, the regiment usually sends a newly appointed battalion CO, or an officer with potential for such an appointment. For major to lieutenant-colonel, there is a regimental colonel. See testimony of Col (ret) Joly, Transcripts vol. 18, p. 3310.
127. Branch advisers represent and provide personnel advice on the 23 branches or trades that make up the CF (for example, armour, artillery, chaplain, communications and electronics, infantry, legal officer, and so on). They provide advice to the personnel group at NDHQ (including career managers) and maintain liaison with the commands and, in the case of Land Force, with the regiments. See CFAO 2-10 and CFAO 4-11; and testimony of LCol Nordick, Transcripts vol. 2, pp. 249, 269-270.
128. Testimony of Col Arp, Transcripts vol. 11, pp. 2176-2177; and Maj Priestman, Transcripts vol. 15, p. 2733. See also testimony of LGen (ret) Reay, Transcripts vol. 45, p. 9017
129. Testimony of CWO Cooke, Transcripts vol. 26, p. 4872.

THE CANADIAN AIRBORNE REGIMENT

The Canadian Airborne Regiment had its roots in two fighting units, the 1st and 2nd Canadian Parachute Battalions. The Minister of Defence approved the formation of the 1st Canadian Parachute Battalion in July 1942, largely because of the effectiveness of airborne units earlier in the war. The battalion fought under British command with the 6th British Airborne Division and took part in the D-Day invasion, landing behind the lines to attack enemy positions and secure captured areas. It also fought in the Battle of the Bulge, crossed the Rhine and, on May 2, 1945, became the first Allied unit to meet the Russian army on German soil, in Wismar. The battalion returned to Canada after V-E day and was disbanded as the war in the Pacific was drawing to a close.¹

The 2nd Canadian Parachute Battalion, formed on July 10, 1943 (and renamed the First Canadian Special Service Battalion in 1943), along with a U.S. parachute battalion, formed the First Special Service Force. Known as the Devil's Brigade, this force was unique, in that the two nationalities were not separated into different units or sub-units.

The First Special Service Force fought in Italy; its members were the first Allied troops to enter Rome in June 1944. The Force was disbanded in December 1944, and the Canadian battalion was disbanded after the war.²

For a short time after the war, the army had no parachute capability. Then, in 1946, parachuting skills were revived by the formation of a Canadian Special Air Service Company (SAS). In 1948, an airborne brigade group was established. Called the Mobile Striking Force, its assigned task was Canadian defence, particularly in the north. It consisted, in part, of battalions from The Royal Canadian Regiment, Princess Patricia's Canadian Light Infantry, and the Royal 22^e Regiment. In 1958, the Mobile Striking Force was reduced in size to one infantry company group from each infantry regiment and renamed the Defence of Canada Force.³

CREATION OF THE CANADIAN AIRBORNE REGIMENT

In 1966, the Chief of the Defence Staff, General J.V Allard, began plans for an airborne capability in the form of a radically different, specialized unit.⁴ Out of this initiative, the Canadian Airborne Regiment (CAR) was established on April 8, 1968. Located at CFB Edmonton, the Regiment's principal roles were defence of Canada operations against small-scale enemy incursions in the north, provision of short-notice response to United Nations requests for peace operations, and operations in limited or general war within the context of a larger allied force, particularly a variety of 'special service' missions, including pathfinders, deep patrolling and winter operations, and domestic operations in response to civil authorities.⁵

The CAR was organized as a unit of the Canadian Forces within Mobile Command. Generally, membership in the Regiment was about 900 in all ranks, with a regimental headquarters and six units: the airborne headquarters and signal squadron, which provided the normal communications and headquarters function; two infantry commandos -- 1^{er} Commando Aéroporté and 2nd Airborne Commando; 1st Airborne Battery, which provided field artillery; 1st Airborne Field Engineer Squadron, providing combat support; and 1st Airborne Service Company, providing service support. Second- and third-line support was provided by 1st Field Service Support Unit (1FSSU), a special unit that, although not part of the Regiment, was created to support the Regiment. Service support was brought entirely into the CAR in 1975 with the amalgamation of 1 FSSU and 1st Airborne Service Company to form 1st Airborne Service Support Unit.⁶ The regimental commander, having the rank of colonel, exercised the powers of a commander of a formation.⁷ One of the two airborne infantry units (1^{er} Commando) was francophone. This unit was eventually manned entirely by volunteers from the Royal 22^e Regiment and moved from Valcartier to Edmonton in 1970.

MOVE TO CFB PETAWAWA

In 1976, the Chief of the Defence Staff, General Jacques Dextraze, concluded that the Canadian land forces, with a combat group and an airborne regiment in the west, a small combat group in central Canada, a combat group in Quebec, and an independent battalion in the Maritimes, were deployed in an unbalanced manner. His plan was to have a brigade group in the west, a brigade group in the east, and a quick-reaction regimental combat group in the centre. The result was the creation of a quick-reaction combat group

in central Canada, an airborne/air transportable formation created by combining units of the CAR with those of 2 Combat Group at CFB Petawawa.⁸

Thus, in 1977, the CAR became part of the new Special Service Force (SSF), a brigade-sized command with a strength of 3,500, created to provide a small, highly mobile, general-purpose force that could be inserted quickly into any national or international theatre of operations.⁹ The Regiment moved from CFB Edmonton to CFB Petawawa and was downsized in the process, losing its gunners and engineers. It also lost its field support unit; logistic support would now come instead from the SSF's service battalion.

Within the CAR itself, the Airborne Service Company was resurrected to provide immediate first-line logistical support.

In 1979, 3 Commando was established as a new airborne unit. This resulted in a ceiling of about 750 members in all ranks, organized into three smaller company-sized commandos.¹⁰ The three infantry commandos now took shape around the three regimental affiliations: 1 Commando with the Royal 22^e Régiment, 2 Commando with Princess Patricia's Canadian Light Infantry, and 3 Commando with The Royal Canadian Regiment.

With the move to CFB Petawawa, the regiment's chain of command lengthened, because it was now a unit under the Special Service Force and one link further from the most senior army commander. On the other hand, the move to CFB Petawawa did allow for closer supervision of the CAR, because it was now under the direction of the commander of the Special Service Force. Moreover, the reorganization had the effect of diluting the CAR's former uniqueness in the army, since it was now shared with the rest of the new parent formation, the SSF. Later, the introduction of the army area command system placed Land Force Central Area between the SSF and Force Mobile Command headquarters. Thus, a unit intended in 1968 to be a resource answerable directly to the commander of the army and, through that commander, to the chief of the defence staff fell inside the 'normal' chain of command, without any apparent change in its operational mandate or concept of operations.

OPERATIONS OF THE CAR

The 1970s

The Regiment was deployed operationally on three occasions in the 1970s, twice on internal security operations and once on a peacekeeping task, none of which called for a parachute capability. In 1970, in response to the October Crisis, the Regiment moved by air to Montreal, where it was divided into quick-reaction teams to assist the police in sweeps, raids, and cordon and search operations.

In 1974, in a pivotal event in its history, the CAR was assigned its first peacekeeping mission. In March 1974, about half the Regiment was deployed to Cyprus to fulfil Canada's commitment to a 450-member battalion there. In July, however, a coup by the Greek Cypriot National Guard toppled the government of Archbishop Makarios and, in response to the coup, the Turkish army invaded the island. The CAR members assigned to Cyprus were present on the island at the time of the coup. The Regiment's soldiers thus found themselves in the middle of a shooting war. The remaining half of the Regiment

was deployed after the Turkish invasion. The UN forces, principally the Canadians with British support, positioned themselves in the Nicosia International Airport to deny it to both sides and prevent escalation of the conflict. Their primary role was to patrol, report, and try to maintain order without taking sides. The CAR did so with significant help from the British forces in Cyprus.¹¹ The Regiment performed well in peace-restoring operations. By the end of the operation, more than 30 men had been wounded and two had been killed.¹²

In 1976, the CAR supported successful security arrangements during the Montreal Olympics, designed to prevent a situation similar to the terrorist attack against Israeli athletes that occurred during the 1972 Olympics at Munich.

Thus, during this period the CAR performed well on operations as well as on exercise. Nonetheless, as one author concludes, "Non-airborne soldiers could state, quite correctly, that the Airborne Regiment did nothing in its three operations that could not have been done equally well by a regular Canadian infantry battalion."¹³ This was confirmed in testimony before the Inquiry by a former commanding officer of the CAR, LGen (ret) K. Foster.¹⁴

The 1980s

The Canadian Airborne Regiment had peacekeeping rotations in Cyprus in 1981 and 1986-7. It served as the 35th Canadian Contingent in Cyprus from March 19 to September 30, 1981, and as the 47th Canadian Contingent there from September 1, 1986 to March 9, 1987.

The 1990s before Somalia

On July 18, 1991, the Secretary of State for External Affairs, the Honourable Barbara McDougall, and the Minister of National Defence, the Honourable Marcel Masse, announced that Canada was to participate in the United Nations Mission for the Referendum in Western Sahara. The United Nations mandate was to establish the conditions for a referendum on the future of the Western Sahara by identifying and registering qualified voters and by supervising the repatriation of refugees and non-residents before the vote.

Canada's contribution of 740 troops was based on the Canadian Airborne Regiment. It was to be the largest contingent of the 1,700 military personnel, 900 civilian staff, and 300 civilian police provided by 36 nations. The name given to the Canadian operation was Operation Python. Their role was to monitor the cease-fire and ensure that troop reductions and POW exchanges were agreed to by Frente Polisario guerrillas and the Moroccan army.

Because of disagreements about who was qualified to vote, the referendum was postponed indefinitely. On February 19, 1992 the SSF was ordered to cancel the Operation Python task for the Canadian Airborne Regiment and have it revert back to its status as Canada's UN standby force, with the ability to move on 30 days' notice. On February 21, 1992, the Commander SSF gave the order to stand down.¹⁵

Reorganization in 1992

In 1991-92, the Regiment was downsized by some 150 personnel, and what had been a five-unit regiment (the three airborne commandos; the Airborne Service Commando, providing combat service support; and the Airborne Headquarters and Signal Squadron, exercising command and control) became a single unit. The three commandos continued to exist as sub-units, but the services and support formerly provided by Signal Squadron and the Service Commando were now provided by newly created platoons within the Regiment.

The effect of the changes was summarized by Col Holmes, Commanding Officer of the CAR at the time of the reorganization, in his testimony before us. Before the reorganization, the CAR was, in effect, a small brigade: its five unit commanders were commanding officers; it had a headquarters staff comparable to that of a brigade; and it was designed to be expandable, so that in times of tension, it could be enlarged to a brigade-size organization if needed. After the reorganization, the CAR no longer had this flexibility; the support and services that permitted expansion were no longer in place. In this respect, the Regiment was similar to the other line infantry battalions in the army; it could not operate independently and had to work under a brigade headquarters in terms of command and control; and it had to rely on other units of a brigade for combat support and combat service support.¹⁶

At the time it received the warning order for Operation Cordon (the proposed United Nations mission to Somalia), the Regiment had not yet completed the transition to the new organization: it was in the process of turning in excess vehicles and equipment; moves had been planned but not made (for example, to co-locate regimental headquarters with the commando headquarters); and buildings had not yet been renovated for their new uses. In addition, the Regiment's regulations, orders and instructions had yet to be rewritten, although a plan was in place to do so.

One significant change had already taken effect, however. With the downsizing of the CAR to a unit that was the equivalent of a battalion (instead of its former status as the equivalent of a brigade), the ranks required for the commanding officer of the CAR and its sub-units were also reduced. As a battalion-type organization without the capacity for independent operations, it could now be commanded by a lieutenant-colonel (instead of a full colonel as before). This in turn had a ripple effect on positions within the CAR below that of the commanding officer -- those heading the commandos became officers commanding with reduced authority.

During this period of reorganization, the CAR retained its role as a rapid deployment airborne/air transportable force, to be used mainly in operations to support national security and international peacekeeping. The Regiment had to be ready to respond to a variety of situations, some of them where virtually no warning would be given and others on notice of 48, 72, or 96 hours. At the same time, there was discussion within the army chain of command about what mission and tasks were appropriate for the CAR and its affiliated combat support and combat service support elements.

The proposed new mission -- referred to as its "concept of employment" -- went through several drafts between April and November 1992.¹⁷ In particular, those commenting on

the drafts identified a considerable gap between the tasks anticipated for the CAR and the Regiment's actual capabilities following the reorganization, noting that equipment and personnel would have to be augmented considerably if the CAR was to be capable of fulfilling the mission set out in the concept of employment. The final document, approved in November 1992, acknowledged concerns about limitations resulting from the Regiment's downsizing but nevertheless argued that the CAR should be organized, staffed, trained, and equipped to undertake tasks across a broad continuum of conflict. Thus, before the Regiment was sent to Somalia, senior officers in Land Force Command had recognized that the CAR was not structured or equipped with the personnel and materiel it needed to fulfil the concept of employment that had been approved for it.

NOTES

1. John A. Willes, *Out of the Clouds: The History of the 1st Canadian Parachute Battalion*, 50th Anniversary Commemorative Edition (Port Perry, Ontario: Port Perry Printing Ltd., 1995), p. 9; *Ducimus: The Regiments of the Canadian Infantry*, compiled by Maj Michael Mitchell, CD (Director of Infantry, Mobile Command Headquarters), pp. 34-35; and 1st Canadian Parachute Battalion, 50th Anniversary, National Reunion, Toronto, Canada, June 3-7, 1992.
2. *Ducimus: The Regiments of the Canadian Infantry*, p. 35.
3. Testimony of MGen (ret) Pitts, Policy hearings transcripts vol. 4P, p. 615P.
4. LCol P.G. Kenward, "The Way We Were: Canadian Airborne Regiment, 1968-95" (Petawawa, Ontario: 1995).
5. Maj Louis E. Grimshaw, CD, PPCLI, "*Ex Coelis*": *The Badges and Insignia of the Canadian Airborne Forces* (1981), p. 33.
6. "*Ex Coelis*", p. 33.
7. Canadian Forces Organizational Order (CFOO) 3.11, April 25, 1968, p. 3.
8. See text of a statement to the press by the Chief of the Defence Staff, December 7, 1976, on file at Directorate of History, Department of National Defence.
9. *Canadian Airborne Insignia: 1942-Present*, first edition (Arlington, Virginia: C&D Enterprises, 1994), pp. 42-43.
10. Testimony of MGen (ret) Pitts, Policy hearings transcripts volume 4P, p. 618P.
11. One ex-Airborne officer described the Cyprus operation as follows:
Cyprus is an operation that has gone well despite massive problems. The Canadian Airborne Regiment, basically unsuited to the task, cobbled together a force for routine duty on Cyprus, and when war broke out on the island it was reinforced by the remainder of the regiment from Canada. The result was a cohesive, highly trained force that was accustomed to working together. Both before and after the reinforcement they performed well. I would like to think that it was the presence of tough soldiers from my old regiment that saved the day when the Turks were about to take over Nicosia airport, for example. Unfortunately, the truth is that without the support of modern British tanks, artillery, antitank weapons, anti-aircraft weapons and modern jet fighters their task would have been impossible... The spirit was definitely there but the big guns had

- to be borrowed. (Nicholas Stethem, "My War with the Army", *Maclean's Magazine* 88/3 (March 1975), p. 60.)
- For other descriptions of the Airborne's operations during the 1970s while it was stationed in Edmonton, see David A. Charters, *Armed Forces and Political Purpose: Airborne Forces and the Canadian Army in the 1980s* (Fredericton, N.B.: Centre for Conflict Studies, University of New Brunswick, 1984), p. 73; and *Ducimus: The Regiments of the Canadian Infantry*, p. 36.
12. David Bercuson, *Significant Incident: Canada's Army, the Airborne, and the Murder in Somalia* (Toronto: McClelland and Stewart, 1996), p. 195.
 13. Charters, *Armed Forces and Political Purpose*, pp. 73-74.
 14. Testimony of LGen (ret) Foster, Transcripts volume 3, pp. 440-441. When asked whether, given the operations the Airborne had been involved in over the years, other regular regiments could have done as well, LGen (ret) Foster responded that, generally speaking, he did not disagree with that observation.
 15. "OP PYTHON Synopsis", Document book 120, tab 3, DND 039091.
 16. Testimony of Col Holmes, Transcripts vol. 4, pp. 643-644.
 17. "First Draft, Concept of Employment of the Canadian Airborne Regiment", May 7, 1992, Document book 7, tab 18; "Second Draft: Concept of Employment of the Canadian Airborne Regiment", May 12, 1992, Document book 7, tab 15; "Concept of Employment of the Canadian Airborne Regiment", November 4, 1992, Document book 29, tab 19.

PEACEKEEPING: CONCEPTS, EVOLUTION, AND CANADA'S ROLE

Canada's respected role in international peacekeeping has been marred by events arising from the deployment of Canadian Forces (CF) to Somalia.

Many issues arise from our review of the events leading up to the deployment of Canadian Forces in 1992 as part of the United Nations-authorized operation. Some of these concern not only the Canadian and United Nations organizations for the operation in Somalia, but also the changing nature of peacekeeping generally. For example, understanding the impact of the change in mandate -- from what was first understood to be a traditional peacekeeping operation to a peace enforcement operation -- requires an understanding of the history of peacekeeping, its evolution since the Cold War, and the evolution of Canada's role in such operations. Hence, the following background information on peacekeeping is fundamental to an understanding of our findings and recommendations.

In this chapter we provide an overview of Canada's role in UN peacekeeping operations. We review Canada's early involvement before and during the Cold War era and more recent efforts since then. We explain the terminology and concepts involved in peacekeeping and provide an overview of the origins of peacekeeping. We also examine the changing nature of peacekeeping since the Cold War and discuss the international context in which peacekeeping operations have taken place. We describe the range of

characteristics of contemporary operations and review the key issues arising from the new order that must be addressed in considering the future of peacekeeping. Finally, we consider, from foreign and defence policy perspectives, Canada's role in United Nations peacekeeping operations.

CONCEPTS AND EVOLUTION

Terminology

Throughout our hearings, it became evident that the terminology used to describe multinational operations has become confused, largely because an increased number of operations with varied mandates and objectives have been conducted since the end of the Cold War under the general term 'peacekeeping'. Frequently, the limitations involved in a peacekeeping or Chapter VI mission, such as Operation Cordon, are discussed in contrast to a 'peacemaking' or Chapter VII mission, such as Operation Deliverance.¹ Such distinctions are not entirely accurate, and their legal authority is unclear. Clarification of terms and definitions used throughout the report is provided below.

Peacekeeping

The term 'peacekeeping' has been used to describe all types of operations from the first UN peacekeeping mission monitoring the cease-fire among the British, French, Israelis and Egyptians in the Sinai (the first United Nations Emergency Force -- UNEF 1, 1956), to the UN-authorized operation expelling Iraq from Kuwait, to the operations protecting the delivery of humanitarian relief during the civil war in Somalia. When used in this generalized fashion, the term "refers to any international effort involving an operational component to promote the termination of armed conflict or the resolution of longstanding disputes".² The UN continues to use the term 'peacekeeping' to refer generally to such international efforts. In this report, we use the term 'peace support operations' instead, to avoid confusion with traditional 'peacekeeping', which has a more limited meaning.

Peace Support Operations

The term 'peace support operations' covers a broad range of mechanisms for conflict resolution and management, from dialogue, i.e., preventive diplomacy, to intervention, i.e., peace enforcement, and is also the term used in current Canadian Forces doctrine.³

Traditional Peacekeeping

Because it is necessary to distinguish among the types of operations, we use the term 'traditional peacekeeping' to describe only those operations based on the following principles: consent of the parties, impartiality, and use of force only in self-defence.⁴ Traditional peacekeeping, therefore, refers to UN operations under the command and control of the Secretary-General of the United Nations, conducted by military troops provided by member states on a voluntary basis,⁵ with the costs met collectively by member states. Because such missions are authorized and carried out by the UN, troops enjoy the appearance of impartiality, which they require.

Peacemaking

Until recently, the term 'peacemaking' has referred to diplomatic activities to resolve outstanding issues such as demobilization, disarmament, or reparations, once the parties to a conflict have agreed to stop fighting.⁶ However, the term is not mentioned in the UN Charter, nor is it exclusively the purview of the United Nations,⁷ even though it is often said that peacemaking is provided for in the mechanisms included in Chapter VI on the Pacific Settlement of Disputes.⁸

The meaning of peacemaking became further muddled when Secretary-General Boutros Boutros-Ghali used the term in his 1992 report, *An Agenda for Peace*.⁹ The Secretary-General suggested that force (e.g., sanctions, peace enforcement units authorized under article 40)¹⁰ should be used to increase diplomatic leverage in bringing about a peaceful settlement, and he called this activity peacemaking. However, these kinds of operations are more properly called peace enforcement operations.¹¹

Because it is confusing to use peacemaking to describe military operations that use force to bring about peace¹² (as was the case in Operation Deliverance), in this report, we use the term 'peace enforcement'.

Preventive Diplomacy

'Preventive diplomacy' is a more precise term than 'peacemaking' to describe diplomatic or other peaceful activity taken "to prevent disputes from arising between parties, to prevent existing disputes from escalating into armed conflict and to limit the spread of the latter when they occur".¹³ Preventive diplomacy involves the peaceful resolution of disputes before they develop into armed conflict, whereas 'peacemaking' involves the peaceful resolution of disputes persisting after armed conflict stops.

Preventive Deployment

Secretary-General Boutros-Ghali used the term 'preventive deployment' for military actions that are in support of preventive diplomacy to ease tensions before a conflict erupts.¹⁴ Such operations may take place either at the request or with the consent of all parties in internal state crises, or with the consent of both countries or the host country in inter-state disputes. For example, the deployment of forces in Macedonia along the Macedonia-Serbia border in an effort to contain the Balkan conflict was a form of preventive deployment.¹⁵

Enforcement versus Peace Enforcement

Like peacekeeping, the term 'enforcement' has been used to describe a broad range of operations using force authorized under Chapter VII of the UN Charter. It has been applied to missions that impose economic sanctions or arms embargoes (in Haiti and the former Yugoslavia). The aims have been varied, for instance, to create secure conditions for the delivery of humanitarian assistance (Croatia, Somalia); to enforce a no-fly zone or create a buffer zone between belligerent forces (Croatia); to protect civilian populations in safe areas (Bosnia-Herzegovina); and to defend a member state against armed attack by another state (defence of Kuwait after invasion by Iraq).¹⁶

The term 'peace enforcement' is sometimes used interchangeably with the term 'enforcement';¹⁷ however, it is helpful to distinguish between them. In keeping with a growing consensus on terminology, this report uses enforcement to describe operations in which the United Nations authorizes collective action in response to aggression by one state against another, such as the operation in Korea (1950-53) and the action in Kuwait and Iraq (1990-91).¹⁸

By contrast, peace enforcement refers to the use of force directed at achieving specific objectives (e.g., protecting safe areas, securing delivery of humanitarian aid) designed to support non-military efforts to bring about a peace. Peace enforcement is sometimes referred to as "third generation peacekeeping,"¹⁹ or "muscular peacekeeping".²⁰ These are missions in which

...the use of force is authorized under Chapter VII of the Charter, but the United Nations remains neutral and impartial between the warring parties, without a mandate to stop the aggressor (if one can be identified) or impose a cessation of hostilities.²¹

Consent of the parties is desirable but not necessary. Examples of peace enforcement missions include the Unified Task Force Somalia (UNITAF), the United Nations Operation in Somalia II (UNOSOM II), and the Implementation Force in the former Yugoslavia (IFOR).

Second Generation Peacekeeping

The term 'second generation peacekeeping' also has different meanings. John MacKinlay and Jarat Chopra coined the term to describe their vision of a new approach to peacekeeping.²² They suggest that between traditional peacekeeping and enforcement actions, the military is likely to be involved in second generation tasks such as supervising cease-fires between irregular forces, assisting in the maintenance of law and order, protecting the delivery of humanitarian assistance, and guaranteeing rights of passage.

In all these cases of second generation peacekeeping, the consent of the parties is likely to be elusive and dynamic. Consequently, these missions require a "humane, but more proactive, concept of operations", and forces must be able to choose from a range of military responses as situations escalate and de-escalate. In other words, they must be ready to respond with force when necessary, using only the minimum force necessary to control the situation.²³

Others use the term second generation peacekeeping to describe missions based on the fundamental principles of traditional peacekeeping -- consent, impartiality, and absence of force except in self-defence -- but with greatly expanded tasks.²⁴ Typically, these are multifunctional missions designed to implement comprehensive peace agreements that address the roots of a conflict. The functions of peacekeepers in these operations may include monitoring cease-fires; cantonment and demobilization of troops; destruction of weapons; formation and training of new armed forces; monitoring existing police forces and forming new ones; supervising or even controlling existing administrations; verifying respect for human rights; observing, supervising, or even conducting elections;

repatriating refugees; or undertaking information campaigns to explain the peace settlement.²⁵

Second generation peacekeeping -- sometimes referred to as 'wider peacekeeping'²⁶ -- involves tasks beyond those associated with traditional peacekeeping, but is still based on the consent of the parties. Examples include United Nations Transition Assistance Group (UNTAG), UN Angola Verification Mission II (UNAVEM II), UN Observer Mission in El Salvador (ONUSAL), UN Transitional Authority in Cambodia (UNTAC), UN Operation in Mozambique (ONUMOZ), and UN Mission for the Referendum in Western Sahara (MINURSO).

Post-Conflict Peacebuilding

'Post-conflict peacebuilding' is another term that originates in *An Agenda for Peace*. It describes activities undertaken to consolidate peace, address the core sources of conflict, and prevent conflict from recurring. These activities may include disarmament and restoration of order; custody and possible destruction of weapons; repatriating refugees; advisory and training support for security personnel; monitoring elections; advancing efforts to protect human rights; reforming or strengthening governmental institutions; and promoting formal and informal processes of political participation.²⁷

Confusion in terminology reflects the fact that new methods of resolving conflicts are still developing and lessons are still being learned. While there is a more or less accepted understanding of the concepts involved in traditional peacekeeping and peace enforcement, there is little consensus on the meaning and variety of missions that fall between them. The changing nature of these operations is discussed in more detail later in this chapter.

History and Development of Peacekeeping

The Political and Legal Foundation of United Nations Peacekeeping

The United Nations was created as an instrument for maintaining international peace and security in the post-war world. The first article of Chapter I of the Charter of the United Nations provides that the UN is to

maintain international peace and security and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace...²⁸

While it was not intended to exclude other functions and roles, the security dimension of the role of the UN was clearly paramount.²⁹

The UN Charter establishes a system of collective security designed to resolve disputes between sovereign states, in which the five permanent members of the Security Council (originally, the United Kingdom, France, the Soviet Union, the United States of America, and China)³⁰ were to play a leading and co-operative role. As an initial step in the resolution of disputes, Chapter VI sets out methods for the pacific settlement of disputes

through mechanisms such as negotiation and mediation. If peaceful resolution proves futile, Chapter VII can be invoked. It provides for collective action (in the form of sanctions or action by land, sea, or air forces) to deal with threats to the peace, breaches of the peace, and acts of aggression.

The Charter authorizes the Security Council to take action to maintain or restore international peace and security.³¹ However, the Security Council's ability to use this power is expressly limited by the veto that effectively demands unanimity among the five permanent members (P5)³² This limitation nullified the collective security function of the UN from the onset of the Cold War. The Security Council was limited to collective action only on issues on which the P5 could agree. One notable exception was the UN action in Korea in June 1950, authorized in the absence of the Russian delegation.³³

One result of the UN's impaired security function was the unexpected growth of defensive alliances based on the concept of collective self-defence authorized in the Charter.³⁴ The most significant were the North Atlantic Treaty Organization (NATO) and the Warsaw Pact. Another important outcome was the emergence of peacekeeping as the Security Council's tool for maintaining peace and security.

When the United Nations was founded in 1945, its Charter did not explicitly provide a peacekeeping mandate. Peacekeeping developed from the geopolitical conditions of the Cold War era, and "represented the functional adaptation of the [UN] organization to the particular character of the Cold War international system".³⁵ As the collective security powers (now known as enforcement powers) under Chapter VII of the Charter were neutralized by the veto in the Security Council, military operations for the management of conflict developed along different lines. The new operations, characterized by consensus and non-enforcement, were acceptable to the superpowers. Though peacekeeping operations were primarily a mechanism for small-scale conflict management, they were also essential to arrest the escalation of hostilities between opposing parties supported by either the Soviet Union or the United States.³⁶

The development of UN peacekeeping operations without an explicit legal basis or mandate in the UN Charter led to ambiguity.³⁷ UN Secretary General Dag Hammarskjöld referred to their basis as "the elusive Chapter VI and a half".³⁸ When compelled to identify an article authorizing peacekeeping, commentators focus either on article 36 in Chapter VI or article 40 in Chapter VII.³⁹ Article 36 provides that the Security Council may recommend, at any stage of a dispute that is likely to endanger international peace, "appropriate procedures or methods of adjustment"; while article 40 provides that the Security Council, to prevent aggravation of a situation that constitutes a threat to the peace, breach of the peace or act of aggression, may call upon the parties to comply with provisional measures. With respect to peace enforcement missions, it appears to be generally accepted that article 40 provides the authority.⁴⁰

Underlying Principles of Traditional Peacekeeping

Consent of Parties

The principle of all-party consent, first established during UNEF 1, is crucial to traditional peacekeeping. Respect for state sovereignty, explicitly stated in the UN Charter, requires the UN to obtain prior approval of the parties involved in a conflict

before deploying a peacekeeping force and during its employment. In May 1967, Egypt demanded the withdrawal of UNEF 1, and the Secretary-General complied on the grounds that it could not continue without Egypt's consent.⁴¹ Consent remains a cornerstone for all traditional peacekeeping operations.

Non-Use of Force

Traditional peacekeeping missions limit the use of force to self-defence.⁴² Peacekeepers are ordinarily only lightly armed. This principle ensures that UN peacekeepers cannot be perceived as a coercive force, which might diminish their ability to mediate and facilitate. This principle of traditional peacekeeping was temporarily abrogated in the United Nations Operation in the Congo (ONUC) when, in 1961, a year after the commencement of the operation, the Security Council amended the mandate to authorize the use of force to restore order and to apprehend and deport mercenaries and all non-UN foreign military and para-military personnel.⁴³

Impartiality

UN forces are meant to be impartial. No party to the dispute should be seen as favoured by the UN force, or identified as an aggressor. Nor should any part of the UN force be seen to have any stake or interest in the outcome of the dispute. The rationale for this principle is that impartial troops are more likely to be accepted by the parties involved in the conflict.

Impartiality is part of the rationale for having the United Nations as the sponsoring institution, as opposed to a member state. It implies drawing troops only from states that do not have an interest in the dispute, which would exclude neighbouring states or superpowers.⁴⁴ Most traditional peacekeeping operations have generally used troops from non-aligned countries, with the exception of the Congo operation where troops were supplied by neighbouring countries, in that case to give credibility to the force.⁴⁵

Consent, non-use of force, and impartiality are interrelated and mutually reinforcing principles. All three are usually present in traditional peacekeeping operations, in conjunction with three less critical features. First, traditional operations are usually established only after the parties have agreed to a cease-fire or truce.⁴⁶ Such operations do not create the conditions for their own success, i.e., the peace agreement must be in place before the operation begins. Peacekeeping operations are thus largely reactive. Second, peacekeepers are primarily military personnel,⁴⁷ disciplined and trained as combat-ready soldiers first. Third, UN forces must be dispatched by the appropriate authorizing agency, usually the Security Council, whose mission mandate sets the legal foundation for the mission.

Strict adherence to the principles of traditional peacekeeping is paramount. While they do not necessarily determine mission success, missions are more likely to succeed if all conditions are present.⁴⁸

Traditional Peacekeeping: The Early Years

The First Operations: Observer Missions

The first peacekeeping forces were deployed in 1946, to observe and report on conflict in Greece, and in 1947, to supervise a truce and help Indonesia achieve independence from the Netherlands. However, the first official UN observer mission was the United Nations Truce Supervision Organization (UNTSO) to supervise and observe the truce in Palestine following the 1948 Arab-Israeli war. This mission, which continues in operation today, serves as the archetype for UN observer forces.⁴⁹ In 1949, the United Nations Military Observer Group in India and Pakistan (UNMOGIP) was established to supervise the cease-fires in the conflict over Kashmir.

Peacekeeping: UNEF 1

In 1956, UNTSO could not meet the challenges of the Suez crisis, and there was no consensus in the Security Council for a collective security action.⁵⁰ The Hon. Lester Pearson, at the time Secretary of State for External Affairs, proposed "that the UN send an international force to the area, position itself between the warring parties and bring an end to the hostilities".⁵¹ The first United Nations Emergency Force (UNEF 1) was deployed to the Middle East under the command of a Canadian, LGen E.L.M. Burns.⁵² Pearson, as the architect of the first UN peacekeeping force, was awarded the Nobel Prize for Peace in 1957.

UNEF 1 was the first UN operation to use military personnel to create a buffer zone between belligerents and to supervise the withdrawal of forces. Before UNEF 1, observation forces had been limited to observing and reporting on cease-fires after an agreement had been reached.⁵³ UNEF 1 also established the precedent for peacekeeping operations authorized by the General Assembly.⁵⁴ However, the Security Council wrested the peacekeeping function from the General Assembly.⁵⁵ Most significant to note, UNEF 1 established the basic principles of traditional peacekeeping.

Traditional Peacekeeping: The Cold War Era

Observer Missions⁵⁶

From 1947 to 1986, the United Nations undertook 15 operations of varying scope and duration. Canada participated in all of them.⁵⁷ Most were observer missions involving unarmed military personnel who would observe and report on a cease-fire but, unlike peacekeeping forces, would not interpose themselves between antagonists.⁵⁸ Although they would patrol and resolve cease-fire disputes, they did not have the mandate to perform weapons checks or to guard borders.

Peacekeeping Forces

Peacekeeping forces primarily act as a buffer between the belligerents. They detect violations of cease-fires, supervise troop withdrawals, help maintain law and order, and administer quasi-governmental functions, usually within the area where the force is deployed. Peacekeeping forces may also perform non-controversial humanitarian functions that enhance their impartiality -- such as helping to fix water and electricity

problems or providing transportation; these are not part of their mandate, but are consistent with it.⁵⁹

Traditional Peacekeeping: A Review

After UNEF 1, traditional peacekeeping developed under uncompromising and limiting conditions. First, it was generally limited to areas that were beyond superpower zones of influence such as the Middle East, Cyprus, Kashmir, and the Congo. Second, it was limited by the mandates typically given. Often, a peacekeeping force was placed between two hostile states primarily to "freeze the situation" and avoid destabilizing regional peace. The United Nations Forces in Cyprus (UNFICYP), established in 1964, in the Golan Heights (UNDOF), established in 1974, and in Lebanon (UNIFIL), established in 1978, have all had the effect of impeding movement toward peaceful settlement of the underlying conflict. Nonetheless, all three areas might have seen more fighting had the forces not been there.⁶⁰

After UNIFIL and the UN Transition Assistance Group (in Namibia) (UNTAG) in 1978,⁶¹ there were no new peacekeeping missions until the end of the Cold War, when the UN faced unprecedented demands for help in de-escalating long-existing conflicts in areas where it had previously been unable to become involved.

The Changing Nature of Peacekeeping

The International Context

There have been almost twice as many United Nations missions established since 1988 as there were in the previous 40 years.⁶² The most important catalyst leading to this dramatic increase was the end of the Cold War and a new-found resolve in the Security Council to play a more positive, proactive role in resolving international disputes. Toward the end of the Cold War, the former Soviet Union softened its posture on peacekeeping and began to view it as a potentially useful instrument for solving regional conflicts. At the same time, the United States began to show a greater willingness to use the United Nations for conflict management.⁶³ This broke the deadlock in the Security Council, which until then had prevented collective action in spheres controlled by the superpowers.

The Gulf War was also an important event in the development of peacekeeping after the end of the Cold War. This UN-authorized action to force Iraq out of Kuwait after its invasion of that country increased expectations, principally among Western powers, about the role the Security Council could play in international security.⁶⁴ At the same time, the elevation of human rights as an issue of global concern gave the Security Council a legitimate interest in intervening in countries where there were gross violations of human rights.⁶⁵

These factors led the Security Council to establish successively more ambitious operations, on occasion even in conflict areas where peace had not yet been reached and where the consent of the parties to the UN presence was tenuous. As consent declined, greater force was authorized to accomplish mission goals. The Somalia operations (in particular UNOSOM II) and operations in the former Yugoslavia are examples of more ambitious operations undertaken by the UN.

Characteristics of Non-Traditional Peacekeeping

Internal Conflicts

Whereas traditional peacekeeping forces were usually deployed to monitor a cease-fire line between states, the vast majority of missions since 1988, including the one in Somalia, were established to deal with internal conflicts.⁶⁶ These kinds of missions typically pose a number of challenges not encountered in traditional peacekeeping, including the presence of irregular forces, the absence of front lines or cease-fire lines, the dynamic nature of conflict, major impact on civilians, and the collapse of state institutions.

Irregular Forces

Internal conflicts may involve not only regular armies but militias and armed civilians. Unlike regular armies, which are usually trained, disciplined, and respectful of a chain of command, irregular forces typically receive little training, are poorly disciplined, and do not necessarily respect what may be an ill-defined chain of command. Perhaps most important, irregular forces are not usually constrained in their actions by the need to uphold an international reputation⁶⁷ or to conform to international conventions. This form of accountability, which might otherwise prevent a regular army from attacking UN troops, is not always present for irregular forces. Their actions are thus less predictable and therefore potentially dangerous. Political control is more difficult to define.

No Clear Front Lines or Cease-Fire Lines

In traditional peacekeeping, forces are usually deployed as interposition forces along a clearly demarcated cease-fire line between two conflicting parties (usually states). They maintain the peace agreed to by the parties by keeping them apart and preventing small incidents from escalating into wide-scale conflict. But internal conflicts are different. They may involve wars without clearly defined front lines; combatants and civilians on different sides may be intermingled; and forces may be asked to maintain a peace (if agreed upon) across a whole area and not only along a recognized line. These factors make such conflicts difficult to monitor and control and, at the same time, increase the risk to the intervening forces.

Dynamic Nature of Conflict

Internal conflicts are much more complex and dynamic than conflict between states.⁶⁸ There are often many parties involved, and their standing or influence in a conflict may change over time. It may be difficult to identify the parties whose consent must be gained for a UN presence in the country and for the UN to gain the confidence of all the parties. The UN must then be concerned with the quality of the consent necessary to allow the operation to go forward. Even if consent is forthcoming from all the leaders of the various parties, those leaders may not be able to guarantee co-operation from irregular forces that support them. As in inter-state conflicts, parties may consent to a UN presence when it is expedient and withdraw consent when it is not. However, in internal conflicts the lack of political control may allow these decisions to be made with reference only to the short-term advantages to be gained in the internal struggle. This means that UN troops face a volatile situation.

Greater Impact on Civilians

In internal conflicts, civilians are often the principal victims and the main targets. The UN has reported that the number of refugees doubled between 1987 and 1994, from 13 million to 26 million. The number of internally displaced people has grown even more.⁶⁹ Humanitarian emergencies are therefore common. However, humanitarian assistance offered to alleviate these emergencies is not usually perceived as neutral assistance. Rather, it is seen and often used as an instrument of war. Without the consent of the majority of the parties, UN troops guarding relief supplies are likely to be viewed as assisting in the war effort of one or more of the parties.

Collapse of State Institutions

The collapse of state institutions, including the police and the judiciary, often accompanies internal conflict. With the breakdown of law and order, UN missions are often called upon to promote national reconciliation and the re-establishment of effective peace building (referred to in this chapter as post-conflict peace building).⁷⁰ Carrying out these tasks in the context of deep societal divisions is very difficult and often requires involvement in political issues.

Mission Composition and Tasks

Traditional peacekeeping operations were composed largely of military personnel carrying out military tasks to deter the resumption of hostilities between parties that had agreed to stop fighting.⁷¹ As the mandates of peacekeeping missions have expanded to include such tasks as supervising elections, rebuilding national institutions (e.g., police forces) and delivering humanitarian assistance, there has been a corresponding increase in the civilian and police components of peacekeeping missions. For example, UNOSOM II was made up of 28,000 military personnel and 2,800 civilian staff.⁷²

National representation among personnel on missions has also changed. During the Cold War period, the Soviet Union and the United States did not participate in peacekeeping missions because, among other reasons, they would not have been viewed as neutral. Rather, the so-called middle powers were the typical contributors (e.g., Scandinavian countries, Canada, Ireland). However, since 1988 a total of 76 countries, including the United States and Russia, have contributed to UN missions.⁷³

Authorization and Command

Another distinguishing feature of non-traditional peacekeeping missions, particularly peace enforcement operations, is that command and control are not always exercised by the United Nations. While the Security Council may authorize a mission -- e.g., the UN Mission in Haiti (UNMIH), and the Unified Task Force Somalia -- command and control have been typically exercised by a member state. The UN Operation in the Congo and UNOSOM II are among the only missions involving the use of force authorized under Chapter VII of the Charter that were organized, conducted, and directed under the supervision of the Secretary-General.

It is interesting to note that when the decision was made to authorize a peace enforcement mission in Somalia commanded by the United States, the Secretary-General conceded

that the Secretariat did not "have the capability to command and control an operation of the size and urgency required by the present crisis in Somalia."⁷⁴ Yet, six months later, the UN found itself in command of UNOSOM II.

Issues Arising from the Changing Nature of Peacekeeping

Use of Force in More Complex Missions

There is ongoing debate over the use of force in non-traditional peacekeeping missions, and different lessons have been taken from the experience of the past nine years. There are those who, in hindsight, see the development of two different branches of peacekeeping since the end of the Cold War: missions that implement a comprehensive peace agreement, and peace enforcement missions. They view the former as substantially based on the fundamental principles of peacekeeping -- consent of the parties, impartiality, and non-use of force except in self-defence -- but suggest that the variety and complexity of the tasks make these missions fundamentally different from traditional peacekeeping. They are careful to emphasize the differences (some would argue incompatibility) between traditional peacekeeping missions and peace enforcement missions.⁷⁵ As the Secretary-General wrote in the supplement to *An Agenda for Peace*,

The logic of peace-keeping flows from political and military premises that are quite distinct from those of enforcement; and the dynamics of the latter are incompatible with the political process that peace-keeping is intended to facilitate.... Peace-keeping and the use of force (other than in self-defence) should be seen as alternative techniques and not as adjacent points on a continuum, permitting easy transition from one to the other.⁷⁶

The U.S. Army has agreed with this view and adds, "Since [peacekeeping] and [peace enforcement] are different, any change must require review of the factors of mission, enemy, troops, terrain, and time available, and force tailoring." It advises against using forces for both peacekeeping and peace enforcement within the same operation area because, "the impartiality and consent divides have been crossed during the enforcement operation".⁷⁷

From this perspective, it is not possible to use force without sacrificing some of the fundamental principles of traditional peacekeeping.⁷⁸ Force will be required only where full consent to the UN presence and mandate is not obtained. If full consent does not exist, then it is unlikely that the UN troops will be perceived as impartial and interested in or working toward resolving a conflict. Once the force is no longer viewed as impartial, the effectiveness of UN troops in a more complex conflict or even in traditional peacekeeping is likely to be minimal. Moreover, if it becomes common for mandates to change in mid-stream from those based on traditional peacekeeping principles to peace enforcement, host countries may become reluctant to accept forces, and contributor states may become reluctant to send them. As well, it is a concern that those trained for peace enforcement situations may not find it easy to switch to peacekeeping duties and exercise the required restraint.⁷⁹

On the other side of the debate are those who argue that it is inaccurate to create this unbridgeable divide between missions implementing a comprehensive agreement and missions enforcing peace. Rather, they suggest that the tasks in these missions should be

viewed as a continuum. Given the dynamic and relatively unpredictable nature of internal conflict, forces must have the tools available to deal with the myriad situations that may arise in any complex mission, be it the capacity to implement a comprehensive agreement or the capacity to enforce the peace. Although the UN may begin a mission to implement a peace agreement with consent of the parties, given the nature of internal conflict, that consent may not be lasting. The forces must therefore have a range of tools from which they can choose appropriately (always using the least amount of force necessary) to deal with a situation where consent is not forthcoming from one of the parties.

The stark difference in these views is apparent, and Canadian political leaders must deal with this issue. Is it possible, as the Secretary-General has suggested, to use force, maintain the consent of the parties, and remain impartial? Is it possible for a force to make a successful transition from a mandate based on traditional peacekeeping principles to one of peace enforcement? Does the training of individual soldiers allow for this transition? What are the necessary mechanisms for this change? Are we willing to decide that there are some conflicts where it may be preferable simply to let the parties fight until they tire if their consent cannot be obtained, even if that means hundreds of thousands of people may die in the interim? Is that a cost worth bearing in the long term? These are important questions that must be addressed to deal effectively with the changing nature of peacekeeping.

Command and Control of Operations

A second issue of increasing importance in the changing nature of peacekeeping is the command and control of operations. As noted earlier, despite the fact that command and control of UN operations reside with the Secretary-General on behalf of the Security Council, the Secretary-General has nonetheless admitted that for missions involving the use of force, the UN does not have the capacity to exercise adequate command and control. To date, the United States has typically stepped in to take command of a peace enforcement or enforcement operation authorized by the Security Council.⁸⁰

Canadian policy makers must consider Canada's policy toward UN operations in these circumstances. Will this practice jeopardize the impartiality of a particular peace enforcement mission and, in the longer term, the impartiality and credibility of UN security operations in general? If this is found to be so, is there anything that can be done to minimize any negative aspects of U.S. command? Is it possible to enhance the UN's command capacity and if so, what role can Canada play to bring this about?

Humanitarian Intervention

Finally, of particular relevance to our Inquiry has been the issue of humanitarian intervention. As noted earlier, this has been one of the growing areas of UN involvement. Even where humanitarian intervention has not been principal goal of the mission as it was in Somalia, it often forms a part of new, more complex mission mandates (e.g., missions in Rwanda, Haiti, and former Yugoslavia). However, international involvement in these crises is sporadic and, some argue, has been determined either by Western interests or what some have referred to as the "CNN factor", that is, whatever crisis attracts media attention and therefore engages the concern of the Western world.⁸¹

Closely related to the issues raised in humanitarian intervention is the issue of co-ordination among all the different people and groups -- military, civilians, police, non-governmental organizations (NGOs), and international non-governmental organizations such as the International Committee of the Red Cross (ICRC) -- that are now often involved in more complex missions. Although the military historically has had the greatest involvement in UN operations, others, particularly development and relief NGOs, have specialized expertise built on years of experience working the grass-roots level in strengthening communities. As well, the ICRC has developed specialized expertise in humanitarian assistance. All the groups involved must work closely together to understand each others' particular expertise and co-ordinate their activities so that assistance is truly effective.

Peacekeeping and Canada's Foreign and Defence Policy

Canada's Role in United Nations Peacekeeping

Peacekeeping is often held up as an important achievement of Canadian foreign and defence policy.⁸² In 1993, the Senate Standing Committee on Foreign Affairs reported that it was the "sole military activity that Canadians fully support."⁸³ Yet in the early UN observer missions, Canada committed minimal military personnel, because peacekeeping was viewed as a drain on Canada's scarce defence resources for conflicts where Canada had little interest.⁸⁴ After Lester Pearson received the Nobel Peace Prize in 1957, peacekeeping began receiving enthusiastic public and political support, although it remained a low priority within the Department of National Defence.⁸⁵ All defence white papers and intervening defence policy statements rank the maintenance of a combat force capable of protecting Canada's sovereignty as the primary function of the Canadian Forces,⁸⁶ with peacekeeping as an ancillary function.

Peacekeeping and Canada's Security Policy

In *Canada and the World*, the 1995 articulation of Canada's foreign policy, promoting global peace for the protection of Canada's security remained a key element of Canada's foreign policy.⁸⁷ This commitment to global peace and security has been demonstrated by Canada's participation in UN peacekeeping missions since their inception. (See Annex A, Peacekeeping Operations over the Years and Canada's Contribution.)

Canada's Interest in Peacekeeping During and After the Cold War

Strategic Interest

During the Cold War, Canada's paramount strategic concern was that hostilities could escalate to a superpower confrontation which would threaten national security through direct or collateral attack.⁸⁸ In addition to involvement in collective defence arrangements for Europe (NATO) and North America (North American Air Defence, NORAD), Canada's participation in peacekeeping was justified by the view that any threat to global peace and security was considered a threat to national security.

The end of the Cold War eliminated concern over superpower confrontation and the threat of war as a rationale for Canada's involvement in peacekeeping. However, even without the fear of superpower confrontation, concern about regional conflicts as threats to international peace and security ensures that peacekeeping is maintained as a national objective.

Foreign Policy Interest

Canada's longstanding involvement in peacekeeping has enhanced our international profile as a middle power in international affairs and is viewed by some as the reason for Canada's stature and influence in the UN. Many believe that as a prime contributor to UN peacekeeping, Canada can participate convincingly in decisions about international peace and security.⁸⁹

Canadian foreign policy is committed to multilateralism and the active role of international institutions. Peacekeeping supports this aim. Canada, as a middle power, has always favoured a co-operative collective approach to security and has supported the UN as an investment in security. After the Cold War, when the UN was considered the most appropriate institution to deal with the increase in regional conflicts, maintaining its effectiveness became even more important.

Canada's foreign policy with respect to peacekeeping has been consistent since Canadians embraced peacekeeping in the late 1950s.⁹⁰ Peacekeeping has become a characteristic Canadian métier,⁹¹ a function distinguishing us from Americans and reinforcing our sovereignty and independence. Americans were seen to fight wars, but Canadians pictured themselves as working for peace.⁹²

Canada's Defence Policy

Canadian foreign policy goals should be supported by a credible defence policy.⁹³ However, despite the popular perception that Canada is a 'peacekeeping' nation, senior officers of the CF have been reluctant to embrace peacekeeping as a primary mission of the CF.⁹⁴ Peacekeeping has usually been viewed as "a lower military priority, what the armed forces used to call a 'derived' or secondary military task."⁹⁵ The first priority for the armed forces remains the retention and advancement of the CF combat capability for the protection of Canadians and their interests and values abroad, despite the fact that in the post-war period, combat responsibilities have greatly diminished.

However, a changed international situation was acknowledged in the government's defence policy statement of 1992, where the leaders of the CF were warned to "expect the demand for peacekeeping missions to grow".⁹⁶ These changes were emphasized in the government's 1994 White Paper on Defence.⁹⁷

Defence Issues in the Cold War Era

The CF was shaped by the Cold War. Canadian Forces members were equipped and trained to undertake combat commitments in the event of an East-West confrontation, and peacekeeping missions were organized and conducted within this paradigm.⁹⁸ Since peacekeeping had no legal mandate in the UN Charter, they were initially uncharted territory, and during its early years Canadian defence policy was silent on peacekeeping. Canada's policy lagged behind its participation in peacekeeping.⁹⁹

The first policy on peacekeeping appeared in the 1964 Defence White Paper, which ranked it a secondary priority, behind territorial defence and NATO participation. The paper expounded on the growth of peacekeeping and Canada's anticipated involvement in furtherance of its collective security responsibilities. But the 1971 Defence White Paper expressed concern and scepticism about the prospects for peacekeeping, perhaps because UNEF 1 had been expelled from Egypt in 1967.¹⁰⁰ However, Canadian participation in peacekeeping missions continued.

The 1987 Defence White Paper connected peacekeeping, regional stability, and Canada's national interest.¹⁰¹ This defence policy ranked peacekeeping fourth in priority, after maintenance of strategic deterrence, conventional defence, and protection of Canadian sovereignty. It also was the first official document to articulate criteria for deciding whether to participate in a peacekeeping mission.¹⁰² These criteria are discussed in greater detail later (see in particular Volume 3).

Defence Policies in the Post-Cold War Era

In the years between 1987 and 1994, when the last white paper on defence was released, the government issued frequent defence statements. The most significant one, issued in 1992, articulated Canada's priorities as the defence of the nation's sovereignty and ongoing participation in collective security arrangements. Participation in multilateral peacekeeping operations to maintain international peace and security ranked third.

These priorities endorsed a general purpose combat force. The CF has always maintained that combat capability is essential to undertake peacekeeping successfully, even traditional peacekeeping. While combat capability is required, it has become increasingly apparent from the nature of the new generation of peacekeeping operations¹⁰³ that single-minded concentration on combat capability can detract from the development of appropriate training and operational procedures for peacekeeping.

The December 1994 White Paper still essentially endorsed a general purpose combat force, with peacekeeping as one of its functions.¹⁰⁴ In this respect, the new policy differed little from the previous government's 1992 defence policy. The 1994 White Paper affirms the traditional roles of the CF -- protecting Canada, co-operating with the United States in the defence of North America, and participating in peacekeeping and other multilateral operations elsewhere in the world. While the defence priorities remained intact, the CF faced comprehensive budget cuts.

Peacekeeping received considerable attention in the 1994 Defence White Paper. The criteria for evaluating a prospective operation were again spelled out, with changes reflecting the nature of peacekeeping after the Cold War. The paper offered criteria for missions involving military and civilian resources, acknowledging that a focus of authority and clear division of responsibility were required. The new criteria demanded a defined concept of operations, an effective command and control structure, and clear rules of engagement.¹⁰⁵

Development of Peacekeeping Criteria

Canada's reason for involvement in particular peacekeeping missions is not always obvious. After committing the CF to such missions, leaders often discover that the

circumstances and conditions encountered at the outset of the mission change, sometimes dramatically. Closing down peacekeeping operations, or changing UN mandates, is usually difficult. Moreover, commanding officers and staff officers are often asked to organize the armed forces quickly for operations announced as "one-time events" that then become extended missions. Such was the case with the CF commitment to Cyprus, which was renewed repeatedly over more than 25 years, six months at a time.

For these reasons, and because operations under UN mandates are often ad hoc affairs, Canadian politicians, military officers, and foreign affairs officials have tried repeatedly to discipline Canada's response to requests from the international community for Canadian units. They do so by applying criteria early in the planning process. In fact, by 1987 these criteria had become more than guidelines; they were the policy of the government. This policy evolved from experience and different circumstances, but the concept of using national criteria as guides to political decision making is well established in Canada.

Criteria were first enunciated by the Hon. Mitchell Sharp in 1973¹⁰⁶ but there were no official criteria until the 1987 Defence White Paper. These criteria reflected the principles of traditional peacekeeping which, in 1987, was the only type of UN operation in which Canada took part.¹⁰⁷ These involved asking whether

- there is an enforceable mandate;
- the principal antagonists agree to a cease-fire and to Canada's participation;
- the arrangements are likely to serve the cause of peace and lead to a political settlement in the long term;
- the size and international composition are appropriate to the mandate;
- Canadian participation will not jeopardize other commitments;
- there is a single identifiable authority competent to support the operation and influence the disputants; and
- participation is adequately and equitably funded and logistically supported.¹⁰⁸

Reinforced by defence statements in 1991 and 1992, these criteria were the policy of the Government during the CF mission to Somalia.

In the Defence White Paper of 1994, the criteria were once again spelled out, but with notable additions reflecting the changing nature of peacekeeping in the post-Cold War era. The additional factors included

- that there is an effective process of consultation with mission partners;
- in missions that involve both military and civilian resources, that there is a recognized focus of authority, a clear and efficient division of responsibilities, and agreed operating procedures;
- with the exception of enforcement actions and operations to defend NATO member states, in missions that involve Canadian personnel, that Canada's participation is accepted by all parties to the conflict; and

- that there is a defined concept of operations, an effective command and control structure, and clear rules of engagement.

The 1994 Defence White Paper no longer called the factors 'criteria' or 'guidelines', but referred to them as 'principles' to be reflected in the design of all missions, as opposed to criteria upon which the government's decision would be based.¹⁰⁹ The significance of this change in characterization is not readily apparent. The additional factors are, however, a clear reflection of the changing nature of peacekeeping and, if considered, are a significant component in the decision-making process.

It is unclear whether these criteria have been consistently employed in assessing peacekeeping operations in which Canada has been asked to participate. Testimony before this Inquiry suggests that the consideration of these factors is discretionary at the level of officials, and some commentary supports that view.¹¹⁰ The Senate Standing Committee on Foreign Affairs, in its 1993 report on the new generation of peacekeeping, suggested that a key factor in the decision-making process was Canada's record and reputation in peacekeeping.¹¹¹ This implies that Canada may have participated at the time simply to maintain its record of participation in almost every mission. The Chief Review Services evaluation (MR 1/90), released in April 1992, just before the Somalia commitment, noted that there was no clear division of responsibility between the departments of National Defence and External Affairs in applying the criteria¹¹² and criticized the lack of explicit policy direction and procedures with respect to this issue.

This issue surfaced more recently in the 1996 Auditor General's report, which was somewhat critical of the Department of National Defence for lacking information relative to the decision to participate and the application of the criteria.¹¹³ In preliminary documentation leading up to the final report of the Auditor General, officials at ADM (Policy and Communications) took issue with the criticism that there was no written record of the staff analyses of the criteria. They maintained that the "criteria" have never been used as anything "more than guidelines"¹¹⁴ that are not applied strictly. Instead, the officials noted that the Department of National Defence assesses proposed missions in light of government policy toward the UN. In justifying the process, it was noted that

A proposal is addressed through numerous informal and formal meetings during which the Department will review and debate the guidelines contained in the WP [white Paper]. Depending on the mission their relative weight in the departmental decision-making process will likely vary. This is one of the reasons why we have not instituted a set of strict criteria for the review of our peacekeeping contributions.¹¹⁵

These comments indicate uncertainty in how defence officials apply defence policy and the criteria. However, in both the 1987 Defence White Paper and the 1992 defence statement, the policy states that the government decision *will* be based on the criteria. The 1994 Defence White Paper is similarly direct, noting that the missions should reflect key principles. Despite these statements, officials at the Department of National Defence appear to consider the policy discretionary.

The new era of peacekeeping calls for a clear and direct policy on applying the criteria. Although the approach of the Department of National Defence may have advantages in

terms of flexibility and response time, it lacks the clear accountability necessary to cope with the risks involved in new situations.

Image: [Peacekeeping Operations over the Years and Canada's Contribution \(page 203\)](#)

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Image: [Peacekeeping Operations over the Years and Canada's Contribution \(page 208\)](#)

Image: [Peacekeeping Operations over the Years and Canada's Contribution \(page 209\)](#)

NOTES

1. Chapter VI and Chapter VII, mentioned throughout this chapter and elsewhere in the report, refer to specific sections of the United Nations Charter under which peace-related operations can be conducted.
2. Paul F. Diehl, *International Peacekeeping* (Baltimore: The Johns Hopkins University Press, 1993), p. 4.
3. Current doctrine applying this generic term includes B-GG-005-004/AF-000, Joint Doctrine for Canadian Forces Joint and Combined Operations, 1995-04-06; B-GL-315-002/FT-001, *Intelligence*, vol. 2, Combat Intelligence, 1996-09-30; and B-GL-301-003/Fp. 001, *Operations Land and Tactical Air*, vol. 3, Peacekeeping Operations, 1995-09-15.
4. These principles are described later in this chapter. They are taken from Marrack Goulding, "The Evolution of Peacekeeping" *International Affairs* 69/3 (1993), pp. 451-464. Marrack Goulding was under secretary-general for peacekeeping at the United Nations.
5. Troops are provided on a voluntary basis because the binding agreements to commit them were never signed between the member states and the United Nations, although they were provided for in article 43 of the Charter.
6. United Nations, *Blue Helmets: A Review of United Nations Peace-Keeping*, second edition (New York: United Nations, 1990), p. 9. See also William J. Durch, ed., *The Evolution of UN Peacekeeping* (New York: St. Martin's Press, 1993), p. 4; Gen Bernard Goetze, "The Future of Peacekeeping: A Military View", in *Peacekeeping, Peacemaking or War: International Security Enforcement*, ed. Alex Morrison (Toronto: Canadian Institute of Strategic Studies, 1991), p. 30; and Alan James, "The History of Peacekeeping: An Analytical Perspective", *Canadian Defence Quarterly* 10 (September 1993), footnote 8.
7. As pointed out by the Senate of Canada, peacemaking can be a product of bilateral efforts. See *Meeting New Challenges: Canada's Response to a New Generation of Peacekeeping*, Report of the Standing Committee on Foreign Affairs (February 1993), p. 45.
8. Chapter VI provides for progressively interventionist action to resolve a dispute by peaceful means. Article 33 calls on the parties to any dispute that is likely to

- endanger international peace and security to "seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." Alternatively, the Security Council itself may call on the parties to resolve the dispute by these means (article 33). Furthermore, the Security Council may "recommend appropriate procedures or methods of adjustment" (article 36), and if the Security Council deems that the continuance of the dispute is likely to endanger international peace and security, it "shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate" (article 37).
9. "Agenda for Peace", Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, A/47/277-S/24111, 17 June 1992, in Boutros Boutros-Ghali, *An Agenda for Peace 1995*, second edition (New York: United Nations 1995), p. 45.
 10. Article 40 provides that "in order to prevent an aggravation of the situation, the Security Council may call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable...".
 11. See also Nigel White, *Keeping the Peace: The United Nations and the Maintenance of International Peace and Security* (Manchester: Manchester University Press, 1993), p. 208.
 12. White, *Keeping the Peace*, p. 210.
 13. Boutros-Ghali, *An Agenda for Peace 1995*, p. 45.
 14. Boutros-Ghali, *An Agenda for Peace 1995*, p. 49.
 15. Senate, Standing Committee on Foreign Affairs, *Meeting New Challenges*, p. 46.
 16. Department of National Defence, 1994 Defence White Paper, p. 31. In this document, all these missions are described under the heading "Enforcing the Will of the International Community and Defending Allies".
 17. For example, see "Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations", in Boutros-Ghali, *An Agenda for Peace 1995*, p. 28.
 18. These are the kinds of operations for which Chapter VII was devised. It is interesting to note that the U.S. Army field manual suggests that 'peace enforcement' is a misnomer for operations such as the Gulf War. The manual goes on to explain that "From a doctrinal view, these two operations are clearly wars." U.S. Department of the Army, Headquarters, Peace Operations, FM 100-23, December 1994, p. 2.
 19. Michael W. Doyle, "Introduction", in *Peacemaking and Peacekeeping for the Next Century*, Report of the 25th Vienna Seminar, Co-Sponsored by the Government of Austria and the International Peace Academy, 1995, p. 4. The term 'third generation' is part of the lexicon of the UN Secretary-General.
 20. Alan James, "Peacekeeping in the Post-Cold War Era", *International Journal* (Spring 1995), p. 250.

21. "Supplement to An Agenda for Peace", in Boutros-Ghali *An Agenda for Peace 1995*, p. 10.
22. John MacKinlay and Jarat Chopra, "Second Generation Multinational Operations", *Washington Quarterly* 15/3 (Summer 1992), p. 113.
23. MacKinlay and Chopra, "Second Generation Multinational Operations", p. 113. The authors suggest (p. 118) that the model for action exists in the doctrine developed by the British Commonwealth to 'keep the peace' in the colonies.
24. See, for example, Doyle, "Introduction", in *Peacemaking and Peacekeeping for the Next Century*, p. 4.
25. Doyle, "Introduction", in *Peacemaking and Peacekeeping for the Next Century*, p. 4. See also Goulding, "The Evolution of Peacekeeping", p. 457.
26. [British] Directorate of Land Warfare, *Wider Peacekeeping*, field manual. See also James, "Peacekeeping in the Post-Cold War Era", p. 247.
27. "Agenda for Peace", in Boutros-Ghali, *An Agenda for Peace 1995*, p. 61.
28. *Charter of the United Nations and Statute of the International Court of Justice*, article 1.
29. For an overview of the development of the UN and the implications for Canada of the changing nature of peacekeeping, see Allen G. Sens, *Somalia and the Changing Nature of Peacekeeping: The Implications for Canada*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997).
30. Russia replaced the U.S.S.R. as a permanent member of the Security Council, although the Charter has not been amended to reflect that change.
31. UN Charter, article 42.
32. The Charter's veto provision is arguably its most significant provision. Nigel White notes that without the power of veto, the organization would not have been born or, if created, would not have been able to take enforcement action against the superpowers without devastating effects. See White, *Keeping the Peace*, p. 5.
33. In response to the North Korean invasion of South Korea, the Security Council condemned the invasion, called on member states to assist South Korea, and established a unified command to assist South Korea.
34. UN Charter, Chapter VIII, article 52 and following.
35. Mats R. Berdal, "Whither UN Peacekeeping?" Adelphi Paper no. 281 (London: International Institute for Strategic Studies, 1993), p. 6.
36. Henry Wiseman, "United Nations Peacekeeping and Canadian Policy: A Reassessment", *Canadian Foreign Policy* 1/3 (Fall 1993), p. 138. See also Nigel White, "UN Peacekeeping -- Development or Destruction?" *International Relations* (1994), p. 135. In describing the Security Council's desire to retain control over the peacekeeping function, White attributes the basis for that move to the Security Council's view of peacekeeping as a useful tool for stabilizing areas of the world where neither superpower was prepared to gain supremacy by force of arms.

37. White, *Keeping the Peace*. For a full discussion of the legal parameters of peacekeeping, see p. 199 and following.
38. John F. Hillen III, "UN Collective Security: Chapter Six and a Half", *Parameters* (Spring 1994), p. 28. Also in Thomas G. Weiss, "UN Military Operations after the Cold War: Some Conceptual Problems", *Canadian Defence Quarterly* (September 1993), p. 5.
39. Philippe Kirsch, "The Legal Basis of Peacekeeping", *Canadian Defence Quarterly* (September 1993), pp. 18-19. See also White, *Keeping the Peace*, p. 201, who notes his preference for article 40 as the basis of peacekeeping.
40. White, *Keeping the Peace*, p. 209. See also David Cox, *An Agenda for Peace and the Future of Peacekeeping* (Ottawa: Canadian Centre for Global Security, 1993), p. 17. It is interesting to note that UNITAF and UNOSOM II were the only peace enforcement operations for which Chapter VII is cited as the authority. See Hillen, "UN Collective Security: Chapter Six and a Half", p. 28.
41. J.R. Macpherson, "A Canadian Initiative and its Results: Active Peacekeeping After Thirty Years", *Canadian Defence Quarterly* (Summer 1986), p. 43.
42. Marrack Goulding points out in "The Evolution of Peacekeeping", p. 455, that since 1973, self-defence has been deemed to include defence against forceful attempts to prevent peacekeepers from carrying out their mandate. However, he emphasizes that commanders have been reluctant to act on this definition. As Goulding explains, "The peacekeepers could perhaps win the firefight at that first roadblock. But, in lands of the vendetta, might they not find themselves outgunned in the third or fourth encounter?"
43. Macpherson, "A Canadian Initiative and its Results", p. 43.
44. Diehl, *International Peacekeeping*, p. 64.
45. Diehl, *International Peacekeeping*, p. 65. According to Diehl, the inclusion of neighbouring troops was not a problem with ONUC. The problem was the change in mandate over the course of the operation, which ultimately was perceived to favour the existing government of the Congo over all others.
46. An exception was the mission in Cyprus (UNIFCYP), where mediation efforts began only after the UN force was in place.
47. Paul Diehl notes in *International Peacekeeping*, p. 12, that traditional peacekeeping forces range from 1,000 or 2,000 personnel to 20,000 personnel.
48. Former Secretary-General Boutros Boutros-Ghali, in his supplement to *An Agenda for Peace* 1995, p. 14, notes that an analysis of recent successes and failures shows that such principles were respected in all the successes and that, in most of the failures, at least one of the principles was not.
49. White, *Keeping the Peace*, p. 133.
50. Diehl, *International Peacekeeping*, p. 28.
51. Alex Morrison, "Canada and Peacekeeping: A Time for Reanalysis?" in *Canada's International Security Policy*, ed. David B. Dewitt and David Leyton-Brown (Toronto: Prentice Hall Canada Inc., 1994), p. 205.

52. The force commander for UNEF 1 was LGen E.L.M. Burns.
53. White, *Keeping the Peace*, p. 192.
54. Although the Security Council had primary authority regarding peacekeeping operations, the Charter also conferred authority on the General Assembly in respect of peacekeeping missions. Pursuant to articles 10, 11 and 14 of the Charter, the General Assembly has the power to create peacekeeping forces in the same way as the Security Council. See also White, "UN Peacekeeping -- Development or Destruction?", p. 134.
55. White, "UN Peacekeeping -- Development or Destruction?" p. 135.
56. Often traditional peacekeeping missions and observer missions are grouped together under the description of traditional peacekeeping. See for example, DND, 1994 Defence White Paper, p. 31; and Durch, ed., *The Evolution of UN Peacekeeping*, p. 1. For greater clarity, the terms are defined separately here.
57. For a list of the missions undertaken from 1947 to 1986, see Morrison, "Canada and Peacekeeping: A Time for Reanalysis?", pp. 206-210. The list includes a brief description of the mandate and includes the number of military personnel contributed by Canada. Allen Sens updates the list to 1995 in *Somalia and the Changing Nature of Peacekeeping*, pp. 22-23 and 108-109.
58. Diehl, *International Peacekeeping*, pp. 6, 7.
59. Diehl, *International Peacekeeping*, p. 7.
60. White, *Keeping the Peace*, p. 135.
61. UNTAG was created on paper in 1978 but was not put in place until 1989, as a result of hardened attitudes between the superpowers and in surrounding regions. See White, *Keeping the Peace*, p. 196.
62. Between 1948 and 1988, 13 United Nations peacekeeping missions were established. Since 1988, there have been 22; see United Nations, *United Nations Peace-Keeping*, Update December 1994, p. 1.
63. For a more detailed discussion of the international security context at the time, see Louis A. Delvoie, "Canada and Peacekeeping: A New Era?" *Canadian Defence Quarterly* 9 (October 1990).
64. Berdal, "Whither Peacekeeping?", p. 289.
65. This issue is discussed in Alan James, "Problems of Internal Peacekeeping", *Diplomacy and Statecraft* 5/1 (March 1994), p. 26. See also Doyle, "Introduction", in *Peacemaking and Peacekeeping for the Next Century*, p. 3.
66. In "Supplement to *An Agenda for Peace*", Boutros Boutros-Ghali notes that all but two of the operations established since 1992 involve intra-state conflicts. Alan James, defining internal as "operations which do not operate at an international border", suggests that only three of the missions since 1988 have not been internal. See "Peacekeeping in the Post-Cold War Era", p. 2.
67. James, "Problems of Internal Peacekeeping", p. 30.
68. James, "Problems of Internal Peacekeeping", p. 30.

69. "Supplement to *An Agenda for Peace*", in Boutros-Ghali *An Agenda for Peace 1995*, p. 9.
70. "Supplement to *An Agenda for Peace*", p. 8 and following.
71. Goulding, "The Evolution of United Nations Peacekeeping", p. 456.
72. *United Nations Peacekeeping*, Update December 1994, p. 157.
73. *United Nations Peace-Keeping*, Update December 1994, "Summary of Contributions to Peace-Keeping Operations by Country".
74. Letter, Secretary-General of the United Nations to President of the Security Council, November 29, 1992 (S/24868), p. 5. See also "Supplement to *An Agenda for Peace*", in Boutros-Ghali, *An Agenda for Peace*, p. 28, where Secretary-General Boutros-Ghali writes, "neither the Security Council nor the Secretary-General at present has the capacity to deploy, direct, command and control operations for this purpose [peace enforcement or enforcement operations], except perhaps on a very limited scale."
75. See, for example, "Supplement to *An Agenda for Peace*", in Boutros-Ghali, *An Agenda for Peace 1995*, p. 15; U.S. Department of the Army, *Peace Operations*, FM 100-23, December 1994; Diehl, *International Peacekeeping*, p. 163; and Durch, *The Evolution of Peacekeeping*, p. 11.
76. "Supplement to *An Agenda for Peace*", in Boutros-Ghali, *An Agenda for Peace 1995*, p. 15.
77. U.S. Department of the Army, *Peace Operations*, p. 12.
78. In *The Evolution of UN Peacekeeping*, William Durch charts operations according to the use of force and the presence of consent.
79. Diehl, *International Peacekeeping*, p. 163.
80. In fact, where outside command has been sought, the United States has taken it up, except in the case of IFOR which is under NATO command.
81. The question has been asked, why did the UN rush first to the former Yugoslavia when the crisis in Somalia was so severe, and why did the UN rush to Somalia when the crises in Liberia and southern Sudan also demanded (and still demand) international attention? Some suggest that these interventions may not be as benevolent as most suppose, arguing that humanitarian intervention is just another form of Western imperialism. See Lori Fisler Damrosch, "Introduction", in Lori Fisler Damrosch, ed., *Enforcing Restraint* (New York: Council on Foreign Relations Press, 1993), p. 21, and Marie-Dominique Perot, "L'ingérence humanitaire ou l'évocation d'un non-concept", in *Dérives humanitaires: État d'urgence et droit d'ingérence*, ed. Marie-Dominique Perot (Paris: Presses universitaires de France, 1994), p. 47.
82. Wiseman, "United Nations Peacekeeping and Canadian Policy", p. 137.
83. Senate, Standing Committee on Foreign Affairs, *Meeting New Challenges*, p. 83.
84. Joseph Jockel, *Canada and International Peacekeeping*, Significant Issues Series (Washington, D.C.: Center for Strategic and International Studies, 1994), p. 11.

85. Wiseman, "United Nations Peacekeeping and Canadian Policy", p. 137. Wiseman maintains that the Department of External Affairs was always able to demonstrate Canada's commitment to the UN and international peace and security, but the Department of National Defence saw peacekeeping as a subsidiary function of the armed forces.
86. The low priority afforded peacekeeping, while of concern, is not surprising, given the remarkable degree to which the Cold War dominated security concerns across the Western world for more than three decades.
87. "Canada in the World", statement of the Government of Canada (1995).
88. Jockel, *Canada and International Peacekeeping*, p. 11.
89. Jockel, *Canada and International Peacekeeping*, p. 12.
90. In the early 1970s, however, public support for peacekeeping operations was somewhat restrained. This was attributed by some to the fact that UNEF 1 had been expelled from Egypt in 1967. See General Paul D. Manson, "Peacekeeping in Canadian Foreign and Defence Policy", *Canadian Defence Quarterly* (August 1989), p. 8.
91. J.L.Granatstein, "Peacekeeping: Did Canada Make a Difference? And What Difference did Peacekeeping Make to Canada?", in *Making a Difference? Canada's Foreign Policy in a Changing World Order*, ed. John English and Norman Hillener (Toronto: Lester Publishing Limited, 1992), p. 225. Granatstein points out that although it is difficult to trace the source of this nationalist sentiment, the concept of Canada's role as international peacekeeper was so strong that when the Diefenbaker government demonstrated reluctance to participate in ONUC in 1960, public opinion forced the government's hand.
92. Granatstein, "Peacekeeping: Did Canada Make a Difference?" Granatstein describes Canada's role in peacekeeping in this context as "its anti-military role", a role for the military that could unite all Canadians.
93. Senate, Standing Committee on Foreign Affairs, *Meeting New Challenges*, p. 13.
94. The 1994 Defence White Paper, p. 49, supports the need to maintain multi-purpose, combat-capable sea, land, and air forces for purposes of self-protection and protecting Canada's interests abroad, by protecting Canada, co-operating with the United States in the defence of North America, and participating in peacekeeping and other multilateral missions.
95. Jockel, *Canada and International Peacekeeping*, p. 47.
96. DND, *Canadian Defence Policy* (April 1992), p. 34.
97. 1994 Defence White Paper.
98. Jockel, *Canada and International Peacekeeping*, p. 54.
99. Manson, "Peacekeeping in Canadian Foreign and Defence Policy", p. 8.
100. Manson, "Peacekeeping in Canadian Foreign and Defence Policy", p. 8.
101. *Challenge and Commitment, A Defence Policy for Canada*, June 1987 (White Paper).

102. For a more in-depth review of the development of the criteria, see *Challenge and Commitment*.
103. Jockel, *Canada and International Peacekeeping*, p. 54. Jockel argues that this determination to remain combat-capable is based on the military's belief that increased emphasis on the peacekeeping function will diminish political and public support for retaining the range of combat roles, some of which may be hard to justify for peacekeeping operations. But as Jockel points out, p. 56, public support for the military has been high precisely because of Canada's contribution to peacekeeping.
104. *Challenge and Commitment*, p. 49.
105. 1994 Defence White Paper.
106. The criteria were first expressed during a House of Commons debate about Canadian participation in UNEF II in November 1973. See House of Commons, *Debates*, November 14, 1973, comments of the Hon. Mitchell Sharp, Secretary of State for External Affairs, p. 44.
107. In preceding sections, the characteristics of traditional peacekeeping during the Cold War period were highlighted: consent, impartiality, and use of force only in self-defence. Although the peacekeeping operations varied widely in this period and included operations that departed from these characteristics -- for example, ONUC -- Canada's criteria were clearly shaped by missions that were, for the most part, traditional.
108. *Challenge and Commitment*, p. 24.
109. Contrast the wording in the 1994 Defence White Paper, p. 29, with that in *Challenge and Commitment*, p. 24.
110. See the discussion of the criteria as they were applied to the proposed mission to Somalia later in this report (in particular in Volume 3).
111. Senate, Standing Committee on Foreign Affairs, *Meeting New Challenges*.
112. Chief Review Services, Military Review 1/90, p. 18. Note that the ADM (Policy and Communications) response fails to see any split in responsibility in terms of the criteria and is silent on the issue of whether better and more explicit direction is needed.
113. *Report of the Auditor General of Canada* (May 1996), "Peacekeeping Chapter 7, Department of National Defence", pp. 7-12, 7-13. Review of some mission files by the Office of the Auditor General revealed gaps in planning and a lack of written assessments for the consideration of the departmental criteria.
114. Deputy Chief of the Defence Staff, "Initial Comments on the QAG PK audit", January 30, 1996, p. 2.
115. Deputy Chief of the Defence Staff, "Initial Comments on the GAO PK audit", January 30, 1996, p. 2.
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THE SITUATION IN SOMALIA

This chapter is about the political and socio-economic context in which the Canadian Airborne Regiment Battle Group (CARBG) carried out its mission to Somalia. It describes the region's geography, culture, political, and social structure, and surveys significant events leading to the civil war and the end of Siad Barre's regime. It also examines the situation in Somalia when the United Nations intervened and the social and political conditions in Belet Huen when the CARBG was deployed.

An understanding of the Somalia context is necessary for evaluating the suitability and operational readiness of the Canadian Airborne Regiment (CAR) and CARBG for service in Africa, as well as for judging the appropriateness of their training for the mission and the adequacy of Canadian military intelligence. Information about Somali society helps in the evaluation of decisions and actions taken in theatre and clarifies how cultural differences between CARBG members and the Somalis may have affected the conduct of operations.¹

A PROFILE OF SOMALIA²

Somalia occupies a strategic position in the Horn of Africa. In addition to ties with other African countries, it has close religious and historical links with the Arab and Islamic world and has a seat in both the Organization of African Unity (OAU) and the Arab League. At the time of the CARBG's arrival, Somalia had a population of approximately six million, including refugees.³

Environment

Most of Somalia consists of dry savannah plains with streams flowing only after rain. Much of the country has sandy soil with little agricultural value; the scant 33 per cent of land is that is arable in the Haud Plateau. Leafless shrubs, scrub and some grassland make up the typical semi-arid vegetation. Forested areas are found along the Shebelle and Juba rivers which provide the only drainage. Between these rivers lies the richest land in the country, where there is agriculture and livestock farming. Elsewhere, herding of sheep, goats and camels predominates, with widely separated permanent settlements built around wells. Only 15 per cent of the population live in urban areas.⁴ At the time of the CF's arrival in Somalia it was estimated that of 600,000 city dwellers, approximately 350,000 lived in Mogadishu, the capital.⁵ Other main centres are Hargeisa, capital of the northern region, and Berbera and Kismayu, the principal northern and southern ports.

For most of the year, the climate is very hot and humid with mean daily highs of 30 to 40°C in a range between 17 and 45°C. In the northern plateau, the hottest months are June through September while along the northeastern coast, October and November are hottest. Annual rainfall is less than 500 millimetres in the desert region and 500 to 1000 mm in the steppe region. In the north-east, there are two wet or monsoon seasons -- one is from April to July and the other from October to November -- during which major flooding often occurs, making cross-country movement difficult. During the two dry seasons, with their irregular rainfall and hot and humid periods, droughts are common.

Winds can reach almost hurricane force. Between June and September, the swirling dust and sand create difficulties for vehicle and equipment maintenance, requiring special

lubricants and fuels. Vehicles create huge dust clouds, restricting visibility to a few metres and making travel difficult. Sand irritates skin and eyes, endangering soldiers separated from their units. Desert conditions of radiant heat, humidity and wind create climatic stress on the body.

Economy

The Somali economy derives from its semi-arid climate and an environment featuring frequent drought and highly localized rainfall. Cattle, goats, and sheep are herded, but camel ownership is considered the "most noble Somali calling".⁶ Although competition for scarce resources often creates conflict over wells and pasture lands,⁷ the Somalis are united by the traditions of a herding lifestyle.

Most of the economic production in modern Somalia is based upon the traditional practice of pastoral nomadism⁸ except in the southern region where higher rainfall and river water permit mixed farming and agropastoralism.⁹ Only 1.3 to 3 per cent of the land in Somalia is irrigated and cultivated, while the rest is used for grazing.¹⁰ Although livestock and livestock products make up the majority of Somalia's exports, bananas are the primary source of foreign exchange.¹¹ Arab states are large importers of Somali products. Along the Juba and Shebelle rivers, bananas are grown on plantations, and the area also supports important subsistence crops such as maize and sorghum.

After the country's independence in 1960, economic growth failed to keep pace with the rise in population caused by the influx of refugees.¹² This was a result of the country's heavy dependence upon agriculture and herding which are affected by drought. Somalia's largest industry is processing agricultural food products;¹³ apart from that, there is little industrial development. Except for tin, the country's minerals are not developed, although international companies have prospected for oil. During the 1980s, devastating droughts, the Ogaden War with Ethiopia, and the civil war that followed threw a failing economy into ruins. By the 1990s, Somalia was classified a "least developed country" by the UN.¹⁴ The external debt at the time of UN intervention was \$1.9 billion, with repayments estimated at 120 to 130 per cent of export earnings. The inflation rate exceeded 80 per cent.¹⁵

Following the civil war, the towns between Ethiopia and the port of Bossaso in the Mudug region showed some increased economic activity, while the surrounding countryside showed signs of serious economic collapse.¹⁶ In the south, economic collapse followed inter-clan warfare. In towns visited by an assessment team in September 1991,¹⁷ many economically active persons were women engaged in petty trading, often separated from their husbands or widowed by war. Government wage employment (mostly benefitting men) had collapsed.

Culture and Social Structure

Somalis¹⁸ are descended from herders who entered the Horn of Africa at least two millennia ago. By the seventh century, the indigenous Cushitic peoples had mixed with Arabs and Persians on the coast forming a Somali culture with common traditions, faith, and language. The official language in the country is Somali. Arabic, English, and Italian have also been used in government agencies. In addition to a common language, Somalis share the Islamic faith, most being Sunni Muslim. There are two major occupational

groupings: the nomads (the Samale) and the cultivators (the Sab). These groups are further divided into clan-families, which are in turn divided into clans and lineages.

The pastoral clan-families constitute about 85 per cent of the population.¹⁹ The remaining southern clan-families are associated with mixed pastoralism and farming,²⁰ and their identity is linked more to the villages in which they live than to the clans to which they belong. They are also politically weaker and inferior in social status to the pastoral clans. These agricultural communities constitute an appreciable portion of that Somali population which is ethnically and culturally distinct. They do not have the same warrior tradition as the nomads, are not as heavily armed, and were never as involved in the workings of the central government. Because their lands became a battleground during the civil war, they became principal victims in the ensuing famine.

Clan-families, tracing their genealogy back 30 generations to a common ancestor, form a federation of kinship groups, yet these clan-families rarely operate as a unit. Common interests and mutual aid occur among smaller kin groups such as the clan (whose members trace their membership back 20 generations) or groups united by lineage (6 to 10 generations).²¹ As Somalis themselves put it, while a person's address may be in Europe, his or her genealogy is in Somaliland. "By virtue of his genealogy...each individual has an exact place in society...[and can]...trace his precise connection with everyone else."²² According to one CF document, Somalis are identified according to their clan-family and the area from which they originate. "The first thing they want to know when meeting anyone, even foreigners, is where you are from and what clan you belong to."

According to Dr. Kenneth Menkhaus, clan identity is fluid and complex enough to allow genealogical links to be recast according to the political needs of the moment: "A different clan identity could be highlighted or suppressed depending on the situation." This is "a source of tremendous frustration" for outsiders, particularly foreign military. Clan identity "made for political units that were very unstable, very fluid and this was so frustrating for the international forces and civilian diplomats who were part of the intervention because they could not get a clean fix on political units in Somalia...this fluid situational political identity serves the interest of Somalis...but it didn't serve ours very well and it was a source of misunderstanding."

A politically significant sub-unit is a man's *diya* group. *Diya* is blood money -- usually measured in camels. It is "a corporate group of a few small lineages reckoning descent from four to eight generations to the common founder, and having a membership of from a few hundred to a few thousand men."²³ A *diya* group is sworn to avenge injustice against one of its own members if no exchange of camels is agreed upon, and to defend each other materially or aggressively when members of that group themselves do wrong.²⁴ As Dr. Menkhaus states, "this practice of blood compensation...did mitigate spiraling violence, it did allow...clans to negotiate an end to bloodshed and it also serves as a deterrent for personal vendettas and murder...". International forces needed to understand that the *diya* system creates a sense of collective rather than individual guilt; when Canadian soldiers hung placards around thieves' necks, this tactic could be perceived as humiliating an entire clan rather than punishing a few individuals.

Clan elders play a critical role in mediating and adjudicating disputes using Somali customary law (*xeer*).²⁵ They are acknowledged experts in the process of conflict-resolution negotiations. As Dr. Menkhaus testified, "Military units would treat a conflict as a discreet event, they'd bring in the clan elders, they would sit down and make a peace, there would be a document to prove it, and then there would be peace and we could all go away, when in fact that wasn't the case. In Somali political culture, conflict management never ends, they are always in dialogue, they're always meeting and it took us quite a long time to understand that to be effective in helping them manage their conflicts." Accords and arrangements struck without ratification by the clan are not viewed as legitimate and are rarely upheld. Thus, peace conferences held at a distance (in Nairobi, Addis Ababa, or Mogadishu) that were not vetted by the local populations were not considered binding.

Kinship is passed on from a father to his sons and daughters, much as family names are transmitted in Canada. A woman remains a lifelong member of her father's group and at marriage does not adopt her husband's name. Bonds of blood are permanent; they supersede those of conjugal relationships which can terminate with divorce. To Somalis, non-Somalis and foreigners are inferiors and subject to suspicion because they are not bound by Somali descent and kinship.²⁶ Marriage with non-Somalis is discouraged.

According to Somali custom, women's social status is inferior. Both sexes believe that gender inequality is normal and natural. Women submit to males and they do much of the hard physical work. Boys and unmarried men tend the camel herds, while married men engage in trade, clear wells, and manage camels. Only senior men have the right to dispose of family property. Women's security depends on their relationship to their fathers, husbands, brothers, and uncles. Male kin are expected to watch over a woman should she leave her husband.

Clan relationships are both unifying and divisive. The lineage ethic of Somalis is described by Dr. Menkhaus as emphasizing one's primary obligations to look after the interests of one's clan members, even at the expense of other Somalis. Those Somalis responsible for famine relief faced conflicting obligations: the relief organization's commitment to distribute aid evenly to famine victims, and the clan's pressure to respect family obligations by diverting relief supplies to the clan.

Dr. Menkhaus summed up the lineage ethic by quoting a well-known Somali saying: "My cousin and I against the clan; my brother and I against my cousin; I against my brother." Within this system, alliances among lineages can be formed after fighting among them, and kin who are supportive in one situation can be predatory in another.

THE HISTORICAL BACKGROUND OF THE CONFLICT IN SOMALIA

Historically, Somali society has been organized around mobile lineage units averse to centralized authority. The word *Somali* appears in no Arabic documents before the sixteenth century, yet documents refer to identifiable clan-families as early as the fourteenth century.²⁷ This may mean that Somali political unity is fairly recent, or more fiction than historical fact -- a point relevant to events since World War II.

Colonialism

In the diplomatic jockeying that followed the construction of the Suez Canal, Somalia was arbitrarily divided into spheres of foreign influence.²⁸ Aggressive advances into the Ogaden area by Ethiopia spawned a nationalist movement led by the religious sage Sayyid Mohammed Abdille Hasan. In one of the last African resistance movements against European colonialism, he opposed centralized 'infidel' rule over the independent-minded Somalis.²⁹

Under Italian rule, the capital, established in Mogadishu, doubled in population between 1930 and 1940. Trade and commerce were strictly controlled by the Italian Fascists who barred Somalis from participation in profitable sectors of the economy. Towns grew, large-scale plantations were set up, and basic health and educational services were established. By 1930, the Italian colonial system of rural administration included an armed rural constabulary of 500, and a police force of 1,475 Somalis and 85 Italian officers and subalterns.³⁰ Except at the lowest levels, there were no Somalis in the colonial government. In 1940, Italy joined the Axis powers, and the U.K. and Italy confronted each other in Somalia. After the Italian defeat,³¹ Somalia was placed under British military administration until 1949, Italian police officers were replaced by Somalis, and a police school was opened to train Somalis for higher ranks. Somali self-government was fostered by the British, and in 1948 a portion of western British Somaliland was given to Ethiopia.

The UN Trusteeship

At the end of World War II, Somalia enjoyed prosperity and progress under a 10-year UN trusteeship from 1950 to 1960. Advances were made in education; irrigation farming was extended; and wells were drilled. Plantation agriculture was revived for cotton, sugar, and bananas. Somalis replaced expatriates in the civil service. Party politics (heavily influenced by kinship) were introduced in municipal elections in 1954, and the first general election of the legislative assembly by universal male suffrage was held in 1956.

Independence

On July 1, 1960, British Somaliland united with Italian Somaliland to form the independent Somali Republic. A multi-party constitutional democracy with a national assembly of legislators was established, but loyalty to kin and clan continued to define Somali politics.³² Patronage and the numerical strength of clan coalitions were more important than personal merit since political parties identified themselves with clans and sub-clans. Some Somalis remember this time for its political freedom, others for its increasing corruption, clanism, and political gridlock. The newly independent country had to combine two judicial systems, currencies, military and civil service organizations, systems of taxation and education. Somalia became dependent on foreign aid that served to enrich the civil service and military,³³ while poverty remained endemic among the masses.

During the Cold War, Somalia acquired economic and military aid by playing the superpowers against each other. The state became a major source of wealth, with money

redistributed along clan lines. By 1969, in a population of four million, there were 64 political parties representing 64 lineages and sub-lineages,³⁴ all seeking a slice of the national pie. This pattern reappeared during the international relief effort in Somalia when clan members on local councils tried to corner foreign assistance.

The Military Coup

In 1969, Major-General Siad Barre, commander-in-chief of the armed forces, seized power and established a socialist military dictatorship lasting nine years. His government suspended the democratic constitution, dissolved the national assembly, disbanded political parties, and banned professional associations. Leading civilian politicians were arrested and detained for years.³⁵ Civic organizations not sponsored by the government were banned. As president, Barre was supported by a 25-member Supreme Revolutionary Council (SRC) of army and police officers. In 1972, the government's new constitution established a national assembly, but allowed Barre's followers to create a political system without constitutional, legislative, or judicial restraints on the exercise of executive power. The National Security Service's agents and informants stamped out dissent. The regime nationalized most industry, banks, insurance companies, and the press, censored the media, denied visas to foreign journalists, and created a personality cult featuring Barre as 'Our Father'. Through a program of 'scientific socialism', management of the economy fell to government agencies.

Because Barre's inner circle of advisers came from only three clans, his government was at times referred to as the MOD (Marehan, Ogadeni, Dolbahante).³⁶ To control the other clans (the Majerteen in 1979, the Isaaq in 1988, the Hawiye in 1989-1990), the regime became increasingly repressive. Barre declared war on tribalism. He dismantled institutions that traditionally resolved conflict. In 1973, he forbade private social gatherings -- engagements, weddings, and funerals -- unless held at government orientation centres. Many people, frustrated by these repressive measures, emigrated or turned to violence.

During the 1970s and early 1980s, the United States and the U.S.S.R. (along with Cuba)³⁷ competed for influence in the Horn of Africa because of its proximity to the Middle East. At first, the Soviet Union and East Germany supported Barre's scientific socialist regime. However, when a Marxist government gained control of Ethiopia, the United States pulled out, and the U.S.S.R. moved in to support Ethiopia during the Ogaden War. Angered by this move, Barre threw out Soviet military advisers, closed down Soviet military facilities in the country, and looked to the West for aid and military support. To ensure the security of oil supplies in the Gulf, the United States improved its relations with Somalia, took over the Soviet base at Berbera in 1980, and negotiated access for U.S. Central Command to the military facilities of Somalia.

Superpower rivalry supplied arms to power groups in the region, fanning regional conflicts. The Horn's per capita consumption of weapons was higher than in any other part of Africa. In the mid-1970s, at the height of the Soviet-Somali friendship, Somalia had the best-equipped forces in Black Africa. Soviet military equipment made the Ogaden War possible for Somalia, but Cuba helped the Ethiopians repel the Somalis.

The Ogaden (Ethiopian) War³⁸

Somalia's defeat by Ethiopia led to the collapse of the MOD alliance, leaving little common ground for clan co-operation. The army began to experience organizational problems partly because of its rapid increase in size during the 1970s in anticipation of the war. Discipline became increasingly difficult to maintain since pre-war recruitment had occurred along clan lines -- particularly the Ogadeni, Marehan, Hawiye, and Majerteen clans.³⁹ Consequently, after the war, distinctions between clan-specific military units and clan militias became blurred. The United States became Somalia's largest source of economic and military aid, established a military and naval facility at Berbera, provided weapons, held frequent consultations with the Somali regime,⁴⁰ and helped Somalia resist an invasion by Ethiopia in 1982.

The Civil War

After the Ogaden War, hundreds of thousands of Ethiopian refugees from the Ogadeni and Oromo clans poured across the border. They settled in the north where the Isaaq -- the largest clan in the region⁴¹ -- accused the Barre regime of favouring refugees over the local population. In 1981, a group of Isaaq-clan exiles formed the Somali National Movement (SNM). From their bases in Ethiopia, they conducted hit-and-run attacks on the Somali army. On May 27, 1988, the SNM attacked Burao and the northern city of Hargeisa. Unable to defeat the guerrillas, the army killed tens of thousands of civilians in northern towns.

By 1988, the Barre regime was accused of genocide against rebel factions in the north, and the West froze foreign aid. The United States stopped supplying weapons to Somalia in 1989, and the Soviets ended shipments to Ethiopia in 1991;⁴² both encouraged local governments to resolve their own disputes. During the next few years guerrilla warfare, led by emerging factions opposed to the government, spread to the centre and south of the country.⁴³ By the end of 1990, the entire southern region of Somalia was at war. Then on January 19, 1991, the United Somali Congress (USC) forces under General Mohammed Farah Aideed entered Mogadishu, forcing Barre to flee. However, factions continued to fight each other for power, with hundreds of 'freelance' soldiers and looters contributing to the violence.

The north feared that a government dominated by southern clans would exclude it from power. After consultation among provincial leadership groups, the Republic of Somaliland was declared on May 18, 1991, with Abed al-Rahman Ahmad Ali Tur of the SNM as president.⁴⁴ After several years of internal warfare, there were attempts early in 1991 to reconcile the various armed organizations. A National Reconciliation Conference in Djibouti endorsed the leadership of an interim government and gave the presidency to one USC leader, Mohammed Ali Mahdi. General Aideed maintained that the USC should be allowed to nominate its own candidate -- himself. In August, Ali Mahdi was confirmed as president to end the war, establish a civil infrastructure, and adhere to USC policy for reconstituting a national army.⁴⁵ The Djibouti Agreement was overshadowed by tensions between two rival factions of the USC, which escalated into full-scale warfare in Mogadishu⁴⁶ in November 1991 as General Aideed's faction stepped up its effort to oust Ali Mahdi.

The central government was dissolved and clans fought for control of the country. Because of the collapse of the central government, only local clan elders or heads of factions provided leadership and administrative control, and regional rules varied with the clan in power. All regional governments lacked efficient communication and transportation, and leaders were under constant attack from rival groups.

The armed clashes and other serious problems occurred primarily in the south, where General Aideed and Ali Mahdi emerged as the two most powerful leaders. Although most Westerners understood that Ali Mahdi and General Aideed were from the Abgaal and Habar Gidir sub-clans, few realized that both sub-clans were further divided into lineages that did not support the faction leaders, and that both leaders were in constant negotiation with other groups to maintain their precarious positions.

Fighting centred on heavily damaged Mogadishu and the inter-riverine agricultural zone between Mogadishu, Kismayu and Bardhere, which quickly became a famine zone. By March 1992, the International Committee of the Red Cross noted "horrifying" levels of malnutrition -- approaching nearly 90 per cent of the population in the area surrounding Belet Huen and in the camps of displaced persons around Merca, south of Mogadishu. Lawlessness, the destruction of infrastructure,⁴⁷ and droughts combined to create enormous problems. In Mogadishu, only a third of the population had clean water.⁴⁸ Clan fighting and banditry prevented adequate distribution of food aid, and Somalia fell into a form of anarchy characterized by roving gangs of bandits and loosely organized clan militias, all fighting for control of key towns and regions. Because the militia men were unpaid, an economy of plunder emerged.⁴⁹

In a desperate attempt to contain the famine, relief agencies were forced into 'security' arrangements with the local militias, who demanded food and salaries from the convoys and compounds they protected. The militias fought for control of famine relief supplies which they diverted and resold to finance arms purchases. When it was clear that the international relief effort was fuelling the fighting that had caused the famine in the first place, the international community considered armed intervention as a solution.

The Situation in Somalia when the UN Intervened in 1992

The General Context in 1992

These conditions of political upheaval, combined with the effects of civil war and a severe drought, had created havoc.⁵⁰ There was a breakdown in the social structure. Police services had fallen apart.⁵¹ Official reports noted that political security in all parts of the country was uncertain and was likely to be subject to rapid change. These reports did not note, however, that in the absence of formal state and judicial systems, traditional law and the role of clan elders were working to mediate conflicts, as were the Islamic courts, which, with the help of armed and disciplined young men, were able to impose the *sharia* law.⁵²

Although Western media reduced the complexity of the war (in the 1990s) to clan conflict, the situation also involved a power struggle between General Aideed and Mohammed Ali Mahdi, as well as conflict among groups of heavily armed, impoverished boys and men. The Mahdi camp supported the presence of UN peacekeeping forces, whereas General Aideed, fearing that the UN might recognize the existing government,

preferred national reconciliation leading to a new government in which his faction would play a more prominent role.⁵³

United Nations Actions

The UN and its agencies withdrew from Mogadishu after Barre was overthrown. It provided no assistance in 1991.⁵⁴

In mid-December 1991, prompted by harsh criticism from the Red Cross and the U.S. State Department, the UN sent Under Secretary-General James Jonah to Somalia. This led to an arms embargo on Somalia and encouraged member countries to provide humanitarian aid. By mid-February 1992, the UN called negotiators for Ali Mahdi and General Aideed to New York and, after only two days of negotiations, declared a cease-fire. However, the fighting in Mogadishu continued. Later that month, representatives from the UN, the OAU, the Arab League, and the Organisation of the Islamic Conference (OIC) visited Mogadishu to work out the details of the ceasefire.⁵⁵ A UN force of 50 unarmed observers was authorized by the UN Security Council to help enforce a UN-brokered cease-fire in Mogadishu between Ali Mahdi and General Aideed.⁵⁶ The cease-fire was relatively effective at that time, but there was still banditry and looting by uncontrolled factions both in Mogadishu and throughout the country. As well, extortion and security problems complicated the delivery of humanitarian aid. By July 1992, the UN envisaged a long-term role in Somalia, including such actions as re-establishing a police force. A letter from the UN Secretary-General to the Security Council provided the justification for invoking Chapter VII, with its "take all necessary means" language.

Regional Conditions in Bossasso

Bossasso, Canada's original assignment in Somalia, is in the north-east, close to the Red Sea coast. It was inhabited by a single, relatively cohesive clan, the Majerteen, whose elders and leaders exercised authority, and it was relatively peaceful compared to the south. The Democratic Front for the Salvation of Somalia (SSDF) was the sole faction controlling the area. The Majerteen had a cosmopolitan view of international forces and welcomed international intervention bringing foreign assistance and goods. Thus, when Canadian officials conducted their reconnaissance survey of Bossasso and the northeast region as a possible site for Canadian peacekeeping forces, they found a permissive environment for a conventional Chapter VI operation. Bossasso was a secure, busy, well-administered city with no clan violence. Business and trade continued, and the local market was active.⁵⁷ Policemen patrolled the streets. Because of the relative calm, the port (under SSDF control) became the most active in the country. Local vehicles were available for hire. The power station had enough fuel to operate for two to six hours a day, primarily to run the fish plant and for emergency operations at the hospitals. However, spare parts and fuel were scarce, and the medium-sized airport was reported to be in poor condition.⁵⁸

There were many refugees in Bossasso, fleeing the civil war in the south. One NDHQ report stated that refugees had swelled the town's population of 7,000 to 77,000, straining local resources. Many refugees were living in makeshift huts, though the Somali national from whom this information was received reported no starvation, which was confirmed

by a report from NDHQ stating that conditions were "considerably better" than in the south.⁵⁹

Regional Conditions in Belet Huen

Belet Huen is in a frontier area where two very distinct forms of production (pastoralism and agriculture) adjoin. During the first three to four months of the year, when the most notorious incidents involving the CF occurred, the temperature can exceed 40°C. If humidity is taken into account, it may feel like 50°C or more. Belet Huen is a strategic gateway between central Somalia, Ethiopia and southern Somalia. The country's only north-south highway runs from Mogadishu along the Shebelle River to Belet Huen. From there, the highway runs north to the central regions of Somalia and west into Ethiopia. According to Dr. Menkhaus, Belet Huen was a critical choke-point for the traffic of arms from Ethiopia and the movement of men from the Mudug region in central Somalia (where General Aideed's Habar Gidir clan was based) to Mogadishu. Belet Huen was an area of considerable strategic importance in the Somali political context and thus an area of fierce political competition, with local clans struggling to control the region. The CARBG was confronted with shifting clan alliances and clan-based claims on political authority and economic assets.

When the Barre regime was pushed back toward Mogadishu during 1989-1990, troops retaliated with a scorched earth policy, looting and assaulting local populations as they retreated. Belet Huen and surrounding areas along the Shebelle River were particularly hard hit by Barre's supporters. This left the region vulnerable to famine and food shortages by mid-1991, in contrast to the north-east of Somalia, which remained free of famine and most armed hostilities. Famine victims from Rahanwein flocked to Belet Huen where an international airlift relief operation was mounted.

The Hawaadle clan, a relatively small clan of the Hawiye clan-family, was the dominant social group in Belet Huen. It exerted strong control over politics and the police and was thus able to secure most of the contracts from international aid organizations. Clan members attempted to maintain control over relief supplies, political representation, and the economic assets of the region. This led to discontent among the other clans, which wanted control over the highway, a major conduit of manpower and military hardware from Ethiopia and the central regions of Somalia to General Aideed in Mogadishu.⁶⁰

Thus the Belet Huen region was known for extortion and intricate clan rivalries.⁶¹ Banditry and extortion were much more common in Belet Huen than in Bossasso. International relief agencies had to exercise considerable diplomatic skill to navigate the clan tensions that affected every part of their operations. The town was considered a challenging position in Somalia for a UN military force.

NOTES

1. For further information on the culture of the Airborne, see Chapter 9 in this volume and the research study by Donna Winslow, *The Canadian Airborne in Somalia: A Socio-Cultural Inquiry*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997).

2. We are indebted to Dr. Kenneth Menkhaus of Davidson College in North Carolina for his extensive testimony before the Inquiry on October 23, 1995 (Transcripts vol. 7, pp. 1266-1412). Dr. Menkhaus has been an adviser to the United Nations with respect to the situation in Somalia, and much of the discussion in this chapter concerning Somalia's political situation, history, and social and clan structure is based on information provided by Dr. Menkhaus.
3. James Wyllie, "Somalia, State Disintegration and Regional Stability", *Jane's Intelligence Review* (February 1993), p. 71
4. Department of National Defence, National Defence Headquarters, "Analysis of Area of Operations Report: Somalia", August 25, 1992, p. 9. This figure varies because of the nomadic lifestyle of many Somalis.
5. DND, NDHQ, Analysis of Area of Operations Report, p. 19.
6. David D. Laitin, *Politics, Language and Thought: The Somali Experience* (Chicago: University of Chicago Press, 1977), p. 21.
7. Control of territory means access not only to grazing but also to other sources of income. For example, before colonial occupation, a clan controlled access to its territory. Outside traders -- Somali and non-Somali -- who wished to pass through a clan's territorial stronghold had to pay protection money to a member of that clan. This practice appears to have been revived in modified form during international relief efforts.
8. In 1989, livestock products accounted for about 49 per cent of the gross domestic product. Exports of livestock products rose after 1969, reaching a peak of \$132 million in 1982, accounting for about 80 per cent of the foreign exchange that year. This sector, along with the entire economy, was dislocated by the suspension of imports in 1983 by Saudi Arabia, Somalia's largest customer. An agreement with Egypt failed to compensate for this loss, and earnings from livestock exports fell in 1984. In 1985, earnings recovered, and they increased again in 1986-87, but they declined in 1988 and 1989, owing to the fighting in the north, where most livestock is raised. The livestock sector was also affected severely by drought in the mid-1970s as well as in 1984-85.
9. See I.M. Lewis, *The Modern History of Somalia: Nation and State in the Horn of Africa* (New York: 1980), p. 7 (revised edition of *The Modern History of Somaliland from Nation to State* (Boulder, Colorado: Westview Press, 1965).)
10. DND, NDHQ, Analysis of Area of Operations Report, p. 8.
11. See *Africa South of the Sahara*, 1993, 22nd edition (London: Europa, 1992) for more detail.
12. The gross national product in 1990 was \$946 million U.S., or \$150 per capita. During 1980-90, GNP grew at an annual rate of 1.1 per cent, while per capita GNP decreased by 1.8 per cent per year (*Africa South of the Sahara*, 1993, p. 755).
13. DND, Land Force Central Area Headquarters, CFB Toronto, *The Somalia Handbook*, p. 9.

14. Samuel M. Makinda, *Security in the Horn of Africa*, Adelphi Papers No. 269 (London: Brassey's 1992), p. 34.
15. *Somalia Handbook*, p. 9.
16. DND, Director General Intelligence, NDHQ, "A Report of the Assessment Mission to Bari, Nugaal and Mudug Regions of Somalia, 17-30 September 1991", pp. 25-26.
17. "Report of the Assessment Mission to Bari, Nugaal and Mudug Regions of Somalia", p. 26.
18. Although *The Somalia Handbook* distributed to Canadian troops states that 98.8 per cent of the population is made up of the Somali ethnic group, with one per cent Arab and few foreigners (p. 8), other sources indicate that the area between Mogadishu and Kismayu, especially the district of Kismayu and the lower Juba River valley, is home to a significant number of non-Somalis. They include people of Arab descent who live in the towns of Merca and Brava, as well as descendants of slaves from eastern and southern Africa known as Gosha who have established communities in the forests of the lower Juba River valley. The Arab population of Kismayu fled the city soon after the fall of Barre's government in January 1991. In the battles during the first half of 1991, non-Somalis were among the chief civilian victims of the warring parties. In addition, the low caste status of the Gosha may have influenced the amount of relief supplies they received ([Canadian] Immigration and Refugee Board Documentation Centre, "Somalia: Inter-NGO Committee for Somalia (UK) (INCS-UK) 1991 Reports -- Executive Summary" (Ottawa: March 1992), p. 8).
19. Aman, as told to Virginia Lee Barnes and Janice Boddy, *Aman: The Story of a Somali Girl* (Toronto: Knopf, 1994), p. 295.
20. According to the documents, the five major clans, are, in order of numerical strength: the Darod, which inhabits the southwestern and northeastern regions; Siad Barre is a member of this clan; the Hawiye, another nomadic tribe living in the central eastern region; the Isaaq, the third nomadic tribal grouping living in the central region; the Dir, in the north-west; and the Rahanwein, the main non-nomadic clan grouping practising agriculture in the south.
21. *Aman: The Story of a Somali Girl*, p. 295.
22. I.M. Lewis, *A Pastoral Democracy: A Study of Pastoralism and Politics among the Northern Somali of the Horn of Africa* (London: Oxford University Press, 1961), p. 2.
23. Lewis, *A Pastoral Democracy*, p. 6.
24. *Aman: The Story of a Somali Girl*, p. 295.
25. Testimony of Dr. K. Menkhaus, Transcripts vol. 7, p. 1277.
26. *Aman: The Story of a Somali Girl*, p. 300.
27. *Aman: The Story of a Somali Girl*, p. 291.
28. Britain secured most of the northern littoral. France took the north-west headland that is now Djibouti. Italy, which had earlier established itself on the Red Sea in

- Eritrea, acquired control over most of Somalia's Indian Ocean shore. The southernmost part of Somali territory, much of it now in Kenya, also went to the British. Ethiopia, reacting to the European presence and seeking, unsuccessfully, an outlet to the sea, moved east, seizing the important Somali pastureland of the Ogaden steppe (*Aman: The Story of a Somali Girl*, p. 292).
29. Saadia Touval, *Somali Nationalism: International Politics and the Drive for Unity in the Horn of Africa* (Cambridge: Harvard University Press 1963), p. 7.
 30. Lewis, *Modern History of Somalia*, p. 98.
 31. Italy nevertheless maintained commercial links with Somalia and was the only country involved in mediating regional conflicts in the late 1980s and early 1990s (Makinda, *Security in the Horn of Africa*, p. 71).
 32. Immigration and Refugee Board Documentation Centre, "Somalia -- Executive Summary", p. 12.
 33. The government sought to quadruple the size of the army, which was 5,000 strong at independence. The United States, because of its ties to Ethiopia, helped to upgrade the Somali police force. In 1962, the U.S.S.R. gave Somalia loans and sophisticated weaponry and sent military advisers. Thus armed, Somalia engaged in border wars with Kenya and Ethiopia (Laitin and Samatar, *Somalia: Nation in Search of a State*, p. 74; "UK Intelligence Report, 7-1991", p. 4721; and Rakiya Omaar, "Somalia: At War with Itself", *Africa Watch* (March 1992), p. 231).
 34. Said S. Samatar, *Somalia: A Nation in Turmoil* (London: Minority Rights Group Report, 1991), p. 17.
 35. Omaar, "Somalia: At War with Itself", pp. 230-231.
 36. Makinda, *Security in the Horn of Africa*, p. 26.
 37. The former U.S. military base in Eritrea was part of the network of U.S. and NATO military communications. When the U.S.S.R. established a naval presence in Somalia and a base at Berbera beginning in the late 1960s, the move was regarded as a threat to Western security interests in the region (Makinda, *Security in the Horn of Africa*, p. 63).
 38. Colonial rule had divided the Somalis into five entities: Italian Somaliland in the south, British Somaliland in the north, some Somali communities in Djibouti, a large number of communities in the Ogaden under the rule of Ethiopia, and another large group in northeastern Kenya. This separation of kinsmen was a source of some grievance, and the Somali flag contains a star with five points representing the five states into which Somalis found themselves divided during colonialism. Independence had brought together Italian and British Somalia, but this was not satisfactory. Somali foreign policy at independence became obsessed with the return of Ogaden until it actually sparked a border war with Ethiopia.
 39. Makinda, *Security in the Horn of Africa*, p. 29.
 40. This practice was curtailed by Congress after 1989 (Omaar, "Somalia: At War with Itself", p. 231).

41. The Isaaq clan accounts for about 20 per cent of Somalia's total population (Makinda, *Security in the Horn of Africa*, p. 31).
42. Makinda, *Security in the Horn of Africa*, p. 66.
43. For example, the United Somali Congress from the central region, led initially by General Mohammed Farah Aideed with support from the Hawiye clan, declared war on the government.
44. See Wyllie, "Somalia, State Disintegration and Regional Stability", p. 72; and Omaar, "Somalia: At War with Itself", p. 233.
45. Omaar, "Somalia: At War with Itself", p. 233.
46. The infamous 'green line' divided Mogadishu, with Ali Mahdi dominant in the north and General Aideed in the south. See Wyllie, "Somalia, State Disintegration and Regional Stability", p. 71.
47. At the time of the UN intervention, there was little infrastructure left. There were airfields at Hargeisa and Mogadishu, and all ports and roads were in poor condition. DND, NDHQ, Analysis of Area of Operations Report, p. 1.
48. DND, NDHQ, Analysis of Area of Operations Report, p. 17.
49. According to Dr. Menkhaus, You had on the one hand the young men who had no training because the educational system had collapsed in Somalia 10 years before, that were more powerful in their community in the chaos as long as they had a gun... They had made more money in the chaos looting and extorting than they had ever made before, and they had a strong interest in seeing this continue. They had leaders who had a strong interest in an economy of plunder. Warlords [is what] we have come to call them...and in a few cases this is a legitimate term for people whose power base rested on fear and instability -- the threat of attack by another clan against their owns--s-which elevated their status in their community. They were making good money extorting international relief agencies, extorting other clans and so on. There were entire Somali clans who came in and conquered vast, very valuable real estate in Somalia, and they had a continued vested interest in this whole economy of pillage (Transcripts vol. 7, pp. 1307-1308).
50. DND, NDHQ, Analysis of Area of Operations Report, p. 19.
51. *The Somalia Handbook*, p. 5.
52. Kenneth Menkhaus and John Prendergast, *Political Economy of Post-Intervention Somalia*, Somalia Task Force Issue Paper #3 (1995), p. 7.
53. Omaar, "Somalia: At War with Itself", pp. 233-234.
54. Omaar, "Somalia: At War with Itself", p. 233.
55. Omaar, "Somalia: At War with Itself", p. 234.
56. *Africa Watch* reported that the UN's insistence that the warring factions respect the cease-fire agreement before it provided food, medicine and other necessities was misguided, as the war in Mogadishu was fuelled by hunger (Omaar, "Somalia: At War with Itself", p. 234).

57. DND, "Int Report OP Cordon RECCE" [Intelligence report on a reconnaissance conducted for Operation Cordon], p. 1.
 58. DND, NDHQ, "Analysis of Area of Operations Report", September 9, 1992, Annex A, p. 2.
 59. Analysis of Area of Operations Report, September 9, 1992, Annex A, pp. 1, 2.
 60. The arrangement made during the civil war was that the Hawaadle clan could enjoy pre-eminence in Belet Huen and were given by General Aideed (also from the Hawiye clan-family) the right to control the airport in Mogadishu. This was a very lucrative opportunity and one that a relatively small clan such as the Hawaadle would not normally have had, except that the Habar Gidir and General Aideed needed their acquiescence. Since they were not formal allies, the Hawadle clan was very careful to stay as neutral as it could in the civil war, but prominent members enjoyed special opportunities because of their geographic position (Testimony of Dr. Menkhaus, Transcripts vol. 7, p. 1284).
 61. A number of smaller Hawiye clans, including the Jajele, Galgaal and Badi Addo, inhabit the west bank of the town. They were not pleased that the Hawaadle monopolized opportunities in the town but were unable to do much about it. To the north of the town the powerful pastoral Habar Gidir clan (also members of the Hawiye clan-family) was dominant. It did not need to control Belet Huen directly but required the acquiescence of whoever was controlling the town to allow for the free flow of men and weapons. To the north and west, the Marehan and Bah Geri clans of the Darod clan-family controlled land north-west of the city leading to Ethiopia. This is significant since this was Siad Barre's clan-family. There were Ogadeni clansmen to the west and in Ethiopia who also wanted access to the road (Testimony of Dr. Menkhaus, Transcripts vol. 7, pp. 1284-1285).
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THE SOMALIA MISSION: PRE-DEPLOYMENT

The next three chapters in this volume form a detailed narrative summary of events, actions and decisions relating to the Somalia operation. In chapters 3 to 11 we presented the context in which the Somalia mission took place. In chapters 12 through 14 we describe, on the basis of evidence and in narrative form, the events and actions that define the issues. Chapter 12 concerns what happened before Canada agreed to participate in the mission to Somalia, chapter 13 deals with the events that took place during the deployment, and chapter 14 recounts what occurred after the Canadian Forces arrived home. In this narrative account, we identify various points where we suspect the existence of systemic problems. Then in the three remaining volumes of this report, we provide an analysis of those suspicions and our findings and recommendations.

SOMALIA: A TROUBLED COUNTRY

Anarchy and Human Suffering

During the early months of 1992, the political situation in Somalia was deteriorating rapidly. The downfall in January 1991 of Somalia's president, Siad Barre, led to an extended and often violent power struggle among clans and factions in many parts of the

country. The two largest factions, located mainly in the central and southern areas of the country, were a group of United Somali Congress (USC) members who supported the interim President of Somalia, Mohammed Ali Mahdi and a rival group, also from the USC, which supported the USC Chairman, General Mohammed Farah Aideed.

These two groups controlled upwards of 50,000 militia, armed with Soviet tanks, artillery, and vast quantities of lighter weapons and ammunition to fuel their rivalries. Fighting had erupted in Mogadishu and spread throughout Somalia as well. Heavily armed elements controlled various parts of the country, with alliances developing and breaking down as time passed and hostilities persisted. Adding to the physical destruction and political chaos were groups of bandits unattached to the more organized fighting factions.

There was no functioning central government, and many of the *de facto* authorities were refusing to allow the delivery of humanitarian aid. In-bound ships carrying relief supplies were blocked from docking and, on one occasion, had even been shelled. The airport at Mogadishu had also been attacked.

By the fall of 1992, it was estimated that as many as 300,000 people had died in the previous 12 months, and at least 1.5 million more were immediately at risk of dying. UN reports estimated that approximately 4.5 million Somalis -- over half the estimated population, the majority of whom lived in rural parts of the country -- were suffering severe malnutrition and related diseases. Hundreds of thousands more were forced to flee their homes. The country was in urgent need of humanitarian assistance.

To UN mediators, Somalia was a complicated mixture of both formal and informal institutions and infrastructures. Although anarchy appeared to reign, there was still a degree of order within individual clans. There were also geographical differences, in that while the central and southern regions were severely affected by the fighting and by famine and refugees (Belet Huen was in central Somalia), the northern area of Somalia (the old British protectorate of Somaliland, where Bossaso is located) was relatively calm, with a friendly population and a clear, recognizable pattern of authority. The latter area was controlled by another faction, known as the Democratic Front for the Salvation of Somalia (SSDF).

UN Efforts to Send Humanitarian Assistance

Although there had been a sporadic UN presence in Somalia throughout 1991 and early 1992, the deteriorating situation in the central and southern areas demanded a more concentrated international effort. In January 1992, at the initiative of the departing UN Secretary-General Javier Perez de Cuellar, a UN team travelled to Somalia to assess the situation. As a result of the visit, all the factions except for that of General Aideed agreed to a cease-fire within Mogadishu. The UN Secretary-General then succeeded in securing a UN resolution to undertake action in conjunction with other international organizations to increase humanitarian assistance to the civilian population.

The Department of External Affairs was first notified by its Permanent Mission to the United Nations in New York of a possible UN action in Somalia in early January 1992. However, there was consensus among UN member nations that the volatility of events and lack of a negotiated cease-fire precluded a peacekeeping mission.

By March 1992, the UN was fully engaged in humanitarian efforts in Somalia. But over the following months, the volatile situation forced the UN on a number of occasions to withdraw its personnel from Somalia, even though it continued its efforts through the co-operation and collaboration of the International Committee of the Red Cross (ICRC) and a number of other non-governmental organizations (NGOs).

Canada's Response Through External Affairs

During the early months of 1992, the Department of External Affairs and the Department of National Defence (DND) continued to receive reports of the humanitarian aid crisis unfolding in Somalia, although Canada had no diplomatic or military presence in that country. In March, Canada's Ambassador to the UN wrote to the Secretary-General to express support for the UN's efforts, confirming that Canada would participate in a mission to deliver food and other humanitarian supplies, once the UN was in a position to ensure the security of its force.

Discussions about possible Canadian participation in a UN or other operation in Somalia first took place through largely informal channels, involving Canadian representatives at UN headquarters in New York, officials in External Affairs, and senior civil servants and officers at National Defence Headquarters (NDHQ) in Ottawa. The formal decision to participate in peacekeeping missions, and agreement as to the scope of a prospective mission, were the responsibility of Cabinet, after having received information and recommendations from the departments of External Affairs and National Defence.

While both departments shared (and still share) responsibility for advising Cabinet on decisions regarding peacekeeping activities, the Department of Foreign Affairs and International Trade (External Affairs at the time of the Somalia mission) has the overall responsibility as part of Canada's foreign policy for conducting relations with the UN and, accordingly, assumes the lead role in the decision-making process. At the time Somalia was in crisis, a representative of the Department of External Affairs would have routinely analyzed the UN request from the perspective of Canada's foreign policy, then worked with DND officials to co-ordinate the Canadian response.

The Role of National Defence Headquarters

Within DND, the lead position for all initial peacekeeping matters prior to a formal commitment is the assistant deputy minister (Policy and Communications). At the time Somalia was being discussed, this was Dr. Kenneth Calder, a civilian who reported jointly to the Deputy Minister (DM), Robert Fowler, and to the Chief of the Defence Staff (CDS), Gen John de Chastelain who was primarily responsible for any advice given on peacekeeping. Once a commitment was made to the UN, the responsibility shifted to the Deputy Chief of the Defence Staff (DCDS), who then took over the "co-ordination of planning, structuring, mounting, deployment, command and control, sustainment and redeployment of the force."

While the Department of External Affairs would consider the request from a foreign policy perspective, NDHQ would analyze the proposed mission from both policy and operational perspectives in order to develop a response to the UN request. For the analysis leading up to a possible commitment to send troops to Somalia, officers and officials in NDHQ were guided by certain policies.

The main policy document was the 1987 white Paper on Defence, which contained seven criteria intended to be used to evaluate the proposed peacekeeping operation. Although these criteria had evolved over the years, they were considered to be the only available means to reach an informed accountable decision. When the request was made by the UN for a Canadian contingent to go to Somalia as part of the United Nations Operations in Somalia force, seven criteria were in effect.

These criteria required that there be a clear and enforceable mandate and that the principal antagonists agree to a cease-fire and to Canada's participation. They called for a mandate that would serve the cause of peace and have a good chance of leading to a political settlement in the long term. They also required that the size and composition of the force be appropriate to the mandate and that Canada's involvement not jeopardize other commitments. A single identifiable authority would be expected to oversee the proposed operation and, finally, Canada would expect the mission to be equitably funded.

However, senior officers and officials in the Department of National Defence played down the significance of these policy guidelines in the decision-making process. Moreover, both the Deputy Minister and the CDS maintained that the guidelines were "significantly" flexible and were taken into account only "somewhat, not in any particular detail".

Mr. Fowler later indicated in his testimony before us that the criteria were not generally used like a checklist and that if they had been applied to the situation in Somalia, very few of them would have made any sense. Gen de Chastelain agreed with this assessment, although a 1992 defence policy paper stated that these guidelines were policy that should have been followed.

The Creation of UNOSOM -- Humanitarian Aid

It was not until April 1992 that the first formal UN operation to provide humanitarian assistance to Somalia was established. In April, the UN Security Council adopted Resolution 751, under the authority of Chapter VI of the UN Charter, to form the United Nations Operation in Somalia, known as UNOSOM. Operations under Chapter VI provide for the use of force only in self-defence in the peaceful settlement of disputes under international law. Canada was approached at that time to participate in the UN operation.

After review of the UN request by officers and officials at NDHQ, the Department of External Affairs asked Canada's Permanent Mission to the United Nations to register Canada's security concerns and to determine whether the UN resolution could be revised to ensure that appropriate security and safety measures were in place. Also, the DM and the CDS had recommended to the Minister of National Defence (MND) that the Minister advise the Department of External Affairs to decline the UN's informal request.

The reasons for this recommendation were based on the failure of the proposed UN mission at that stage to meet Canada's policy criteria on several different issues. The mandate was uncertain; the adequacy of the agreements obtained from the rival leaders was doubtful; and, most important from NDHQ's perspective, there were serious safety concerns that had already been acknowledged by the UN. This recommendation was

accepted by the Minister, and although plans continued at the UN for the deployment of military observers, Canada continued only to monitor the situation.

Throughout the spring and summer of 1992, difficulties were encountered in arranging the deployment of UN observers and technical advisers, and revisions to the mission were already being considered by UN negotiators. At the end of July 1992, the deployment of UN observers was finally permitted. But by then, the food crisis was also escalating, and the Secretary-General believed that the situation in Somalia was not receiving the attention it deserved from the international community.

On July 28, 1992, Gen de Chastelain directed staff at NDHQ to conduct a feasibility study to determine the capability of the Canadian Forces (CF) to provide a battalion to Somalia, should one be required. However, he reiterated to UN officials that Canada would not send observers or other troops into the country without a security battalion. It had been mentioned even during these preliminary discussions in Canada that the Canadian Airborne Regiment (CAR) would be a possible unit for such a peace support commitment.

Aware of the threat of mass starvation, which was being graphically portrayed in worldwide media coverage, the UN Secretary-General issued an appeal to member states for all forms of humanitarian assistance. Canada agreed, in an August 13, 1992 letter from Prime Minister Brian Mulroney to Secretary-General Boutros Boutros-Ghali, to participate in an airlift of relief supplies, designated Operation Relief, even before its commitment to the UNOSOM mission.

By late August the situation in Somalia had deteriorated significantly. Throughout the country, there were repeated sporadic outbreaks of hostilities and a proliferation of armed banditry. The humanitarian crisis continued because of the lack of security, despite the fact that the UN had the actual capacity to provide increased aid.

While acknowledging the importance of the airlift operation in the delivery of food and other supplies, the Secretary-General reported to the Security Council that "current security conditions do not permit the assured delivery of humanitarian assistance by overland transport and are thus the main cause of the current food crisis in Somalia." He made it clear that this approach neither eliminated the need nor could substitute for assistance in land-based distribution of aid.

Finally, in late August 1992, the Security Council approved, through Resolution 775, a plan proposed by the Secretary-General to deploy four security units of 750 troops each, one to each of the four operational zones identified earlier by the UN. After an amendment to include the deployment of three logistics units, the final version of the UNOSOM mandate was complete.

The security-reinforced UN force was given the responsibility to provide protection and security to UN personnel, equipment, and supplies (at first in Mogadishu, and later in the four operational zones); to escort deliveries of humanitarian supplies to distribution centres; and to provide security for UN personnel, equipment, and supplies at the airports in Somalia. Its main goal was to provide UN convoys with a sufficiently strong military escort to deter attacks. To perform these tasks adequately, the UN force was authorized to fire effectively in self-defence if deterrence should not prove sufficient.

CANADA'S PARTICIPATION IN UNOSOM

Preparation for a Peacekeeping Mission

By the time the official UN request for troops was received, plans for a formal response from Canada were well under way. The Prime Minister had indicated support through his previous pledge to contribute troops to an expanded UNOSOM in August 1992 and in correspondence to the MND. In late August, the DM and the CDS, after outlining the situation for the Minister, recommended that Canada agree to undertake relief operations in Somalia, subject to conditions concerning the length of the commitment and relief from its previously agreed-to involvement in Operation Python in the Western Sahara, a UN operation that was planned for but later cancelled.

Unlike the usual practice, the formal UN request for an infantry battalion had been forwarded to Canada's Permanent Mission in New York before Canada formally acceded, although it was apparent that a positive response from Canada would indeed be forthcoming. Reports from the Permanent Mission had indicated that officials believed it would be seen as a significant accomplishment internationally if Canada were able to respond quickly and decisively to the UN request.

The decision of the Government of Canada to participate in UNOSOM was made formally only after the Security Council had explicitly authorized the deployment of security personnel, in addition to the peacekeeping force authorized under the operation's initial mandate. UNOSOM's original mandate under Resolution 751 was considered by a number of countries, Canada included, to have been limited fundamentally by a critical flaw in the plan. The UN had not been able to secure the consent of General Aideed to the proposed plan for security personnel, despite its recommendation by UN representatives and support from rival leader Mohammed Ali Mahdi.

Canada's Historical Role as Peacekeeper

In Canada, peacekeeping has long been thought of as a significant achievement of both foreign affairs and defence policy. This public and political support originated with the award of the Nobel Peace Prize to Lester Pearson for proposing that the UN deploy peacekeeping units to monitor a cease-fire in the 1956 Suez crisis. In 1993, the Senate Standing Committee on Foreign Affairs reported that it was the "sole military activity that Canadians support". Nevertheless, government white papers on defence, produced between 1964 and 1994, and many other policy statements have consistently ranked peacekeeping as an ancillary function of the Canadian Forces.

Canada's longstanding involvement in peacekeeping is seen to have enhanced our international profile as a middle power in international affairs. It is also considered to have contributed to Canada's stature and influence at the UN. During the Cold War, Canada's main strategic concern was to avoid or prevent the escalation of hostilities between the superpowers that would threaten Canada's national security through direct or collateral attack. The end of the Cold War diminished concern about such confrontations and the threat of war as a rationale for Canada's involvement in peacekeeping activities.

Despite Canada's distinguished role as peacekeeper, the Canadian military has been reluctant to embrace peacekeeping as a priority in defence policy. Its first priority

remains the retention and advancement of its combat capabilities for the protection of Canadians and their interests and values at home and abroad, notwithstanding the fact that since the end of the Cold War, combat responsibilities have greatly diminished.

While it is generally accepted that combat capability is required for deployment on UN missions, it has also become increasingly apparent that concentration on combat capability alone may affect the development of appropriate training and operational procedures for a new generation of peacekeeping-type operations. Members of the CF knew little about Somalia before the Canadian government made its commitment to the UN's mission in that troubled country.

Involvement of the Canadian Airborne Regiment

While Canadian diplomats, civil servants, and senior military officers were considering the possibility of sending Canadian forces to Somalia, the Canadian Airborne Regiment (CAR) had reverted to its status as Canada's UN standby unit in February 1992, after an operation for which it had been assigned and for which it had trained intensively was cancelled.

That mission, Operation Python, was a projected UN operation in the Western Sahara, where a referendum was to determine whether Western Saharans would claim national independence or integrate with Morocco. Canada was to have provided a battalion to assist in ensuring a free and fair vote. Reportedly, the order to stand down affected the morale of the CAR. It represented another on-again-off-again kind of frustration caused by gearing up for major exercises followed by last-minute cancellations. As later events were to indicate, this may also have taken its toll on discipline within the regiment.

At the beginning of September 1992 just as a press release was issued announcing Canada's participation in UNOSOM, the CDS was briefed on contingency planning for the Somalia operation by military officers from Force Mobile Command (FMC, now Land Force Command, or LFC). Although the CDS was ultimately responsible and accountable in the chain of command for reviewing and approving the proposed plan and organizational structure, and had stated in July that the CAR was the ideal unit for a Somalia mission, it was the Commander Land Force Command who, at this stage of planning, formally decided that the CAR would go to Somalia.

The CAR's History

The CAR had a relatively brief existence in Canadian military history. As discussed in Chapter 9, organization for the Regiment began in 1966, under Gen J.V Allard. The plans included the development of an airborne capability in the form of a composite unit to address a number of specialized purposes such as a small-scale northern defence, short-notice response to UN requests for peacekeeping forces, operations in limited or general war within the context of a larger allied force, and domestic operations in response to civil authorities.

When it was created formally in 1968, the CAR was organized as a unit of the CF within Force Mobile Command. The unit was originally organized as a mini-brigade consisting of approximately 900 members. To join the Regiment, soldiers had to have served at least four years in the army and have, or qualify to have, the rank of corporal. Originally, it

had been considered, in part, an operational training unit, so that the resulting tougher physical conditioning and sharper mental attitude eventually would be diffused throughout the regular army. Members of the CAR were to return to their parent units after two or three years in the Regiment. However, some of these original requirements changed in subsequent years.

The Regiment originally had its own regimental headquarters and six units: the Airborne headquarters and Signal Squadron which provided communications and headquarters functions; two infantry commandos (1 Commando and 2 Commando); a field artillery unit; and combat and service support units. The regimental commander exercised the powers of a commander of a formation. The Royal 22^e Régiment provided soldiers for 1 Commando; The Royal Canadian Regiment and the Princess Patricia's Canadian Light Infantry for 2 Commando. When 3 Commando was added later to the complement of CAR troops, it drew exclusively from The Royal Canadian Regiment. All three regiments contributed soldiers for the key positions in the headquarters and service commandos.

The CAR was only two years old when it undertook its first operational mission -- to help secure Montreal in the troubled days of the 1970 October Crisis. In April 1974, 1 Commando was sent to Cyprus on the Regiment's first overseas posting, a mission that was conducted with honour under very difficult conditions. The CAR returned to Cyprus for two additional tours in 1981 and 1986-87. It also prepared for other deployments -- to Namibia in the early 1980s and the Western Sahara (Operation Python) in 1991, although, finally, neither of these operations took place.

Early Signs of Disciplinary Problems

Although the Somalia mission was to be the CAR's last deployment and possibly its most troubled experience, the Regiment had faced numerous controversies and repeated upheaval in its short history. Structural and other organizational weaknesses within the CAR had become apparent by the mid-1980s. Its move from western Canada to CFB Petawawa in Ontario was also considered to have contributed to the Regiment's instability and subsequent disciplinary problems.

Concern that Special Service Force (SSF) and CAR soldiers were not conducting themselves with proper discipline was not new. Although troops returning from Cyprus in the fall of 1981 had been told by their Commanding Officer that they had carried out their duties in an "exemplary manner" and had "excelled" in operations, a barroom incident in Nicosia involving 1 Commando soldiers gave an early indication of disciplinary problems within the Regiment. In 1982, the new Commanding Officer noted with concern a growing laxness within the unit, which he attributed to its structure and to the manpower selection system in place.

By 1984, however, discipline at CFB Petawawa had deteriorated to such an extent that the SSF Commander was forced to take action. In a memo sent to base commanding officers, he warned of indications of a lack of control over soldiers, disobedience, increased incidences of impaired driving offences, inadequate control of stores, ammunition, equipment, pyrotechnics, and weapons, resulting in thefts or losses, and cases of assault. A 1985 incident in Fort Coulonge, involving a Canadian Airborne

soldier who had been embroiled in a brawl and killed a civilian with a machete, was a further impetus to the commissioning of a full review.

The Hewson Report

In 1985, the CDS ordered a study to review infractions and antisocial behaviour within Force Mobile Command, and in particular in the SSF of which the Airborne was a part. This study, known as the Hewson report, after its chairman, MGen C.W. (Bill) Hewson, then Chief of Intelligence and Security, made several observations and conclusions about the state of the CAR at that time. Issues raised in this report were to reverberate in the Regiment's experience in the months leading up to and during its deployment to Somalia.

The report concluded that the SSF displayed a higher rate of violent crime than other Force Mobile Command formations, and that the 1 Royal Canadian Regiment and the Canadian Airborne had a higher incidence of assaults than did other SSF units. Although the CDS had considered disbanding the CAR following the incident at Fort Coulonge, the report expressly refrained from making radical recommendations.

MGen Hewson had expressed the opinion that only mature, trained infantry soldiers should be eligible to serve in the Canadian Airborne, and that battalions and career managers needed to co-operate to ensure the suitable staffing of the Regiment. He observed as well that the Regiment's junior officers and non-commissioned officers needed to establish closer rapport with the soldiers.

While he acknowledged that most non-commissioned members were outstanding soldiers and leaders, he commented that some weak junior non-commissioned officers had contributed directly to the breakdown in discipline. He also noted some problems related to the disciplinary powers of the officers commanding the commandos and to the seeming reluctance of some commanding officers to empower non-commissioned members to lay charges. Finally, he recommended that qualified specialists examine the incidence of alcoholism at CFB Petawawa.

Senior officers in the CF appeared initially to support the conclusions and recommendations in the Hewson report. LGen Belzile, Commander Force Mobile Command, reported to the CDS that he intended to act quickly to address the problems within his sphere of responsibility. But by 1986 the Assistant Deputy Minister (Personnel) in DND, LGen John de Chastelain, wrote to Force Mobile Command headquarters advising that he considered closed the particular issues of disciplinary infractions and anti-social behaviour that had initially concerned them. He added that corrective actions regarding disciplinary matters would continue within a broader context in the CF. And over the longer term, MGen Hewson's recommendations attracted less attention.

The Commanding Officer of the CAR from 1990 until 1992 indicated in testimony before this Inquiry that the Hewson report never arose in discussions during the handover from the previous Commanding Officer, nor had he seen it or heard about it in the years of his Canadian Airborne appointment. Nevertheless, there were indications that the disciplinary issues that had prompted the Hewson investigation continued to manifest themselves within the Regiment as discussions took place for its deployment to Somalia.

Selection and Screening of Personnel

Evidence has indicated that the manning practices of the Canadian Airborne determined to some extent the methods used to resolve disciplinary and other problems of the Regiment, because the commanding officer did not have the flexibility of other battalions to move soldiers from one sub-unit to another to obtain a balance of experience and talent. Each contributing CF unit was expected to do its part to ensure that a significant number of its best candidates were sent to fill its quotas in the CAR. However, this obligation was not always met and, indeed, we heard evidence that at times, battalions would actually avoid sending their better candidates to the CAR.

The CAR apparently had a high turnover of personnel, as its troops were rotated back and forth from their parent units. Also, shortly before its deployment to Somalia, the Regiment had undergone a major reorganization that included a troop reduction from a strength of 754 to 601 soldiers of all ranks. It had also just lost its formation status, and its components, in turn, had lost their status as independent units. This meant that the Regiment was converted to a normal infantry battalion, with a commander at one rank lower (lieutenant-colonel) than before, and with the commanders of its commandos losing their CO status and requiring less experience as majors.

By July 1992, the CAR consisted of a headquarters commando of 124 soldiers, three company-sized commandos of 119 soldiers each, and a service commando of 120. Even though their status of independent commands had been lost, each of the three main commando sub-units remained independently manned by the three regular CF infantry regiments.

At the time CF officers were planning for the deployment to Somalia, avoidance of costly and disruptive repatriation and replacement of personnel from an operational theatre was the focus of pre-deployment screening of soldiers. In accordance with Canadian Forces Administrative Orders (CFAO) in effect at the time, emphasis was placed on administrative, medical, and family problems, as opposed to matters involving disciplinary concerns or other suitability factors.

Pre-deployment screening of the CAR and reinforcement personnel was the responsibility of the unit's Commanding Officer who was expected ultimately to certify the fitness and suitability of each member. In practice, however, these decisions were made by sub-unit commanders. The standard practice based on the CFAO was to consider a soldier's recent conduct and performance as well as the requisite training standard and disciplinary record. Final judgement in terms of discipline was based on the soldier's overall record rather than on the basis of a single incident.

Normal and continuous personnel review determined the professionalism and behavioural suitability of various individuals for service on UN operations, but this approach suffered from significant limitations. For example, in 1992, affiliation with racist groups was not, in itself, believed to be inconsistent with membership in the CF, nor was it grounds for release from military service or for the restriction of assignments, postings, or deployments.

However, incidents had occurred, both in the past and during the CAR's preparation for the Somalia mission, that indicated that an informal leadership at the junior rank level

presented a direct challenge to authority. This problem had been recognized by the legitimate leaders both within the Regiment and up the chain of command, and specific infractions in the fall of 1992 affirmed that it had not been resolved before deployment to Somalia.

Discipline breakdown within the Airborne's 2 Commando during preparations for Somalia was of particularly serious concern. This breakdown included disobedience of unit rules, socially unacceptable behaviour, and random criminal activity, ranging from the commando's mounting of the Confederate (or Rebel) flag in its quarters to reports of excessive aggression, damaging of property, the burning of a duty sergeant's car, unauthorized pyrotechnic explosions, and drunkenness.

Although the Commander of the CAR had taken steps to address the potential disciplinary challenge associated with the display of a Confederate flag, the flag reappeared in early October 1992 at the time of some serious disciplinary infractions.

A series of incidents took place on October 2 and 3, 1992, suggesting a grave lack of discipline in 2 Commando during training for operations in Somalia. In the evening of October 2nd, military pyrotechnics were exploded illegally at a party at the junior ranks' mess at CFB Petawawa. In the early morning of October 3rd, a vehicle was set on fire belonging to 2 Commando's duty officer, Sgt Wyszynski, who had reportedly called the Military Police following the disturbances at the mess. (This act resembled an earlier attack in 1990 on another officer who had responsibility for the enforcement of discipline. His car had also been burned.) Later that night, perhaps fearing their quarters would be inspected for illegally held pyrotechnics, various members of 2 Commando held another party, this time in Algonquin Park, at which they set off more pyrotechnics and ammunition.

Most officers and non-commissioned members responsible for discipline within the Airborne acknowledged that these incidents were serious infractions, and on October 6th, BGen Beno demanded an explanation of the events from Commanding Officer, LCol Morneault.

The day before BGen Beno's communication with LCol Morneault, three members of the Airborne (at least two from 2 Commando, MCpl Matchee and Pte Brocklebank, and a third unidentified individual) approached WO Murphy, 4 Platoon's sergeant-major, to report that they had participated in the party in Algonquin Park. Nevertheless, only Pte Brocklebank informed the sergeant-major that he accepted sole responsibility for the pyrotechnic discharges. Testimony before us from WO Murphy and MWO Mills, sergeant-major of 2 Commando, indicated that they viewed this 'confession' as taking the fall for the remaining participants.

Senior officers believed that 1 Commando and 3 Commando had lesser disciplinary problems, although there were reports of illegally stored personal weapons and improperly held ammunition. Videos showing degrading and violent behaviour during 1 Commando initiation sessions, which came to light following the Regiment's return from Somalia, also provide evidence of a serious breakdown in leadership and discipline within the Regiment.

The reaction of the Regiment's leadership to these infractions suggests that disciplinary matters were left unattended, even as the unit was preparing for an overseas mission. But they were not unnoticed. We were told that, following the two serious incidents in early October 1992, the CAR's CO, LCol Morneault, had sought the support of BGen Beno in threatening to leave 2 Commando behind in order to break the 'wall of silence' within that Commando. This recommendation was rejected by SSF Commander BGen Beno after consultation with the Commander Land Force Central Area, MGen MacKenzie. LCol Morneault was directed instead by BGen Beno to deal with the problem by redistributing soldiers from 2 Commando to other parts of the unit in an attempt to break up the "rebel" group.

LCol Morneault did not follow this recommendation, but chose to impose a collective punishment in an attempt to draw out the names of troublemakers. It was unsuccessful and was followed shortly after by the removal of LCol Morneault from command of the CAR, a dramatic and virtually unprecedented change in the midst of preparations for a deployment. The appointment of LCol Mathieu as the new Commanding Officer on October 26, 1992, and agreement to deploy the Canadian Airborne Regiment Battle Group (CARBG) in December 1992, on a revised operation, added further complications to the accelerated and increasingly tight time frame for planning for the mission.

Suitability of the CAR for Service in Somalia

CF estimates for the contingency plan for service in Somalia described the mission as comprising the probable tasks of port security, airfield security, convoy escort duties, distribution centre security, and base camp security. Force Mobile Command officers were concerned that the UN estimate of the number of troops needed was inadequate to carry out the likely tasks. They stressed that the UN proposal was not driven by operational considerations but by finances.

NDHQ changed the number and make-up of the infantry companies and also increased the vehicles for each. Some senior officers considered even this revised structure barely adequate to handle the anticipated tasks for the mission. At this time, BGen Vernon in a covering letter forwarded with the plan to the Department of External Affairs and the DCDS on September 3, 1992, recommended that there should be no acceptance of a lesser capability than that presented in the proposed plan, in view of the operational risks involved in the mission.

The CDS was also briefed about the difficulties in developing Canada's plan for participation because of the limited UN concept of operations. Many issues were not addressed, according to the Canadian military assessment, including the needs of the civilian population in Somalia, the UN plan for the military component of the force, the need for more information as to tasks and boundaries, and the timetable for deployment.

At the time of deployment to Somalia, the CAR's role was to provide rapid deployment forces for operations in accordance with assigned tasks, primarily to participate in support of national security or international peacekeeping. The Regiment's primary task in the normal peacetime state (its standby phase) was to be prepared to go anywhere in the world as a light infantry battalion for peacekeeping operations.

However, given the restructuring of the Regiment, when planning began for the UN mission, which had been given the name Operation Cordon, it was not anticipated that the Canadian Airborne would go alone. The Warning Order for the force indicated that reinforcements would be required from other units. (These and subsequent orders relating to Operation Cordon referred to the 'Canadian Airborne Battalion Group' until after the suspension of the UN mission. With the emergence of Operation Deliverance, the term Canadian Airborne Regiment Battle Group came into use.)

A number of factors contributed to BGen Beno's assessment of the CAR in the context of the planned restructuring of the regiment as an independent entity. He had stated in a letter to MGen MacKenzie that "if there was a battalion that needed firm direction and leadership, it is the Canadian Airborne Regiment." Documents in evidence and testimony before us indicate that these factors were known to senior officers at the time the Regiment was selected to go to Somalia. These factors were changes as a result of the reorganization which gave the officers commanding (OCs) of the Commandos more limited powers to discipline soldiers under their command; a change in the required level of experience of these OCs; changes to the manning levels and composition of the Regiment resulting in administrative difficulties which meant that preparations for deployment would require more time; frequent changes in personnel, both at the senior officer level and down through the ranks; and unresolved personal conflicts and disciplinary matters.

Because of these concerns, the suitability of the CAR for Operation Cordon ought to have been an issue, but was not. Its nominal status as the standby peacekeeping unit, the recent cancellation of its assignment to the Western Sahara, and concern for the unit's morale seemed to prevail as the bases for its ultimate deployment. Assuming the Regiment was a balanced, disciplined unit, the time period for training for Operation Cordon is considered by the Inquiry to have been sufficient for an adequate level of preparation. But commanders and staff officers at all levels never questioned their assumption that the Airborne was trained, disciplined, and fit for deployment. Evidence provided to us suggests that the state of the Airborne was clearly and definitively not what it was assumed to be.

MISSION PLANNING

Operation Cordon

A formal Warning Order for Operation Cordon, Canada's contribution to UNOSOM, was made two days after the press announcement, on September 4, 1992, reflecting the statement of mission and tasks as they had been defined at the time. Members of the CF who were to be a part of the operation were placed on active service after an order in council was issued and tabled in the House of Commons, in accordance with the usual practice for such commitments. In a response to the UN, Canada confirmed that the agreement was for one year only, and that Canada was to be relieved permanently from its involvement in the UN operation in the Western Sahara.

The Canadian troop contribution to UNOSOM consisted of the CAR operating as a mechanized infantry battalion, which, at the time, included two Armoured Vehicle General Purpose (AVGP) companies; one dismounted company which eventually was

represented by 2 Commando; a headquarters/combat support company which included the regimental headquarters for the battalion group headquarters; a signals platoon; a reconnaissance platoon; a mounted reconnaissance platoon; and a direct fire support platoon. It had a total of 750 service members broken down in a headquarters commando of 132 soldiers, three infantry commandos of 110 soldiers each, an engineer squadron of 106 soldiers, and a service commando consisting of 182 personnel.

Within the context of the UNOSOM plan, CAR was to be responsible for the area in and around Bossasso. To support the Canadian ground forces, a naval supply ship, HMCS *Preserver*, was to stand off Bossasso to provide communications, combat and general stores, casualty evacuation, medical and dental services, and bulk fuel. Additionally, an air detachment of Hercules transport planes was deployed to Nairobi, Kenya, to fly humanitarian relief food and supplies into Somalia as part of the UN international airlift - s--sOperation Relief -- organized earlier in 1992. This airlift would also be available to support Operation Cordon.

Reconnaissance

Shortly after the Warning Order was issued, a delegation of Canadian officers met with UN officials in New York for briefings on the political situation in Somalia and on operational arrangements for the deployment of UNOSOM forces. Included in the Canadian contingent was LCol Paul Morneault, at that time still CO of the CAR.

LCol Morneault reported that the briefing had been well structured and thorough but that little new information had been presented. However, another Canadian officer who was present expressed concern that other member states had not made troop commitments. He also observed that standing operating procedures for the mission were undeveloped and that, in a mission such as UNOSOM, where there appeared to be no identifiable enemy, any show of force would prove to be a continuing challenge to the Canadian CO.

Early in October 1992, Canada was finally authorized by the UN to send an advance party to Somalia for a reconnaissance. On October 12th, the group left for Somalia to try and confirm operational details for Canada's contribution. Members of this team included LCol Morneault, representatives from NDHQ and the CF, an officer from the Directorate of Peacekeeping Operations, and eight soldiers from the CAR.

Although it was considered to be somewhat late in planning for Operation Cordon, the October reconnaissance mission was critical to an understanding of some of the subsequent events. For the first time, reports from this team indicated that there could be changes to the tasks outlined in the contingency plan and the UN concept of operations. The reconnaissance revealed that humanitarian aid distribution in Bossasso had improved and that conditions in the region had stabilized.

The report also described revised, though still somewhat general, tasks for Operation Cordon: base camp security, reconnaissance convoys, and some port and airport security. There was no apparent need for aid distribution centres, nor were security convoys seen to be necessary. While concluding that the tasks were well within the UNOSOM mandate, members of the reconnaissance team stressed the need to monitor the situation.

Defining the Mission and Tasks

Changes to the tasks in the north-east sector, which had been assigned to Canada, were of major concern to Canadian officials because both the Department of National Defence and the Department of External Affairs wanted Canada to play a major part in the delivery of humanitarian relief supplies in Somalia. The revised concept of operations for the Canadian troop contribution allowed for mounted patrols to secure aid, but generally the Canadian presence was simply to show the flag.

Following discussions within DND on the revised mission plan for Operation Cordon, Col Bremner, Director of International Policy at DND, conveyed the Department's concern to the UN that the proposed role for Canadian troops, although within the broad UNOSOM mandate, was not necessarily the most appropriate role for the CAR. It was pointed out that until the reconnaissance report revealed an improved environment around Bossasso, the Airborne had been preparing for a security task for the delivery of humanitarian aid.

There was little indication following this communication with the UN that Canadian officials were persuaded that the tasks in Bossasso were suited to the CAR or to Canada's proposed organizational structure. At the UN, further clarification of the mandate was sought unsuccessfully, but shortly after, during November 1992, events transpired that led to an even more dramatic change in the mission. The original mandate for the Canadian unit's participation in UNOSOM had become irrelevant.

Preparation of the CAR for Deployment

Developing a Training Plan

Even before the Warning Order had been issued, CAR staff had begun to develop a training plan for Operation Cordon, although overall responsibility for the design and implementation of the plan rested with LCol Morneault as Commanding Officer of the Regiment. While planning at senior levels of Defence and External Affairs continued to evolve around the status of Canada's participation in UNOSOM, LCol Morneault provided input to the plan, drawing on information he had received orally from various sources, results from an earlier reconnaissance visit, training plans, and after-action reports from Operation Python, as well as other details based on his knowledge and personal experience.

CAR staff recognized that the mission had to be mounted quickly but viewed it as an unprecedented operation requiring extensive research, including a review of files from previous missions such as Cyprus and other operations on the African continent. Subsequent information provided to us indicated that written (that is, doctrinal) material from CF manuals was found to be very limited, but staff had also sought input from parent regiments to provide details for the training plan.

The first draft training program for Operation Cordon was forwarded by the CAR training officer to his superiors at SSF headquarters on the same day the Warning Order was issued, September 4, 1992. It provided a summary of regimental and commando level training activities to be conducted in mid-September in preparation for deployment. However, in spite of the efforts put into its preparation, it appeared much later that there

was disagreement on whether the proposed schedule of training tasks represented a plan or a summary, and on whether its implementation would result in the regiment being ready on time.

Disagreement among Senior Officers

In any case, differences in perception among senior officers as to the satisfactory nature of the training schedule for Operation Cordon would later appear in individual accounts of the training process. LCol Morneault's superior officer, BGen Ernest Beno, had sought in a series of conversations and meetings to bring to LCol Morneault's attention his concept of an acceptable training plan. By mid-September 1992, written directions were issued for a training exercise, called Stalwart Providence, with the express aim of confirming the operational readiness of the CAR.

Two days later, BGen Beno and LCol Morneault were scheduled to meet for a review of training activities and other Operation Cordon preparations. Later evidence suggests that BGen Beno was concerned that LCol Morneault had not focused on the kind of training required or how it was to be managed. LCol Morneault, on the other hand, testified that although BGen Beno had told him during a telephone call that staff at SSF headquarters were dissatisfied with details on the training plan provided by CAR staff he came away from that conversation with the understanding only that he was to deliver a training plan through the chain of command, and not necessarily that it should include formal aims, objectives, and scope of training details.

A new package of training schedules and summaries was presented by LCol Morneault and his staff for the time period from September 8 to October 2, 1992, to be followed by the Stalwart Providence training exercise, to take place between October 3 and 9, 1992. It was apparent by this time that unexpected events at the UN and in Somalia were affecting the overall timing for UNOSOM, creating the likelihood of a delay in the deployment of Canadian troops.

Stalwart Providence Training Exercise

On September 22, 1992, BGen Beno sent LCol Morneault a detailed training direction for Operation Cordon. The document stated that its intention was to assist in the preparation of the battalion group for the UN operation in Somalia, to lay the foundation for Stalwart Providence, and to provide a means for declaring the unit's operational readiness.

BGen Beno had included three basic rules in the training order, which he believed should govern the conduct of any peacekeeping operation and therefore underlie any preparatory training. These rules were that there was to be a minimum use of force, a maximum use of deterrence, and conflict resolution at the lowest possible level. He also set out directions for individual and collective training to be completed by mid-October.

LCol Morneault stated in his testimony before us that he did not see BGen Beno's training direction until he had returned from UNOSOM planning meetings at UN headquarters on September 28th. Evidence before us indicates that by this time communication between these two officers was seriously lacking. Although it seemed a bit late for the issuance of any written guidance, LCol Morneault had not interpreted BGen Beno's direction as an expression of concern, in part because the SSF headquarters

had also issued a training direction for Operation Python a year earlier. As delays in the mission planning continued, the training plan continued to evolve. Additional time was scheduled for weapons training and commando exercises, and Stalwart Providence was rescheduled to run from October 14 to 18, 1992.

Dismissal of the Commanding Officer of the CAR

It appeared at first that BGen Beno and LCol Morneault had agreed on the purpose of Stalwart Providence, but as events unfolded, their individual accounts provided to us indicate that the exercise had taken on different purposes for each officer. Their basic difference was on whether it was a training or a confirmatory (i.e., testing) activity, and whether it was intended to be a test of the leadership of LCol Morneault himself. (This confusion could possibly have been explained by the lack of clear policy or doctrine within Force Mobile Command about the need for such an exercise in advance of a UN mission.)

When the dates for Stalwart Providence were set, it was not known that LCol Morneault would be away from his unit. He was to have participated in a reconnaissance mission to Somalia authorized by the UN, but it had been delayed while the UN negotiated with Somali factions. However, by October 21, 1992, LCol Morneault had been relieved of his command of the CAR. Subsequent information indicated to us that this decision had been made based on his superior officers' loss of confidence in the CO, rather than because of any action, lack of action, or other specific factors that preceded this unusual development.

Although there was a general view that the CAR was ready for overseas deployment, officers closer to the unit appeared not to be so sure. Shortly after receiving the Warning Order, BGen Beno had spoken to LGen Gervais to express his "concerns relevant to the command and training preparations" of the regiment. LGen Gervais' response to BGen Beno was, in effect, 'take care of the problem'. Other difficulties were also apparent.

Reorganization and the reduction of staffing of the CAR had affected the functioning of the unit, especially 2 Commando, which experienced a larger turnover of officers and junior leaders than had the other two commandos. The development of the rules of engagement for Operation Cordon was delayed, and the resulting uncertainty created difficulties in addressing the training requirements for the troops, some of whom were newcomers to their Airborne tasks. The CO of the Royal Canadian Dragoons, LCol MacDonald, reported that some CAR members were not interested in the specialized training they needed, and that overall discipline was lacking.

BGen Beno was aware that LCol Morneault was concerned and frustrated with "internal disciplinary problems" within the unit. Throughout the training period for Operation Cordon, repeated incidents indicated a serious breakdown in discipline and unit cohesion. LCol Morneault's attempts at discipline had, according to some testimony before us, the opposite effect of what he had intended.

Despite the recognized and unresolved disciplinary matters, LCol Morneault reported to BGen Beno on October 9, 1992 that the CAR would be ready to undertake its UN mission in Somalia after the planned regimental exercise. However, the same day BGen Beno told his superior, MGen MacKenzie, that he had "no confidence" in LCol

Morneault. In mid-October, while LCol Morneault was out of the country on the reconnaissance mission to Somalia, BGen Beno sent a message about LCol Morneault to MGen MacKenzie, while he was on a visit with other members of the Army Council to U.S. army installations in the United States. Discussions took place about LCol Morneault's leadership of the regiment at an ad hoc meeting of the Council, and a recommendation was made to LFC Commander LGen Gervais, who effectively would make the final decision.

BGen Beno also sent a letter on October 19th to MGen MacKenzie that the Canadian Airborne's training deficiencies and administrative and disciplinary problems had not been resolved, adding that if the unit "was to be adequately prepared for its mission, it was necessary to replace LCol Morneault." Reasons given were that the battalion was not adequately trained, there were unresolved leadership, disciplinary, and operational matters, and the regiment had major problems of internal cohesion, control, standardized operating procedures, administration and efficiency.

On receiving approval for the removal of LCol Morneault, BGen Beno informed LCol Morneault that he was relieved of command on October 21, 1992, a decision that was to be challenged later by LCol Morneault. (BGen Beno had also told MGen MacKenzie on October 20th that training for Operation Cordon was complete, except for individual training for some additions to the battalion group. He added that the CAR could be "employed" as a part of UNOSOM, even though it was not administratively "ready to deploy.")

UN Reviews UNOSOM

While the UN proceeded with its plan for UNOSOM and the CF prepared for the deployment of its contribution, Operation Cordon, throughout October and November 1992, the security situation in Somalia continued to deteriorate. In late November, the Secretary-General wrote to the Security Council, warning that it might become necessary to "review the basic premises and principles of the United Nations in Somalia".

At a meeting the following day, the UN Security Council requested that the Secretary-General propose options to break the impasse in Mogadishu, and while these options were being developed, the Acting Secretary of State of the United States told the Secretary-General that the United States was willing to lead a peace enforcement operation in Somalia. Its sole object, according to the Secretary of State's presentation, was to stabilize the situation throughout Somalia, using force if necessary, so that UNOSOM could resume and continue its mission.

There are indications that the UN and many of its member states were taken by surprise by this offer. The proposal had also raised some difficult issues around the appropriate role of the UN in such an operation. Nevertheless, on November 29, 1992, the Secretary-General presented five options to the Security Council, two of which were modelled on the Chapter VI (peacekeeping-type) UNOSOM mission, and three others, including the U.S. offer, that envisaged action taken under Chapter VII (peace enforcement-type) of the UN Charter.

The Secretary-General argued that for any operation to be effective, given the situation in Somalia, it would have to be conducted under a Chapter VII mandate. He also expressed

doubt that a simple show of force in Mogadishu would solve the problem throughout the country. Although the Secretary-General preferred the option that called for a country-wide peace enforcement operation under the command of the UN, he doubted its feasibility and therefore recommended the U.S. -led peace enforcement operation.

The wisdom of carrying out the UNOSOM mandate and the U.S. plan simultaneously was debated at the UN. Canadian officials took the position, supported by the U.S. State Department, that the Canadian deployment to Bossaso could continue, although details on how this arrangement would operate were not set out. This "Canadian option" was supported by members of the Security Council but not by the Secretary-General. He believed that a traditional peacekeeping mission such as UNOSOM and a peace enforcement action should not take place concurrently.

Suspension of Operation Cordon

On December 2, 1992, at the request of the Secretary-General, the Canadian deployment to Bossaso was suspended, less than two weeks before Col Labbé, the officer appointed to head Canadian Joint Force Somalia, arrived in Mogadishu to establish the Canadian headquarters for its changed mission. Until this time in the decision-making process concerning a Canadian role in the U.S.-led Unified Task Force in Somalia (UNITAF), NDHQ had not appeared to play any significant role in the developing situation.

Gen de Chastelain had requested as early as November 27th that communications be established with the Pentagon to determine U.S. intentions with respect to Somalia. A few days later, at a senior defence officials' daily meeting in Ottawa, it was noted with concern that the U.S. plan appeared only to involve security for the distribution of aid rather than assistance in the re-establishment of law and order.

By December 2nd, with UNOSOM suspended and the Bossaso deployment less likely, Gen de Chastelain telephoned the Chairman of the U.S. Joint Chiefs of Staff, Gen Colin Powell, to ask about the American position and to express his own views. He indicated that it was his personal position (not the government's) to continue with the deployment to Bossaso, but only if it were to take place immediately. He also emphasized the capabilities and readiness of the CAR and suggested that if there was going to be an open-ended delay, then his preference was to join the peace enforcement operation.

The UNITAF Peace Enforcement Mission

U.S.-Led Multi-National Coalition

On December 3, 1992, the Security Council met and authorized a Chapter VII peace enforcement mission to Somalia. Under Chapter VII of the UN Charter, Resolution 794 sanctioned the multi-national dispatch of peace enforcement troops, authorizing the use of "all necessary means" to establish a secure environment for relief operations in Somalia. The operation was to be commanded by the United States and funded by member states, not the UN.

Its mandate, briefly stated, was "to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia". On December 4th, the President of the United States directed the execution of Operation

Restore Hope, to be carried out by a multi-national coalition known as the Unified Task Force Somalia, or UNITAF.

Canada's Agreement to Join UNITAF

On the same day that the United States formally assumed the leadership of UNITAF, the government of Canada announced that it would contribute to the U.S.-led operation in Somalia. This decision was made by the Ad Hoc Committee of Ministers on Somalia, following a request made by President George Bush to Prime Minister Brian Mulroney.

The President's invitation to the Prime Minister for Canada to participate in the U.S.-led mission followed shortly after the conversation between Gen de Chastelain and Gen Powell. Gen de Chastelain again called Gen Powell to advise him that he would initiate staff contact between NDHQ and the Pentagon to discuss the possibility of Canadian involvement in the peace enforcement action.

DND began in earnest to analyze the possibility of participating in the U.S.-led mission after December 1, 1992. Only three very cursory written assessments (one by LCol Clark of the Directorate of International Policy, a second by the Canadian Operations Staff Branch (J3) Plans desk officer, Cdr Taylor, and the third, an unsigned document) were done at NDHQ before Cabinet was briefed on December 4, 1992. (These assessments noted generally that plans for a U.S.-led operation should be based on the force configuration and support structure already earmarked for UNOSOM.)

At the Cabinet briefing, Gen de Chastelain and Mr. Fowler presented two options for consideration by Cabinet: immediate participation with an augmented force in the UNITAF peace enforcement mission, expected to last eight months; or participation 9 to 12 months later in a resurrected UNOSOM for one year. Normally, a recommendation would have been provided to Cabinet, but in this situation only the options, with accompanying financial and logistics analyses, were presented. The CDS and the DM accounted for this approach with the explanation that the Department of External Affairs had been designated the lead department on this issue.

The Ad Hoc Committee of Ministers on Somalia considered the advice of External Affairs and the information provided by National Defence and decided that Canada should participate "for the duration of the UN military peace enforcement operation (an estimated nine months) with a properly supported battalion-sized force of up to 900 troops", stating as well that "Canada therefore would not participate in any subsequent peacekeeping operation in Somalia".

Factors Affecting Canada's Decision

There were several important considerations in the development of the options for the Cabinet briefing, many of which, it appeared, actually favoured participation in the U.S.-led peace enforcement mission. These factors included the fact that the CAR was assumed to be ready and anxious to go on an operation; that senior CF officers desired a prominent military role in any mission; that some planners felt that the decision to participate in UNITAF had already been made, thus reducing their function to justifying the decision; that the peace enforcement mission was more sustainable given other CF

commitments; and that media attention on the situation in Somalia required immediate political and/or military action.

The fact that the CAR was assumed to be ready and anxious to go appears to have been one of the most important factors favouring participation in the U.S.-led peace enforcement mission. Gen de Chastelain later testified before us that as well as having a unit ready to go, there were ships already loaded and en route to the area, and a reconnaissance had been conducted. Although Col Bremner stated in his testimony that the fact that HMCS *Preserver* was en route to Bossasso would have had no impact on the decision to participate in the mission, his direct superior, Cmdre Cogdon, and Gen de Chastelain both agreed that this was a prime factor.

Senior Canadian military officials also believed that Canada needed to secure a prominent role in a more high-profile mission, partly to satisfy the media, which, it was felt, had noted Canada's omission from significant action during the Gulf War. The CDS noted in his record of a conversation with Gen Powell that "a role that was seen to be secondary would not sit well with the troops, with me, with the Government or with Canadians". Another officer reported that he had been directed by the CDS to "make it happen and jump on the bandwagon as quickly as possible". He indicated that doing a full military analysis ("estimate") of the situation would have prevented the CF from getting involved "at the front end of the situation".

Change in Mission -- Operation Deliverance

Canada's contribution to the U.S.-led UNITAF coalition was called Operation Deliverance. UNITAF was mounted under a mandate similar to that used in Korea in the 1950s and in the Gulf War some 40 years later, and Canada's contribution consisted of an infantry battalion of 900 troops, replacing the earlier commitment to UNOSOM of 750 personnel. Originally, then, Canada was to have participated in a traditional Chapter VI peacekeeping-type operation in support of humanitarian relief distribution in the northern area of Somalia around Bossasso. Now it was to participate in a Chapter VII mission that authorized the use of force to accomplish the goals of the mission.

When the government of Canada decided to participate in the U.S.-led peace enforcement operation, it had not committed CF members to carrying out a specific mission. Defining the operational mission in theatre was placed in the hands of Col Labbé by the CDS. He was given little guidance, but urged to move as quickly as possible to secure a high-profile mission. On December 6, 1992, the Canadian contingent was assigned initial responsibility for maintaining security at Baledogle airport. On December 19th, after consultation with the UNITAF commander, Canada's ultimate mission was finally assigned. The Canadian contingent was to be responsible for security in the Belet Huen Humanitarian Relief Sector, one of eight such sectors established under UNITAF.

One of the most significant alterations for this revised mission was the reinforcement of the CAR to give it the personnel and capabilities necessary to counter situations in the more volatile location of its changed area of responsibility. The newly formed CARBG was to consist of, in addition to the Canadian Airborne Regiment, A Squadron, Royal Canadian Dragoons, the mortar platoon from 1st Battalion, The Royal Canadian

Regiment, and 2 Combat Engineers Regiment, with additional minor changes in the CAR itself.

LCol Carol Mathieu, who had replaced LCol Morneau as Commanding Officer of the CAR, began the reorganization of his unit for Operation Deliverance on December 8, 1992. He made structural and operational reductions to the unit based on the immediate task of the Canadian advance party, which, according to UNITAF's plan, was to arrive in Somalia on December 13th to maintain security at the Baledogle airport. LCol Mathieu's main body of troops was scheduled to go to Somalia between December 27th and 31st.

OPERATIONAL READINESS

Rationale for the Declaration of Readiness

One of the important elements in planning for the deployment of CF for any mission or operation is the overall preparation of the troops leading to a declaration of operational readiness. The CAR had received its Warning Order for Operation Cordon in September 1992 and trained throughout the autumn of that year for the mission. It was declared operationally ready by BGen Beno, Commander of the Special Service Force, on November 13, 1992. On that day, Col O'Brien and Cmdre Cogdon, senior staff officers at NDHQ, had bypassed the chain of command to ask BGen Beno specifically about the state of readiness of the CAR for Operation Cordon. BGen Beno testified later that he had responded that "based on my judgement [the CAR] would be [ready] within a few days".

Subsequently, the CAR and necessary reinforcements were regrouped into the CARBG and warned for Operation Deliverance on December 5, 1992. The CARBG was not declared operationally ready until December 16th, even though the unit's advance party had already been deployed. Until the decision to participate in UNITAF every operational activity, training event, and logistics preparation had been aimed at preparing the Canadian Airborne for operations near Bossasso.

The determination of operational readiness took a number of factors into consideration, all of which were based on the ultimate purpose and tasks of the planned mission. The concept is defined in CF doctrine as "the state of preparedness of a unit to perform the missions for which it is organized or designed". In the army, readiness is associated with operational effectiveness -- the degree to which operational forces are capable of performing their assigned missions in relation to known enemy capabilities.

Although there was no formal standard for measuring operational readiness in Force Mobile Command units at the time of pre-deployment preparations, there are certain military notions that could have guided commanding officers in the determination of their units' operational readiness. These ideas would likely include a clearly defined mission and concept of operations appropriate to the mission; well trained and experienced officers and junior leaders; a unit organization with weapons and equipment suitable for the mission; adequate training for all personnel in tactics, procedures, and operations of weapons and equipment; well organized and appropriate command and control systems for the mission; logistics and administrative support for the mission; and good morale, strict and fair discipline, and a strong sense of cohesion and internal loyalty.

In the case of Operation Deliverance, the specific mission was not known in detail until after members of Canadian Joint Force Somalia (CJFS) arrived in Somalia and, with this uncertainty, it would not have been possible to make an objective assessment of either operational readiness or effectiveness before the force was deployed. Notwithstanding the lack of objective standards and evaluations, and the existing pressures to hurry the deployment, there was, and still is, confusion among CF officers and staff at NDHQ about the distinction between a unit that is ready to be deployed and one that is ready for the military mission it is intended to perform.

Chain of Command Responsibilities

The Commander Land Force Central Area (LFCA), MGen MacKenzie, had been directed in operation orders to declare, in writing, the readiness of the CAR for deployment for Operation Cordon. In the original order, operational readiness for the purpose of Operation Cordon's deployment was defined as "the capability of a unit/formation, ship, weapon system or equipment to perform the missions or functions for which it is organized or designed". MGen MacKenzie delegated the responsibility for this declaration to BGen Beno.

Following the cancellation of Operation Cordon, MGen MacKenzie and BGen Beno were alerted to the pending new mission. While staff adjusted their plans before deployment for the U.S.-led operation, there appeared to be little concern at more senior levels about the effects of the changes and the short planning time for determining the actual state of readiness of the newly organized CARBG.

Although there were similarities between Operation Cordon and Operation Deliverance, it eventually became apparent that there was a sufficient number of critical differences between them to raise questions as to whether the declaration of operational readiness for Operation Cordon should have been considered valid for Operation Deliverance. As already indicated, Operation Deliverance involved a deployment of CF on an uncertain mission, in a different region of Somalia, under new command arrangements, and with a changed force structure and different rules of engagement. Moreover, having just completed a stressful change of its command and unit restructuring, the CAR was still attempting to deal with leadership, unit cohesion, and discipline problems.

Although the reorganization of the Canadian unit might have been seen to provide ample reason to reassess the readiness of the newly formed group, senior officers did not appear to have been alerted to the need for a specific assessment and declaration of operational readiness of the CARBG for Operation Deliverance. However, the Defence headquarters operation order for Operation Deliverance did not ask for such a declaration.

Despite the absence of a formal requirement for a declaration of operational readiness from the CDS, the Commander LFC, LGen Gervais, realized when Operation Deliverance was announced that a new declaration of readiness would be necessary. Accordingly he ordered MGen MacKenzie, in an operation order of December 9, 1992, to provide a declaration of operation readiness for the CARBG. Later testimony revealed that it is not clear whether MGen MacKenzie gave written or oral orders to this effect to BGen Beno, nor was it determined that he had taken any other action to comply with the order from LGen Gervais.

At the level of the Battle Group, many junior officers were aware of problems associated with the new structure. It had been in existence for less than a month and the new sub-units brought in to augment the CAR had not been warned, trained, or tested for a mission outside Canada. Maj Kampman, the officer commanding A Squadron, Royal Canadian Dragoons, received his troop's Warning Order for Operation Deliverance on December 3, 1992, and he was placed under the command of the CAR only a few days later.

In his testimony before us, Maj Kampman stated that he did not know LCol Mathieu and they had never worked in the field together. He also stated that he felt he was under considerable stress, partly because he had only 10 or 12 days to prepare for deployment, but also because he did not understand the mission, had no clear explanation of the command arrangements in Somalia, and was provided with very limited intelligence reports of the expected area of operations. In particular, Maj Kampman discussed with LCol Mathieu his concerns about the state of readiness of his squadron and the hasty organization and lack of training in the battle group. He noted in particular that he expected that they would have a problem with the rules of engagement because his soldiers had not been trained on any rules whatsoever.

According to the evidence, there was confusion in the sequence of events relating to the declaration of operational readiness for Operation Deliverance. From that confusion the following events occurred. NDHQ sent a message to Land Force Central Area headquarters and Special Service Force on December 10, 1992, asking for a confirmation of readiness. A declaration was issued by BGen Beno's SSF headquarters on December 16, 1992. This was followed by a declaration to the same effect 24 hours later by Land Force Central Area headquarters, and on December 18, 1992, the Commander LFC forwarded a declaration to NDHQ. By this time, the CARBG's advance party had departed for Somalia.

Information Gathering to Assist in Mission Planning

Another aspect of mission planning is gathering necessary information to assist in the overall preparations. There were a number of fact-finding missions to Somalia in 1992, although only one was intentionally focused on the pending Canadian operation, Operation Cordon. Two UN technical missions went to Somalia, in March and August 1992. The March visit included Col Houghton, a staff officer in the peacekeeping section at NDHQ, as a member of the UN technical team. This mission produced a detailed report for the UN, which was made available to Canada for mission-planning purposes.

The Secretary-General used the reports of these technical missions to inform the Security Council about the current situation in Somalia. Planning staff at NDHQ considered the information useful for the purposes of policy analysis and the development of options because it provided details about an area of potential operation. In this instance, the reports had recommended that the UN objective could be accomplished through the deployment of "observers" and "security escorts", the latter to be drawn from a "security battalion".

The UN reconnaissance report also noted that a UN mission could be affected negatively by a number of factors, including the absence of a host government authority, antagonism

among the parties, meagre infrastructure, complete lack of a reliable communications network, and a high incidence of serious crime. The report of the Secretary-General that followed this reconnaissance clearly described a "humanitarian assistance" mission.

The reconnaissance report did not make assessments specifically focused on the potential operations of any specific participating member state. Nor had Col Houghton prepared a report or made recommendations concerning Canada's possible role in a UN mission. Eventually, both reports from the UN technical missions were studied at NDHQ, leading to the recommendation by the CDS and the DM against any Canadian participation in the area at that time.

A CF reconnaissance, to support the pending deployment to Somalia, left Canada for Somalia on October 12, 1992. This mission was led by Col Houghton and included, among others, headquarters logistics and movements staff, representatives from Maritime Command, Air Command, LFC, and the CO of the CAR, at the time LCol Morneault. This party gathered information for the deployment of the CAR battalion group to Bossasso under Operation Cordon. Its report provided the substance of a briefing given to the CDS and the DM on October 21st, and for planning and orders prepared later at Defence and supporting headquarters.

The composition of the reconnaissance team was considered important because it included officers who would have responsibility for planning and conducting the operation. The mission was meant not only to gather information but also to provide these officers with some familiarity with conditions on the ground once the unit was in Somalia. Both Col Houghton and LCol Morneault considered the reconnaissance useful. LCol Morneault's enthusiasm was reflected in his report, which included details of the location of the camp, sites for the camp's defences, and a number of other administrative requirements.

An important purpose of the reconnaissance was to inform the planning process for the deployment of Canadian troops to Bossasso. The entire logistics and materiel support plan was to be based on the use of HMCS *Preserver* as the provider of fresh water, rations, and other essential commodities. Planners in the reconnaissance party and at NDHQ understood the central role of the replenishment ship to Operation Cordon. Their concept of support involved the understanding that HMCS *Preserver* would be "alongside in Bossasso", that is, a short distance from Bossasso in the Gulf of Aden, to provide an offshore base for resupply of the CAR once it reached its area of responsibility in Somalia.

Subsequent decisions to change the nature of the mission and the deployment area within Somalia affected the ultimate value of the October reconnaissance, to the extent that LCol Mathieu would later state that it was of no value at all for the purposes of the CAR's role in Operation Deliverance. Among other changes, LCol Morneault had been relieved of his command; neither LCol Mathieu, as his replacement, nor Col Labbé, as Commander CJFS, had time to conduct a reconnaissance as a part of the new mission; the composition of the field force had been changed from a CAR-reinforced battalion group to the CARBG (representing an increase of approximately 150 personnel and a different composition of reinforcements); and none of the new unit officers had been on the October reconnaissance.

The Essential Elements of Logistics and Materiel

A UN technical mission visited Somalia in August 1992 to study the logistics problems likely to be encountered by the UNOSOM force. Although no CF officer was a member of the group, the mission was significant because it visited 11 locations in Somalia, including Bossasso and Belet Huen, and the findings were subsequently made available to Canadian planners.

Two particular issues were highlighted in the report of the UN's technical team: the virtual absence of an infrastructure throughout Somalia, and the difficulties of obtaining services and supplies for troops based there. Under these circumstances, the report indicated that the logistics challenge would be to construct an entirely self-sufficient deployment and resupply system. The logistics problems identified by the technical mission occupied and tested Canadian logistics planners for both operations Cordon and Deliverance.

The UN technical mission report after an August 1992 reconnaissance stated that nearly all food for UN troops would have to come from abroad, but apparently it had underestimated the water requirements for individual military personnel. Fuel, specialized vehicles, spare parts for equipment and vehicles, weapons and ammunition, generators, tents and other camping equipment, sandbags, wire, and water were identified in the report as some of the most important kinds of materiel for the deployment.

An early premise of logistics planning was that the basic supply lines would extend the whole distance from Canada to Somalia. This planning also had taken into account the changes to the structure of the Canadian Airborne in the summer of 1992, which included losses of logistic capability. One possible option to offset these problems was the organization of a National Support Element (NSE) to provide what was referred to as second- and third-line support, which would allow for supplies and equipment once in Somalia to be forwarded directly to Canadian personnel.

When the CARBG finally went to Somalia, however, only the CAR's service commando and a few second-line elements accompanied it. An NSE component was not put in place officially as a sub-unit of the CJFS headquarters until about two months after the troops had arrived.

Early in September 1992, Canada had received UN guidelines for governments that were contributing military personnel to UNOSOM. These guidelines stipulated that logistics planners should provide for troop self-sufficiency for at least 60 days after deployment. This goal had also informed the planners of Operation Deliverance, although shortly after the deployment had occurred, it was realized that the 60-day time period was inadequate.

Logistics matters had also been addressed during the October 1992 reconnaissance trip to the Bossasso region for Operation Cordon. A report submitted in late October by LCol Mathieu suggested that Canadian planners had already identified some of the potential logistics problems. The Canadian resupply ship HMCS *Preserver* was to have anchored offshore near the port of Bossasso, but LCol Mathieu's report indicated that the port was too small to accommodate the ship and that another type of vessel would be required instead.

Logistics planning during the early stages of Operation Cordon preparation was affected by a UN request that Canadian troops deploy as soon as possible. The cancellation of Operation Cordon leading to the new mission, Operation Deliverance, with its accompanying changes to location, manpower, and unit structure, further tested the logistics planning capabilities of the CF.

Operation Deliverance was a complex mission, made more so by a change in the location of the deployment, to Belet Huen, which required that Canadian planners coordinate with U.S. logistics activities. Once the projected area of operations had changed, there was little time to make the necessary alterations to the logistics/materiel planning already in place. Once the main body of Canadian troops began arriving in Belet Huen, it appeared that there was little opportunity to make adjustments to supplies, most of which were already en route to Somalia at the time the mission was changed.

Once supplies had been brought ashore, the task of transporting them to the CARBG in Belet Huen was far greater than the expected arrangement had been for Operation Cordon in Bossasso, where the troop's base camp was only three kilometres inland. Operation Deliverance logistics planners initially had to contemplate transporting supplies from the resupply ship (offshore from Mogadishu) to Baledogle, almost 100 kilometres inland. When the Battle Group was given the responsibility for the Belet Huen Humanitarian Relief Sector, the logistics demands were even greater, because there was only one supply route, an insecure and unsurfaced road linking Mogadishu to Belet Huen, which was approximately 350 kilometres inland.

Developing the Rules of Engagement (ROE)

Because Operation Cordon was part of UNOSOM, the development of the mission's Rules of Engagement (ROE) was generally understood to be the responsibility of the UN force commander. Once approved by the UN Secretariat, ROE are sent to contingent commanders for implementation. Any objections or need for clarification would require contingent commanders to refer the matter to the UN force commander or to seek guidance from their national authorities as appropriate.

Canada's responsibility regarding the development of acceptable ROE lies with NDHQ. Any UN rules of engagement issued to Canadian troops must first receive approval from the CDS, a process that would be initiated by the Canadian contingent commander. Current Canadian doctrine defines rules of engagement as "directions and orders regarding the use of force by Canadian forces in domestic and international operations in peacetime, periods of tension and armed conflict. They constitute lawful command... Rules of Engagement confine themselves to when force is allowable or authorized, and to what extent it is to be used." To put it succinctly, ROE are orders about the use of force.

Based on evidence before us, the Canadian officers (one of whom was LCol Morneau) who attended a planning meeting in New York in September 1992 received a UN document entitled "UNOSOM and the Use of Force", and by December 1, 1992 there were UNOSOM rules of engagement in existence, which, in accordance with the Chapter VI peacekeeping nature of the mission, allowed firing only in self-defence. However, based on reliable testimony, it also appears that the UN rules of engagement for UNOSOM were never issued to the CAR.

On September 13, 1992, the operations officer of the CAR was given the task of developing standing operating procedures on arrest and detention and on the use of force and the rules of engagement. The following day, BGen Beno wrote to the regiment's CO, LCol Morneault, asking that standing operating procedures and drills be developed and practised for rules of engagement and procedures for arrest and detention. He pointed out in the same letter that one of the rules governing any peacekeeping operation is that minimum force is to be used.

Chapter 5 of the standing operating procedures for Operation Cordon contained guidance on the use of force and rules of engagement. Generally, it was understood that infiltrators, looters, thieves, etc. were to be detained until arrangements could be made to turn them over to Somali authorities. According to documentary evidence and testimony before us, these standing operating procedures remained in effect when Operation Cordon was changed to Operation Deliverance.

However, when the Security Council adopted Resolution 794 in early December 1992, Canadian Joint Force Somalia (that is, the CARBG and headquarters staff) became part of the U.S.-led coalition force, and UN rules of engagement were no longer applicable. According to international practice, it therefore became necessary for Canadian troops to adopt Canadian rules of engagement, which necessarily would have to be compatible with the rules of engagement of other nations participating in UNITAF in particular with the United States as the force commander.

Canadian rules of engagement had to be developed in such a way as to be "defensible under Canadian domestic law and the Canadian interpretation of international law". The Warning Order for Operation Deliverance, issued on December 5, 1992 by the CDS, mentioned that members of the Canadian force to be deployed to Somalia would be informed about the ROE "after liaison with the US".

At that time a team was organized at NDHQ to coordinate drafting the Canadian ROE. When a draft was "sufficiently developed", it was reviewed by senior officers, including the Vice Chief of the Defence Staff; Adm Anderson, the Judge Advocate General, Cmdre Partner, and the Deputy Minister, Robert Fowler. The recently appointed chief of staff of CJFS, LCol Young, asked joint staff officers at NDHQ to prepare a soldier's card (called an aide-mémoire) but he was told that such a task was the prerogative of Col Labbé. Col Labbé later stated that he received a copy of the draft ROE from NDHQ, that he then requested Capt (N) McMillan to produce a soldier's card as soon as possible, and that Capt (N) McMillan had agreed to do so.

Gen de Chastelain received the completed ROE on December 11, 1992 while on a trip to Brussels, having been informed in a fax from the office of the VCDS that the enclosed document was "effective for planning and operation on receipt". The letter also indicated that Capt (N) McMillan was preparing a document for Col Labbé's subordinate officers, mentioning as well that a shorter version would have to be prepared so that the soldiers could understand them, and that a French-language translation would be issued as soon as possible.

The same document containing the seven-page rules of engagement, but still marked as a draft, was also sent to LCol Mathieu on December 11th. He testified at the de Faye Board

of Inquiry that he had passed on this version for training purposes to his Officers Commanding but that most personnel had gone on leave the same day. On December 12, 1992, Col Labbé issued his Operation Deliverance Operation Order #1, which included the Rules of Engagement approved by the CDS and a document produced by NDHQ called "Guidance to Subordinate Commanders" on the Rules of Engagement.

Officers later testified that there were problems with interpreting the Rules of Engagement from the beginning. Part of the problem appeared to stem from the definition of "hostile intent", which applied to the situation to be covered under the Chapter VII peace enforcement mission. However, Maj MacKay, the Deputy Commanding Officer of the CARBG, testified during one of the later courts-martial that the seven-page rules of engagement document was "quite complicated" for the soldiers and that it was unsuitable for general use because it was designated "secret". LCol Young testified before the de Faye Board of Inquiry that the document consisted of "legal definitions". He added: "what we were looking for was a set of rules of engagement that we could issue to soldiers."

On December 24, 1992, the CDS forwarded to Col Labbé in Somalia approved Rules of Engagement (in both French and English) for Operation Deliverance, along with Col Labbé's terms of reference as Commander CJFS. This document contained a directive that only the CDS could make changes to the Rules of Engagement and that "recommended changes or additions must be submitted through Commander CJFS to CDS clearly supporting the request with substantiation".

Capt (N) McMillan later testified that these ROE were identical to the ones sent by fax to Col Labbé on December 11th. The terms of reference contained a statement interpreting the rules as follows: "These ROE allow proportional response, up to and including deadly force, in reaction to any hostile act or demonstration of hostile intent which will impede the accomplishment of the CJFS humanitarian mission."

On December 13, 1992, the operations officer of 1st Canadian Division, LCol Davidson, sent a two-page aide-mémoire to NDHQ for approval. This version was developed by three CARBG officers: the CO, LCol Mathieu, the deputy CO, Maj MacKay, and Capt Kyle, CARBG's operations officer. Although military doctrine requires that summary cards and other amplifying directions should also be approved by the CDS before dissemination to subordinate commanders and CF members, this aide-mémoire was hurriedly prepared and issued at the last minute (without the required authorization of the CDS) to the CARBG advance party, which departed for Somalia on December 13th. Cmdre Cogdon, chief of the J3 staff at NDHQ, testified before us that he had no knowledge of this card.

This process was further complicated by the issuance of a second aide-mémoire on December 16, 1992, which had been prepared at NDHQ under the direction of Capt (N) McMillan. In English only, it was sent to the Chief of Staff, 1st Canadian Division, Kingston, to replace the first version produced by the three CARBG officers. It was substantially different from that first version and was forwarded to Col Labbé in Somalia with an accompanying letter from Capt (N) McMillan, stating that the document was a recommendation only.

NDHQ was informed on December 17th that Col Labbé had approved the new aide-mémoire and that he wanted it translated and produced "as soon as practicable". The cards were produced on December 23rd, and members of CARBG's main party were given copies as they left CFB Petawawa for their flights to Somalia between December 28, 1992 and January 1, 1993.

The first aides-mémoire were to be replaced by the second version as the main party arrived in Somalia. Evidence indicates that there was confusion about replacement cards and whether the old ones were actually destroyed as they should have been. Witnesses before us indicated that the emphasis in the first aide-mémoire (prepared by CARBG officers) was on the use of force and aggressiveness, while the second version (prepared at NDHQ) stressed self-defence, minimum force, and restraint. (Adding to the confusion, a third card was sent to NDHQ by 1st Canadian Division, Kingston, in mid-February, stating that the proposed guide had been developed in Somalia and requesting that it be reproduced in pocket size for soldiers.)

Declaring the CAR Operationally Ready

The NDHQ operation order for Operation Cordon asked for a specific declaration of readiness from commanders. In November 1992, officers at NDHQ had been concerned about the CAR's state of readiness following reports of disciplinary and training problems and the dismissal of the Regiment's Commanding Officer. However, their concerns about the Airborne were not apparent by December as Operation Deliverance was being planned. The operation order from NDHQ for Operation Deliverance did not require the issuance of a declaration of operational readiness, and no senior officer inquired as to the state of the unit until just before the deployment of the advance party in mid-December 1992.

During the pre-deployment period there appeared to be a serious breakdown of command in the CF and the LFC with respect to an assessment of the preparedness of the troops and declaration of operational readiness of the CARBG for its operational duty in Somalia. Evidence before us indicates that the CDS and commanders did not establish clear standards of operational readiness for the CF, for LFC, for the UN standby peacekeeping unit or, in particular, for units assigned to Operation Deliverance, and that there was no established agreement among the responsible officers as to the meaning of the term 'operational readiness'. This lack rendered the assessment exercise, when it occurred, a purely subjective evaluation; that is, it came to mean what it suited the officers to mean at the time.

Although it had been recognized that the CAR had failed to act as a regiment during the Operation Cordon evaluation exercise, Stalwart Providence, no substantive effort appears to have been made to correct problems exposed during the exercise, or to retest the unit after the very limited remedial training that did take place. Additionally, evidence shows that no tactical evaluation was made for Operation Deliverance, even though most important aspects of the peace enforcement mission and unit organization were different from Operation Cordon. At the de Faye Board of Inquiry, NDHQ staff officer Cmdre Cogdon testified that we were reacting to a political imperative to make [Operation Deliverance] happen as quickly as we can, to jump on a political bandwagon and to get in there...to get in there almost at the same time as the Americans could."

The CARBG left for Somalia with serious internal problems of organization, leadership, and discipline. It had not trained effectively as a battle group and it had not had time to train on an important and central element of its mission's concept of operations -- the Rules of Engagement. Significant changes to the mission -- that is, to the U.S.-led peace enforcement mission, Operation Deliverance, and to the composition and size of the force to be deployed to Somalia -- should have alerted senior officers to the need to reassess the readiness of the Airborne for the more complex operation in Somalia.

There were enough significant differences to require a separate and complete assessment, even given the tight time frame for deployment, and officers at SSF and LFC understood the need to do so. LGen Gervais ordered MGen MacKenzie "to identify, assemble and prepare the Operation Deliverance battle group and declare them ready for deployment". Nevertheless, no effective action was taken by any commander in the chain of command to make such an assessment or to respond to orders to do so. The fundamental military principles of operational readiness were disregarded by the chain of command.

THE SOMALIA MISSION: IN THEATRE

'GOOD WORKS': CJFS IN SOMALIA

The 'Hearts and Minds' Approach

Operation Deliverance, as interpreted by Col Labbé, had two main focuses: its official mission was to establish a secure environment for the delivery of humanitarian aid by non-governmental organizations (NGOs); and, simultaneously, it was to assist in the rebuilding of essential civilian infrastructure to ensure that progress could be sustained by the Somali population once the Unified Task Force (UNITAF) forces departed. This second goal was often referred to as a 'hearts and minds' program.

'Hearts and minds' is a concept that has been used in military doctrine for many decades. The United States pursued a 'hearts and minds' campaign in Vietnam, as did the British in Malaysia in the 1950s. Civil-military co-operation (CIMIC) is the official term generally used in the Canadian Forces (CF) today.

Col Labbé testified that "we...felt that one does not endear oneself to a local population by doing cordon and search operations, by establishing roadblocks and seizing weapons from individuals, by conducting strictly military operations in direct support of the non-governmental organizations, and win the hearts and minds of the local population." A longer-term approach required that the CF simultaneously pursue a public relations and rebuilding campaign to gain the confidence of the local population.

Having gained their confidence and having convinced the local elders and warlords that they could benefit as well from the newly secured environment, the troops worked to revitalize institutions, to establish essential community services (involving the creation of security, reconstruction, relief, and political committees), and to attempt to restore some of the functions of the local society that had existed before the civil war. Col Labbé stated,

We felt that if, during our time, our six-month period...we could get those committees to demonstrate to the local population of people they served, in

principle, that they were capable of making positive decisions, having a positive impact on the lives of residents of the Belet Huen area, not just Belet Huen but the entire humanitarian relief sector for which we were responsible, 33,000 square miles of desert. We felt we might then have, upon our departure, established the seeds for further development of those institutions and put that region of Somalia back on the path to a normal lifestyle.

Since CF members were not in Somalia to provide relief but to secure a safe environment so that the NGOs could do so, all their humanitarian work was done in partnership with NGOs and the local population. CIMIC efforts in Mogadishu were co-ordinated by Maj LeLièvre from Canadian Joint Force Somalia headquarters. This team dealt with over 40 NGOs and relief agencies, such as the International Committee of the Red Cross, International Medical Corps, and the World Food Program. In Mogadishu, the NGOs held morning meetings that were attended by CF officers, who then co-ordinated a range of humanitarian activities.

For example, the engineers and technicians from HMCS Preserver provided services to NGOs, including repairing radios, computers, air conditioners, generators, and other equipment. Members of the Canadian Airborne Regiment Battle Group (CARBG) also worked with NGOs and the local leadership to co-ordinate a variety of tasks, such as escorts for relief convoys, arms registration, provision of water, reconstruction, and repair of infrastructure. To avoid any appearance of favouritism, CARBG members met with the local Somalis only when all clans were represented, and ensured that all clans had representation on CIMIC committees. During the mission, CF members responded to approximately 200 requests from NGOs in the Belet Huen Humanitarian Relief Sector.

Humanitarian Activities

During public hearings, we heard testimony regarding the humanitarian activities of CJFS, which evolved out of this 'hearts and minds' approach. The witnesses included LCdr Heather McKinnon, the physician on board HMCS Preserver; Lt (N) Rebecca Patterson (formerly Gowthorpe), a nurse stationed with CARBG in Belet Huen; Maj Richard Moreau, WO Steven Lehman, and Sgt Donald Hobbs of the Royal Canadian Dragoons (RCD); WO Robert Labrie of 1 Commando; Sgt Ian MacAuley of 2 Commando; and Sgt Mark Godfrey of 3 Commando. These witnesses all testified that they were proud of the work performed by CF members in Somalia, believed that the mission had been worthwhile, and were impressed with the professionalism and dedication of other CF personnel who had worked with them.

Sgt Donald Hobbs of RCD was the supervisor for the maintenance troop. In the Belet Huen area, one of RCD's first tasks was to rebuild the bridge on the Chinese Highway (the road between Belet Huen and Matabaan). The bridge had been blown up, and the only way around it was through a minefield. Although the engineers spent two days clearing the minefield, it was crucial to rebuild the bridge, since there was still the danger that some mines might remain. After the bridge was rebuilt, a guard was placed at the bridge for a short time to deter theft. A footwalk was also donated and installed by Canadian engineers on the Bailey bridge in the centre of Belet Huen.

The RCD maintenance troop attended to local vehicle accidents, assisted with medical evacuations, and provided safe escort for food convoys. The police station, hospital, and the school in Matabaan were rebuilt, and school supplies were delivered. A school in Balem Balle, full of unexploded mines, mortar artillery and tank rounds, was cleared and re-opened. When the town and surrounding area were secured, medics visited the hospital in Matabaan daily treating gunshot wounds and tending to children whose fingers had been blown off by military fuses. When the RCD first arrived in Matabaan, there was little or no market activity, but by the time they left, the market had re-opened.

WO Steven Lehman, of RCD, A Squadron, arrived in Belet Huen in January 1993. His troop was assigned to vehicle patrols, to create and maintain a secure environment in which NGOs could carry out their humanitarian work. During their deployment, they provided escort to supply convoys and made necessary repairs to supply trucks. Minefields planted along the major road were cleared, making it possible for people to travel and for goods to be moved safely. Mine-awareness teams were formed by A Squadron to train the local population, especially the children, about the hazards of unexploded ordnance.

Sgt Ian MacAuley was the section commander with 5 Platoon of 2 Commando. When 2 Commando arrived in Belet Huen, it worked with the local security committee to re-establish the local police force. CARBG personnel staffed the local police station 24 hours a day for a time and assisted in training the local police, teaching basic drill, riot control, and first aid. They established a local judicial system using clan elders, local judges, and local lawyers. The jail was repaired by the engineers with assistance from 2 Commando. Wells, a windmill, and a large generator were also repaired. 6 Platoon cleaned a slaughter yard several times and attempted to educate the local people regarding the health benefits of burying these waste products.

As did the Royal Canadian Dragoons, personnel from 1, 2 and 3 Commandos provided escorts to humanitarian relief convoys: in total, CF troops escorted about 60 convoys (averaging 12 vehicles per convoy) which brought vital supplies to 96 villages.

In Belet Huen, CARBG members discovered that there were funds available from the World Food Program, USAID and the Canadian International Development Agency Canada Fund for work programs. A work program was started first to repair roads, then schools and other buildings. This program employed Somalis and poured considerable funds into the local economy.

School reconstruction began with the assistance of the local education committee. The first school was cleaned and reconstructed with materials provided by the CARBG. The work was done by Somali workers, under the protection and direction of CARBG personnel. Subsequently, this program was expanded to include the reconstruction of schools in four other towns and three additional schools in Belet Huen.

The CARBG provided technical assistance to the NGOs in Belet Huen by repairing a variety of machinery. Canadian field engineers assisted with road repair, allowing relief supplies that arrived by sea at Mogadishu and Kismayu to be distributed by truck convoys throughout the country. The CARBG also provided armed escorts for these supply convoys.

In addition to these humanitarian activities, CF members contributed in a number of other ways. They trained 272 local teachers; provided potable water to refugees in the area; repaired approximately 20 wells and many generators in a number of villages in the Canadian area of responsibility; repaired over 200 kilometres of roads; and destroyed ammunition, mines, and explosives scattered around local villages and the town of Belet Huen.

Medical teams from both HMCS *Preserver* and the CARBG also made special efforts to provide assistance to the Somali population. For the first two months of the UNITAF mission, Canadians took the lead in medical work. Doctors and nurses from the CARBG surgical team and personnel from the Medical Platoon provided assistance to the staff at the International Medical Corps (IMC) hospital in Belet Huen. The involvement of the unit medical station (UMS) in humanitarian aid was initiated by Maj Russell Brown. The IMC accepted the help of the UMS, provided they agreed to follow the NGO guidelines, which included treating the Somalis in ways that they would be able to sustain; not providing treatment that could not be understood or followed up by the Somalis; and respecting local cultural needs.

With these guidelines in mind, the UMS worked in partnership with the NGOs and visited the IMC hospital three times a week, working side by side with the Somalis, making hospital rounds, examining patients on the wards and in the emergency department, assessing patients with regard to possible surgery, providing surgical and anaesthesia services, working in a consulting capacity, and assisting in providing post-operative care. They also provided teaching and training to both nurses and doctors at the hospital in Belet Huen.

Lt (N) Patterson testified that she believed that when they left, the local medical staff had improved nursing and surgical skills. They had also improved the standard of hygiene within the hospital, standards that were subsequently supported by the Somali staff. (For example, when CARBG personnel arrived, needles discarded in the hospital courtyard posed a major danger as a source of infections. After being taught by the UMS, local Somali medical staff allowed the newly taught procedures by burning used dressings and disposing appropriately of hazardous waste.)

IMC had been asked by the local school governors to set up a basic first aid program for its teachers. Ordinary Seaman Nearing, a medic in the holding section, volunteered to do this. He designed a basic first aid program to deal with types of injuries that the local population would encounter. The aid agencies were interested in this project for their own staff, and OS Nearing later also taught a session for IMC's Somali guards. When he was redeployed, all his work was made available for use in the local school system.

CARBG medical personnel also provided blood and blood products and other medical supplies. X-ray and laboratory technicians repaired what they could of local medical equipment, and other non-medical technicians, electricians, and engineers repaired equipment in the hospital, provided a generator and fuel, and assisted with emergency medical treatment for Somalis around the camp.

Capt Setter, CARBG's pharmacy officer, initiated the donation of approximately \$225,000 worth of medical supplies to IMC from the people of Canada. Trenton

Memorial Hospital donated a number of hospital beds, bedside tables, and physiotherapy equipment to the Belet Huen hospital. This equipment was flown by the CF from Trenton, Ontario, to Belet Huen, where it was checked over by CF personnel before delivery to the local hospital.

LCdr MacKinnon, the physician on board HMCS *Preserver*, testified that she and other members of the crew, both medical and technical personnel, visited Medina Hospital in Mogadishu as often as three times a week. The technical personnel repaired hospital equipment, including air conditioners, sterilizers, and generators; made mattresses for cribs; and fixed the pump for the hospital well. Canadian medical team members saw patients in the hospital wards and held out-patient clinics. They treated fresh wounds, dysentery, malaria, tuberculosis, syphilis, and skin diseases. The ship's dentist provided dental services and teaching clinics and performed extractions.

Honours and Awards

Individual members of Operation Deliverance received special recognition for their contributions to the humanitarian work of the CJFS. They were Capt (N) Allen and the crew of HMCS *Preserver*, who took the lead in an orphanage project in Mogadishu (members of the crew volunteered to build tables, chairs, shelves, storage boxes, and a complete kitchen for the orphanage, where the 600 children had been eating on the floor; and delivered three truckloads of goods); Maj Brown and Maj Armstrong, who were instrumental in organizing medical volunteer work in Belet Huen; Capt Mansfield and the Engineers Squadron group, who were responsible for much of the school rebuilding; MWO Mills, who played an important role in the organization and training of the local Belet Huen police force; and Maj Rod MacKay, who was responsible, along with a small staff, for co-ordinating with very limited resources all the humanitarian efforts of the CF in Somalia.

Letters

Mary Lightfine, hospital co-ordinator for IMC in Belet Huen, sent a letter of appreciation to Col Labbé, dated March 15, 1993, which specifically thanked the medical team of Maj Lee Jewer, Maj Russell Brown, Maj Barry Armstrong, Lt Diane MacIntyre, Lt (N) Rebecca Gowthorpe, Capt Cal Dejessus, Sgt Alan Anderson, Sgt André Boisclair, Sgt Craig Smith, MCpl Dwayne Atkinson and Sgt Guy Roy. The letter stated:

You and your troops were always available to us, anticipating our needs and providing support in every way possible, from security to victim care. For your assistance, we are eternally grateful, and I hope the Somali are as well. A special thank you is due to the many members of your medical team who arrived at the hospital ready to tackle the many problems awaiting us all from generator loans, equipment repair, and laboratory assessment to patient care and teaching.... There is no doubt that the community service you have given is far beyond the call of duty and your country will be proud of your efforts.

The program co-ordinator for IMC in Belet Huen wrote to CJFS Commander Col Labbé, stating:

On behalf of the IMC team...we would like to commend the outstanding work of Captain Jette in his role of administrator of civilian/military affairs...for the school rehabilitation project. I believe Captain Jette's participation in the evolution of this project had a good deal to do with the positive outcome.... Working collaboratively with tribal kings, educational leaders, business people or labourers is not an easy task given the local conditions of a society in anarchy and plagued with clan bias. However, his straightforward manner combined with a sense of compassion enabled him to make progress in a matter of days that in my experience could have dragged on for weeks.... Captain Jette is but one of many individuals in the CF who has impressed us with their high professionalism standards. We do feel compelled to single out and comment on such a remarkable soldier.

Robert Oakley, the U.S. President's Special Envoy to Somalia, stated in a letter to the Hon. Kim Campbell, Minister of National Defence, dated May 11, 1993:

[My] personal assessment of the performance of the Canadian Airborne Regiment Battle Group in Somalia during the period December 13, 1992... until March 8, 1993...is that it was truly outstanding.... In community relations and humanitarian activities, the Canadian Battle Group worked very closely with my civilian staff and myself.... Without help, the Canadian unit was able to bring about the establishment of a regional council involving some fourteen different sub-clans-- who had absolutely refused to meet together, much less co-operate prior to the Canadian arrival... Canada has every reason to be extremely pleased and proud of its military forces in Somalia. Certainly, the United States military and civilian authorities and Somali people hold them in highest esteem.

On May 1, 1993, the day UNITAF turned operations in Somalia over to United Nations Operations in Somalia (UNOSOM II), the Commander of UNITAF, LGen Johnston, wrote to Canada's CDS, Adm Anderson, on the performance of the CJFS in Somalia. On the work of the troops he wrote:

I must express my high praise for the performance of the Canadian forces under my command....

Clearly, our primary mission was to provide open and free passage for humanitarian relief to literally thousands of Somalis who were dying of starvation everyday and to provide security for relief convoys from the many humanitarian relief organizations operating in our area of responsibility. It should be no surprise that the Canadian Airborne Regiment worked most effectively with relief workers and, in fact, delivered several thousand metric tons of relief supplies on behalf of the relief agencies. Most significant is that the Canadian forces took the initiative to provide security for a number of large convoys that were for Dhusa Mareb, several hundred kilometres outside the Canadian HRS. The bottom line was that there was no mission the Canadians were not willing to handle. The devastating effect of the famine was quickly reversed in the Belet [H]uen HRS and I can attribute that to the aggressive convoy operations that were conducted.

One of the very striking successes of the Canadian Airborne Regiment has been the regiment's focus on civic programs designed to improve conditions for the Somali communities within the Belet [H]uen HRS. I...simply relied on the commanders to take the initiative and pursue programs within their capabilities. The Airborne Regiment took on the most ambitious program of any of the HRSs with respect to school reconstruction... [A]bout week ago the UN Special Envoy Admiral Jonathan Howe presided at the official opening of Belet [H]uen schools. It was a most significant event and a testimony to the humanitarian focus of the Canadian troops. It has earned them enormous good will and they have properly portrayed themselves as having come to Somalia for noble purpose.... While the operations of the Airborne Regiment have been most visible to me, I am keenly aware of the vital contributions of HMCS *Preserver*.... The Canadian Airborne Regiment has performed with great distinction and the Canadian people should view its role in this historic humanitarian mission with enormous pride.

The good works of the CF in Somalia have often been overlooked as attention on their return to Canada shifted to a series of courts-martial, the report of the de Faye Board of Inquiry and the eventual creation of this Commission of Inquiry.

ARRIVAL IN SOMALIA

Appointment of the Commander CJFS

The CJFS Headquarters was established to exercise national command over the CF within the U.S.-led UNITAF coalition. Based in Mogadishu, CJFS consisted of 55 personnel charged with a number of tasks, including the co-ordination of national logistical support operations. (This establishment of a national headquarters was a departure from past UN missions where national commanders traditionally played the role of UN staff officers. This new approach reflected the nature of the intervention in Somalia, the growing complexity of UN missions, and the need to ensure that Canadian interests were being considered within the coalition.)

Col Serge Labbé received his appointment as Commander of the CJFS on December 5, 1992. He was directed by the Chief of the Defence Staff, Gen de Chastelain, to seek a worthwhile role for Canadian forces in the U.S.-led peace enforcement operation; he himself was anxious to raise the profile of Canadian participation in Somalia.

Col Labbé had only a very short time in which to prepare himself, his staff, and the Canadian troops under his command for this new mission. By the time he landed in Mogadishu, Somalia's capital city, on December 11, 1992, preliminary discussions with military planners at a U.S. base in Florida had determined that the Canadian contingent would be responsible initially for maintaining security at Baledogle airport.

Four days after arriving in Somalia, in the course of talks with LGen R.B. Johnston, the commander of the U.S. -led multi-national coalition, the Canadians arranged to be responsible for securing and maintaining security in the Belet Huen Humanitarian Relief

Sector. Col Labbé learned as well that Canadian forces would share this task with elements of 10th (U.S.) Mountain Division, even though initially he had tried to have the task assigned solely to his troops.

Plans advanced rapidly at this stage, partly because UNITAF had met with less resistance on arrival than anticipated, and also because there was an atmosphere of urgency created by media attention to the crisis in Somalia. In asserting Canada's capabilities during the talks in Mogadishu, Col Labbé underlined the Canadian force's strength as a highly mobile, mechanized infantry battle group.

The Arrival of the CARBG Advance Party

When the Canadian unit led by LCol Mathieu left Canada for Somalia, it understood that its intended mission, at least initially, was to maintain security at the airport at Baledogle. However, according to later reports, the airport had already been secured by the U.S. marines on December 10, 1992. When the Canadian unit's advance party reached Baledogle, the threat against them was found to be non-existent.

The 200-member advance party of the CARBG had flown from Canada to Baledogle and began to arrive on December 15, 1992, with more Canadian troops arriving every day after that for a period of ten days. The activity in Baledogle was followed by the seizure of the town of Baidoa on December 16th. At this stage, operations were already ahead of schedule; the lack of serious Somali resistance had not been anticipated by American military planners.

The advance body of CARBG landed at the Belet Huen airstrip on board eight Canadian Hercules C-130 aircraft on December 28, 1992. The CARBG arrived in Belet Huen together with the 10th Mountain Division, and the joint Canada-U.S. air assault on December 28, 1992, Operation Belet Huen Provider, was unopposed by the local Somali militia, which moved its equipment some 30 kilometres to the north of the town. The Canadian and U.S. troops were met with welcoming crowds after having arrived prepared for a high-level security threat.

While Col Labbé and UNITAF leaders were in the early stages of planning for the Belet Huen operation, additional Canadian troops landed in Baledogle. By December 28, 1992, negotiations had been completed in Mogadishu between the Canadian Commander, Col Labbé, and the senior officers of the U.S.-led UNITAF coalition. Canada undertook responsibility for the Belet Huen Humanitarian Relief Sector, an area of approximately 30,000 square miles in the north-east region of Somalia. The town of Belet Huen was 350 kilometres from Mogadishu, accessible via the neglected Italian Imperial Highway built in 1935. By road, trucks usually took two days to travel from Mogadishu to Belet Huen.

The other UNITAF sectors included those of the Italians, in Gialalassi, and the French, in Oddur, on either side of the Canadian area of responsibility. The remaining six HRSs were assigned to other national contingents: the U.S. Marines were based in Mogadishu and Bardhere HRS; the U.S. Army was sent to Merca and Baledogle HRS, assisted by the Moroccan forces, and to Kismayu, assisted by Belgian paratroopers; and the Australian force was given the responsibility for Baidoa HRS.

Over the next several days, the main body of Canadian personnel reached Belet Huen. The CARBG vehicles, which had been transported by sea from Canada to Somalia, arrived via road from Mogadishu by January 15, 1993. The men of 2 Commando were among the first Canadians to arrive in the town of Belet Huen. To establish a secure environment as quickly as possible, members of 2 Commando began 24-hour-a-day foot patrols through the town, and the Canadians soon became known to the local population as "the clan that never sleeps". As well, the two other commandos and the Royal Canadian Dragoons (all part of the CARBG) patrolled large areas of the surrounding countryside in Canadian army vehicles.

The Climate and Living Conditions

The CARBG landed by airlift in Somalia at the hottest time of the year. Daytime temperatures averaged in the high 40°C range throughout the months of December to April. Virtually all water was unsafe for drinking, even when boiled, but to prevent potentially lethal, heat-related medical conditions, each Canadian soldier would have to consume more than 10 litres of water each day.

These conditions were exacerbated by the potential for diseases such as malaria, typhoid, hepatitis, dysentery, and HIV infection; by other medical conditions such as gangrene; and by natural hazards, including scorpions, snakes, and parasites. In the area where they eventually set up camp, members of the CF expected to face not only natural dangers, but well-armed, unpredictable, rival Somali factions as well.

The tight time frame meant that the first Canadian troops arrived in theatre without knowing where they were to be based or what they would be doing. Supplies had been shipped to Somalia according to plans for Operation Cordon, part of the earlier Canadian commitment to the cancelled UNOSOM peacekeeping mission. Belet Huen, in the fractious southern sector of Somalia, was a long way from Bossasso, the intended Operation Cordon destination, which was located in the relatively stable northern part of the country.

By late December 1992, Canadian soldiers of the Operation Deliverance contingent were deeply involved in the peace enforcement operation, at first in a relatively hostile environment around the port of Mogadishu, later in a significantly less threatening situation further inland around Baledogle, and then at Belet Huen. The troops of UNITAF, including the Canadians, were authorized to use deadly force if necessary to disarm the factions, militia, and bandits vying for power in Somalia, sometimes by blocking or attacking aid convoys and otherwise inflicting considerable damage on Somali citizenry and infrastructure.

Setting Up Camp at Belet Huen

The temporary camp set up by the CARBG at the Belet Huen airfield was placed on high alert from the moment the soldiers arrived. As the Canadian troops continued to establish their presence and expand the security surrounding the point of their initial foothold, the CARBG moved south-west across the Shebelle River to make its permanent camp on both sides of the main Belet Huen/Mogadishu supply route, the old Italian Imperial

Highway. This location was considered of strategic importance because of CARBG's mission to ensure the safe delivery of humanitarian aid.

The Canadian base consisted of compounds along the north and south sides of the road. The compounds eventually housed the troops of CARBG, the helicopter detachment (of 427 Tactical Helicopter Squadron), a hospital, and the Canadians' headquarters and communications centre. It was a considerable improvement over the initial camp set up on their arrival at the airfield just before New Year's Day.

For those first few weeks, the troops had slept in crudely constructed trenches in the sand. They had no electricity, little water, no fresh food, and no washing facilities. They were exposed each day to the hot Somali sun, dust, snakes, insects, isolation, and a range of unfamiliar illnesses. There was also a pervasive sense of danger from the armed Somali 'technicals', many of whom had gone into hiding when the UNITAF force arrived.

The perimeters of the more permanent compounds eventually were surrounded by barbed wire, with slit trenches and watch towers intended to provide security for the troops and their equipment and supplies. Bunkers were built, and electric generators were brought in to power lights, provide refrigeration, and allow for some forms of light entertainment. Water systems were assembled to provide for drinking and washing. Food rations improved to some extent, beer was available, and telephone satellite communications allowed the Canadians to call home.

The choice of location and layout for the CARBG campsite in the Belet Huen HRS was the responsibility of LCol Mathieu, the most senior Canadian officer on the ground there. Recommendations for a unified camp based on the reconnaissance mission to Bossasso during planning for Operation Cordon were not considered by LCol Mathieu as applicable to the needs of the CARBG and Operation Deliverance.

The plan for the separate campsites in Belet Huen, according to LCol Mathieu, was based on the military principle of *ilots de défense* (islands of defence) which would be applied to an operation conducted in a desert. He decided that the use of the camp design originally proposed for Bossasso would have complicated the movements of vehicles necessary for the conduct of operations at the Belet Huen base.

LCol Mathieu told us that there were a number of factors which he had to consider, including abandoned buildings and concrete pads for vehicles and services; sites of cemeteries; the location of the Save the Children compound; the presence of some Muslim fundamentalists in the area; property of local landowners; and a nearby hill that could be used for observation and communications purposes, close to the headquarters compound. Other important considerations were access to roads for heavy military transport vehicles, because it was expected that the area would be flooded during the rainy seasons (from May to June and September to December), and the requirement to minimize disruption of the local population.

However, as more equipment was brought in, the Canadian compound increasingly became a target for infiltration and thievery, often by teenagers and children during the day and by young men at night. The attraction of the camps for thieves was mainly the presence of food, fuel, water and other supplies and equipment. However, a number of CARBG members also testified that the scattered layout left the camps more vulnerable,

both to friendly fire and to attack by hostile forces. They stated that there had been no decision-making process to determine the layout for the camp, and evidence also indicated that the advice of senior non-commissioned officers concerning camp layout was disregarded.

Requirements for the CARBG at Belet Huen were significantly different from what they would have been in Bossasso. Because of the distance from Mogadishu, supplies had to be stored and guarded at the base, and far more stores were needed than were loaded on the HMCS Preserver. Plans for the Operation Cordon camp at Bossasso had required defensive supplies for one large camp rather than a series of small ones. These supplies included perimeter wire, sand bags, and timber. The separate camps at Belet Huen presented a different security situation, and supplies and manpower were both in shorter supply than anticipated because of the layout of the camps and the changed mission.

THE EARLY STAGES OF IN-THEATRE OPERATIONS

January/February 1993

During the first few weeks in Belet Huen, members of the CARBG had to deal with physical deprivations and discomfort while more permanent facilities were being set up. They worked, slept, and ate in hot, extremely dusty, desert-like conditions. Field rations were non-fresh, prepackaged MRE (meals, ready-to-eat), used first during the Gulf War to mixed reviews. The MRE remained the predominant Canadian fare throughout the deployment. Gradually, provision was made for sanitary facilities, but work gear issued for the mission did not seem to suit the tropical environment, and underwear was in short supply.

Nevertheless, members of the Battle Group conducted mounted patrols daily, met with local leaders, seized weapons from local militias, and appeared to be meeting mission objectives within a few weeks of their arrival in Somalia. Some of the success of the Canadian force was due to the attention given to a wide range of tasks, including humanitarian activities, handled by the troops at all levels. The first few weeks passed with only a few hostile encounters, but evidence indicates that some members of the Battle Group still assessed the security threat level in the Belet Huen HRS as high. (By the end of the deployment, however, no Canadian soldier had been killed or wounded by enemy fire in Somalia.)

Threat Assessment

In testimony before the de Faye Board of Inquiry officers commanding 1 Commando and 3 Commando stated that the threat to CARBG personnel in Belet Huen was low after the first few weeks of the deployment. Maj Magee, OC 3 Commando, testified that "the biggest danger was being hit with a Somali truck". And Maj Pommet, OC 1 Commando, said that, based on his experience, "the simple fact to cock the weapon, the [noise] that it produces is simple enough to make anybody freeze and not attempt to go any further in his intent".

Witnesses who spoke about the potential risks for CARBG members testified that the Canadian camp at Belet Huen was generally the target of young, impoverished Somalis and that items stolen from the camp were personal items, staples (food and water), and other marketable commodities. Although some strategic equipment and materiel was reported missing, reports and testimony indicate that it was later found that these had simply been "overlooked" by Canadian troops.

Although there was little evidence of intelligence having been gathered in the area by Canadian intelligence officers, neither was there any indication that senior commanders thought there was much danger during in-theatre operations, that might necessitate preparations to prevent sabotage or armed incursions. Nor was there any evidence that Canadian officers in Somalia had alerted officers and officials at NDHQ of possible threats to CF in theatre from armed or organized groups or from sabotage.

As well, final reports indicated that no Canadian personnel were killed or wounded by Somalis; but, that five Somalis and two Canadians were killed or wounded by Canadian fire. These were an unidentified, unarmed Somali killed on February 17, 1993 during an encounter with the Mortar Platoon; Mr. Aruush, killed during an encounter with the Reconnaissance Platoon on March 4, 1993; Mr. Arone, tortured and murdered by CF members on March 16, 1993; an unidentified person killed during a confrontation at the International Committee of the Red Cross compound in Belet Huen on March 17, 1993; Cpl Abel, killed by an accidental weapon discharge by another CARBG member on May 2, 1993; Mr. Abdi, wounded during an encounter with members of the Reconnaissance Platoon on March 4, 1993; and Lt Jarrett, wounded by a negligent discharge of his own weapon. In all, 20 charges for negligent discharges of Canadian weapons were recorded between January 1993 and April 19, 1993 while CF members were in Somalia. (It is probable that there were additional such discharges that were not reported.)

Sub-Unit and Commando Assignments

CARBG sub-units were given a variety of tasks to cover the full range of Operation Deliverance objectives. The Royal Canadian Dragoons A Squadron at first was given the responsibility for route reconnaissance and traffic control operations from Mogadishu to Belet Huen. By mid-January, A Squadron was deployed to the north-east area of Somalia as a deterrent force, following a warning from Mohammed Ali Mahdi's United Somali Congress of an impending attack by the pro-Aideed Somali National Front against the village of Matabaan.

The three commandos were located in separate compounds at Belet Huen and each was given a different mission. In the early days of the deployment, before ships arrived bringing the military vehicles and equipment needed by the CARBG, most of the patrol duty in the Belet Huen area (except for A Squadron) was done on foot. The first task for the three commandos was to conduct security operations in the town and immediate area of Belet Huen.

The Officer Commanding 1 Commando, Maj Pommet, stated in his evidence before us that the threat level was low in contrast to that in Mogadishu. His commando was involved in only two minor incidents during initial patrols, neither of which required the

Canadians to fire their weapons. After their armoured personnel carriers arrived, 1 Commando's main task was to expand security operations into the sector west of the Shebelle River. This required the commando to patrol the largest of the areas in the Belet Huen HRS; it was reported that 1 Commando was one of the first units to reach areas of Somalia that had been cut off from humanitarian aid for months. Its patrol area was remote and sparsely populated, but by the end of March 1993, Maj Pommet described the military threat to his commando as non-existent.

3 Commando under Maj Magee first shared the responsibility of patrolling the town of Belet Huen with 2 Commando. As vehicles arrived in theatre, 3 Commando was assigned the task of security in a large area east of the Shebelle River, where the threat level was reported to be similar to that facing 1 Commando and A Squadron. A number of minor incidents were logged by the commando, but only one of them resulted in warning shots being fired. As more weapons and mines were confiscated during their regular security operations, the threat level was estimated by the Officer Commanding 3 Commando as low and eventually "nonexistent".

The task assigned to 2 Commando was to provide security in the town of Belet Huen and surrounding area. Because the CARBG did not have enough military vehicles for all three commandos, 2 Commando used trucks to patrol the town, considered to be somewhat more dangerous than other parts of the HRS. By the end of January, the supplies and equipment shipped from Canada in December, after the mission was changed, had finally arrived. The work of 2 Commando during their patrols through Belet Huen brought them into contact with the local population, and they experienced both friendly responses and hostility from the Somalis.

However, there were signs that 2 Commando was having difficulties related to training and discipline. During the physically arduous preparations for its arrival in Belet Huen from Baledogle, the commando had had two incidents of accidental weapons discharge, fortunately without injury. But there were at least five other accidental discharges in the first few weeks of operations, a number significantly higher than for the other commandos.

On January 10, 1993, Maj Seward wrote to Col Gray at his home regiment in Canada about the possibility of being replaced as the Officer Commanding 2 Commando. He was concerned because his unit had already reported five accidental discharges and he himself had been found guilty of accidentally discharging his own weapon, for which he had been fined \$2,400. Col Gray responded in mid-March that Maj Seward had the regiment's full confidence and encouraged him to carry on with his duties in Somalia.

On January 11, 1993, a CARBG soldier had surgery to repair a wound in his forearm caused when he shot himself while cleaning his pistol. (By the end of the mission, there had been 20 charges for accidental weapons discharge incidents, resulting in fines up to \$2,400.)

Incidents and Disciplinary Measures

Other problems were also emerging. On January 3, 1993, soldiers from 3 Commando shot a Somali man who was challenging them with a machete. Reports indicated that the

Somali was upset at the Canadian troops for seizing his AK-47 weapon the previous day. According to documents we examined, the shot that injured the Somali was not aimed but was intended as a warning shot. It apparently ricocheted and struck the victim in the foot. First aid was offered by the Canadians, but was declined by the injured Somali.

The Significant Incident Report (SIR) on this incident stated that the rules of engagement were understood and followed and that no further action was required. The matter was not formally investigated, and the only documentation of it is the SIR. There was no recorded clarification by senior officers of the policy for use of warning shots, nor any comment about the decision to fire a warning shot under such circumstances.

While investigating another incident -- a suspected bandit's roadblock in the area around Belet Huen on January 29, 1993 -- a Canadian patrol came upon some armed Somalis. Warning shots were fired into the air when the Somalis began to flee; one fired back on the patrol, with the patrol returning fire. Later, the Canadians recovered an AK-47 and a bloody shirt. The Somalis were tracked to a point where they had apparently met a vehicle. It was reported that the injured Somali later went to the Italian hospital for treatment, and afterward was turned over to the civilian police. This incident does not appear to have been investigated, although a number of unanswered questions remain, including the identity of the Canadian troops. The suggestion was that the Canadians fired in self-defence, but records do not provide enough information to assess the reasonableness of the action. No summary investigation was undertaken.

LCol Mathieu noted that 2 Commando in particular was being overly aggressive, and on January 16, 1993 a record of reproof was issued to Maj Seward, its officer Commanding. This formal disciplinary measure was used rarely, and procedure required that it be filed immediately with NDHQ. LCol Mathieu explained the action in the following manner: "Despite repeated direction by the Commanding Officer to reduce the level of aggressiveness exhibited by his command, while conducting patrols in Belet Huen, Major Seward continued to permit his commando to act aggressively toward the population. This was in complete contradiction to the policy being implemented by the unit." Maj Seward recorded his reaction to the reproof in his diary, writing "If I hear any more [of Mathieu's] hearts and minds bullshit, I'm going to fucking barf."

Evidence indicates that Maj Seward chose to ignore this reproof. On January 27, 1993 he wrote to his wife:

Just now I am in the Command post. Five Somali teenagers have been caught stealing from Service Commando. They have been passed to me for security and transfer to the Somali police. The troops are, however, taking advantage of the situation to put on a demonstration. They're pretending that their intentions are to cut off the hands of these kids with machetes. It sounds awful, but if you were sitting here, you'd be laughing too. Soldier humour is infectious.

Alcohol Policy

In Somalia, the policy for the consumption of alcohol authorized by Col Labbé allowed each member to consume two beers a day. It was then the responsibility of the officers commanding to put in place mechanisms to implement this policy. However, while

several witnesses testified before us that this policy was enunciated clearly, the evidence does not indicate that it was followed strictly or consistently.

For example, Capt Mansfield, OC of the Engineer Squadron, testified that he had developed his own variation of the policy on alcohol. He allowed beer and occasionally wine to be consumed in the messes between 6:00 p. m. and 11:00 p. m., but no limit was placed on the amount. He testified that while he was aware of the alcohol policy of two beers a day, he believed that the engineers worked hard and deserved to be able to drink after work without imposed limits.

Maj Seward also changed the policy on alcohol consumption for 2 Commando in the early stages of the deployment. We heard testimony that the two-beers-a-day policy was enforced in January 1993, but MWO Amaral, who was in charge of selling beer, testified that by the end of the month he was told by Maj Seward that the policy did not have to be enforced. The restriction was that the soldiers were not allowed to drink while on duty or within eight hours of commencing duty.

On the other hand, testimony indicated that the two-beers-a-day rule was enforced in 1 Commando. Maj Pommet stated that although he had put control measures in place, at one point soldiers were ignoring the policy. He testified that the problem was brought under control by enforcing a policy of total abstinence in 1 Commando until the soldiers got the message. Testimony on the enforcement of the formal policy within CJFS headquarters indicated that some officers considered that it was followed and others stated that it was not.

The Canadian Forces policy on the consumption of alcohol and other intoxicants, contained in article 19.04 of the Queen's Regulations and Orders, states that an officer or senior non-commissioned member can only "introduce, possess or consume an intoxicant in an area occupied by the CF in a non-public property organization (such as a mess or sporting club) that has been granted a general authority with respect to the consumption of alcohol during specific times, or in places and times that have been approved by the commanding officer. This order is amplified by an administrative order that calls for each base or unit commander to establish policies regarding the consumption, service, and provision of alcohol on the premises.

These and other policies are to promote responsible practices in order reduce or avoid problems arising from the misuse of alcohol and to establish systems to limit or prevent alcohol-related injury and death at CF facilities or functions. There are also policies addressing the provision, serving, and consumption of alcohol while CF members are deployed on operations.

Camp Security

We heard testimony indicating that mixed messages were being given CARBG troops in Belet Huen about the ROE and the appropriate use force in dealing with the local population. Although the overall military threat declined rapidly in the HRS assigned to Canadian Forces, one of the most aggravating problems facing the CARBG was theft. Security for the Canadian base in the layout used in Belet Huen was hindered by insufficient wire for the perimeter of the compound.

By the end of January, the troops were dealing routinely with individual and small groups of Somalis trying to steal Canadian equipment, supplies and personal property. Sometimes only scrap and other minor items such as water cans were taken; however, other things were also stolen, including food, water, gear, radios and parachute equipment.

At first, any Somali captured in the Canadian compound was bound, held overnight, and released the next day, either to local clan leaders, or to the local police after the Belet Huen force had been re-established. Some Canadian soldiers used questionable judgement in the handling of detainees and took photographs of groups of bound and blindfolded prisoners wearing signs labelling them as thieves.

On several days in January 1993, Somali detainees were kept in an open area visible from the road, blindfolded, and handcuffed with signs over their heads, despite Col Labbé's earlier orders. These incidents occurred in the view of many witnesses, including the regimental military police.

Racism

Several incidents demonstrated that CF personnel, including officers, did not have a clear understanding of what activities should be considered racism or racist behaviour.

Testimony indicated that once CARBG members were in Somalia, derogatory terms were used to refer to the local Population. A number of terms, including "Slomali", "smuffy" and "nignog", were reported by witnesses, although many, in reporting them, said they did not think of them as racist epithets.

Before the Canadian Airborne Regiment's deployment to Somalia in late 1992, the CF had no policy specifically addressing the issues of racism, racist behaviour, or right-wing extremist activity by soldiers. Prohibitions against racist conduct existed only as part of general policy statements and orders for dealing with disciplinary matters or harassment among members. However, the CF were subject to the Code of Service Discipline and federal legislation prohibiting discrimination, including discrimination on the basis of race.

During pre-deployment preparations at CFB Petawawa, racist symbols, including Nazi swastikas, and Ku Klux Klan and Confederate or 'Rebel' flags, had been reported. Racist epithets such as 'nigger' were known to be used, and neo-Nazis and other varieties of white supremacists were known to be present among CAR members. The reaction of CAR's leadership at the time was to deal with incidents or inappropriate symbols as matters of discipline. At CFB Petawawa, then, when Col Morneault banned the 'Rebel' flag as 2 Commando's rallying symbol, he did so because it was seen to interfere with the discipline of the troops, and possibly because it threatened the cohesion of the regiment itself, not because it was considered racist.

The most flagrant example of racist behaviour was a Canadian Airborne hazing in August 1992, videotaped and later broadcast on national television, during which the only black soldier in the group appeared with the letters KKK written on his shoulder. He was also called "nigger" or "nègre" by fellow CAR members during the initiation activity depicted

on the video.

In-Theatre Training

Although planning for Operation Cordon, the UN mission that was cancelled in favour of the U.S.-led UNITAF, had included a one-month acclimatization for members of the CF in Somalia, testimony at the de Faye Board of Inquiry indicated that operations for Operation Deliverance began within 24 hours of the troops' arrival at Belet Huen. The OC of the Royal Canadian Dragoons, Maj Kampman, testified that he had received no pre-deployment direction as to training in theatre, with the exception of training on the ROE.

We also heard evidence that only minimal training was provided while CARBG was in Belet Huen -- some weapons and range training, some refresher training in combat drills, driver and desert survival skills training, and some special training on the use of cayenne pepper spray. Training on the ROE was left to the personal initiative of the officers commanding. There were no directions issued and no co-ordination exercised. Nor was much attention given to appropriate procedures for the handling and treatment of detainees or crowd control.

January 28, 1993 Morning Orders Group and the Rules of Engagement

Frustration increased as infiltrations by thieves persisted. These circumstances led to an orders group meeting on January 28, 1993 at which LCol Mathieu reviewed the ROE. He stated that deadly force was permitted against Somalis found inside the compounds or running away with Canadian kit, whether or not they were armed. He also elaborated on the concepts of a "hostile act" and "hostile intent", indicating that touching the perimeter wire could be interpreted as a hostile act, meaning that soldiers then could initiate the escalation process leading to the use of deadly force.

After LCol Mathieu finished his discussion of the ROE, a number of the officers (Maj Pommet, Maj Magee, and others) immediately objected to or expressed reservations about his interpretation of the ROE. However, LCol Mathieu was insistent that if a Somali touched the compound wire, soldiers could initiate the process of escalation to deadly force. He had also suggested that another level of escalation, cocking the rifle, could be used. These instructions were explained by LCol Mathieu at a meeting with clan elders in Belet Huen on January 30, 1993. Eventually the CO's instructions were amended, and the troops were told to "shoot between the skirt and the flip flops", that is, at the legs, in order to apprehend thieves and deter incursions into the Canadian compound. According to some evidence we heard, the authorization to shoot at fleeing Somalis was supposed to have been rescinded on March 8, 1993. However, evidence from the de Faye Board of Inquiry and an investigation into May 1993 incident at Matabaan indicates that the change was not communicated and implemented throughout the CARBG.

The Incident at the Bailey Bridge

On February 17, 1993, while a few Canadian soldiers were working to secure the Bailey bridge in Belet Huen, a crowd of Somalis approached and started throwing rocks at them. After rushing the crowd and firing two warning shots, the Canadians aimed and directed two shotgun blasts at two of the rock throwers. A Somali was killed and two were wounded in the incident. The next day, the officer in charge of the platoon provided the OC with statements from some of the soldiers involved.

This matter was not investigated further until the arrival of the military police from Canada in May. Some questionable circumstances were noted in their report. For example, pertinent pages from the hospital admission book were torn out, and the estimate of the size of the crowd threatening the Canadian troops varied significantly from information provided in the official situation report. The situation report and the briefs to the Chief of the Defence Staff and the Deputy Minister put the size of the crowd at approximately 300. The investigation report suggested that it was in the range of 50 to 70. The MP investigation concluded that the actions taken by the Canadians were justified.

Security at the Engineers Compound

The compound of the Field Squadron of Engineers was on the south side of the road leading to Belet Huen, across from the Service Commando compound. It had been set up there because of an existing walled area and buildings which could be used for vehicle repair and equipment storage. The helicopter compound was alongside the road immediately to the west of the Engineers compound; the fuel bladders (containing fuel for the helicopters) were in an adjacent area. Apart from that, the west side of the Engineers compound bordered a largely unused area, which was taken over by a detachment of 427 Tactical Squadron shortly after the March 4th incident.

The primary duty of the Engineer Squadron was to provide support to the CARBG. Security (i.e., sentry duty) for the Engineers compound was also considered to be its responsibility. The Officer Commanding, Capt Mansfield, hired local Somalis for front-guard duty until LCol Mathieu discontinued the practice. The theft of a fuel pump heightened concern about security around the Engineers and helicopter compounds, although the pump had been taken from an unenclosed and unguarded area.

THE INCIDENT OF MARCH 4, 1993

The Engineers compound was a regular target for infiltration and thievery because of the stores kept there. Among the many items reported stolen were wood, water, food, fuel, jerrycans, a walkman, and a geotech. Early on March 4, 1993, Capt Mansfield, the OC of the Engineers, was told that there had been a number of incursions into the Engineers compound during the night of March 3rd and that normal security precautions were failing to prevent Somalis from entering the compound. That same morning, WO Marsh of the Engineers was touring the proposed location for the Helicopter compound, when he discovered that a fuel recirculation pump was missing from the unenclosed area.

WO Marsh reported this theft to Capt Mansfield and suggested that further security precautions should be taken in the area of the Engineers compound. Testimony of some witnesses also suggested that they had become more aware of their vulnerability after hearing of the death the day before of a U.S. soldier, killed when he had driven over a land mine. (This incident had occurred over 40 kilometres north of Matabaan, itself some 80 kilometres from the Canadian camp at Belet Huen.)

The Morning Orders Group

On the morning of March 4, 1993 Capt Mansfield discussed the problem of security for the compound at his own orders group. Among suggestions for improving security were the installation of lights around the perimeter of the compound and erecting a surveillance tower. That same morning, Capt Mansfield raised the issue of security of his compound with Capt Kyle, the operations officer of CARBG, at the headquarters orders group.

During the discussion, Capt Rainville, the Reconnaissance Platoon leader, volunteered his platoon to augment security for the Engineers compound. At the time, the only ongoing task of the Recce Platoon was to man the hilltop observation post, north-west of the Canadian camp. Accordingly at the request of Capt Mansfield, LCol Mathieu ordered Capt Rainville to provide additional security to the Engineers compound.

Planning the Recce Platoon Mission

Capt Rainville contacted Capt Mansfield, who indicated that he should deal with WO Marsh to make the necessary arrangements. Capt Rainville and some members of the Recce Platoon (Sgt Plante, MCpl Countway, and Cpl Klick) met later in the day with WO Marsh to conduct a reconnaissance of the compound as part of the planning for the night operation. Sgt Groves of the Engineers Squadron later testified before us that after observing preparations for the mission that night, he had told his men that "someone is going to die out there tonight".

WO Marsh told Capt Rainville that he could provide a light tower, which had been transferred for this purpose from the airfield to the Engineers compound, and that he could also erect a raised surveillance platform to assist the Recce Platoon. Capt Rainville refused this offer, ostensibly on the basis that the lights would interfere with his plan by hampering the use of night vision goggles (NVGs).

Instead, Capt Rainville directed WO Marsh to place ration boxes and jerrycans of water in the back of a trailer at the south end of the Engineers compound, in a place visible from a path used daily by the Somalis to go to the river to get water. While Capt Rainville described the placing of these supplies as a "military deception plan", several witnesses, including Capt Mansfield, WO Marsh, and members of the Recce Platoon, referred to this part of the plan as setting out "bait". Capt Rainville later defended his action by explaining that this material would attract thieves but not saboteurs, enabling his men to distinguish between the two.

Capt Rainville divided the duties for the night of March 4th between members of the Recce Platoon and Sgt Groves and his men, who were designated the Quick Reaction Force. The Recce Platoon was to assume responsibility for the southern part of the compound, and Sgt Groves and his men were to remain in the northern part of the compound, serving as a mobile reserve in case they were needed.

To complete the mission plan, Capt Rainville conducted a walking tour inside the perimeter of the compound, from the southern edge of "Fort Holdfast" (the walled section at the northern end of the Engineers compound) to the halfway point of the compound. They did not conduct any part of the reconnaissance outside the Engineers compound or around the helicopter compound, reportedly so as not to reveal the plan or the intended locations of Recce Platoon's three detachments.

Recce Platoon's Afternoon Orders Group

At his afternoon orders group, Capt Rainville explained the purpose of the mission and the location of the detachments, as follows:

- Detachment 69, consisting of Capt Rainville and his sniper, Cpl Klick, was to set up in the back of a truck roughly in the centre of the Engineers compound, in line with the "bait" (at the south end of the compound) and a temporary gate in the west side of the perimeter;
- Detachment 63, consisting of Sgt Plante, Cpl King, and Cpl Favasoli, was to take up a position about 100 to 150 metres south and west of the south-west corner of the perimeter;
- Detachment 64A, consisting of MCpl Countway, Cpl Roch Leclerc, and Cpl Smetaniuk, would take up a position roughly 100 to 150 metres south and east of the south-east corner of the perimeter.

Each of the detachments was assigned an area of responsibility defined by interlocking and overlapping arcs of observation and fire. The detachments were set up to maintain a 360-degree arc of observation, but their primary focus was on the southern approaches to the Engineers compound. To help distinguish friendly forces from 'enemy' forces, the position of each of the detachments and some key points were to be marked by infrared chemical markers called 'glow sticks', invisible to the naked eye but visible to soldiers using night vision goggles.

These glow sticks were also to be used to delimit the arcs of fire of the designated sniper, Cpl Klick, who would be able to provide covering fire, according to Capt Rainville's plan. Outside the compound, responsibilities were divided so that Detachment 63 would cover the area at the south-west corner of the Engineers compound, and Detachment 64A would cover the south-east corner.

Capt Rainville also gave directions on the equipment to be used during the patrol. Each of the detachments would carry one set of night vision goggles, one Starlight Scope, and their routine-issue C7 rifles. As the sniper, Cpl Klick would carry both his C7 and a C3A1 bolt-action, single shot sniper rifle equipped with a night vision scope. Sgt Plante brought a 12-gauge shotgun instead of a C7 rifle.

Communications were another element of the planned mission, and each detachment had its own call sign (C/S). C/S 69, referring to Capt Rainville and Cpl Klick, carried two radios with them, one to maintain contact with Sgt Groves and his Quick Reaction Force, as well as with the Engineers headquarters, and the other to maintain communications with the other two detachments. Sgt Plante carried one radio on the platoon net for C/S 63, and Cpl Roch Leclerc carried the same type of radio, also on the platoon net, for C/S 64A.

In testimony before us, there were significant discrepancies as to the actual purpose of the mission, as it was communicated down the chain of command from LCol Mathieu through Capt Rainville to his patrol. The mission assigned to Capt Rainville was to augment security of the Engineers compound, a mission which he reinterpreted and communicated to his platoon as being to capture Somali infiltrators.

The Mission Gets Under Way

At 1800 hours (6:00 p.m.), Capt Rainville gathered members of the patrol inside the Engineers compound to review their orders before going to their assigned locations. Shortly afterward, Capt Rainville and Cpl Klick moved to their position in the back of the truck, which was located about 25 to 45 metres east of the gate in the western perimeter of the Engineers compound, and between 100 to 125 metres from the south perimeter. Once they were in position, the other two detachments moved out.

Detachment 63, led by Sgt Plante, headed out along the main supply route, passing the west side of the 2 Commando compound. From there the men turned south toward the southern perimeter of the compound, moving east at that point toward the Engineers compound lines. While the mission plan called for Detachment 63 to station itself 100 to 150 metres from the south-west corner, Sgt Plante exercised his discretion as detachment commander and instead decided that they should move to a position behind a small cement well or cistern. The well was located 50 to 100 metres west of the gate in the west side of the Engineers compound, and 50 to 150 metres south of the helicopter compound. However, it would appear that Sgt Plante did not inform Capt Rainville of the revised location of his detachment.

Detachment 64A (led by MCpl Countway) headed east along the main supply route to the west side of the 1 Commando compound, where it checked in with the sentry before turning south along the 1 Commando compound wire. Then the three soldiers moved south along the 1 Commando compound wire before heading west to their designated position. (Again, testimony indicated some discrepancies as to their exact location, but they were probably situated about 30 to 150 metres off the south-east corner of the Engineers Compound, slightly to the east of the actual corner of the perimeter.)

Each of the three detachments was more or less in place by approximately 1950 hours. At that time, Cpl Lalancette, from his sentry post in the 1 Commando observation tower, and using a thermal imaging device called a night observation device long range (NODLR), saw two Somalis walking casually south along the eastern perimeter of the Engineers compound. He passed this information to Cpl Noonan, 1 Commando's radio operator, who then radioed to headquarters in the Engineers compound. This information was

passed on to Capt Rainville's detachment, which then informed the other two detachments.

As the two Somalis approached the south-east corner of the Engineers compound perimeter, they were observed by Detachment 64A. Cpl Smetaniuk had spotted them first and alerted the other members of his detachment. Detachment 64A's radio was used to inform Capt Rainville that they had the Somalis under observation. According to evidence we heard, the Somalis were reported to have approached the wire, looked inside at various areas of the compound, and pointed in various directions while talking to each other. The Somalis then moved toward the southeast corner of the perimeter, finally passing out of Detachment 64A's vision.

Detachment 63 sighted the Somalis as they approached the south-west corner of the perimeter and from there proceeded north in the general direction of the helicopter compound. At this point, because the Somalis were moving closer to their position at the well, Detachment 63 requested radio silence so that its position would not be compromised. As they moved northward, the Somalis were kept under observation by both Detachment 63 and Detachment 69, but there is serious disagreement about their exact movements. Not all members of the two detachments watched both Somalis continuously.

At a certain point, the Somalis became frightened and ran south. Capt Rainville called to them to stop, and he also called Out to Detachment 63 to "get them". Members of Detachment 63 issued warnings to the fleeing Somalis in English, French, and Somali. Sgt Plante shone a flashlight attached to his shotgun in the faces of the two Somalis, but they continued to run away. Detachment 63 then fired two warning shots: Sgt Plante fired one with his shotgun, and Cpl King the other with his C7 rifle. As the two Somalis continued to flee, Detachment 63 members fired aimed shots.

Both Sgt Plante and Cpl King fired, but only Sgt Plante hit one of the Somalis. The injured man, Mr. Abdi Hunde Bei Sabrie, was wounded in the buttocks and legs by the shotgun blast. Once down, he was apprehended and restrained by members of Detachment 63. By that time, they had been joined by Capt Rainville, who indicated that he would stay with Mr. Abdi while the others pursued the other man. Plastic cuffs were then placed on Mr. Abdi.

The second Somali, Mr. Ahmed Afraraho Aruush, had continued to flee, but stopped when he got to the south-west corner of the perimeter. At this point, Cpl Klick had him in his gun sight from inside the compound and was waiting to see what he would do. Cpl Klick did not fire because, according to his testimony, he saw no threat to any of the patrol members. Mr. Aruush was also spotted at approximately the same time by Cpl Favasoli, who was using night vision goggles. He monitored the second Somali's movements and directed Sgt Plante and Cpl King as they ran in pursuit. The second Somali began to run again to the south-east.

Members of Detachment 63 chased Mr. Aruush until he reached the mid-point of the southern end of the perimeter, then abandoned the chase because they had entered the arc of fire of Detachment 64A and the Somali was heading toward the members of 64A. Sgt Plante, Cpl King, and Cpl Favasoli returned to where they had left Capt Rainville with

Mr. Abdi, who was struggling to free himself. After cuffing him again, Cpl Favasoli removed a knife from a sheath on Mr. Abdi's belt.

As Mr. Aruush approached Detachment 64A, Cpl Smetaniuk allegedly gave a warning to halt, causing the man to veer away. Having been designated as the "chase man" within the detachment, Cpl Smetaniuk then ran unarmed after the fleeing Somali. When it appeared to the other two members of Detachment 64A that Cpl Smetaniuk would not be able to catch him, they shouted a warning to Cpl Smetaniuk, and Cpl Roch Leclerc fired a warning shot with his C7.

As Mr. Aruush continued to flee, Cpl Leclerc and MCpl Countway each fired one aimed shot, and the Somali fell. The evidence we heard indicated, however, that he then tried to get up, at which point Cpl Leclerc and MCpl Countway each fired a second shot. Mr. Aruush went down again and did not get up. Although testimony varied as to the exact location of Mr. Aruush at the time of the second shots, generally evidence suggests that he fell in the vicinity of Detachment 64A.

The Mission's Aftermath

When Detachment 64A members determined that Mr. Aruush, was dead, they reported the shootings to Detachment 69. At approximately 2015 hours, Capt Rainville radioed Service Commando for an ambulance to take the wounded Somali, Mr. Abdi, to the base hospital and to remove the body of Mr. Aruush. Within a few minutes, MCpl Petersen, Cpl Mountain, and Trp Leach arrived in an ambulance, examined Mr. Abdi, determined that his injuries were not serious, and took him to the CF hospital, accompanied by Sgt Plante and Cpl King.

The medics radioed to C/S 64A to request that Mr. Aruush's body be brought to where they were examining Mr. Abdi. When informed by C/S 64A that the body could not be moved without it falling apart, they proceeded to the location of the body to examine it. MCpl Petersen, according to his testimony, observed that the dead Somali's neck was blown out, his head was gaping open at the back of the skull and his face was sagging to one side. MCpl Petersen, Cpl Mountain, Trp Leach, and Capt Rainville subsequently accompanied the body to the hospital in the Service Commando compound.

The ambulance bearing Mr. Abdi arrived at the hospital at around 2040 hours, where he was examined by Maj Armstrong in the presence of Maj Brown, MCpl Butler and Cpl Briggins. Mr. Abdi had suffered multiple shotgun pellet wounds to his lower back, buttocks, and lower legs, although none of the wounds was life-threatening. The ambulance returned with the body of Mr. Aruush at approximately 2050 hours. Maj Armstrong conducted a partial examination of the body at about 2100-2115 hours to determine the cause of death in the presence of Maj Brown, Capt Gibson, Lt (N) Gowthorpe, Sgt Ashman, MCpl Butler, Pte Perriman, Pte Cameron, and Pte McLeod.

According to the report of Maj Armstrong, the deceased had been first shot in the back and subsequently "dispatched" with a pair of shots to the head and neck area. Maj Armstrong considered that the wounds were consistent with the Somali being shot as he lay wounded on the ground. On the direction of Maj Vanderveer, the Officer Commanding Service Commando, the body of Mr. Aruush was transferred to the local

Belet Huen hospital without an autopsy at approximately 2245 hours. A hospital admissions register recorded the receipt of Mr. Aruush's body, and a Somali physician, Dr. Xalen, released the body to the deceased's family the same evening.

While Mr. Abdi was being examined at the hospital, CWO Jackson of the U.S. Special Forces A Team was informed of the shootings, came to the hospital, and interviewed Mr. Abdi with the help of a U.S. interpreter. Afterward, he spoke with Capt Rainville about the mission. He also met with Maj Armstrong, reportedly to discuss the wounds on the dead man. CWO Jackson apparently decided that he needed more information about the incident to report up his own chain of command, and he asked Capt Rainville to arrange an interview with Detachment 64A.

The Debriefings

When Capt Kyle, the Operations Officer, was informed of the shootings, he reported immediately to LCol Mathieu and Col Labbé. (Col Labbé had arrived in Belet Huen that afternoon along with Col O'Brien, Col White and Col McLeod, who were visiting from NDHQ in preparation for the visit of the CDS, Adm Anderson, to Somalia scheduled for the following week.)

Capt Rainville was ordered to go from the Service Commando compound to the Headquarters compound to meet with LCol Mathieu and Capt Kyle. Col Labbé was also present. During the debriefing, according to testimony before us, an "excited" Capt Rainville drew a diagram as he described the events of the night, explaining as well that the patrol members had followed the rules of engagement regarding the use of force. Capt Rainville reportedly stated that the two Somalis had been shot in the back after attempting to penetrate the Canadian wire. Evidence is conflicting as to whether he mentioned the "bait".

The assembled officers asked questions throughout the 60-minute debriefing, at the end of which Col Labbé asked Capt Rainville to write a description of the events for Col Labbé to use when he briefed the media the next morning. Testimony indicates that LCol Mathieu then told Capt Rainville, "Good job, Michel" as he was sent back to his patrol. Capt Rainville returned to the Engineers compound and at approximately 11:00 he called in the members of Detachment 64A so that they could debrief CWO Jackson. After the approximately half-hour debriefing on the shootings, the men headed back out to resume their patrol position. Capt Rainville remained on duty until dawn, and then he called the other detachments in for a debriefing. Once Capt Rainville had left Headquarters, Col Labbé briefly discussed the incident with LCol Mathieu.

Early in the morning of March 5th, Capt Rainville gathered his men to conduct a patrol debriefing. During the course of the meeting, each of the platoon members gave their version of what had occurred during the night's mission. In testimony before us, none of the members of the patrol could recall the details of this debriefing concerning the shootings. However, they all reported that Capt Rainville told them not to speak to the media about the incident. Capt Rainville apparently indicated during this debriefing that it was standard procedure that some form of investigation would be conducted, but he

also told the patrol members that it had been a good mission and that they had performed well.

No measures were taken by the CO to protect the scene of the shootings, as both he and Col Labbé were satisfied with the explanation of the events given by Capt Rainville. Nevertheless, in view of the serious concerns expressed by officers in Ottawa about the circumstances of the shootings and the fact that the two Somalis were shot in the back while running away, it was determined that a CO's investigation would be conducted into the events.

The CARBG's intelligence officer, Capt Hope, who had returned from leave on the afternoon of March 5th, was ordered by LCol Mathieu to conduct the CO's investigation. Capt Hope testified at our hearings that he had never conducted a CO's investigation before and had to search through CF procedural manuals for guidance. Unable to find the details he needed, Capt Hope received LCol Mathieu's permission to conduct a summary investigation (a form of investigation he was more familiar with), to meet the deadline for a oral or written report by 1600 hours on March 6th.

The terms of reference for Capt Hope's investigation were drawn up late in the afternoon of March 5th, and he began by collecting situation reports and other pertinent documents from both Belet Huen and Mogadishu. The deadline was extended to 1400 hours on March 7th, giving Capt Hope sufficient time to collect the statements of the patrol members, the medical report of Maj Armstrong, and the report prepared by CWO Jackson. Having submitted the first version of his report on March 7th, Capt Hope was subsequently instructed to delete parts of it and to include some additional material concerning the circumstances of the incident. A final version of the report was submitted to Col Labbé on March 13th. It served as the basis for Col Labbé's own report to NDHQ, which he submitted on March 23rd.

THE ALLEGED COVER-UP

Passage of Information About the March 4th Incident

Communications regarding the March 4th incident began very soon after the shootings took place. The incident and resulting communications occurred at a time that had been determined by senior officers and officials in Ottawa to be "politically sensitive". Due to the expected leadership candidacy of the Minister of National Defence, the Hon. Kim Campbell, the Deputy Minister, Robert Fowler, had reminded members of DND and the CF who attended the daily executive meeting (DEM) on March 1, 1993 that it was necessary to exercise "extreme sensitivity in all matters relating to public statements, speeches, press releases." He had already told those in attendance at the DEM of January 22, 1993, that the Minister enjoyed excellent relations with the media and that she did not want this relationship jeopardized.

At 2045 hours on March 5th, CARBG headquarters in Belet Huen informed CJFS headquarters in Mogadishu that the Recce Platoon had shot two Somalis during a security patrol at the Engineers compound. The message indicated that the Somalis had been trying to get into the compound, that one Somali was dead and one was wounded (condition unknown), and that a Significant Incident Report (SIR) had been sent. CJFS

headquarters subsequently passed on the SIR to NDHQ in Ottawa at 2126 hours. No other information was available to members of the CJFS staff in Mogadishu at that time.

Officers at NDHQ soon became very concerned following the reports which stated that the Somalis had been shot in the back while fleeing. They urged Maj Moffat, the Operations Officer at CJFS headquarters in Mogadishu, to provide more information. Maj Moffat sent word to Belet Huen of NDHQ's concern over the wording of the incident report, which had been communicated by the CJFS public affairs officer to his people in Ottawa, stating that two Somalis had been shot in the back. Maj Moffat noted as well that Ottawa was "extremely excited" over the incident, and requested an updated SIR with additional information on the entry and exit wounds of the two Somalis. He indicated that it was necessary to "calm Ottawa" and conduct "damage control".

Maj Moffat also attempted to get in touch with Maj Armstrong regarding his medical report. Maj Armstrong was approached by a soldier sent by Capt Kyle, who asked him to phone Maj Moffat in Mogadishu. Testimony before us suggests that Maj Armstrong at first refused because he had already provided a report to his own superior officer, Maj Jewer. He indicated that he would make a written report the following day, but he finally agreed to telephone CJFS in Mogadishu. According to Maj Armstrong's testimony, it was at this point that he made direct allegations of murder to the duty officer, Maj Parsons (at 0210 hours on March 5th). Evidence also indicates that Maj Parsons then made a log entry that recorded Maj Armstrong's assessment of the March 4th death, but he did not explicitly record either the word "murder" or the word "homicide".

Through the SIRs, Ottawa also became aware that Col Labbé was planning to brief the media on the morning of March 5th. It was Capt Poitras, CAR's public affairs officer, who had phoned Cdr Keenlside at NDHQ to pass on these details. From this information, Ottawa, through Maj Parsons at CJFS in Mogadishu, sent an urgent hand-delivered message to Belet Huen, exclusively for Col Labbé, expressing concern over the holding of a media briefing that morning, and indicating that Ottawa was "excited" over the information about the entry and exit wounds of the dead Somali. The message contained questions from Cdr Keenlside that Ottawa wanted answered and instructions from the DCDS, VAdm Murray, at NDHQ. According to Col Labbé, he did not see this hand-delivered message until some time after he left Belet Huen on March 5th to return to HMCS *Preserver*. Col Labbé acknowledged that he had received this urgent message, but said that he simply tossed it into his satchel to be read once he was on board the ship.

A message was also sent to LCol Mathieu from Ottawa, which he received at 0625 hours on March 5th. That message requested answers to questions about the shootings and referred to the media briefing and the telephone conversation between Maj Armstrong and Maj Parsons at Mogadishu. LCol Mathieu sent his response to Ottawa's queries to Mogadishu with the comment that "Due to the avail[ability] of grenades, mines and explosives to the locals and the threat of entering the compound and stealing the weapons and/or ammo, any Somali attempt to breach the wire and enter the compound must be considered a hostile act. Soldiers under my command have been dir[ected] to apply the ROE accordingly...".

Communications activity took on a sense of urgency as officers at NDHQ became more interested in the shooting incident. Frequent messages were passed back and forth

between Somalia and Ottawa. A day-by-day chronology follows. It should be noted, however, that we also determined that there is a large gap in the documentary record relating to the flow and content of communications between Somalia and Ottawa, as recorded in the National Defence Operations Centre logs reviewed by Inquiry staff.

Friday, March 5, 1993: Somalia

On March 5th at 0715 hours, Col Labbé authorized a call by WO Haines in Belet Huen to Mogadishu requesting information from Col Peck, U.S. UNITAF public affairs officer, about similar types of incidents involving other national forces, in order to put the March 4th shooting in context. The requested information was received in Belet Huen from Col Peck at 0730 hours. (CJFS communications logs recorded that Col Peck responded that it was quite common at other UNITAF installations to shoot at intruders and that they did not record all incidents that occurred.)

Col Labbé held separate media briefings with the Canadian Press, CBC Newsworld, and Standard Broadcast News by telephone on March 5th at 0800 hours to discuss the shootings. For the media briefing, Col Labbé referred to Capt Rainville's diagram and written statement, the updated March 4th SIR, and possibly some other papers gathered by Capt Kyle. He told reporters that the two Somalis might have been "possible saboteurs".

In Mogadishu, Maj Moffat prepared the March 5th situation report, which was then sent to NDHQ. In it, he discussed the March 4th incident and conveyed interpretations of the rules of engagement, apparently taken from LCol Mathieu's answers to NDHQ's questions sent to him earlier that day. In both LCol Mathieu's reply and Maj Moffat's report, there is a discussion of a "hostile act possibly to conduct sabotage" and the statement that "any Somali attempt to breach the wire must be considered a hostile act and dealt with according to the ROEs". (Col Labbé would later speak with Maj Moffat directly to tell him that he would personally draft the commander's evaluation for the March 6 situation report to correct the information that was sent by Maj Moffat on the previous day.) At that time, Maj Moffat briefed Col Labbé about Maj Armstrong's telephone conversation with Maj Parsons concerning the nature of the wounds on Mr. Aruush.

LCol Mathieu's duty officer phoned Mogadishu to confirm that the medical information had been received and to ask whether Mogadishu required a written report. Originally, he had been told that the written report could be included with LCol Mathieu's daily situation report. However, Mogadishu later asked that a written medical report be provided as soon as possible. The request was changed because Ottawa had made a specific request to CJFS in Mogadishu to get the medical report right away.

Shortly after noon on March 5th, Col Labbé left Belet Huen and went straight to HMCS *Preserver*. He took with him Capt Rainville's handwritten statement and diagram, along with the unopened package of messages which included the urgent message from the DCDS. (Later that afternoon, at Capt Hope's request, Capt Rainville's statement was faxed back to Belet Huen to assist Capt Hope in his investigation.)

Sometime in the afternoon of March 5th, Col Labbé spoke with Cmdr Cogdon and VAdm Murray at NDHQ. Evidence before us indicates that they both expressed a sense of urgency about the circumstances of the March 4th shooting, and that they wanted more details from Col Labbé. VAdm Murray talked to Col Labbé specifically about the interpretation of the ROE and about his contact with the media. Apparently, it was only after this telephone conversation that Col Labbé opened the package he had carried from Belet Huen and read that Ottawa was concerned about his plan to hold a media briefing.

According to the documentary evidence, VAdm Murray indicated to Col Labbé that he should be sensitive to the Minister's concerns about negative media attention which had followed the February 17th shooting incident. Col Labbé then spoke with Cdr Keenlside and LCdr Bastien to clarify details of the shootings. Col Labbé also advised VAdm Murray and other officers at NDHQ that a CO's investigation was under way, and that he personally was satisfied with the application of the ROE, basing his assessment on Capt Rainville's information.

At 1442 hours on March 5th, log entries indicate that a message was sent from Mogadishu to Belet Huen by Maj Moffat, directing that statements should be taken from all members of the Recce Platoon who had been involved in the incident. A further log entry indicates that at 1625 hours on March 5th, a message was sent from Mogadishu by Maj Moffat to Belet Huen, using Col Labbé's log identification name, ordering LCol Mathieu to forward the results of the CO's investigation within 24 hours.

Later that evening on board HMCS *Preserver*, Col Labbé spoke to Col O'Brien about his concerns about the ROE and the fact that the Somalis had been shot in the back. At that time, Col Labbé first mentioned the possibility of asking personnel from the U.S. Criminal Investigation Division to investigate the shootings, but Col O'Brien suggested that it might not be the most appropriate way to handle the matter.

Friday, March 5, 1993: Ottawa

In the early hours of March 5th, NDHQ received the first SIR and the updated SIR from Mogadishu concerning the shootings. Neither made any mention of the possibility that "bait" had been set out, but they made it clear that two unarmed men had been shot in the back outside the Engineers compound while attempting to flee. Although evidence indicates that by this time Maj Armstrong's medical assessment of the nature of the shots had been communicated to Mogadishu, NDHQ sent messages to Col Labbé and LCol Mathieu simply requesting additional information and instructing Col Labbé regarding his plan to conduct a media session on the morning of March 5th. The reports of the shooting incident were the first item of discussion at the daily executive meeting, chaired by the Deputy Minister and attended by the most senior officers and civilian staff at NDHQ.

Col Wells, Director General of Security at NDHQ, first heard of the shootings on Friday, March 5th, at NDHQ, when he was briefed by the Director Police Operations, Col MacLaren. Col Wells was told that one Somali had been killed and another wounded, and that the possibility existed that there had been excessive use of force and possible violations of the ROE. Col MacLaren recommended that this was a matter for the

Military Police. An investigation decision was expected by the DCDS, but not before Monday, March 8th, after there had been an opportunity to review the CO's investigation report.

Col Wells was not aware of any objections on the part of the DCDS, VAdm Murray, to preparing the Military Police for possible deployment on March 6th or 7th, and on March 5th, Col Wells had a team of Military Police investigators in Ottawa inoculated and prepared to head to Somalia. Col Wells sensed that NDHQ knew from the outset that the March 4th shootings had the potential to be a criminal matter as well as a disciplinary matter. Col Wells could not send in the Military Police without approval from the Commander in theatre, Col Labbé, or from the DCDS.

VAdm Murray was briefed shortly after the March 4th incident. He decided against sending in the Military Police immediately because he wanted to wait for a report on the incident from Col Labbé, but he believed initially that a Military Police investigation was probable. According to his testimony, VAdm Murray was not told that "bait" had been put out or that the mission was designed to capture Somali intruders. As well, he claimed that he was not told until later about the allegations of Maj Armstrong. VAdm Murray did not immediately assume criminality when he first heard of the March 4th shootings, but he was concerned about the application and interpretation of the ROE.

Saturday, March 6, 1993: Somalia

Col Labbé arrived in Mogadishu on the morning of March 6th. He and Maj Moffat were debriefed regarding the March 5th situation report and Maj Moffat's information about Maj Armstrong's concerns over the incident. Col Labbé wrote the March 6th situation report "commander's evaluation", using Capt Rainville's statement, the March 5th situation report, the updated SIR of March 5th, and his discussions with NDHQ. Col Labbé indicated in the March 6th situation report that there were errors in the March 5th report and he corrected what he described as the erroneous interpretation of the ROE. After Col Labbé wrote his commander's evaluation for the March 6th situation report, he flew to Nairobi to greet the CDS, Adm Anderson, who was arriving there on March 7th en route to Somalia to inspect the Canadian troops in Belet Huen and to observe the CARBG operations.

Sunday, March 7, 1993: Somalia

On March 7th, Adm Anderson was met by Col Labbé in Nairobi and later arrived in Somalia for a four-day visit. Col Labbé had discussed the March 4th incident briefly with him in Nairobi. When he arrived in Belet Huen, he was again met by Col Labbé, along with LCol Mathieu and Col O'Brien. Adm Anderson had been en route from Ottawa when the original SIR was sent to NDHQ, but they quickly brought him up to date, allegedly without getting into the details of the events or of the investigation.

Capt Hope's first draft of his investigation report was delivered to both LCol Mathieu and Col Labbé in Nairobi late on March 7th, complete with all attached statements, including CWO Jackson's and Maj Armstrong's statements. Col Labbé read the report and the attached statements of Maj Armstrong and CWO Jackson, but did not remark on CWO

Jackson's statement or the "dispatched" comment in Maj Armstrong's statement.

Monday, March 8, 1993: Somalia

Adm Anderson spoke to the officers in Belet Huen on March 8th and mentioned the upcoming election in his speech. He is said to have told the officers that he did not want "to make any waves because our Minister is running for the leadership".

At his orders group on March 8th, LCol Mathieu discussed ROE interpretations and explained the concept of disengagement. This was perceived as a significant change from the previous interpretation.

Monday, March 8, 1993: Ottawa

Col Wells met VAdm Murray at NDHQ on March 8th to discuss whether the Military Police should be sent to Somalia. VAdm Murray told him that he was still waiting for Col Labbé's report which would be the decisive document as to whether a Military Police investigation would be necessary. Maj Buonamici was ordered to stand down his Military Police investigative team until further notice.

Tuesday, March 9, 1993: Somalia

On March 9th, Adm Anderson and Col Labbé visited the CF hospital in Belet Huen. Maj Armstrong was present. Col Labbé later briefly discussed the March 4th incident again with Adm Anderson on his way to the airport. After Adm Anderson left, Col Labbé discussed Capt Hope's report with LCol Mathieu and pointed to areas which he thought were incomplete or incorrect. Col Labbé and LCol Mathieu discussed the ROE, and LCol Mathieu said that they had been clarified during the March 8th orders group.

On March 8th or 9th, Col Labbé was told by Col O'Brien that "the pressure was off" and that there was less urgency with respect to getting his report to Ottawa. It was after this message from Col O'Brien that communications concerning the March 4th incident slowed down considerably between NDHQ and Somalia.

Tuesday, March 9, 1993: Ottawa

In a meeting concerning the March 4th incident, VAdm Murray brought up the idea of using the U.S. CID to investigate. Col Wells did not dismiss the idea immediately because he had a Canadian MP, Maj Klassen, attached to UNOSOM in Nairobi. However, he did not view it as the best available option. Col Wells suggested that if there was to be a Military Police investigation, they should put Maj Klassen in charge and use the U.S. CID only to assist, but that the best scenario would be to send Military Police investigators from Canada. There was, however, no decision made as VAdm Murray was still waiting for Col Labbé's report.

Wednesday, March 10, 1993: Somalia

Col Labbé communicated to Ottawa in a situation report that, "I have received Cdn AB Regt BG CO's investigation dealing with the shootings of March 4th. With the return of my J1 legal in-theatre I have dispatched the UNITAF U.S. criminal investigation detachment (CID) to Belet Huen to conduct a detailed police investigation of the incident. Once I have received the police report I will be in a position to complete my report to the CDS with recommendations for subsequent action, if any."

The CID, however, never actually arrived in Belet Huen. Col Labbé's J1 Legal, Capt Philippe, also was not in favour of this investigative option and upon his return from leave in Canada, recommended against using the CID.

In Belet Huen, LCol Mathieu instructed Capt Hope as to how to revise his report, with the understanding that the information was required by Col Labbé. Capt Hope would re-submit his report on March 13th.

Thursday, March 11, 1993: Ottawa

Col Wells met once again with VAdm Murray concerning the issue of whether to send Military Police investigators to Somalia to look into the March 4th shootings, but VAdm Murray indicated that he had not received Col Labbé's report yet and would not make a decision before he had this document in hand.

Saturday, March 13, 1993: Somalia

Capt Hope submitted the second draft of his report to LCol Mathieu, who attached a cover letter and submitted it to Col Labbé. Col Labbé then passed it to Capt Philippe for review. Capt Philippe was greatly concerned by Capt Hope's report because he thought it possible that the Somalis might have been enticed to approach the camp and then entrapped. Capt Philippe also had some concern over the use of the word "dispatched" in Maj Armstrong's statement.

Sunday, March 14, 1993: Somalia

Capt Philippe met Col Labbé to express his concerns about Capt Hope's report. He recommended that a more thorough investigation be conducted into the possible criminal nature of the events of March 4th. Col Labbé indicated that he shared some concern over the possible use of excessive force, but that he saw no criminal intent in what had been done. They discussed Capt Rainville's plan for the mission, which Capt Philippe thought might have been set up as a trap or an "ambush", and Col Labbé explained that it was not improper to capture infiltrators and that he did not feel a Military Police investigation was necessary. However, Col Labbé still felt that more information was needed. Following the meeting, Col Labbé drew up six supplementary questions to be put to the patrol members.

Following his briefing of Col Labbé, Capt Philippe informed his superior in the office of the Judge Advocate General (JAG) in Ottawa, LCol Watkin, of Maj Armstrong's allegations. There is some discrepancy as to whether this conversation took place on March 14th or 17th, but it is clear that they did speak of the shootings subsequent to Capt Philippe's review of Capt Hope's report, and there is some indication that they discussed how to deal with the incident.

Tuesday, March 16, 1993: Somalia

The beating death of Shidane Arone while in the custody of 2 Commando occurred on this date in Belet Huen. Sometime between March 16th and March 22nd, Col Labbé's six supplementary questions relating to the March 4th incident arrived in Belet Huen. They appear to have been designed to establish that the two Somalis presented a potential threat to Canadian troops and/or installations. Members of the Recce Platoon met with Capt Hope over a 60- to 90-minute period to answer them. Capt Hope instructed the men not to discuss their answers with each other, and to address the appropriate ROE issues in their answers. During the administration of the questions, LCol Mathieu briefly addressed the troops and told them not to worry too much about the questions, that they had done nothing wrong.

Tuesday, March 16, 1993: Ottawa

The Military Police investigators who had been on standby following the March 4th shootings were sent to Somalia to investigate the death of Shidane Arone on March 16th.

Monday, March 22, 1993: Somalia

Col Labbé spoke with LCol Mathieu regarding the supplementary questions because he was waiting for the answers of the members of the Recce Platoon before finalizing his own report to VAdm Murray. There is some contradiction as to the substance of the conversation, but Col Labbé evidently received the information he believed he required, as he was able to complete his report on the shootings.

Tuesday, March 23, 1993: Ottawa

Col Labbé faxed his report to VAdm Murray without attaching Capt Hope's report, or the statements of Maj Armstrong and CWO Jackson. After reading the report, VAdm Murray felt that it addressed all the necessary issues with regard to the March 4th incident, but before making any decisions, he instructed Col O'Brien to pass it to the JAG for a legal review. VAdm Murray then left for a conference in Cambodia on March 24th, to return a week later.

Thursday, March 25, 1993: Ottawa

Capt (N) Blair, the Acting Judge Advocate General, ordered LCol Watkin to perform a legal review of Col Labbé's report concerning the March 4th incident. LCol Watkin

discussed the necessity of reviewing the CO's investigation report, and in particular, the statements of patrol members who had fired their weapons, to ensure a thorough legal review. Capt (N) Blair contacted Cmdr Cogdon, VAdm Murray's Chief of Staff, to ask for the CO's investigation report and supporting documents. LCol Watkin subsequently dealt with Col O'Brien on this issue and appears to have had some difficulty getting access to the required documents. LCol Watkin did not receive them until Col Labbé hand-delivered them on his arrival in Ottawa on April 2nd.

Monday, March 29, 1993: Somalia

Col Labbé received the written answers of the members of Recce Platoon to the supplementary questions from LCol Mathieu. These confirmed his impressions from their phone conversation of March 22nd and further buttressed the conclusions of his report of March 23rd.

Friday, April 2, 1993: Ottawa

Col Labbé arrived in Ottawa, bringing with him the CO's investigation report and supporting documents, including the statements of Maj Armstrong and CWO Jackson, which he then submitted to LCol Watkin at the JAG so that the legal review of his report could be completed.

Wednesday, April 14, 1993: Somalia

While on leave in Nairobi, Kenya, Maj Armstrong slipped a note under the door of LCol Tinsley, a JAG legal officer who had accompanied the Military Police investigators sent to investigate the March 16th incident. At 2004 hours local time, Maj Armstrong was interviewed by MWO Dowd of the Military Police investigation team. During the interview he clearly and unequivocally alleged murder in relation to the March 4th shootings. MWO Dowd then called the Director of Police Operations, Col MacLaren, to report the allegation and inform him that an investigation had begun into the March 4th incident.

Wednesday, April 14, 1993: Ottawa

Immediately following the events in Nairobi, an "excited" Capt (N) Blair, a colleague of LCol Tinsley who had received Maj Armstrong's allegation, informed VAdm Murray in the presence of Cmdr Cogdon about that allegation. VAdm Murray also received the results of the legal review of Col Labbé's report, which expressed grave concerns about the shootings, specifically LCol Watkins view of Maj Armstrong's statement alleging murder, and that a Military Police investigation was required immediately. VAdm Murray then informed Col Wells that it would be necessary for him to send a team of investigators to look into the March 4th incident, a message that came shortly after Col Wells had been informed by Col MacLaren of MWO Dowd's interview with Maj Armstrong. According to the chain of command in Ottawa, it was "pure coincidence" that

the investigation into the March 4th incident began in Nairobi and was ordered almost simultaneously in Ottawa.

Thursday, April 15, 1993: Ottawa

Col Wells issued an order for a team of Military Police investigators to go to Somalia to look into the March 4th incident; they departed that day, arriving in Nairobi on April 21, 1993.

Sunday, May 2, 1993: Somalia

A team of experts from Canada conducted a forensic autopsy and ballistics tests to address the allegations made by Maj Armstrong with regard to an execution-style killing. Dr. James Ferris, a forensic pathologist from Vancouver General Hospital, performed an autopsy on the remains of Mr. Aruush, which by that time, almost two months after the shooting, were almost entirely skeletonized. Dr. Ferris concluded that the cause of death was generally consistent with the statements of the soldiers. He conceded that he could not draw conclusions with regard to the internal organs, specifically the protruding omentum (abdominal tissue), which Maj Armstrong had seen as significant. Dr. Ferris commented on the omentum only to state, "Although this opinion [Maj Armstrong's] may be correct, it is possible for abdominal contents to be extruded from a gunshot wound during the dying process and even after death." In general, his autopsy report did not conclusively end the controversy generated by Maj Armstrong.

From this point onward, the Military Police investigation ran its course. The soldiers were interviewed on May 8, 1993, search warrants were exercised on LCol Mathieu's and Capt Rainville's premises on August 5, 1993, and the investigation was completed on August 13, 1993. The Military Police investigative team issued its final report on August 24, 1993, and indicated that the police investigation was "inexplicably delayed for five weeks causing the irretrievable loss of physical evidence, faded recollections, increased opportunities for collusion and command influence".

Prepared by MWO Bernier and Maj Buonamici, the investigation report drew a number of conclusions, which seriously called into question the accountability of the chain of command, both in Somalia and at NDHQ in Ottawa. Some of the significant investigative findings were as follows:

- Substantial evidence was found that, on January 28, 1993, LCol Mathieu issued oral directions which were inconsistent with the ROE in effect on March 4, 1993.
- Evidence was found that patrol members believed that deadly force was permitted, following a graduated response, to prevent the escape of Somalis who had attempted to penetrate the perimeter.
- Substantial evidence was found that Col Labbé became aware, January 28, 1993 and January 30, 1993, that LCol Mathieu had directed the use of deadly force against Somalis who had entered the perimeter or were running away with Canadian kit.

- Evidence was found that Capt Rainville directed, and the patrol members understood, that persons attempting to penetrate the perimeter, or escape, were to be captured using whatever force was necessary including deadly force.
- The deployment [of the March 4th patrol led by Capt Rainville] was not consistent with a preventative approach to security.
- The force used would not have been permitted by the ROE if the perceived situation had actually existed.
- The summary investigation was not conducted in accordance with Canadian standards and practices relating to the investigation of suspicious death.
- Col Labbé's messages and report to NDHQ contain the following significant error, omission, and distortion.
 - (a) Error -- Col Labbé stated in situation report 82 that neither he nor LCol Mathieu had ever considered the breaching of the perimeter as a "hostile act". This remark is contrary to LCol Mathieu's comments in a message to CJFS HQ.
 - (b) Omission -- No evidence was found that Col Labbé advised NDHQ that he was aware that LCol Mathieu had incorrectly instructed his subordinates to shoot at thieves who entered the perimeter or were running away with Canadian kit.
 - (c) Distortion -- Col Labbé's March 23, 1993 report to the DC contained so much irrelevant and speculative information that it seriously distorted what the patrol members actually reported their written statements, which were not included with the report.

THE DEATH OF SHIDANE ARONE

Continuing Frustration Regarding Security at the Canadian Camps

As the Operation Deliverance deployment extended into mid-March, the CARBG continued to try to contain incidents of attempted incursion children and young men into the Canadian compound at Belet Huen. Even after the shootings of March 4th, security problems were still a source frustration for the Canadians. For example, documentary evidence reveals alleged severe beatings of suspected thieves by members of 2 Commando on March 14th and 15th.

Many of the troops had been in Somalia for almost three months. Some were discouraged about the mission and its seeming futility, and many were feeling the effects of hard rations, illness, and the limited opportunities for communication with their families. Repeated incursions into the Canadian compounds and nuisance thefts of equipment and supplies added to the troops' resentment of the local population.

On March 13, 1993, an operation reportedly authorized by Maj Seward raided an illegal Somali roadblock. According to the investigation, which occurred only long after the actual event, Capt Sox was dressed in Somali civilian clothes, operating a Somali vehicle, with a Somali civilian in the front of the vehicle, and other Canadian soldiers hidden in the back. Many of the personnel involved were the same individuals who were later

involved the events of March 16th.

Treatment of Detainees

Guards dealt with intruders by tying them up and holding them overnight in a bunker (originally intended to be used as a machine gun position an known as "the pit") near the entrance to the 2 Commando compound. The bunker consisted of a frame placed around a floor dug in the sand, with corrugated iron roof on top. Sandbags were placed around the sides to support the roof, which was approximately 30 centimetres above the sandbag walls.

In the morning, the established routine was to turn over the captured thief to the authorities (local clan leaders and later the police when the force was re-established) in Belet Huen, in spite of the knowledge that the individual would be released almost immediately. The captured Somali thieves were not technically considered prisoners of war, but instructions had been given to CARBG forces to treat them as such while in Canadian custody. However, no provision had been made for food for the prisoners, nor were there proper facilities to hold them for any period of time beyond the overnight arrangement which, by then, had become routine.

2 Commando's Mission

This account of the torture and death of a young Somali on March 16, 1993 has been taken from a number of courts martial proceedings that followed the deployment. This Inquiry did not hear any evidence on this incident.

On the morning of March 16, 1993, Maj Seward, Officer Commanding 2 Commando, held a routine orders group with his platoon commanders. The general responsibility of 2 Commando was to maintain security in the town of Belet Huen and surrounding area and to provide guard duty for any individuals taken into custody. The commando was housed in a separate compound surrounded by wire, with one entrance that served as a sentry post.

At Maj Seward's court-martial, Capt Sox, Commander of 4 Platoon, testified that he was told by Maj Seward at this orders group, with respect to infiltrators, "to capture and abuse the prisoners". He stated that he was surprised by this directive and had asked for clarification. He was told, according to his testimony, that "it meant to rough up and there was something to the effect of 'teach them a lesson'".

Maj Seward testified that he said "I don't care if you abuse them but I want those infiltrators captured.... Abuse them if you have to. I do not want weapons used. I do not want gun fire." The apparent purpose of this instruction was to deter any person captured, and others, from such incursions in the future. Maj Seward admitted in his testimony at his court martial that nothing during his "training as an infantry officer or [in] Canadian doctrine...would permit the use of the word 'abuse' during the giving of orders."

Shortly afterward, Capt Sox conducted an orders group for the section commanders reporting to him. These were WO Murphy, second in command of 4 Platoon, and Sgts Hillier, Lloyd, Skipton, and Boland. At this briefing, apparently seeking to repeat what he

understood Maj Seward to have ordered, Capt Sox told the group that "we have been tasked to capture and abuse prisoners", referring to any prisoners captured while attempting to penetrate the perimeter of the compound.

Sgt Boland was commander of 3 Rifle Section (consisting of MCpl Haines, Cpl MacKay and Pte Brown), which had been assigned responsibility for gate security from 1800 to 2400 hours on the night of March 16th. This duty included the responsibility for guarding any prisoners that might be apprehended. Prisoners were to be put in the unoccupied machine-gun bunker near the compound gate. After the meeting, Sgt Boland discussed the instruction to "abuse" prisoners with Sgt Lloyd, another section commander, and they both decided that they were not going to pass on that information to their respective sections. However, later that evening, after Shidane Arone had been captured and was being guarded by Sgt Boland's section, Sgt Boland reportedly told MCpl Matchee, a member of his section, "that Capt Sox had given orders that the prisoners were to be abused". According to Sgt Boland, MCpl Matchee's response to this was to say "Oh, yeah!"

Sgt Lloyd testified at Maj Seward's court-martial that not only did he not pass on the "abuse" order to his troops, but he expressly told them that he would throw in jail any of his troops who touched a prisoner. He stated that he had taken this added precaution because he knew that word of the "abuse" order would get around the camp.

Sgt Hillier testified at Pte Brocklebank's court martial that when asked for clarification of the "abuse" order, Capt Sox had said that if a prisoner resisted, "you could beat the shit out of him". Sgt Hillier stated that he took this to mean during apprehension, although he did not actually use those words. He believed that the next prisoner to be caught would be abused and made an example of, and he hoped that no one would be caught that night. MCpl Skipton testified at Maj Seward's court martial that Sgt Hillier had told his troops not to abuse anybody.

Shidane Arone's Capture

At approximately 2045 hours on March 16, 1993, an unarmed 16-year-old Somali youth, Shidane Abukar Arone, was captured in an abandoned U.S. Seabees compound, located beside the 2 Commando compound. Mr. Arone was captured by Sgt Hillier, Tpr MacGillvray and Capt Sox. (Capt Sox had replaced Sgt Skipton on patrol for a short period of time because Sgt Skipton had a scheduled phone call to make.) Mr. Arone was fully dressed and did not offer any resistance. When Sgt Skipton returned, he saw that the captured Somali was in good physical shape.

After the capture, Capt Sox ordered Pte Brown, who had been assigned to guard the 2 Commando gate from 2000 to 2300 hours, to locate the person in charge of front gate security to tell him to come back to where the prisoner was being held. Pte Brown found MCpl Matchee, who was the second in command to Sgt Boland (and Pte Brown's and Pte Brocklebank's immediate superior) and returned with him to Capt Sox. Capt Sox then assigned MCpl Matchee to guard the prisoner.

By this time Mr. Arone was bound by his ankles and wrists and had a baton stuck between his arms and his body behind his back. Over the course of the next two and a

half to three hours, Mr. Arone was severely and brutally beaten and burned with cigarettes by MCpl Matchee, with the acquiescence and perhaps the help of Pte Brown. Mr Arone was rendered unconscious from time to time by the beatings. When conscious, he reportedly was required to yell "Canada, Canada".

Sgt Boland arrived shortly before 2100 hours to relieve MCpl Matchee. At that point, Maj Seward, Capt Sox, MWO Mills, and WO Murphy were in or around the bunker. They left shortly after Sgt Boland arrived. At about 2130 hours, Sgt Boland and Sgt Skipton cut off the plastic cuffs binding Mr. Arone's ankles and arranged for looser wrist bindings. While Sgt Boland was present, Sgt Skipton secured the baton by pulling a sash cord over one end of it, pulling the cord over a beam in the roof of the bunker and tying it to the other end of the baton.

The Torture of Shidane Arone

While Sgt Boland was present, MCpl Matchee retied Mr. Arone's ankles. He also removed one of Mr. Arone's garments and tied it around the young Somali's head. MCpl Matchee then proceeded to pour water over Mr Arone's head. Sgt Boland told him to stop or the prisoner would suffocate. (Sgt Boland's testimony suggested that MCpl Matchee may have been trying to give the Somali prisoner a drink by pouring water on his cheek.) MCpl Matchee remained for some time during Sgt Boland's guard duty, which lasted from 2100 to 2200 hours. MCpl Matchee then left the bunker and returned later with Pte Brown, who was to relieve Sgt Boland.

In Sgt Boland's presence, Pte Brown punched Mr Arone in the jaw (although in Sgt Boland's court martial testimony he referred only to Pte Brown having said something to the prisoner). As Sgt Boland went off duty, he said to Pte Brown and MCpl Matchee, "I don't care what you do, just don't kill the guy." (According to Sgt Boland, he had remarked "don't kill him", and he described this as having been said "in a facetious sort of way, sarcastic".)

MCpl Matchee stayed in the bunker with Pte Brown after 2200 hours, during which time both men hit and kicked the prisoner in his ribs and legs. MCpl Matchee also kicked Mr. Arone in his face. MCpl Matchee said to Pte Brown, "I want to kill this fucker, I want to kill this guy", and continued to beat the young Somali until his mouth bled. MCpl Matchee left to go to the tent of Cpl McKay, where he drank some beer. Sgt Boland arrived at the tent and had a beer with MCpl Matchee and Cpl McKay.

MCpl Matchee said that Pte Brown had been hitting Mr. Arone and that he, Matchee, intended to burn the soles of the Somali's feet with a cigarette. Sgt Boland reportedly said, "Don't do that, it would leave too many marks. Use a phone book on him." (During the courts martial, Sgt Boland confirmed that this discussion took place, but he said he did not believe MCpl Matchee and thought he was just trying to get a reaction. He said that his own reply was sarcastic and that the discussion of the phone book was "flip, banter", there being no phone books available.) After this conversation, Sgt Boland went to bed without returning to the bunker. MCpl Matchee returned to the bunker at about 2245 hours and proceeded, with the acquiescence or assistance of Pte Brown, to beat Mr. Arone to death.

Sgt Boland testified at the courts martial that he believed Pte Brown to be a weak soldier from whom he would not have expected aggressive treatment of a prisoner. He also claimed that he was not aware of the aggressive tendencies of MCpl Matchee, who had just been assigned to his section. However, there was other evidence that Sgt Boland knew what MCpl Matchee was like and that MCpl Matchee's reputation as a bully was well known within 4 Platoon.

Pte Brocklebank had gone to bed early on the night of March 16th, suffering from dysentery, without any knowledge that he would be assigned to guard duty later that night. From the time he went to bed until he was awakened by MCpl Matchee he did not get up, and he had no knowledge of the capture of Shidane Arone. However, at about 2300 hours, MCpl Matchee awakened Pte Brocklebank, saying "You're on shift. I got a surprise for you." As Pte Brocklebank was on his way to his sentry post at the 2 Commando gate, he was ordered by MCpl Matchee to come to the bunker. Pte Brown testified at the courts-martial that Pte Brocklebank arrived at the bunker at about 2308 hours to relieve him from guard duty.

At the bunker, MCpl Matchee told Pte Brocklebank to give him his pistol. Pte Brown testified at the courts martial that Pte Brocklebank seemed puzzled by this and told MCpl Matchee, "but it's loaded". Responding to an order from MCpl Matchee, Pte Brocklebank handed over his weapon, which was then held to the head of the prisoner by MCpl Matchee. According to evidence at the courts martial, MCpl Matchee held the pistol to Mr. Arone's head and told Pte Brown to take his picture. Existing photographs leave no room for doubt that Mr. Arone had, at that time, suffered a very severe beating. After this, MCpl Matchee returned Pte Brocklebank's weapon to him and Pte Brown left the bunker.

Pte Brocklebank remained outside the bunker while MCpl Matchee continued torturing the prisoner. While he was urinating at the north-west corner of the compound, Pte Brown heard Mr. Arone screaming. At one point, MCpl Matchee left to get a cigarette, leaving Pte Brocklebank alone with the prisoner. Pte Brocklebank provided a written statement on March 29, 1993, in which he stated that at the end of his shift "I was leaving to get the next sentry up. I told the CP [command post] to watch the bunker and I left to make my rounds." At his court martial, Pte Brocklebank testified that he had meant to say in his statement, "watch the front gate" and not "watch the bunker". However, when Pte Brocklebank left the bunker, he did not try to stop Mr. Arone's ordeal by reporting the matter to any of MCpl Matchee's superiors.

At about 11:45 p. m., Pte Brocklebank woke Cpl Glass, who was to take the next gate sentry duty. Pte Brocklebank also woke Cpl McKay so that he could make his telephone call home. While waiting to use the phone, Pte Brocklebank told Cpl McKay that MCpl Matchee had beaten the prisoner, and that he thought that what was going on was wrong.

A number of Canadian soldiers passed the bunker where Mr. Arone was being held, but no one made any attempt to stop the beating. Cpl McDonald saw Pte Brown and MCpl Matchee beating Mr. Arone before the arrival of Pte Brocklebank. He returned to the command post where he told his superior officer, Sgt Gresty, that "the Somali prisoner is getting a good shit kicking". Sgt Gresty took no action to go out and stop MCpl Matchee.

MCpl Giasson was on sentry duty within 427 Squadron lines from 2000 to 2400 hours on March 16th. During the course of his rounds, at about 2315 hours, MCpl Giasson stopped at the bunker where the prisoner was held and witnessed some of the beating. At that time, he testified at the courts martial, Mr. Arone was bleeding from the lip and looked in rough shape.

MCpl Matchee remarked to MCpl Giasson that in Somalia, the police would shoot the prisoner, and that "in Canada we can't do it but here they let us do it, and the NCO are aware of it". He stated that MCpl Matchee then took a two- to three-foot hollow aluminum pipe that he, MCpl Giasson, carried with him on his rounds. He testified at the courts martial that he did not intervene because he feared for his own safety. The next morning, he and his partner, MCpl Alaire, reported the incident to the CO.

Pte Glass testified at the courts martial that Sgt Lloyd had previously told him that there was a prisoner in the bunker who had to be guarded as part of his gate security shift. Pte Glass told Sgt Skipton that MCpl Matchee was beating the Somali prisoner shortly after he entered the area of the bunker. At about 2400 hours, Pte Glass asked Sgt Hillier to come and look at the prisoner. After seeing Mr. Arone, Sgt Hillier went to the command post and informed the duty officer, WO Reese, about Mr. Arone's condition. While Sgt Hillier was at the command post, Sgt Skipton entered the bunker, removed the cuffs which had been placed on the young Somali's wrists and checked for a pulse. When he could not find one, Sgt Skipton went to the command post to inform Sgt Hillier, who went to awaken Capt Sox to inform him of the prisoner's condition.

The Death of Shidane Arone

During the time that Mr. Arone was being tortured and beaten to death, there were a number of Canadian soldiers in both the command and sentry posts. The distance from the command post to the bunker was 84 feet; from the sentry post to the bunker, 59 feet; from the bunker to the observation tower in Service Commando (across the road from the 2 Commando compound), 214 feet. At about 2200 hours, Cpl MacDonald, Sgt Gresty, Mohammed (the interpreter), Maj Seward, MWO Mills, and Capt Sox were in the command post. Cpl MacDonald reported hearing a "yelp" from the bunker. Cpl MacDonald testified at Sgt Gresty's court martial: "I recall everybody kind of looking in the direction of the bunker, and then just kind of went back to what they were doing." There was also evidence that soldiers in the observation tower heard screaming (at a distance of 214 feet).

Shortly after midnight, Mr. Arone was dead. Most of the beating was administered by MCpl Matchee. Pte Brown was present during much but not all of the beating. Pte Brown admitted that at an early stage of the prisoner's ordeal he had punched him once in the jaw and kicked him twice in the leg. There was evidence from other soldiers who visited the bunker that Pte Brown appeared calm or bored, or as if "he didn't want to be there", or was "upset" or "shocked". MCpl Matchee, on the other hand, according to witnesses at the courts-martial, appeared "pumped up", and spoke frequently and expressed satisfaction at what was happening. Evidence was also heard at the courts-martial that Pte Brown did not like MCpl Matchee and was scared of him. MCpl Matchee was described as a violent person with a quick temper, and he had apparently been drinking that night.

The exact cause of Mr. Arone's death was never determined, because no autopsy was performed. Medical evidence based on photographs and the description of the beating was that the death was probably caused by brain swelling resulting from the cumulative effects of blows to the head. Lacerations on the deceased's face were probably caused by blows with a fist, and such blows may have had a concussive effect, contributing to Mr. Arone's death. Death was preceded, however, by prolonged and severe pain and suffering.

THE ATTEMPTED SUICIDE OF MCPL MATCHEE

Arrest and Detention

Maj Anthony Seward, OC of 2 Commando, ordered MWO Mills to arrest MCpl Clayton Matchee on March 18, 1993, on suspicion of the murder of a Somali prisoner. He was taken to a detention facility and turned over to guards from 1 Commando. The detention bunker, which was located in the headquarters compound, was approximately five feet six inches in height with open air "windows" all around the six by ten foot interior. There was no door on the structure.

MWO Mills ordered that a cot and water be brought for MCpl Matchee, and a guard, MCpl Godin, searched the kit of his prisoner and completed a record of the personal property in it. He also searched MCpl Matchee but removed nothing (a knife had been taken from MCpl Matchee at some time before this search). Guard duty was turned over routinely as shifts changed. Just before lunch on March 19th, the prisoner was visited by Sgt Martin for about two minutes to make sure he understood his right to legal counsel and to give him a number to call for duty counsel.

Sgt Guay and Cpl Blais took over guard duty from MCpl Godin at noon on March 19th. Sgt Guay, a friend of MCpl Matchee, helped take some photos with the camera MCpl Matchee still had with him. Following his shift, Sgt Guay also carried a letter, which MCpl Matchee had written to his wife, to Cpl Matt Mackay to be mailed. It has been reported that MCpl Matchee mentioned in the letter that he would be able to see his daughter soon, as he was being flown back to Canada to stand trial. Another shift change occurred, but at that time the two new guards did not actually check on the prisoner.

Emergency Treatment for the Prisoner

An hour later, one of the guards, Cpl Petit, entered the detention bunker to conduct the hourly check. He found MCpl Matchee hanging from one of the beams in the roof by a bootlace, his arms free and his feet barely touching the ground. He was about one metre from the camp cot, the only piece of furniture in the bunker. Cpl Petit immediately called for help and cut the bootlace to lower the prisoner to the ground. Reportedly, first aid, including CPR, was administered immediately.

The headquarters log indicates that Maj Armstrong and Cpl Adkins arrived within minutes, along with an ambulance. Maj Armstrong and a U.S. medic who was in the vicinity began resuscitation. (A DND photographer who was visiting the base took photographs while this was happening.) MCpl Matchee was transported to the Canadian

medical facility in the Service Commando compound within 10 to 12 minutes of the time he was found. There he was further resuscitated by the emergency room staff and placed in intensive care. The next day, MCpl Matchee was evacuated via Hercules aircraft to the U.S. 86th Evac Hospital in Mogadishu.

Communications to NDHQ

A Significant Incident Report (SIR) was sent from Belet Huen to CJFS headquarters in Mogadishu to report that MCpl Matchee had apparently attempted to hang himself. The report indicated that the media already knew of the incident, that Col Labbé had already made a statement to the press, and that the next of kin had not yet been notified. CJFS communicated its own SIR to Ottawa, reporting the apparent attempted suicide, and also sent an exclusive message to the DCDS at NDHQ requesting military police and legal support.

On March 19, 1993, the DCDS, VAdm Murray, sent a memo to the Minister's office (as well as to the Deputy Minister, the CDS and other senior officers and officials) on the incident. It stated that: (a) a Military Police investigation was ordered; (b) MCpl Matchee had been placed under close custody; (c) MCpl Matchee had attempted suicide; (d) whatever role he may have had with respect to the incident involving the Somali death was unknown; and (e) that members of the media were present near the scene of the attempted suicide and that a media report was therefore expected. By the end of that day, the military investigators had been given their orders to travel to Somalia, and the DCDS, VAdm Murray, had advised the Minister's staff officer, Richard Clair (in the presence of Robert Fowler, the Deputy Minister) of the apparent attempted suicide and of the decision to order a Military Police investigation, under the direction of MWO Paul Dowd, because of the probable death by foul play of a Somali in CF custody.

Just before the military police investigators arrived from Canada, Maj Seward indicated in his diary that he was "anticipating a difficult forthcoming week of questioning followed almost inevitably by a court martial". He wrote to his wife on March 22, 1993 that he had ordered Capt Sox to take the initiative to apprehend Somalis who were repeatedly penetrating the wire surrounding the Canadian compound, but that he had explained his intention clearly and he had not wanted a killing such as had occurred on March 4th.

On March 23rd, Maj Seward's diary entry stated:

My thoughts are for my well being while I dread the forthcoming investigations. It is, however, my intention to openly and readily state that I did order Somali intruders to be abused during the conduct of apprehension and arrest. To what extent this order caused MCpl Matchee and Tpr Brown to beat to death a Somali intruder will be a matter for litigation. I may not be found criminally responsible but my military career is certainly finished. I expect to be relieved of my [appointment]; possibly before a seemingly pending redeployment.

On March 24th, MCpl Matchee was evacuated to a U.S. military hospital in Germany. When examined by physicians in Germany on March 25th, it was determined that there was a 70 per cent chance that he would remain in a reduced-capacity state. MCpl

Matchee was flown back to Ottawa on March 26, 1993.

MP Investigations

Documents indicate that there were two investigations containing contradictory information about the apparent attempted suicide of MCpl Matchee. In a June 1994 Land Force Command (LFC) memo concerning release of information under the Access to Information Act, two versions of the investigation report are mentioned. The memo recommended that only the second version be considered for disclosure for two reasons: first, because the first report had been prepared soon after the incident and was incomplete, and therefore had the "potential of reflecting badly upon the Canadian Forces"; and second, the first report contained information about the boot lace used by MCpl Matchee to hang himself.

The LFC memo also stated that the CO had explained that for operational reasons the decision was made to leave the prisoner with his boots and laces, but the memo also stated that this could be misinterpreted to mean that MCpl Matchee had hanged himself with his own boot laces, which, it noted, was not the case. The memo referred to a number of statements indicating that no one could explain where the black boot lace used in the hanging had come from, and it also stated that MCpl Matchee was found wearing boots complete with laces.

On March 23rd, military police investigators arrived in Nairobi en route to Belet Huen, and by April 1st, four other arrests had taken place: those of Pte Brocklebank, Pte Brown, Sgt Boland, and Sgt Gresty.

IN-THEATRE INCIDENTS

Investigation of Incidents

There were 50 documented incidents, including mistreatment of detainees, killing of Somalis, theft of public property, and self-inflicted gunshot wounds, that occurred between the start of deployment and March 16, 1993, the date that Shidane Arone was killed. Summary investigations had been called promptly in eight of these incidents, but none was investigated by Military Police until after Mr. Arone's death, despite several incidents involving potentially serious criminal or disciplinary matters or Crown liability.

Thirteen of these cases were eventually investigated, but investigations into eight of them were begun only over a year later. In 23 incidents, there were charges laid, and convictions and sentencing of offenders followed. However, there is no record of any investigation of these 23 cases. (Once the Military Police unit arrived in Mogadishu in June 1993, during the time of the redeployment of the CF almost every incident was investigated by the Military Police.)

CF Death Caused by Accidental Weapon Discharge

One of the last serious incidents while the CARBG was still in Somalia occurred on May 3, 1993. A Significant Incident Report reported that a member of 3 Commando, MCpl Smith, had accidentally discharged his C7 rifle, resulting in the death of another 3 Commando member, Cpl Abel. It was first reported that the accidental discharge occurred while the soldier was cleaning his rifle. Later, it was reported to Maj Buonamici that MCpl Smith had been dry-firing his weapon without the magazine when it fired unexpectedly.

A summary investigation found that MCpl Smith had placed the magazine into his weapon while incorrectly holding the loaded weapon. The summary investigation concluded that he should not be charged until after the findings of a military police investigation, which eventually concluded that it was an accidental death. Nevertheless, he was later charged with negligent performance of duty and criminal negligence causing death, and a court martial was ordered for December 15, 1993.

Mishandling of Prisoners

It was also reported on May 3, 1993 that the Royal Canadian Dragoons had mishandled a number of prisoners at Matabaan. Following an investigation, evidence disclosed that under an Acting Officer Commanding (Maj Kampman, OC of the RCD, was away) a unit arrested three children between the ages of 9 and 14 and detained them for 48 hours in a sandbag bunker. They also permitted a Somali interpreter to hang a sign which said "thief" at the bunker. The responsible officers were counselled by Maj Kampman when he learned of the incident. This incident was reopened in September 1994, to determine whether Col Labbé's January 1993 order to LCol Mathieu to prevent the public humiliation of Somali prisoners had been communicated to the RCD. In his statement to the military police, Maj Kampman did not recall receiving any such direction from LCol Mathieu.

Incidents Involving Alcohol

A number of incidents involved alcohol. One occurred on HMCS *Preserver*, during which an intoxicated CARBG member tried to take over the ship during Christmas dinner. Another incident involved a female corporal, who acted in a discreditable fashion while drunk in Mombasa on April 2, 1993. And on the night of May 25, 1993, two unarmed CF soldiers dressed in civilian clothing were apprehended attempting to enter 1 Commando lines in Mogadishu through a barrier of concertina wire. Both men smelled strongly of alcohol and appeared drunk. They admitted to having been in a prohibited area, a brothel in the Italian zone, allegedly to locate other members of their platoon. Both soldiers were later fined \$500.

Thefts Involving CF Members

Early in January 1993, a shipment of 2,000 Tilley hats sent from CFB Petawawa arrived in Somalia. In total, 148 Tilley hats valued at approximately \$5,180, were discovered

missing. The report of the investigation stated that "due to the passage of time and initial poor control and accounting procedures", it was impossible to establish how the thefts occurred, and the investigation was suspended.

On February 13, 1993, a CF soldier seized a .38-calibre revolver from a Somali employed on a food convoy by the International Red Cross. When the Somali asked for it to be returned, he was informed by the officer responsible for the soldier that the weapon had already been returned. An anonymous caller reported that the soldier had mailed the revolver to his wife, and the soldier later confessed. During the investigation, the soldier told the regimental Military Police that when he tried to return the weapon to the Red Cross they did not want it. The investigation was reopened when the Military Police platoon arrived in May, and it was found that the weapon seizure had been lawful. However, it was concluded that the weapon had not been turned over to the chain of command in accordance with CARBG policy. The revolver was never recovered, and the Canadian soldier was repatriated to Petawawa.

On the night of February 15, 1993, CF personnel allegedly entered the residence of a Somali and stole a ceremonial sword. A complaint was eventually relayed to 2 Commando, because the owner had recognized one of the individuals in the group as the interpreter for that commando. On investigating the complaint, Capt Reinelt reported that patrol logs did not place 2 Commando soldiers in the vicinity when the theft occurred. However, the regimental Military Police made further inquiries and learned that soldiers from 2 Commando and Combat Engineers Regiment had, in fact, been in the residence of the victim on the day of the theft to remove some explosives and that one of the soldiers had wanted to buy the sword.

The regimental Military Police interviewed some of the personnel involved but was not able to obtain corroboration of the allegation that, following the owner's refusal to sell his sword, some of the same soldiers had returned and taken it at gunpoint. When the military police platoon arrived in Somalia in May, they reopened the investigation and found that the interpreter had been employed on the date of the theft and that 2 Commando logs confirmed the victim's claim that soldiers had been in his residence that day. The primary suspect was MCpl Matchee, but he could not be interviewed after his suicide attempt, and the file was closed. Damages of \$200 were paid to the Somali complainant.

During the month of February 1993, Col Labbé participated in a house-clearing operation during which a Somali vehicle was searched. Approximately 5,000 Somali shillings were improperly seized from the vehicle (valued at \$1 Cdn). Col Labbé gave some of the shillings to HMCS Preserver personnel who were travelling with him at the time, and he also distributed a quantity to personnel at CJFS headquarters in Mogadishu. This incident was investigated by the Military Police, and Col Labbé acknowledged that he had taken the funds as souvenirs.

At the beginning of June 1993, an alleged shortage of funds in the canteen of 1 Commando was reported to the Military Police by the OC. The military police concluded that it would not be possible to prove who was responsible and suggested that the honour system at the canteen was resulting in pilfering. The amount of the operating deficit which could be attributed to theft was approximately \$1,400.

Orders Given by Officers

A number of CARBG members testified about hearing rumours that Col Labbé had promised a case of champagne to the first soldier who shot a Somali, but no investigation of these rumours took place. In another reported incident, on February 26, 1993 at an orders group, LCoI Mathieu allegedly stated in response to a concern about thieves "...[K]ill the bastards and I'll cover for you...". This remark did not come to light until after the return of the CARBG to Canada. It was then investigated as an aspect of the March 4th shooting incident.

Military Police Investigations

Although a number of individuals involved in the incidents on March 4 and 16, 1993 were identified and charged, an analysis of the Military Police reports indicates that there were some problems in the investigations. Military Police faced a number of obstacles during the actual investigations. These included a lack of co-operation from soldiers and officers, difficulty in investigating their superiors (Military Police are a part of the chain of command and thus may be placed in the position of investigating their immediate superiors), limits imposed by the COs on investigations (which they may also, at least in part, be the focus of), and frustration of their investigations because of previous disciplinary investigations by the CO. Even when investigators identified misconduct, military leaders sometimes responded inappropriately.

Throughout the deployment to Somalia, there appears to have been a reluctance among senior officers to involve Military Police. In two particular cases, there was a clear indication of possible criminal intent - the incident involving the theft of a revolver and the death of Shidane Arone - and in both cases, Military Police were not called in until after a confession had been made. In the death of Shidane Arone, the 2 Commando CC, Maj Seward, knew shortly after midnight on March 17th that the Somali's injuries were suspicious, but Military Police were not called to investigate until March 19th after Pte Brown had reported his involvement in the death.

Assuming there would be an investigation into the shooting incident on March 4th, Military Police prepared to deploy immediately. However, their departure was delayed for five weeks. The reason for the delay was that the DCDS, VAdm Murray, and Col Labbé had discussed the incident and agreed that the Military Police should not be involved until the results of the in-theatre CO's investigation ordered by Col Labbé were available.

Although Col Labbé had initially ordered that the CO's investigation of the March 4th incident be completed within 24 hours, the first report of the incident was not received by NDHQ until March 23, 1993. Military Police were assigned to investigate the March 4th incident only after MP investigating the death of Shidane Arone had obtained information that there had been a questionable shooting on March 4th, and after the JAG, dissatisfied with the report received from Col Labbé, had requested further investigation.

**REDEPLOYMENT:
RETURN OF THE CARBG TO CANADA
Transition to UNOSOM II**

When the UN opted to postpone the original UNOSOM peacekeeping mission to allow time for the U.S.-led peace enforcement mission to stabilize the country, it was expected that, once the delivery of relief supplies had resumed and violence between factions had been brought under control, another phase of the multi-national intervention would begin, under the name UNOSOM II. This plan, adopted at the UN on March 25, 1993, involved the reinforcement of a UNOSOM II headquarters with some of the UNITAF personnel and components that would remain in Somalia following the withdrawal of the main body of U.S. and other UNITAF forces.

The planned UNOSOM II operation consisted of two interrelated activities. The first phase was the maintenance of a secure environment, within which the second phase, "national reconciliation" would take place. The secure environment had been established by the U.S.-led UNITAF coalition. Responsibility for maintenance of that security was assumed by UN forces under the UNOSOM II mandate. National reconciliation had begun with the meeting of various factions in Addis Ababa, Ethiopia, in early January 1993. Agreements were reached on a process for implementation of a cease-fire and disarmament and for the formation of an ad hoc committee to oversee the process. A second meeting took place in mid-March 1993 to continue planning for the transition.

Redeployment of Canadian Forces

The first stage of the redeployment of Canadian Forces occurred early in the in-theatre phase, with the departure of HMCS Preserver from Somalia on March 7, 1993. Canada's original plan for withdrawal of its troops from Somalia called for a "thinning out" beginning in mid-May 1993, repatriating the main body of troops in the last week of June, and completing the close-out by the end of July.

Subsequent discussions between senior Canadian officers and UNOSOM military staff indicated, however, that the transition was progressing at a faster rate than had been anticipated, and that UNOSOM would be able to take over from UNITAF on or before May 15, 1993. Because of the high degree of stability in the Belet Huen sector, it was also evident that the transfer of operational responsibility for the Canadian area of responsibility could occur by June 1, 1993.

Redeployment planning and close-out administration of the CJFS in Somalia was a large and complicated undertaking. Return of equipment and materiel to Canada required the loading of approximately 300 sea containers, and vehicles had to be cleaned to meet Agriculture Canada inspection standards, a task that took a day for each vehicle. The bulk of this materiel had to be moved by road convoy from Belet Huen to Mogadishu, and accounting procedures had to be put in place.

In-Theatre Security During Redeployment

CF personnel were scheduled to return to Canada under control of NDHQ on weekly flights beginning in mid-May, with the main movement occurring about June 11th,

approximately 10 days after the Belet Huen sector had been turned over to UN forces. On May 1, 1993, UNITAF turned over operations in Somalia to UNOSOM II forces, and security at the airport and seaport in Mogadishu was no longer the responsibility of U.S. troops.

Intelligence reports indicated that increased violence was possible, and extra vigilance and caution were advised. As CF troops left Belet Huen in stages to travel to Mogadishu for departure from Somalia, security precautions were increased. In addition to their routine tasks in preparation for re-deployment, Canadian troops were also given responsibility for providing security in designated areas during the redeployment. Members of 1 Commando were assigned to assist the National Support Element in securing the old port area of Mogadishu.

In spite of some minor incidents, redeployment activities continued, and Canadian operations in Somalia gradually drew to a close. With the exception of a small number of CF members assigned to UNOSOM II, all Canadian troops had left Somalia by June 26, 1993. The movement of CF personnel was completed using military and civilian flights as well as civilian sea lift. USAF aircraft were required to transfer heavy equipment and machinery back to North America.

Arrival of CF Personnel Back in Canada

Because of the media attention following the murder of Shidane Arone, it was expected that the return of CJFS to Canada would be widely covered. A public relations strategy was developed to counteract negative media stories; it included emphasis on the positive accomplishments of CF personnel in Somalia. Because of the staggered return flights of CJFS personnel, it was determined that a major welcome home ceremony would not be feasible.

Returning personnel were provided with advice and instructions in a redeployment communications plan issued by Col Labbé. In it he stated:

[T]he vast majority of thinking Canadians, the Department of National Defence and your families are proud of your accomplishments... You must remember that negative, irresponsible journalism generated, for the most part by the misinformed who have never been to Somalia, was propagated for reasons beyond our control and will very quickly [lose] the public interest... The international community recognizes your accomplishments [and] when the dust has settled, even the few who have been [misled] by sensationalist journalism will realize and acknowledge the truly valiant mission you have accomplished in Somalia.

Redeployment of CARBG personnel to CFB Petawawa was completed on June 17, 1993. The de Faye board of inquiry, which had convened on April 28, 1993 while CF were still deployed in Somalia, was suspended when Adm Anderson decided to divide its proceedings into two phases. The de Faye Board's Phase I report was released in July 1993. A series of Somalia related courts martial followed as well.

THE SOMALIA MISSION:

POST-DEPLOYMENT

THE COURTS MARTIAL

Investigations and Charges

Following the arrest and attempted suicide of MCpl Matchee, a special Military Police (MP) investigation team from NDHQ arrived in Belet Huen on March 23, 1993 to investigate the torture and death of the Somali youth, Shidane Arone. On March 29th, Pte Brocklebank was arrested for aiding and abetting the torture of Shidane Arone. On March 30th, Pte Brown was arrested for murder and torture, and Sgt Boland was arrested for aiding and abetting the torture and for negligent performance of duty. On April 1st Sgt Gresty was arrested for negligent performance of duty.

The first MP investigation report was completed on May 12th and forwarded to LCol Mathieu. On May 19th, the acting Commanding Officer of the CAR, Maj MacKay, laid the following charges: second degree murder and torture against MCpl Matchee and Pte Brown; and torture and negligent performance of duty against Sgt Boland and Pte Brocklebank. In June, the charge sheets were signed by LCol Mathieu as Commanding Officer of the Canadian Airborne Regiment. A second MP report was submitted on July 19th. Subsequently, charge sheets were signed on September 9, 1993 for two counts of negligent performance of duty for Sgt Gresty, and unlawfully causing bodily harm and negligent performance of duty for Maj Seward.

Charges related to the March 4th incident were eventually laid against Capt Rainville. LCol Mathieu was later charged in relation to his interpretation of the rules of engagement, and one member of CARBG was court martialed for an accidental weapons discharge that killed another CF member. Some of these courts martial were delayed because of legal complications.

Legal Issues at the Initial Courts Martial

Proceedings in Pte Brown's court martial for his role in the death of Shidane Arone began in October 1993. The defence argued that his Commanding Officer, LCol Mathieu, had a conflict of interest when he laid charges while he himself was under investigation regarding his interpretation of the ROE and the use of force. The presiding Judge Advocate agreed that there was a reasonable apprehension of bias, terminated the proceedings, and sent the matter back to the convening authority.

Similarly, since LCol Mathieu had also laid charges against Pte Brocklebank, Sgt Boland, and MCpl Matchee, their courts martial were terminated and then reconvened for the same reason. Between December 1993 and April 1994, new charge sheets were

signed by another officer, LCol Chupick, for Pte Brown, Pte Brocklebank, Sgt Boland, and MCpl Matchee.

Courts Martial Proceedings in the Torture and Death of Shidane Arone Private Brown

Pte Brown was charged with second degree murder and torture. At his court martial, the prosecution argued that Pte Brown had violated his duty to protect the victim from MCpl Matchee, or at least to report the incident to someone who could stop it. It was also argued that Pte Brown's own acts of assault constituted torture, that he knew that this sort of treatment was unlawful, and that the defence of superior orders is not available on a charge of torture.

The defence admitted that Pte Brown was guilty of assault, but argued that the evidence did not establish that the assault perpetrated by Pte Brown actually contributed to the death of Mr. Arone, or that Pte Brown's acts or omissions were intended to assist MCpl Matchee in torturing the victim or in causing injuries that he should have known were likely to cause death. The defence also argued that Pte Brown had no stronger duty to intervene than others who knew what was going on and failed to act. If he did have a duty to report -- given the involvement of his superiors in the incident -- to whom was he to report?

On March 16, 1994, exactly one year after the death of Shidane Arone, the court martial panel found Pte Brown guilty of manslaughter and torture. Pte Brown was sentenced to five years' imprisonment and dismissal with disgrace from Her Majesty's service. Appeals were dismissed by the Court Martial Appeal Court on January 6, 1995, and leave to appeal to the Supreme Court of Canada was denied on June 1, 1995. Kyle Brown was released from the military on May 24, 1995 and was transferred to a civilian penitentiary. He was released on parole in November 1995.

Sergeant Gresty

In April 1994, Sgt Gresty was acquitted on both counts of negligent performance of duty for his role in the death of Shidane Arone. He was the duty officer in the Command Post, just over 80 feet from the bunker where the beating and torture took place, but had not responded when told of the treatment of the prisoner. There was no appeal.

Master Corporal Matchee

In April 1994, MCpl Matchee was found mentally unfit to stand trial on charges of second degree murder and torture. At that time he was detained in the National Defence Medical Centre in Ottawa. In June 1994, the Ontario Criminal Review Board issued an

order that he be transferred to the Royal Ottawa Hospital, where a program was to be developed for his detention, custody, and rehabilitation, with a later transfer to a facility in Saskatchewan where his family resides. As of the publication of this report, the charges against MCPI Matchee remain, and he can be tried in the future if he is judged competent to stand trial.

Sergeant Boland

In April 1994, Sgt Boland pleaded guilty to the charge of negligent performance of duty for his role in the death of Shidane Arone and not guilty to torture. He was on guard duty in the bunker where MCpl Matchee reportedly assaulted the prisoner and, on leaving, allegedly said "just don't kill him". The court martial panel convicted him of negligent performance of duty and stayed the torture charge. He was sentenced to 90 days' detention, a penalty that includes automatic reduction in rank to private. The prosecution appealed the sentence which was then increased to one year's imprisonment.

Major Seward

Maj Seward was charged with unlawfully causing bodily harm and negligent performance of a military duty. At his court martial, which began in May 1994, the prosecution argued that he had given an order as the Officer Commanding 2 Commando to "abuse" intruders, an order that he realized, or should have realized, was contrary to the law and would cause soldiers under his command to harm prisoners; that Maj Seward's instruction to his subordinates could be interpreted only as calling for the abuse of Somalis who were apprehended; and that it was irrelevant that Maj Seward had not intended the treatment of the prisoner, Shidane Arone, that had occurred.

The defence argued that Maj Seward had instructed that infiltrators were to be captured with physical force, that witnesses had stated that they understood the "abuse" of intruders to relate only to capture, and that Maj Seward should not be liable for the criminal acts of Pte Brown and MCpl Matchee.

Maj Seward was acquitted of unlawfully causing bodily harm but was found guilty of negligent performance of duty for giving instructions to abuse detainees. He was sentenced to a severe reprimand. The Court Martial Appeal Court allowed the prosecution's appeal of the sentence and subsequently imposed a sentence of three months' imprisonment and dismissal from the CF. On December 5, 1996, the Supreme Court of Canada declined to hear the defence's appeal of the sentence. Maj Seward was released from prison in August 1996 and released from the CF in February 1997.

Private Brocklebank

Pte Brocklebank was charged with torture and negligent performance of duty. The prosecution argued at the court martial in October 1994 that Pte Brocklebank had a legal duty to protect civilians in his care from acts of violence, that a reasonable soldier would

not have watched as a 16-year-old, unarmed youth was beaten and tortured, that he had assisted in the torture by handing MCpl Matchee his loaded pistol, that what MCpl Matchee was doing clearly contravened instructions in a DND publication on the Geneva Convention, that any order to "abuse" could not have intended the harm inflicted on the victim, and that if the order did intend to do so, it would clearly be unlawful and therefore any reasonable soldier would not comply with it. He was acquitted on both charges, and the Court Martial Appeal Court dismissed the prosecution's appeal.

Captain Sox

For passing along an instruction that infiltrators captured on the night of March 16, 1993 could be abused, Capt Sox was charged with unlawfully causing bodily harm, negligent performance of duty, and an act to the prejudice of good order and discipline for his role in the death of Shidane Arone. (He was the leader of 2 Commando's 4 Platoon and had planned the March 16, 1993 mission allegedly to entice and capture a Somali.) At his court martial in January 1995, the prosecution argued that Capt Sox's conveying of the abuse order to his subordinates was reckless, that he had failed to exercise control over his subordinates while they guarded prisoners, and that the instruction he passed on led to the harming of the prisoner.

The defence argued that Capt Sox had instructed that necessary force could be used to capture infiltrators and that the word "abuse" applied only to the capture, that he should not be held responsible for Sgt Boland's misstatement of his instructions, that MCpl Matchee had already formed the intent to harm the prisoner before Sgt Boland conveyed the instruction, and that there was no evidence that Capt Sox knew what MCpl Matchee was doing to the prisoner.

Capt Sox was acquitted of unlawfully causing bodily harm and convicted of negligent performance of duty. A stay of proceedings was entered on the charge of an act to the prejudice of good order and discipline. He was sentenced to a reduction in rank to lieutenant and a severe reprimand. The Court Martial Appeal Court dismissed appeals by both sides on the verdicts and also dismissed the Crown's appeal of the sentence.

Captain Rainville's Court Martial

On December 15, 1993, Capt Rainville, the officer leading the CARBG Reconnaissance Platoon in Somalia, was charged with unlawfully causing bodily harm and negligent performance of duty in connection with the March 4, 1993 incident in which one Somali national was killed and a second was wounded (see Volume 5, Chapter 38). (He was also charged with an act to the prejudice of good order and discipline and possession of a prohibited weapon for an August 1993 incident in Sherbrooke, Quebec.)

Following a defence motion, the Judge Advocate granted that the charges be dealt with separately. In the court martial dealing with the March 4th shootings, the prosecution argued that, in telling his subordinates that they could use deadly force and to "get them",

referring to the fleeing Somalis, Capt Rainville was counselling his men to commit an illegal armed assault.

The defence argued that Capt Rainville had received instructions from LCol Mathieu that any attempt to breach the camp perimeter would be considered a hostile act and that soldiers could shoot to wound thieves, and that the Reconnaissance Platoon's mission, as understood by platoon members, was to apprehend anyone attempting to breach the perimeter wire. The defence also observed that after LCol Mathieu and Col Labbé had been debriefed after the shootings, they deployed Capt Rainville and his men the next night.

Capt Rainville was found not guilty of both charges related to the March 4, 1993 shootings. He pleaded guilty to the charges unrelated to Somalia and was sentenced to a reprimand and a \$3,000 fine.

LCol Mathieu's Courts Martial

On October 15, 1993, LCol Mathieu was charged, in connection with the March 4th incident, with negligent performance of duty as a result of orders allegedly given on the use of deadly force, contrary to the ROE. In the May 1994 court martial, the prosecution argued that LCol Mathieu's interpretations of and instructions on the ROE were negligent, in that they confused the criminal intent of looters with the hostile intent addressed by the ROE, that they authorized the use of deadly force against fleeing thieves, and that they seemed to ignore the concepts of proportionality and disengagement in responding to threats.

The defence submitted that Operation Deliverance had not been a peace-keeping mission and that LCol Mathieu's instructions, which attempted to restrict the application of deadly force by telling soldiers to aim for the legs, were reasonable. The defence also argued that LCol Mathieu had warned local elders that his soldiers would apply the ROE with regard to thieves and that these rules allowed the use of deadly force to deal with situations such as the protection of equipment and supplies. The defence stated that LCol Mathieu's precise wording was important, because it would not amount to ordering excessive force unless the soldiers' discretion was removed.

LCol Mathieu was acquitted. The Crown appealed on the ground that the Judge Advocate had confused the standard of negligence applicable to the charge during his instructions to the court martial panel. The Appeal Court agreed and ordered a new trial.

The second court martial of LCol Mathieu began in January 1996. The prosecution argued that the fact that some of the officers had questioned the order and, in some cases, had decided not to pass it down to their soldiers suggested that LCol Mathieu's instructions were a departure from the authorized ROE. The defence argued that it was not clear what LCol Mathieu's order was, or whether it was an order at all. The second

general court martial panel acquitted LCol Mathieu.

The Accidental Shooting Death of a Canadian Soldier

MCpl Smith was charged with criminal negligence causing death and negligent performance of duty as a result of accidentally discharging his rifle and fatally wounding Cpl Abel on May 3, 1993 in Somalia. On April 11, 1994, MCpl Smith pleaded not guilty to criminal negligence causing death and guilty to negligent performance of duty.

The prosecution called a witness on the issue of the sentence, Capt Yuzichuk, the adjutant for the CAR. He testified on accidental discharges in Somalia and the unit's disciplinary response to these incidents. He stated that there had been numerous accidental discharges during the deployment and that the standard penalty set by LCol Mathieu was a fine of half a month's pay. The witness stated it was his opinion that the accidental discharges were attributable in part to the fact that, unlike other missions, in Somalia they were required to have their loaded weapons with them at all times.

In its submissions on sentence, the prosecution observed that the accused had not accidentally pulled the trigger, he had done it deliberately to "dry fire" the weapon, apparently having forgotten that the magazine was on it and that a round was in the chamber. The defence emphasized that only tragic luck separated this case from the other accidental discharges in Somalia, and asked that MCpl Smith be given a fine and a reprimand.

MCpl Smith was sentenced to four months' detention, a penalty that included automatic reduction in rank to private. The criminal negligence charge was stayed. On April 10, 1995, the Court Martial Appeal Court dismissed the defence's appeal.

THE DE FAYE BOARD OF INQUIRY

Terms of Reference and Mandate

While CF personnel were still conducting operations in Somalia, the Chief of the Defence Staff, Adm Anderson, convened a board of inquiry on April 28, 1993, to be conducted by MGen de Faye, Commander Land Force Western Area. The board's terms of reference were to investigate "the leadership, discipline, operations, actions and procedures of the Canadian Airborne Regiment Battle Group (CARBG)". To the extent necessary to conduct this review and determine these issues, the board was to investigate "the Battle Group's antecedents in Canada and higher headquarters in Somalia prior to and during its employment in Somalia".

The mandate of the de Faye board of inquiry excluded matters that were the subject of Military Police investigations. At the time it was convened, these matters included the March 4, 1993 shootings by members of the CARBG's Reconnaissance Platoon and the beating death of Shidane Arone by members of 2 Commando on March 16, 1993.

MGen de Faye asked the CDS to separate the proceedings of the board into two phases. Phase I would deal with matters under its mandate other than those that were the subject of investigations or other legal proceedings, and a report would be submitted to the CDS at the conclusion of this work. Phase II would then address remaining issues after the Judge Advocate General notified the board that all court proceedings or investigations by the Military Police had been completed. At that time, the board would be free to receive evidence on a wider range of issues. The terms of reference were amended on July 9, 1993 to reflect this approach.

The de Faye board of inquiry heard from 79 witnesses in all. In addition to CF personnel, the board also met with several representatives of non-governmental organizations. The proceedings of the board were held *in camera*. The board had the power to compel military witnesses to testify but it could only request the co-operation of civilians. Evidence was taken under oath but not subject to cross-examination; the board was not bound by rules of evidence; and it received evidence on any matter it considered relevant to its mandate (subject to the limitation on its legal jurisdiction).

Findings of the de Faye Board of Inquiry

The board of inquiry released its report on July 19, 1993. when the CDS, Adm Anderson, held a press conference in late August to present details of the report, he stated that he was "disturbed" by some of its findings. They dealt with issues such as the threat and environment in Somalia; the doctrinal aspects of the Somalia mission; humanitarian operations; support for the CARBG; command and control relationships; the state of discipline within the Battle Group; discipline and leadership in 2 Commando; training for the mission; selection of personnel for deployment to Somalia; the rules of engagement; composition and organization of the CARBG; cultural differences and racism; attitudes toward the lawful conduct of operations; professional values and attitudes in the Canadian Airborne Regiment; and initiation rituals and symbols.

On the issue of security, the de Faye board of inquiry found that the threat level varied in theatre. It found that the environment in which the CARBG operated was harsh and stressful owing to weather, health factors, and the limited facilities at the CARBG base, especially during the early weeks of the deployment. The camp itself was considered satisfactory, given that the Board saw it as an administrative, rather than a defensive, layout. On the doctrinal aspects of Operation Deliverance, the board found that the mission was conducted in accordance with existing CF doctrine, but noted that directions

and procedures for handling detainees were neither clear nor appropriate to the situation in Somalia.

On humanitarian activities, the board of inquiry found that Canadian Joint Force Somalia did not have sufficient civilian-military co-operation personnel on its headquarters staff. On the issue of support for the CARBG in theatre, the board found that medical support was more than adequate; the quality of vehicles was sufficient; the availability of satellite links for family communications was acceptable; family support services were well organized; leave arrangements helped to maintain good morale; and that, generally the clothing provided was suitable for the area (while acknowledging that a lighter colour of uniform would have been more comfortable).

However, the report also noted that the troops had little confidence in the standard-issue plastic rifle magazine and that some had purchased their own metal magazines. Other areas that received criticism were the extended use of hard rations, poor mail delivery, and adverse press coverage. The board found as well that the apparently arbitrary imposition of a force manning level had disrupted the appropriate process for effective mission planning, but that the command and control procedures used for the CARBG were nevertheless in accordance with current practice.

In the view of the de Faye board of inquiry, the quality of individual leadership in the CARBG during the training period and during operations in Somalia was generally very high. The board found that with the exception of the incidents under investigation, discipline in Somalia was very good. At the same time, it commented on the unacceptable number of accidental weapons discharges, which it attributed to lack of discipline and leadership.

The de Faye board found, however, that discipline was flawed in 2 Commando. It stated that during training, 2 Commando was "slow to adjust its operational procedures for UN operations" and that it had quickly escalated the force of its responses during training exercises before deployment. The board noted that leadership problems, even before the deployment, had allowed an informal group of junior-ranked soldiers to pose a direct challenge to authority and that although administrative measures to deal with disciplinary problems were available before departure, only half-measures had been taken. It concluded that the leadership responsible for 2 Commando failed to take sufficient action to rid itself of a known challenge to its authority.

The de Faye board of inquiry found that only refresher training had been required for Somalia, because the Canadian Airborne Regiment had already been trained from mid-summer 1991 for another mission on the African continent. However, it noted that the training of 2 Commando did not fully achieve the "specific to mission" standard of readiness before the final assessment. It concluded generally that the CARBG was well trained for its tasks in Belet Huen. On the rules of engagement, the de Faye board stated that the rules used were adequate for training purposes, but that it had been demonstrated

during training that the use of minimum and graduated escalation of force was not well understood by all sub-units.

The de Faye board found on the issue of selection of personnel for Somalia that there was thorough screening of all personnel for deployment and that, on average, the members were more experienced, less averse to risk, and perhaps more physically fit than infantry members in other units. The board concluded that the commanders of the Special Service Force, the Canadian Airborne Regiment, and 2 Commando believed they had taken reasonable steps to screen out unfit and undesirable personnel.

In reviewing the development and promulgation of the rules of engagement for the mission, the board of inquiry stated that there were significant differences between the Somalia operation and previous peacekeeping activities of the CF, and that in-theatre commanders were called on to show a high degree of initiative, innovation, and judgement. Concerning the composition and organization of the CARBG, the board found that selection of the Canadian Airborne Regiment was appropriate and that the basic structure of the Battle Group was sound.

On the issue of cultural differences, the de Faye board stated that the CARBG was adequately prepared, had adapted very well to the cultural differences, and showed a remarkable degree of tolerance. The board did not believe that the use of nicknames (such as "gimmes", "smufties", and "nignogs") was racist, but that such terms were unprofessional and inappropriate. It did find that there may have been one or two white supremacists among the personnel selected for Somalia, but in the board's view, there was no systemic problem of racism in the CARBG.

Preliminary training of members of the CARBG was considered to have been adequate to ensure an appropriate attitude toward the lawful conduct of operations. The de Faye board found, on the issue of the professional values and attitudes of the Airborne, that the chances of the mission's success were enhanced by the choice of a unit with special training requirements to meet the needs of an operation conducted under spartan and demanding conditions in a difficult climate. It stated that the CARBG adjusted with exceptional speed and showed remarkable understanding of the requirements of the mission from the perspective of its humanitarian goals. In the board's opinion, the conduct of 2 Commando did not lead to any significant inappropriate behaviours or regrettable consequences in its area of responsibility in the town of Belet Huen.

On the practice of initiation rituals, the view of the de Faye board was that without an officially sanctioned and challenging indoctrination course, the informal leadership at the junior level would likely impose initiation procedures that might not reflect appropriate values, attitudes, and behaviours. Nevertheless, it concluded that, for the most part, the professional values and attitudes of the CARBG in Somalia were of the highest order, and that the alleged failures were not indicative of any systemic fault in the ethos, attitudes, or value system of the Airborne or of the CF as a whole.

Recommendations of the de Faye Board of Inquiry

The de Faye board made recommendations for action in the following areas: research on long-range communications and technologies to reduce risks for troops; clarification of orders on the custody and detention of military personnel and civilian individuals; development of a joint civilian-military relations capability for future UN operations; improvement of in-theatre rations; review of use of the plastic rifle magazine; improved public affairs approaches to support high-risk CF deployments; closer attention to command and control issues for commanders of Canadian contingents; review of the policy and practice on the use of warning shots and implementation of standardized incident reporting requirements; and a careful analysis of policies and structures necessary to support tactical commanders.

The board also noted that such issues as rites of passage and use of symbols should be examined, that cultural briefings should be improved during pre-deployment training, and that other government departments should be called on when necessary to provide support to future Canadian contingents. It supported the principle of general purpose training with supplemental specific training added to support the requirements of each mission.

Response of the CDS

The Chief of the Defence Staff, Adm Anderson, indicated that he agreed generally with the interim recommendations of the de Faye board of inquiry. Although the original plan was for the board to deal with certain issues during Phase II of its activities, other matters were seen by the CDS as requiring immediate action. One such issue was the structure and staffing of the Canadian Airborne Regiment, and Adm Anderson accordingly directed the Commander Land Force Command to review the organization and staffing, keeping in mind the de Faye board's recommendation that the CAR must have high-calibre and stable leadership. The Commander LFC was also ordered to take action to ensure that CAR training conformed to standard CF practice.

On the problems of discipline in the CAR, the CDS ordered that all disciplinary cases that had occurred in the Regiment between the beginning of 1992 and its deployment to Somalia be reviewed to ensure that they had been resolved and appropriate disciplinary action taken. Although the de Faye board had indicated that it did not find systemic racism in the CAR, Adm Anderson ordered a comprehensive review of all CF policies, orders, and regulations dealing with racism. A CF administrative order was issued to provide guidelines and procedures for handling racist activity by CF members, and instructions were given for awareness training regarding the policy. Directions were also

issued on the inappropriate use of nicknames based on ethnic origin.

On the issue of screening of personnel for Operation Deliverance, which the de Faye board had found was based primarily on soldiering skills, with insufficient attention paid to individual attitudes, the CDS ordered that the screening of personnel for future missions include the assessment of attitudes. Because the de Faye board also identified shortcomings in the approach to training for contingency operations, Adm Anderson ordered a review by the Deputy Chief of the Defence Staff of training requirements for specific-needs missions, including the development of assessment guidelines for specific-to-mission training effectiveness.

Adm Anderson supported the views of the de Faye board on the need for increased use of civilian/military relations and other specialist staff, and he ordered an examination by the DCDS of such factors as the lack of a civilian infrastructure in relation to future operations. On the issue of detainees, the DCDS was ordered to review CF doctrine on the handling of field detainees and to ensure that future contingency planning include arrangements for handling detainees.

The CDS supported the recommendations of the de Faye board on rules of engagement, with the exception of the one concerning use of an aide-mémoire by troops in the field. He ordered the DCDS to review all existing rules of engagement for Land Force Command operations and to develop a set of standing rules for LFC use. A review was ordered of the doctrine and policy for warning shots, to be assessed for each operation; the policy on the use of lethal and non-lethal force was also to be re-examined and incorporated into the planned 'joint operations' publication.

The CDS ordered the Commander LFC to review the standard operating procedures regarding weapons safety for field operations and other measures, including attention to deficiencies in long-range communications, clothing, and rifle magazines. On the use of symbols, the CDS directed that the commanders of commands ensure that only symbols that reflect positive values and traditions of the CF be adopted by units and sub-units.

THE SOMALIA WORKING GROUP

Creation of the Somalia Working Group

The Somalia Working Group was formed at the end of September 1993. MGen Boyle, who held the position of Associate Assistant Deputy Minister (Policy and Communications), had already been appointed the DND point man for all Somalia-related issues, particularly as communicated by public affairs officers, when he assumed the leadership of this internal committee. The Somalia Working Group's mission,

according to a report produced by MGen Boyle, was to "collate all ongoing departmental activities associated with the Somalia Affair with a view to (a) advising the MND, CDS and DM on future courses of action to be taken; (b) informing group principals of upcoming significant milestones facing the Department; and (c) co-ordinating the NDHQ staffing of Somalia-related activities to ensure accuracy and timeliness."

Members of the Somalia Working Group included MGen Boyle's deputy, staff of the Minister of National Defence, the Chief of the Defence Staff, and the Deputy Minister, the special assistants of the Deputy Chief of the Defence Staff and the ADM (Personnel), the directors general of Public Affairs and Security, the Director of Parliamentary Affairs, and a member of the office of the Judge Advocate General. Other officers, usually from public affairs, also attended the group's meetings on occasion. The Somalia Working Group maintained its own office, which provided the services of a special assistant for the group, a secretary, and a public affairs officer. This office handled the daily activities of the Somalia Working Group, including, at a later date, the processing of requests for Somalia-related information under the *Access to Information Act*.

The Somalia Working Group's Activities

According to testimony before us, the group's meetings were mainly information sessions; if necessary, important issues were brought to the attention of MGen Boyle in his office afterward to decide how best to follow up. However, weekly reports on the working group's activities were produced and signed by MGen Boyle. Three main headings recurred in these reports: support to the Minister (such as briefings and responses to ministerial inquiries); monitoring the courts martial and disciplinary proceedings arising from the conduct of a number of CF members while in Somalia; and participation in Somalia-related public affairs activities (authorizing press releases, media advisories, and other material for public release). The weekly reports also indicated that the working group was involved in processing *Access to Information* requests.

Testimony suggested that once the Somalia Working Group was established, both the CDS and the Deputy Minister closely monitored the release of Somalia-related information. This included approval in advance of back-grounders, press releases, responses to queries (RTQs), and other information provided to the media. It was on one such occasion that the Deputy Minister made a note on an RTQ, tabled at this Inquiry, asking how to correct some misinformation on racism appearing in the media and asserting that there was a need to "control the agenda".

The group's weekly reports were distributed to the Minister's office and to senior officers and managers at NDHQ. MGen Boyle reported directly to the Chief of the Defence Staff, Adm Anderson, and to the Deputy Minister, Robert Fowler. Testimony also suggested that he reported to the Vice Chief of the Defence Staff (VCDS), LGen O'Donnell, on the

group's day-to-day activities, including passing on to the VCDS any recommendations made by the group.

MGen Boyle's Analysis of the de Faye Board's Report

The Somalia Working Group produced an after-action report in July 1994, a year after the de Faye board of inquiry had submitted its report. Written by MGen Boyle, the purpose of the report was to highlight for the CDS a number of issues that remained unresolved and to recommend appropriate courses of action. The after-action report reviewed the work of the de Faye board of inquiry, acknowledging that its work had been limited by its terms of reference and time constraints. Nevertheless, the report pointed out that there were serious deficiencies and weaknesses in the de Faye board's analysis and recommendations.

MGen Boyle noted in his assessment that much of the confidential information that had been severed from the report before it was released to the public would eventually become publicly available through testimony at the courts martial of soldiers involved in incidents in Somalia. He pointed out that a close reading of the de Faye board's report, comparing it with information from courts martial testimony, would reveal that there were weaknesses and, more important, significant discrepancies in the de Faye board's findings and recommendations, on which the CDS was basing a number of reforms.

MGen Boyle also indicated that some of the de Faye board's conclusions (for example, that the CARBG was well trained for the Somalia mission) did not appear to be borne out by the testimony actually heard by the board. As well, he stated that there had been enough evidence before the de Faye board to suggest that leadership problems reached up the chain of command to Command CJFS. He referred to documents that indicated "direct attempts to cover up facts behind the 4 March incident, which will no doubt be brought to light during court proceedings. Also the March 16 incident reveals a blatant attempt at the officer level to 'cover up' this incident. This will probably become public knowledge during the 18 Oct proceedings [referring to one of the Somalia-related Courts Martial] and will seriously attack the credibility of the 'officer corps.'"

MGen Boyle reported to the CDS that the most pressing issue regarding the Canadian Airborne Regiment was leadership. He stated that this problem should be addressed by the Commander Land Force Command. He also recommended that the CDS proceed with Phase II of the de Faye board of inquiry, but that its terms of reference be limited to "an analysis of the *raison d'être*, development, understanding, interpretation and application of rules of engagement".

MGen Boyle pointed out, however, that several issues remained unresolved, and he recommended that the Minister of National Defence, as advised by the CDS, establish an independent board of inquiry to evaluate the role of the "chain of command" in the preparation and dispatch of the CAR for its mission to Somalia, and to evaluate NDHQ's performance in the management of the Somalia events, with particular attention to its handling of five incidents (the incident at the Bailey bridge, the March 4th shootings, Mr. Arone's death, the incident at the Red Cross compound on March 17th, and the attempted suicide of MCpl Matchee).

MGen Boyle elaborated on concerns about decisions taken at NDHQ, which, he stated, "may have exacerbated the already tenuous situation in Somalia", and he noted that "doubts emerge from the following observations":

1. The SIR [significant incident report] for the 4 Mar 93 incident provided enough detail for NDHQ to realize that there may exist a potential problem with the interpretation of the ROE in Somalia;
2. [K]ey members of the NDHQ J-staff were in Belet [H]uen with Comd CJFS on 4 Mar 93. What was their role, if any, in assessing the causes of the incident, in interpreting how the [ROE] were being applied and what advice did they provide the Comd CJFS?
3. Adm Anderson visited the Somalia Theatre from 7-10 Mar 93 and was supposedly briefed by Comd CJFS on the 4 Mar 93 incident. What were the conclusions of this briefing?
4. Comd CJFS was allowed to deploy to Somalia without an MP cell despite DG Secur's advice. This shortcoming was finally resolved when senior management agreed to send MPs in early May 93. What was the rationale for not having MPs in Theatre at the start of the operation? and
5. Following the 4 Mar incident, DG Secur recommended to NDHQ authorities that MP Investigators should be dispatched to Somalia as per [standing operating procedures] to investigate the incident. Why wasn't the advice of the DG Secur acted upon?

The Conclusion of the Somalia Working Group

The Somalia Working Group appears to have concluded its work with the issuing of MGen Boyle's report. He stated that the most important work of the group was its analysis of the Phase I report of the de Faye board of inquiry and the comparison of its content to the evidence disclosed by the various Military Police investigations. He

reiterated that this work had been done to identify for the Department all the potential issues it could be facing as a result of the "Somalia Affair".

New information about the mission and the activities of the Canadian Airborne Regiment continued to surface. In January 1995, CBC television aired a videotape showing members of the Airborne engaged in an initiation activity that involved human vomit, urine, and excrement. In response to the continuing disclosures, the Minister of National Defence, the Hon. David Collenette, announced the disbandment of the Canadian Airborne Regiment on January 24, 1995, against the advice of the Chief of the Defence Staff. The CAR was disbanded on March 5, 1995, only a few weeks before this Inquiry was established.

COMMISSION OF INQUIRY INTO THE DEPLOYMENT OF CANADIAN FORCES TO SOMALIA

Establishment of the Inquiry

On March 20, 1995, this Commission of Inquiry was established under the federal *Inquiries Act*. Mr. Collenette told the House of Commons that the Inquiry's terms of reference were broad and that the three commissioners who had been appointed had excellent reputations and had his confidence. He repeated an earlier commitment that the Inquiry would look into all aspects of the Somalia mission.

In May 1995, Mr. Collenette stated that the Government had created "a commission with the most wide-sweeping powers probably in Canadian history". He again emphasized that the Government had nothing to hide, stating that the Inquiry "would get to the bottom of all the allegations regarding our deployment to Somalia." Both the Minister and the Prime Minister, the Rt. Hon. Jean Chrétien, stated consistently that the Inquiry's mandate allowed it to examine all issues relating to the incidents in Somalia.

To encourage members of the Canadian Forces to bring forward information as the work of the Inquiry got under way, we travelled with our staff to several bases in Canada to visit, individually and in groups, many of the personnel who had served in Somalia. As our work progressed, the review of DND and CF documentation became a major focus.

Procedures for Document Production

The Chairman of the Inquiry issued an Order for Production of Documents to the Minister of National Defence on April 21, 1995, followed by similar orders to the Department of Foreign Affairs and International Trade and the Privy Council Office. To assist us in our work, DND created the Somalia Inquiry Liaison Team (SILT) in April 1995. Its mandate was specified as collating and cataloguing all documents, notes, electronic mail messages, etc., held by DND and the CF regarding Canada's participation in the Somalia mission; assisting us in obtaining relevant information from DND and the CF; responding to requests for information from the public and from witnesses who would be appearing before us; acting as the focal point for media inquiries; and coordinating the appearances of DND and CF witnesses during our public hearings.

SILT reported to the Associate ADM (Policy and Communications), who at the time was MGen Boyle. Its directive from the CDS included the order that "[no] documents, in whatever form they exist shall be withheld from the SILT", and SILT was given the authority to contact anyone necessary to fulfil its mandate. SILT initially estimated that it would handle about 7,000 documents. By the end of 1996, we had received some 150,000 documents from SILT, totalling more than 600,000 pages.

We also obtained and reviewed documents from other related proceedings. These documents included the report of the de Faye board of inquiry and transcripts of the courts martial proceedings arising from incidents that occurred in Somalia during the in-theatre phase of the mission. Overall, information was gathered from a wide variety of sources, with the bulk of material coming from DND. Inquiry staff and consultants collected authoritative materials from Canadian and foreign military sources. Numerous experts provided background information on relevant issues.

Public Hearings

On May 24, 1995 hearings were held to determine issues of standing before the Inquiry. When the hearings began, we released a document setting out the Inquiry's rules of procedure. We also issued orders for the production of documents, orders granting standing to various individuals, orders on the disclosure of documents, and rulings regarding individuals who would be served notices under section 13 (adverse findings) of the *Inquiries Act*. As well, a number of formal statements were provided to clarify particular issues that had been raised.

During the week of June 19, 1995, we conducted policy hearings on our mandate. During these hearings, we received an overview of the policies, regulations, rules and practices of the CF and had briefings on the structure and organization of the CF, DND, and

Canada's military justice system.

On October 2, 1995, we began hearing evidence on the pre-deployment phase of the Somalia mission. Because of the continuing but drawn out flow of documents to us, we had determined that it was necessary to begin public hearings before all documents had been received, processed, and reviewed by our staff. This series of public hearings continued until February 22, 1996.

On January 1, 1996, Jean Boyle (who had become ADM (Personnel) with the rank of LGen) was promoted to Chief of the Defence Staff. On April 9, 1996, Gen Boyle issued a message to all Canadian Forces members to "stand down all but essential operations to conduct a thorough search of all their files, to identify and forward to NDHQ/SILT any Somalia-related document not previously forwarded...". As a result, SILT received an additional 39,000 documents totalling more than 200,000 pages. This Inquiry did not receive final delivery of these additional documents until September 27, 1996.

After a short period for preparation of witnesses, hearings on the in-theatre phase began on April 1, 1996, but after hearing only 12 witnesses, we suspended this phase. We had determined that it was necessary to hold public hearings into alleged document tampering and document destruction within the Directorate General of Public Affairs, as well as the alleged failure to comply with our orders for disclosure of essential Somalia-related documents. This phase of our hearings extended from April 15 to August 30, 1996.

The in-theatre phase of public hearings resumed on September 9, 1996, but was concluded abruptly on March 31, 1997, following the deadline imposed by the order in council of February 4, 1997.

Problems with the Production of Documents

As our investigations and research proceeded, Inquiry staff identified several areas in which work was being hampered by unsatisfactory document disclosure and/or production. The problems included discrepancies in the NDHQ logs and missing in-theatre operational logs, as well as possible alteration and destruction of response to query (RTQ) documents. Because of these serious difficulties, we were obliged to hold special hearings to address these issues.

A major problem for the Inquiry concerned National Defence Operations Centre (NDOC) computer logs. These logs were found to contain a number of anomalies, including entries that had no information in them, entries that were missing serial numbers, and entries that duplicated serial numbers. Our concern was that the logs might have been tampered with deliberately. The military investigation, launched in October 1995 following our communication of this concern, was unable to determine whether the inconsistencies in the logs were the result of poor operating procedures, insufficient

training, a lack of system audits, or deliberate tampering.

Research conducted by Inquiry staff into operational logs maintained by troops in Somalia revealed that a number of logs were missing. Of particular interest to us were logs from the commandos of the CAR. Our staff eventually located the Service Commando logs, which had been held by the Military Police. The logs of 2 Commando were discovered in a filing cabinet at CFB Petawawa. SILT eventually informed us that the 1 Commando logs had been destroyed by water while in Somalia or during redeployment to Canada. Many of the logs that remain missing are from critical time periods.

The Role of DGPA Regarding Altered Documents

In October 1993, Michael McAuliffe, a reporter for CBC Radio in Ottawa, made a verbal request for Responses to Queries prepared by DGPA. When the DGPA staff met in early October 1993 to consider how to respond to Mr. McAuliffe's informal request, they decided to give him altered RTQs, from which sensitive information had been deleted. Eventually the same altered RTQs were forwarded to Michael McAuliffe under the *Access to Information Act*.

After we issued our Order for Production of Documents in April 1995, it became obvious to DGPA staff that unaltered RTQs would likely become available to the public and also, therefore, to members of the media, including Mr. McAuliffe. This is what occurred. Ultimately, we determined that we were obliged to hold hearings on the issue of document tampering. This became known as the 'DGPA Phase' of our hearings. The issues we dealt with during this phase included questions about knowledge of the decision to release altered RTQs.

We heard evidence from Gen Boyle himself in relation to his responsibility for the Somalia Working Group, which had a mandate to manage public affairs activities surrounding the Somalia incidents. The hearings on documentation lasted for four months and prolonged the work of the Inquiry.

Government Comments on the Inquiry's Work

Throughout April and May 1996, Prime Minister Chrétien and the Minister of National Defence stated consistently that the mandate of the Inquiry allowed us to examine all issues relating to the incidents in Somalia and emphasized the importance of allowing us to do our job.

On April 17, 1996, Mr. Collenette stated: "The Inquiry is to look into cover-up. The Inquiry is to look into the destruction of documents. The Inquiry is to determine if there is wrongdoing...". He also spoke in the House on April 19, 1996, describing the Government's understanding of the intended scope of our investigations. At that time he affirmed the propriety and relevance of our investigation of cover-up and issues relating to documentation, stating: "this Minister and the government took its responsibility by setting up the Somalia commission specifically to deal with issues such as documentation." He added: "There were documents altered. There were documents destroyed. Was there a cover-up? These are matters on which the Inquiry will get to the bottom...".

By mid-September 1996, however, Mr. Chrétien stated that he would like to have our report, because reforms to the Canadian Forces and the Department of National Defence would be on hold as long as the Inquiry continued, and the Government wanted to take appropriate remedial action. At the same time, Mr. Collenette was describing the Inquiry as "an impartial setting to hear all of the evidence and have everyone dealt with fairly."

Requests for Extensions

During the course of the Inquiry, the Chairman made three requests for extensions to the original reporting deadline of December 22, 1995. The first request was sent two and a half months after the Inquiry was established and stated that the parties had underestimated the amount of time necessary "to prepare a report of this magnitude".

In the period leading up to this first request, government statements focused on the Inquiry as a vehicle for eliciting all the facts and answering all the questions concerning the deployment. In these statements, the Government explained that the Inquiry's terms of reference had been designed to ensure that all questions raised or allegations made about the deployment would be examined.

We made a second request for an extension in the spring of 1996, after we had an opportunity to review DND's handling of the order for the production of documents. At that time, we clearly advised the Government that a further delay could be expected because new issues had arisen that affected the pace of our work and therefore required our attention. The Government granted an extension, although it did not provide the amount of time we had indicated would be necessary. The Government did, however, state in that response that the Inquiry's deadline could be reassessed in the fall of 1996.

Around the time this extension was made, the Minister of National Defence again affirmed the propriety and relevance of our investigation of cover-up and issues related to documentation. In April 1996, the Minister told the House: "We have a terms of reference which has never been challenged, which talks in the language used by the hon.

Member, 'cover-up, 'destruction of documents'. All of that is in the terms of reference to do the job, to get the answers."

On October 4, 1996, Mr. Collette resigned as Minister of National Defence. On October 8th, Gen Boyle resigned as Chief of the Defence Staff. The same day the Hon. Doug Young, the newly appointed Minister of National Defence, said that he was prepared, if he had the support of the House of Commons, to ask us to report by the end of March 1997, and that he would "encourage us to report as quickly as possible on what happened, why it happened and who was responsible for what happened in Somalia." On October 9, 1996 Mr. Young said that the Government wanted a "thorough investigation of everything that happened in connection with the situation in Somalia", and he wanted the Inquiry to "report as scheduled on March 31, 1997, so that everyone, all Canadians and all members of the Canadian Armed Forces and members of this House will have the information they need to make an informed decision if by any chance an election is called in 1997."

In November 1996, we provided the Government with various scheduling options, including a final extension of the Inquiry's reporting deadline to the end of December 1997. We indicated that the main work still to be completed in accordance with our terms of reference included the receipt of evidence relating to the March 16, 1993 torture and murder of Shidane Arone by Canadian Forces members, evidence relating to other in-theatre incidents, evidence relating to the actions and decisions of key figures at NDHQ (including the Chief of the Defence Staff, the Minister and the Deputy Minister of National Defence), and evidence relating to issues of alleged cover-up at the highest levels in the chain of command and within the civilian staff at NDHQ. We also drew the Government's attention to the fact that the number of documents received by the Inquiry had grown to 150,000, totalling more than 600,000 pages.

On December 10, 1996 Mr. Young told the House of Commons that we had requested an extension of our mandate. Mr. Young asked that all members of the House express their views on whether the Inquiry should continue. He concluded: "I guess it is all a question of whether it happens in our lifetime or not."

The Inquiry's Reporting Deadline

The Government responded in January 1997, giving us until the end of March to terminate our hearings and until June 30, 1997 to submit our report.

On February 4, 1997, Mr. Young stated that if the Inquiry were allowed to go on until everyone was satisfied that it was complete, he would not live long enough to see the end of the affair. He stated that he had said right from the start, and repeated it numerous times, that he hoped the Somalia Inquiry would table its report on March 31, 1997. On

February 13, 1997 Mr. Young told the House of Commons that "every Canadian...knows who pulled the trigger. Everybody in Canada knows exactly what happened on the ground in Somalia.... In response to a comment from a member of Parliament the next day in the House, Mr. Young stated: "[T]he hon. Member...should know, as do most Canadians who are interested in the matter, exactly what happened... What I have said and what I repeat is that Canadians...are fully aware of what took place with respect to the murders by shooting or by torture." (He corrected his reference to "murders" in the House on February 17, 1997, stating that it had been a mistake to link the incidents of March 4 and March 16, 1993.)

From February 5, 1997 on, responding to suggestions that the Government was hiding the truth and preventing witnesses from testifying by shutting down the Inquiry, Mr. Young and the Prime Minister stated that the Inquiry was free to call any witness and that we had until the end of March to do so.

The Effects of the Government's Decision to Truncate the Inquiry's Work

Between January and March 1997, evidence was heard to complete our investigation of the shootings of March 4, 1993. In April 1997, hearing time was scheduled for submissions from parties with standing before the Inquiry.

Following the imposition of the March 31st deadline to complete our public hearings, some witnesses, including senior officers, requested permission to call a number of supporting witnesses, knowing that we would have to refuse most of these requests because of the time limitation. Some of the parties brought motions in court, arguing that the Inquiry could not afford them the fundamental fairness required by law, and asking that the Inquiry be stopped from issuing a report.

We held a press conference on January 13, 1997 to respond to the government's decision to truncate the Inquiry's work, and another in mid-February to respond to Government comments that we could call as many witnesses as we wished before the end of March. We provided a statement to the media that said (in part):

We Commissioners are profoundly disappointed at this turn of events, inasmuch as the time frame that has been stipulated severely restricts our ability to delve into crucial aspects of the mandate that has been specifically assigned to us in our original terms of reference.

Moreover, this Inquiry was established in large measure to alleviate concerns that an imbalance had occurred in the official reaction to the events in Somalia. The feeling was that too much attention had been focused upon the activities of soldiers of lower rank and that not enough effort had gone into examining the role

and responsibility of higher ranking officers, senior bureaucrats and government officials. The deadline that is now being imposed on us makes it impossible for us to comprehensively address the question of the accountability of the upper ranks.

The imposed time limitation precluded us from calling a number of important witnesses. One of them, John Edward Dixon, brought motions before the Federal Court Trial Division, one of them challenging the legality of the Government's actions. In a decision rendered on March 27, 1997 Madam Justice Sandra J. Simpson ruled that the Government's actions were *ultra vires* and unlawful, effectively leaving the Governor in Council with two choices: extend time sufficient to complete the mandated work in the terms of reference; or revise the original terms of reference and limit the extent of what our report should cover. On April 3, 1997 the Privy Council Office issued another order in council telling us to report on all items in our original terms of reference pertaining to the pre-deployment phase, and giving us discretion as to the other items on which we would report within the imposed deadline of June 30, 1997.

In this report we have something concrete to say about the issues in every paragraph of our original terms of reference. The curtailment of our mandate, however, left us unable to explore several important matters. Most notable among these are the torture death of Shidane Arone on March 16, 1993, the response of the upper echelons of NDHQ to the events of March 4 and March 16, 1993, and allegations of high-level cover-up pertaining to those events.

NOTE TO READERS

Military Ranks and Titles

In recounting events and reporting on testimony received, this report refers to many members of the Canadian Forces by name, rank and, sometimes, title or position held. Generally, we have used the rank and title in place at the time of the Somalia deployment or at the time an individual testified before this Commission of Inquiry, as appropriate. Thus, for example, the ranks mentioned in text recounting the events of 1992-93 are those held by individuals just before and during the deployment to Somalia, while ranks mentioned in endnotes are those held by individuals at the time of their testimony before the Inquiry.

Since then, many of these individuals will have changed rank or retired or left the Canadian Forces for other reasons. We have made every effort to check the accuracy of ranks and titles, but we recognize the possibility of inadvertent errors, and we apologize to the individuals involved for any inaccuracies that might remain.

Source Material

This report is documented in endnotes presented at the conclusion of each chapter. Among the sources referred to, readers will find mention of testimony given at the Inquiry's policy and evidentiary hearings; documents filed with the Inquiry by government departments as a result of orders for the production of documents; briefs and submissions to the Inquiry; research studies conducted under the Inquiry's commissioned research program; and documents issued by the Inquiry over the course of its work.

Testimony: Testimony before the Commission of Inquiry is cited by reference to transcripts of the Inquiry's policy and evidentiary hearings, which are contained in 193 volumes and will also be preserved on CD-ROM after the Inquiry completes its work. For example: Testimony of LCol Nordick, Transcripts vol. 2, pp. 269-270. Evidence given at the policy hearings is denoted by the letter 'P'. For example: Testimony of MGen Dallaire, Policy hearings transcripts vol. 3P, p. 477P.

Transcripts of testimony are available in the language in which testimony was given; in some cases, therefore, testimony quoted in the report has been translated from the language in which it was given.

Documents and Exhibits: Quotations from some documents and other material (charts, maps) filed with the Inquiry are cited with a document book number and a tab number or an exhibit number. These refer to binders of documents assembled for Commissioners' use at the Inquiry's hearings. See Volume 5, Chapter 40 for a description of how we managed and catalogued the tens of thousands of documents we received in evidence.

Some of the references contain DND (Department of National Defence) identification numbers in lieu of or in addition to page numbers. These were numbers assigned at DND and stamped on each page as documents were being scanned for transmission to the Inquiry in electronic format. Many other references are to DND publications, manuals, policies and guidelines. Also quoted extensively are the National Defence Act (NDA), Canadian Forces Organization Orders (CFOO), Canadian Forces Administrative Orders

(CFAO), and the Queen's Regulations and Orders for the Canadian Forces (which we refer to as the Queen's Regulations and Orders, or QR&O). Our general practice was to provide the full name of documents on first mention in the notes to a chapter, with shortened titles or abbreviations after that.

Research Studies: The Commission of Inquiry commissioned 10 research studies, which were published at various points during the life of the Inquiry. Endnotes citing studies not yet published during final preparation of this report may contain references to or quotations from unedited manuscripts.

Published research and the Inquiry's report will be available in Canada through local booksellers and by mail from Canada Communication Group Publishing, Ottawa, Ontario, K1A 0S9. All other material pertaining to the Inquiry's work will be housed in the National Archives of Canada at the conclusion of our work.

Acronyms and Abbreviations

This report contains many acronyms and abbreviations for government departments and programs and Canadian Forces elements, systems, equipment, and other terms. Generally, these names and terms are spelled out in full with their abbreviation or acronym at their first occurrence in each chapter; the abbreviation or acronym is used after that. For ranks and titles, we adopted the abbreviations in use in the Canadian Forces and at the Department of National Defence. A list of the acronyms and abbreviations used most often, including abbreviations for military ranks, is presented in Appendix 8, at the end of Volume 5.

INTRODUCTION

Volume 1 sets out the major themes to be explored within our report. Included in that Volume is a discussion of some of the principles which we consider to be fundamental to the proper functioning of the military. Following that, we investigate the systems, structures and relationships the Canadian Forces had in place at the time of preparing for and deploying to Somalia. Next, we recount in narrative form the story of what we learned about the Somalia deployment. The complete story was pieced together with meticulous care from the testimony and documentation that was available to us.

At important junctures in that narrative we identify for the reader events which, in our view, signal system malfunction. Those points are warning signs -- precursors of issues to be explored in detail in our analysis and findings. Thus, in Volumes 2, 3, 4, and 5 we analyze the details of deviations from the benchmark principles and themes. These Volumes contain the essential distillation of the Inquiry's labours. In Volumes 2, 3, and 5 we discharge our mandate by exploring the issues we were charged to investigate, making findings with respect to problems encountered, and offering recommendations to repair a system which allowed such problems to occur. In Volume 4, we investigate the failures of senior leaders with respect to the pre-deployment phase and with respect to disclosure of information and destruction of documents.

In spite of the truncation of our mandate, we have been able to effectively address almost all the points in our terms of reference, although not necessarily to the extent initially contemplated. Even as modified at the eleventh hour, our terms of reference give us latitude to report, at our discretion, on whatever we felt we had properly canvassed. Certainly, with more time we could have carried our investigation even further. Our unfinished mandate is discussed in Chapter 42 in Volume 5.

Our chosen themes and principles are tightly interwoven both in terms of their theoretical treatment and the on-the-ground realities to which they refer. Foremost among them are leadership and accountability, which to a great extent underlie all the others. (These are discussed in detail in Chapter 15 and Chapter 16 in Volume 2). We have gone to great lengths to research, study, and delineate our understanding of how these twin pillars uphold the functioning of the military within a free and democratic Canadian society.

We have examined how these ideals should be realized in the structure and functioning of the chain of command (Chapter 17 in Volume 2), and maintained through the exercise of discipline (Chapter 18 in Volume 2). We note in particular how the entire hierarchy of the military is linked by responsibility and accountability. Interlinked duties extend outwards from each officer in every direction: upwards to higher command, outwards to fellow officers, downwards to the officers and soldiers under their command. They are not limited by specific orders or tasks: military tradition also demands that officers inform their superiors faithfully and fully and that senior officers support those junior to them with proper supervision and oversight.

The success or failure of a mission is directly attributable to how well it is planned. Therefore, knowing the events of the weeks and months before the incidents that sparked our Inquiry is essential to understanding the systemic failures that created the circumstances which allowed certain dishonourable incidents to take place. Accordingly, we explore the various component elements of mission planning: how the military gathers intelligence and information, how higher command determines the suitability of forces for their assigned tasks (Volume 2, Chapters 19 and 20), how training is planned and implemented (Volume 2, Chapter 21), and, in particular, how Rules of Engagement are created, promulgated and impressed upon the troops (Volume 2, Chapters 21 and 22).

All these elements of mission planning contribute to operational readiness. Therefore, we placed great importance on investigating how the Canadian Forces (CF) determines that a unit is ready to be committed for action, specifically examining the systems and relationships that were in place during 1992 at the time of the Somalia operation (Volume 2, Chapter 23).

We also looked at policing and prosecutions within the system of military justice (Volume 5, Chapter 40). In so doing, we paid particular attention to the powers and responsibilities of commanding officers and the notion of command influence in the conduct of investigations and prosecutions. We also examined the security and

investigative functions of military police, especially regarding how they are deployed and what constitutes appropriate strength for different kinds of operations. These considerations in turn led to an examination of the structural and institutional adequacy of prevailing arrangements within the office of the Judge Advocate General.

One of the basic themes explored in this report relates to openness and the disclosure of information (Volume 5, Chapter 39). As we carried out our probe, we were forced to use valuable time, that had been reserved for other purposes, to confront problems of inadequate information disclosure by Department of National Defence (DND) that were affecting the efficacy of our work. At the outset, we expected to investigate how information had been actively or passively withheld from those who should have known about the incidents that initiated our Inquiry. Alarming, we were subjected to a process of obfuscation and denial that was strikingly similar to that which we were charged to investigate. The allegations of cover-up that we pursued are of particular concern in that they extend beyond the domain of the military to affect the rights of all Canadians in a free society.

In the chapters which follow, we present our disturbingly negative assessment of what transpired in the Somalia deployment. Our analysis explores the problems that beset the Somalia mission and infected the structure and functioning of the CF.

Three lengthy chapters, two describing a process (mission planning in Volume 3, Chapters 24 and 25) and the other, an event (the March 4th incident, Volume 5, Chapter 38) merit a word of explanation. These chapters are essentially case studies of what can go wrong. The mission planning analysis and the March 4th incident each, in its own way, illustrates the multiple failures that occurred at virtually every turn of this operation. They demonstrate vividly a mission so ill-conceived that many Canadians will wonder why consequences even more shocking than those that led to this Inquiry did not happen or have not come to light.

In the end, following our analysis of the key issues we offer conclusions about what happened and why, and make a number of recommendations. We found a multiple of contributing reasons for the incidents in Somalia that must be of concern to the government and addressed at every level of the military and the Department of National Defence. But in essence, we found that the twin pillars -- leadership and accountability -- became so undermined that they no longer fully supported the roles and functions of the Canadian Forces.

LEADERSHIP

Our Terms of Reference place great emphasis on assessing the quality of leadership exercised by the chain of command of the Canadian Forces regarding the Somalia deployment. We were called upon to examine "the effectiveness of the decisions and actions" of leadership within the Canadian Airborne Regiment, Land Force Command,

the Canadian Joint Force Somalia, and National Defence Headquarters as they related to Somalia.

Effective leadership is required in all spheres of endeavour such as industry, politics, or the military. But it is absolutely essential in a military context. According to a Canadian Forces manual, "Leadership is the primary reason for the existence of all officers of the Canadian Forces."¹ Without strong leadership, the concerted effort which must characterize an army is unlikely to be realized, and its individual members will not achieve the unity of purpose essential to success in military operations. Strong leadership is associated with high levels of cohesion² and the development of unity of purpose, critical to the success of any military operation. Leadership is important at all levels of the Canadian Forces, applying equally to commissioned as well as non-commissioned officers.³

A major focus in this report is military leadership. However, the original mandate of this Commission was broader. We had also planned to assess the leadership qualities of senior bureaucratic and political leaders: the Deputy Minister of National Defence, Robert Fowler, during the period covered by our mandate, and the Minister of National Defence during the in-theatre phase of the deployment, the Hon. Kim Campbell. The premature termination of the Inquiry by the present Government precluded us from hearing evidence that could have made such an analysis possible.

DEFINING LEADERSHIP

Leadership is an extremely complex and value-laden concept that is highly dependent on context. Consequently, we have made our findings and recommendations based on actual testimony at public hearings and information presented to the Inquiry in formal policy briefings, as well as from numerous source documents including Canadian Forces manuals and books, reports and articles on leadership by Canadian, American, and British military authorities. Indeed, often the Canadian military, in its leadership manuals and in courses on leadership offered by its command and staff colleges, incorporates the views of foreign military experts on this topic.⁴

There appears to be no standard accepted definition of military leadership. Instead, it is a combination of various qualities which, when taken together, are called leadership. The people exercising these qualities are deemed to be leaders, and, based on an assessment of their effectiveness in a given situation, are rated as 'good' or 'bad'.

Leadership must be distinguished from other related concepts such as command and management, although these terms are often used interchangeably. We must also distinguish leadership from the idea of authority, responsibility, and accountability.

A good manager and a good commander both require leadership ability, but simply occupying a position of authority does not necessarily make a person a leader.

Leadership includes not merely the authority, but the ability to lead others. Commanders will not be leaders if they do little to influence and inspire their subordinates.⁵ The commander, in effect, becomes a leader only when the leader is accepted as such by subordinates. Leadership requires much more than management skills or legal authority.

The leader is the one who motivates the other members of the combat unit. As one American commentator on military leadership states:

Mere occupancy of an office or position from which leadership behaviour is expected does not automatically make the occupant a true leader. Such appointments can result in headship but not necessarily in leadership. While appointive positions of high status and authority are related to leadership they are not the same thing.⁶

Management is the set of skills needed to make the most effective and efficient use of available resources in the pursuit of a task. Command is the granting of official authority to an individual to assign resources in the accomplishment of a mission or task. The person named as a commander has the authority to issue lawful orders to specified individuals, and to require their co-operation and energy in the execution of those orders. With that authority, the commander has an equal responsibility for the successful conclusion of the mission.

Commanders have the right to delegate to subordinate commanders a portion of their overall authority commensurate with assigned tasks. However, the commander is unable to delegate overall responsibility. The commander may hold delegated subordinates responsible for the effective completion of specific tasks assigned to them. However, the commander remains responsible for the actions of all subordinates and for the success or failure of the mission.

Commanders are accountable to their superiors for the effective and faithful execution of the command entrusted to them and, while it may be seen that they share such accountability with their subordinates, this must not be taken as an attenuation of their own accountability. The tracing of accountability within a military chain of command is relatively straightforward. However, accountability is also a feature attendant on any position of leadership, whether it be in command or on the staff. The subject of accountability is treated in greater detail in Chapter 16 of this Report.

MILITARY LEADERSHIP AS AN ART

The fundamental question is -- is leadership a science or an art? While there is some difference of opinion on this, the former Chief of the Defence Staff, Gen Jacques Dextraze, wrote in 1973 that leadership is the "art of influencing others to do willingly what is required in order to achieve an aim or a goal."⁷ This is a point of view agreed to by other reputable leaders, such as U.S. Army Gen Matthew Ridgway and British Field Marshall Sir Archibald Wavell. As Gen Ridgway stated: "...I still think the variables of human nature combined with those of combat, and to a lesser degree with those of peacetime training, make the exercise of leadership far more of an art than a science."⁸

Interestingly, Gen Dextraze in 1973 believed that many of the problems faced by managers in the Canadian Forces, at all levels, stemmed from the fact that the art of leadership seemed to be dying, and was being replaced by mechanical processes of control that made little distinction between human beings and machines in the system. He lamented the concurrent degradation of language, for example, the term 'people' was replaced by 'personnel inventory'.⁹

The theory of leadership as art emphasizes qualities such as intuition, character, and the determination to be great.¹⁰ While new theories of leadership often move away from the leaders-are-born-not-made point of view, it is important to encompass as many viewpoints as possible in determining the essential concept of leadership.

LEADERSHIP: TRANSACTIONAL VERSUS TRANSFORMATIONAL

More modern theories of leadership are based not so much on classic traits of leadership, but on analyses of the relationship between the leader and the follower. Particularly relevant for our purpose is the current debate between *transactional* and *transformational* leadership.

Transactional leadership is considered an increasingly common form of leadership in business, in politics, and in government bureaucracy. "[L]eaders must engage in a transaction with their subordinates -- an exchange based on initiating and clarifying what is required of their subordinates and the consideration the subordinates will receive if they fulfil the requirements.... This leadership consists of accomplishing well the tasks at hand while satisfying the self-interests of those working with the leader to do so. The leader sees to it that promises of reward are fulfilled for those followers who carry out successfully what is required of them."¹¹ However, this kind of leadership has limitations. A transaction creates no enduring purpose that holds the parties together. It does not bind the leader and follower in a mutual and continuing pursuit of a higher purpose.¹² Active transactional leadership is *contingent reinforcement* -- rewards (or avoidance of penalties) contingent upon effort expended and performance level achieved. The less active transactional leadership is *management-by-exception* or contingent negative reinforcement, and the extreme end of inactivity is *laissez-faire leadership*.¹³ For example, the notion of performance pay awards illustrates the contingent reinforcement feature of transactional leadership. "In many instances, such transactional leadership is a prescription for mediocrity or worse: the leader relies heavily on management-by-exception, intervening with his or her group only when procedures and standards for task accomplishment are not being met. Such a manager espouses the popular adage, 'If it ain't broke, don't fix it.'"¹⁴

In contrast, transformational leadership "...occurs when one or more persons *engage* with others in a way that raises both leaders and followers to higher levels of motivation and morality.... Their purposes, which might have started out as separate but related, as in the case of transactional leadership, become fused."¹⁵ Leadership experts appear to prefer transformational leadership to transactional leadership. U.S. LGen Walter F. Ulmer, Jr. argues that there is "a particularly formidable argument for frequent use of a transformational style that nourishes a strong sense of responsibility and initiative among subordinates. Transformational leadership, by the enlightened use of inspiration, communication, and understanding of human behavior, can motivate subordinates to achieve more than could ordinarily be expected."¹⁶ A 1993 article describes the transactional/transformational leadership distinction within the U.S. military as the following:

Our findings regarding current patterns of leadership in the military may suggest that many top-level officers might have been promoted on the basis of their transactional abilities to work within the system. However, the military is undergoing some fundamental changes, which may result in a different type of leader emerging at the top. We may see more Norman Schwarzkopfs who display all of the transformational factors and less of those generals who know how to 'work the system' transactionally.¹⁷

This particular debate is relevant to the Canadian context, for, presumably, strong transformational leadership should lead to a perception by subordinates that their leaders are effective. Yet, there is evidence that Canadian soldiers do not see their leaders as effective. A 1995 Department of National Defence (DND) survey of attitudes of military and civilian employees within DND revealed dissatisfaction towards leadership. Survey respondents believed that leaders in the Department were too concerned about "building their empires" and "following their personal agenda," and that DND was being too bureaucratic.¹⁸ The survey noted that "[e]mployees, both military and civilian, are losing or have lost confidence in the Department's leadership and management."¹⁹ The former Chief of the Defence Staff (CDS), Gen Jean Boyle, publicly stated last year that the rank and file had justifiable concerns about the quality of high command.²⁰ And, more recently, LGen Baril, Commander Land Force Command, declared:

The Army has a significant leadership deficiency...I will re-emphasize and demand throughout the Army, responsible leadership and its essential components of moral and ethical values, which have been tried and proven in war and which are essential to the Army's collective soul. Values such as truth, duty, and valour along with the moral courage to do what is right rather than what is fashionable. This must be the credo of the officer and NCO corps.... Unfashionable as some of these old basic values may seem to some, it is the kind of leadership that produced the mutual trust that bonded our Army in combat. That trust between the leader and the soldier is what distinguishes outstanding units from ineffective ones.²¹

Clearly, the art of leadership requires a consideration of moral and ethical values. Elsewhere in this report, we discuss in greater detail military ethics and accountability.

Transformational-style leadership is arguably of particular significance in the context of peace support operations. A recent study on the Canadian peace support experience indicates that a changing leadership dynamic is occurring in constabulary operations, wherein there appears to be a levelling of the hierarchy in favour of more interaction between senior and junior ranks. Some junior personnel perceived that their advice was more frequently sought and taken into account than was customary in other circumstances. Greater reliance was placed on junior officers and senior non-commissioned officers.²²

MILITARY VERSUS CIVILIAN LEADERSHIP

Management is largely viewed as a science, specifically the science of employing people and materiel in the most economical and effective way to accomplish an objective.²³

Hence, the difference between the corporate ethic of the military and the managerial ethic is important. For, unlike civilians who work for a private company, soldiers ultimately are expected to die for their country if necessary. This is what Gen Sir John Hackett has called the "unlimited liability" of the soldier.²⁴ Also, a military leader has the duty to look after the welfare of his troops; he cannot treat them as mere tools for career advancement. Some have argued that when this distinction fades, the military suffers. For example, it has been argued that the failure of the American army during the Vietnam War was due primarily to its officer corps whose values were entrepreneurial, not corporative in nature. Officers were motivated by self-interest -- advancing their own careers -- rather than living up to the values of self-sacrifice and reciprocal trust characteristic of the traditional military ethic.²⁵ In effect, a managerial model that focuses on managerial efficiency and individual self-interest will erode the traditional military ethic and undermine the cohesiveness of the military unit.

A 1979 study, *Military Attitudes and Values of the Army in Canada* by Maj C.A. Cotton, surveyed numerous Canadian soldiers and found that the army was characterized by cleavages in basic values and assumptions about structure and process within military life. This was a study in contradictions: a system oriented towards combat in which a significant minority indicated that they would try to avoid going, or simply refuse to go, should they be required to enter combat; where the majority were reluctant soldiers who, if given the chance, preferred to work at their "trade" in a predictable daily and weekly routine; and where the combat soldiers had a negative self-image and a collective sense that they are a necessary evil in a military bureaucracy.²⁶

Cotton's analysis provoked intense debate about the degree of civilianization within the Canadian military. For example, a 1989 Canadian Forces study disputed Cotton's original findings.²⁷ It argued that Cotton's conclusion that the majority of army personnel were "reluctant soldiers" was not supported when more precise attitudinal measures were used to determine support for a traditional vocational model of service versus the occupational model. The study concluded that a substantial majority of the personnel in the Canadian army supported the traditional ethos of sacrifice, and that a great majority believed that military service is a way of life and can never be "just a job." A significant minority, however, found that the demands made upon their non-duty lives by their own military service had been excessive. To summarize, this study claims that soldiers stand firmly by the ethos that separates them from civilian life, but many are dissatisfied with the extent to which military demands have reduced their control of their own lives.

It is this aspect of civilianization of the army that has increasingly concerned members of the military. The Review Group Report on the Unification Task Force of the Canadian Forces argued that the greatest cause for concern in this regard was the gradual imposition of civilian standards on the management of the forces and on the assessment of their needs and goals. It argued that in the absence of clearly defined and defensible military values, the Canadian Forces was steadily turning to civilian values and concluded, in part, that there was a need to develop a military ethos approved by the CDS and put into effect by the military at every opportunity.²⁸

ESTABLISHING A STANDARD FOR MILITARY LEADERSHIP

Given the range of opinion on what constitutes military leadership, we decided to identify the *core qualities* that are essential to success. In addition, we also sought to identify other necessary attributes of leadership, as well as factors that would indicate successful leadership performance. We examined basic Canadian military documents as well as actual testimony. In addition, we consulted the literature for the views of senior military leaders, as well as other experts in the field.

RESPONSIBILITIES OF AN OFFICER UNDER THE COMMISSIONING SCROLL

As LCol K.W.J. Wenek explains, "[i]n a fundamental sense, officership is simply doing what one is 'commissioned' (authorized and empowered to do)...".²⁹ The commissioning scroll which authorizes and empowers officers of the Canadian Forces establishes five key norms:

- adherence to an ethic based on the core values of loyalty, courage, and integrity ("We reposing especial Trust and Confidence in your Loyalty, Courage and Integrity...");
- provision of responsible service to the state ("You are therefore carefully and diligently to discharge your Duty...");
- perfection of the *métier* of an officer, "the management of violence" ("You are...to exercise and well discipline both the inferior Officers and men serving under you...");
- exercise of command and legitimate authority over subordinate ranks, and obedience to the lawful commands of superiors ("...and We do hereby Command them to obey you as their superior Officer, and you to observe and follow such orders and Directions...");
- accountability for actions taken ("In pursuance of the Trust hereby imposed in you...").³⁰

As LCol Wenek explains, loyalty, courage, and integrity are central to the performance of an officer. Loyalty entails both loyalty up and loyalty down. Loyalty up means both obedience of the Canadian Forces to the government and, within the service, obedience to superiors. This is not a blind obedience, but rather an informed commitment involving "service before self." Loyalty down refers to the special obligations military superiors owe to their subordinates by virtue of the substantial legitimate power they exercise over them. "Generally, these obligations require officers to give particular attention to the care and welfare of their subordinates, sometimes at the risk of personal costs."³¹ Courage is self-evident. Integrity requires truthfulness and honesty in the relations between superiors and subordinates, for without such honesty there can be no trust. Integrity requires that officers "tell it like it is"; for example, complying fully and accurately with reporting requirements.³²

PERFORMANCE EVALUATION REPORTS

The Performance Evaluation Report (PER) is the principal document for personnel management in the Canadian Forces, providing an ongoing record of each officer's performance. The PER is used by career boards and personnel staff as the primary basis for comparing officers and arriving at career decisions. The PER directly influences the career development of individual officers and, ultimately, the selection of military leaders in the Canadian Forces. Hence, the criteria therein are useful in discerning what signifies good leadership. The PER form for officers sets out a number of criteria, which have a direct, or indirect, bearing on leadership. These criteria include:

1. performance factors such as accepting responsibilities and duties; analyzing problems or situations; making decisions and taking action; delegating, directing and supervising; and ensuring the well-being and development of subordinates; and
2. the professional attributes of professional knowledge, physical fitness, conduct, intellect, integrity, loyalty, dedication and courage.

VIEWS OF CANADIAN MILITARY LEADERS

In his presentation to special policy hearings of our Inquiry, MGen Dallaire set out five qualities of successful leadership attributed to former CDS Gen Jacques Dextraze:³³

- devotion or self-sacrifice
- loyalty
- knowledge
- integrity
- courage.

In his 1973 article on "The Art of Leadership," Gen Dextraze indicated that there are two forms of loyalty: loyalty up to one's superiors, and loyalty down to one's subordinates. In case of conflict, loyalty to country prevailed. Leadership also required forsaking personal pleasure when it conflicted with the performance of one's duty. Leaders had to possess knowledge to be efficient in their work. Integrity meant that a leader should refuse to deceive others in any way. Leaders must make decisions, accept responsibility for their success or failure, and not "shake responsibility" onto others. Finally, a leader must be courageous, willing to accept danger knowing that it exists.³⁴

Too frequently in discussions on leadership, the quality of courage is limited to physical courage. Without question, this aspect of courage is vital, particularly in action. However, the quality of moral courage is equally important in describing good leadership. Leaders must have the courage of their convictions, the courage to acknowledge their own shortcomings, and the courage to say "No," whether it makes them unpopular with their troops, displeases their peers, or thwarts the expectations of their superiors. U.S. Gen Matthew Ridgway, in an article taught by professors in Canadian military colleges, stated:

It has long seemed to me that the hard decisions are not the ones you make in the heat of battle. Far harder to make are those involved in speaking your mind about some hare-brained scheme which proposes to commit troops to action under conditions where failure seems almost certain and the only results will be the needless sacrifice of precious lives. When all is said and done, the most precious asset any nation has is its youth, and for a battlefield commander ever to condone the unnecessary sacrifice of his men is inexcusable. In any action you must balance the inevitable cost in lives against the objectives you seek to attain. Unless the results to be expected can reasonably justify the estimated loss of life the action involves, then for my part I want none of it.³⁵

In an example closer to home, it is instructive to consider the performance of LCol James Stone when he was Commanding Officer of 2nd Battalion, Princess Patricia's Canadian Light Infantry (2 PPCLI), in Korea in 1950:

The commander of 2 PPCLI, Lieutenant Colonel James Stone arrived in Korea with an untrained battalion that he was not to commit to operations until he, Stone, was satisfied that it was operationally ready. On arrival, he was instructed by his operational superiors in the U.S. 8th Army to go directly to the front. Unable to persuade the army staff of the inadvisability of the order, Stone went directly to the Army Commander. Following what must have been a most interesting discussion between this four-star American general and Canadian lieutenant-colonel, Stone proceeded to train his battalion until it was ready for combat. It proved more than able a few months later when it distinguished itself at Kapyong, for which it was awarded an American Presidential Citation, and which its successor unit still wears proudly.

...There are others, less fortunate, where a greater capacity of commanders to say no might have prevented accretions of small circumstances to produce Canadian disasters of arms. Sending troops to Hong Kong was one. Acceding to the re-mounting of the Dieppe raid was another.³⁶

Gen Dextraze, in his 1973 article, also set out basic rules of leadership, which included: accepting full responsibility in the eyes of superiors for the mistakes and failures of subordinates (don't shift the blame downward); always being concerned for the well-being of subordinates; never taking things for granted (check and double-check); and recognizing that leadership and popularity are not synonymous.³⁷

In a written brief to our policy hearings on behalf of the Canadian Forces, MGen Dallaire argued that, while characteristics and traits of leadership are not completely definitive, nonetheless, they provide the most readily understood description of leadership.³⁸ These traits are capacity (intelligence, alertness, verbal facility, originality, and judgement); achievement (scholarship, knowledge, and athletic accomplishment); responsibility (dependability, loyalty, morality, courage, initiative, persistence, aggressiveness, self-confidence, and desire to excel); participation (activity, sociability, co-operation, adaptability, and humour); and status (socio-economic position and popularity).

MGen Dallaire additionally testified that commanders also serve and care for their men (thus, it is not just for symbolic reasons that officers eat only after their soldiers have

been fed), and that the military leader has undivided responsibility for all that subordinates do or fail to do, and a personal responsibility to ensure that they accomplish the assigned mission. The leader must motivate subordinates and see that they are prepared for their tasks, and that they do not suffer unnecessary casualties, are cared for if they are sick or wounded, comforted if dying, and buried with dignity when they have died.³⁹

VIEWS OF OTHER MILITARY LEADERS AND EXPERTS

As mentioned, much of Canadian thought on military leadership relies heavily on British, American, and other foreign sources.

British military experts, such as Field Marshalls Montgomery and Wavell, have emphasized a number of qualities of a good leader, such as being physically robust, inspiring confidence, having a spirit of adventure, being truthful, optimistic, and having the determination to persevere in the face of difficulties. A good leader must be a good selector of subordinates and a good judge of character, and must be able to dominate and master events. Gen Sir John Hackett argues that a leader has something that followers want, namely a capacity to help people overcome the difficulties confronted in a joint enterprise. Therefore, a person commanding others must possess to a higher degree than the followers those qualities that they respect. A leader must be highly competent in the skills relevant to the discharge of the primary task of the organization. As well, leaders are only entitled to ask from below what they are prepared to give above, and the people in charge must put first the interests of those over whom they are positioned.

American military leaders have also emphasized the need for integrity and aspects such as the hardihood to take risks, the will to take full responsibility for decisions, the readiness to share rewards with subordinates, and an equal readiness to take the blame when things go adversely.

PARTICULAR ASPECTS OF EFFECTIVE MILITARY LEADERSHIP

A leader thus has many duties and responsibilities: among these are roles as disciplinarian, teacher, and provider. In this part of the chapter, we focus on particular aspects of leadership that appeared most relevant to issues examined by the Inquiry.

Leader as Disciplinarian

As Disciplinarian of Troops

As noted in the commissioning scroll, officers have the duty to keep their troops "in good Order and Discipline." Canadian Forces leadership manuals detail this need for the leader to exercise discipline. First, leaders must be aware that repeated offences by subordinates indicate to some degree a failure in the leadership of their unit.⁴⁰ Second, leaders must understand their disciplinary responsibilities. Leaders earn the respect of their soldiers through example, judgement, fairness and knowledge of the task or mission. "This kind of soldier realizes that being liked is not a sure road to success, but that the esteem he

earns through his leadership performance is the best means of assuring the individual performance of his subordinates."⁴¹ Third, leaders must insist on high standards of performance and maintain effective communication with their soldiers.⁴² Fourth, leaders must enforce discipline fairly. Leaders should not close their eyes to any lapse in discipline which needs to be checked immediately, but when it is advisable, should wait before taking action. When there is an offence against discipline, such as an inferior performance, leaders should quickly take steps to ascertain all the facts. Leaders should point out faults when they occur, but when this approach fails, they should base their action on the seriousness of the offence, the circumstances, and the records of the offenders. Leaders must hope never to be faced with a concerted breach of discipline by a number of soldiers, but should be aware of this possibility. Leaders should inform themselves about the causes of past incidents of indiscipline. Most breaches of discipline reflect on leadership. Leaders who really understand their subordinates and have won their confidence will always be aware of the existence of a grievance long before the subordinates are driven to any concerted breach of discipline.⁴³

Self-Discipline

Only disciplined soldiers who accept the responsibility for disciplining themselves are fit to lead others. No one should be given command of anything unless they first meet this most elemental prerequisite. This applies in the first instance to the corporal on appointment to master corporal, and with increasing relevance at each subsequent rank. In turn, the task of ensuring the discipline of the subordinates is perhaps the first priority of the commander. Necessarily, commanders must expect that the discipline applied within their command must, for the most part, be externally imposed. It should, however, be a goal to move the command steadily towards a standard of self-discipline, through setting the example and requiring all those who have been entrusted with authority to do the same. Good leadership is characterized by the example of self-discipline, steady and dependable standards of justice, fairness in treating subordinates, and putting the needs of troops ahead of one's own comforts. Through such leadership comes a disciplined unit, platoon, or army.

Disciplined leaders realize that effective leadership is based on personal consistency: leaders ask much of subordinates because leaders ask much of themselves.⁴⁴ U.S. Gen Ridgway asked: "[W]hen the crisis is at hand, which commander, I ask, receives the better response? Is it the one who has failed to share the rough going with his troops, who is rarely seen in the zone of aimed fire, and who expects much and gives little? Or is it the one whose every thought is for the welfare of his men, consistent with the accomplishment of his mission; who does not ask them to do what he has not already done and stands ready to do again when necessary; who with his men has shared short rations, the physical discomforts and rigors of campaign, and will be found at the crises of action where the issues are to be decided?"⁴⁵

Looking after the Welfare of the Troops

Leaders must care about their subordinates -- the cornerstone of this is respect. Leaders who do not understand their troops and respect them as individuals have no right to assume command of them. "The first thought of the leader must be for his men's welfare,

especially after an engagement. His own comfort and rest must come secondary. Traditionally, the leader eats last; thereby demonstrating his care and willingness to attend to his own needs after his men's."⁴⁶ As specific examples, providing fresh rations to troops may, in some cases, be impossible, but it is nonetheless an important factor in morale. The unit must ensure that the troops are fed well at every opportunity and are provided with combat rations adequate to their needs when fresh rations are not available. "Failure on the part of a leader to do all possible in this area is inexcusable."⁴⁷ Troops will accept shortages of weapons and equipment out of necessity but not due to lack of concern by their leaders. They are justified in their expectations that commanders will do everything possible to get the necessary equipment and supplies.⁴⁸

Knowing the Troops

At the level of section and platoon, soldiers must know that leaders care, respect and understand them personally. "The leader must get to know his men to the same degree as the soldier's family and close friends do."⁴⁹

At the higher levels of officership, the need to know your troops still applies. For example, British Field Marshall Wavell emphasized two simple rules that every general should observe in relation to his troops: first, never to try to do his own staff work, and second, never to let his staff get between him and his troops. "What troops and subordinate commanders appreciate is that a general should be constantly in personal contact with them, and should not see everything simply through the eyes of his staff. The less time a general spends in his office and the more with his troops the better."⁵⁰ U.S. Army Gen Ridgway argued that commanders needed to maintain personal contact with their principal subordinate commanders. There was always time for these visits; administrative work could always be done at night. Commanders also have to keep principal subordinates informed of their thinking or plans. The chances of a successful execution of a tactical plan are greatly increased if commanders have secured the willing acceptance of the subordinate commanders responsible for executing the plans assigned to them. Commanders must therefore ensure that those subordinates receive notice of their plan in ample time to permit them to make the necessary reconnaissances and to issue orders.⁵¹

Using Informal Leadership to the Unit's Advantage

Informal groups will always arise within the formal military unit.⁵² Whether or not informal groups are of value depends upon the attitude of the leader. Informal groups can be advantageous to a leader. Such groups may help enforce healthy norms, thereby complementing the leader's maintenance of discipline, fill gaps in official orders, increase satisfaction and stability, provide a useful channel of communication through the grapevine, and encourage the leader to do better planning. On the other hand, the leader may encounter several difficulties arising from the existence of informal groups. Such groups may resist change, turn personnel away from the aims of the organization, spread false rumours, and force people to conform to internal codes of behaviour or possibly face cruel penalties.⁵³

Formal leaders must therefore keep themselves informed of the existence of an informal group and handle the informal group in a way that maintains the cohesiveness of the

military unit. If this does not occur, the danger arises that the formal leader will effectively be replaced by the informal leader.

Replacing Ineffective Commanders

Given the decision to remove the Commanding Officer (CO) of the Canadian Airborne Regiment, LCol Morneault, just weeks before the deployment of the Canadian Forces to Somalia, some background information on such a scenario is useful. That high command may be compelled to remove commanders cannot be doubted. Indeed, in times of war, a commander's removal can occur swiftly. For example, during World War II, LGen Guy Simonds of 2nd Canadian Corps ordered the replacement of MGen George Kitching as Commander of the 4th Canadian Armoured Division during the battle of Normandy in August 1944. Kitching's description of the event was that "[Simonds] told me that he was not satisfied with my performance and that I must go. That was that."⁵⁴

What are the criteria for determining when to remove a commander? One leader who addressed this issue was Gen Ridgway. He argued that there were three points to consider for the relief of commanders:

1. Is your information based on personal knowledge and observation, or on secondhand information?
2. What will the effect be on the command concerned? Are you relieving a commander whose men think highly of him regardless of personal competence?
3. Have you a better man available?⁵⁵

ESTABLISHING THE QUALITIES OF GOOD LEADERSHIP

From this general review, we may conclude with a list of qualities indicative of good leadership, thereby establishing a standard for assessing the performance of leaders in the Somalia mission.

In reviewing the considerable research material available on the subject, we were impressed by the concordance among sources in listing the qualities necessary to good leadership in the military. Where differences may arise is in the relative importance of those qualities and, from that, the difficulty in singling out the core qualities, without which leadership will fail. Indeed, the attributes of leadership used in the CF Performance Evaluation Report (PER) are revealing: although the PER includes a creditable list, it would seem that physical fitness carries as much weight in evaluating leadership in the CF as does courage or loyalty. Or, in MGen Dallaire's view, verbal facility is as important as loyalty. Even in reviewing the documentation by experts such as Montgomery or Wavell, one has the impression that a spirit of adventure may be as important as being truthful.

The issue, then, is to identify the central and basic qualities without which leadership will not succeed. While acknowledging that other characteristics are also ingredients of good leadership, we need to be quite clear about the pre-eminence of the core qualities.

Before establishing the list, we should acknowledge the need for the leaders in the Canadian Forces to reflect faithfully, in their own makeup, the attitudes and mores identified with all members of Canadian society.

There must be concordance between the leaders of one of Canada's most important institutions and the nation at large. No list of leadership qualities in the Canadian Forces would be complete without mention of fairness, decency, compassion, a strong sense of justice, and pride in our role as peace-keepers. In short, the Canadian military leader must exemplify the Canadian national character.

The Core Qualities of Military Leadership

Table 15.1 contains the core qualities, necessary attributes, and indicative performance factors we considered important in assessing leadership related to the Somalia mission.

Table 15.1
Leadership Qualities, Attributes and Performance Factors

*

*The Core Qualities of	Other Necessary	Indicative
Military Leadership	Attributes	Performance Factors
Integrity Courage Loyalty Selflessness Self-discipline	Dedication Knowledge Intellect Perseverance Decisiveness Judgement Physical robustness	Sets the example Disciplines subordinates Accepts responsibility Stands by own convictions Analyzes problems and situations Makes decisions Delegates and directs Supervises (checks and rechecks) Accounts for actions Performs under stress Ensures the well-being of subordinates

Recommendations

We recommend that:

15.1

The Chief of the Defence Staff adopt formal criteria, along the lines of the core qualities of military leadership, other necessary attributes, and indicative performance factors set out in this chapter, as the basis for describing the leadership necessary in the Canadian Forces, and for orienting the selection, training, development, and assessment of leaders.

15.2

The core qualities and other necessary attributes be applied in the selection of officers for promotion to and within general officer ranks. These core qualities are integrity, courage, loyalty, selflessness, and self-discipline. Other necessary attributes are dedication, knowledge, intellect, perseverance, decisiveness, judgement, and physical robustness.

15.3

The Chief of the Defence Staff adopt formal criteria for the accountability of leaders within the Canadian Forces derived from the principles of accountability set out in Chapter 16 of this Report, and organized under the headings of accountability, responsibility, supervision, delegation, sanction, and knowledge.

15.4

The Canadian Forces make a concerted effort to improve the quality of leadership at all levels by ensuring adoption of and adherence to the principles embodied in the findings and recommendations of this Commission of Inquiry regarding the selection, screening, promotion and supervision of personnel; the provision of appropriate basic and continuing training; the demonstration of self-discipline and enforcement of discipline for all ranks; the chain of command, operational readiness, and mission planning; and the principles and methods of accountability expressed throughout this Report.

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NOTES

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6. Charles R. Hoffman, "Leadership and Headship: There is a Difference", in *Military Leadership: In Pursuit of Excellence*, ed. Robert L. Taylor and William F. Rosenback (Boulder, Colorado: Westview Press, 1984), p. 97.

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8. Gen Matthew B. Ridgway, "Leadership", in *Military Leadership: in Pursuit of Excellence*, ed. Taylor and Rosenback, p. 22.
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51. Ridgway, "Leadership", p. 31.
52. DND, *Leadership*, vol. 2, pp. 5-4 to 5-12.
53. DND, *Leadership*, vol. 2, pp. 5-4 to 5-7.
54. MGen George Kitching, *Mud and Green Fields* (Langley, B.C.: Battleline Books, 1986), p. 227.
55. Gen Ridgway added:
 - 55.1. Every man is entitled to go into battle with the best chance of survival your forethought as a leader can provide. What best helps you discharge this responsibility? Sharing things with your men; to be always in the toughest spots; always where the crisis is, or seems most likely to develop; always thinking of what help you can give your commanders who are executing their orders; doing your utmost to see that the best in rations, shelter, first aid, and evacuation facilities are available; being generous with praise, swift and fair with punishment when you have the facts, intolerant of demonstrated failure of leadership on which lives depend, yet making full allowances for human weaknesses and the stresses and strains of battle on individuals ("Leadership", pp. 29-30).

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ACCOUNTABILITY

This Inquiry was established to investigate and report on

the chain of command system, leadership within the chain of command, discipline, operations, actions and decisions of the Canadian Forces and the actions and decisions of the Department of National Defence in respect of the Canadian Forces deployment to Somalia and, without restricting the generality of the foregoing, the following matters related to the pre-deployment, in-theatre and post-deployment phases of the Somalia deployment.

The terms of reference go on to provide a four-page list of the specific matters we were directed to investigate.

Our mandate was essentially to undertake a comprehensive review of the Somalia deployment. We were asked to delve into questions involving both institutional failures and individual misconduct. This involved evaluating whether institutional or structural deficiencies existed in the planning and initial execution of the operation, and whether institutional responses to operational, disciplinary, and administrative problems encountered in the various phases of the Somalia operation were adequate. Also central

to our investigation was determining whether some of the problems encountered were the result of individual shortcomings or personal failures.

In discharging our mandate we focused, at the pre-deployment stage, on the nature of and preparation for the mission and tasks assigned to the Canadian Joint Force Somalia and on the suitability of the forces deployed to accomplish the tasks assigned. We were asked to examine the manner in which the mission was conducted, the effectiveness of decisions and actions taken by leadership at all levels of the chain of command, and the adequacy of the command response to the operational, disciplinary, and administrative problems encountered. The curtailment of our endeavours by Government-imposed deadlines restricted the ambit and reach of our inquiries, but what we did investigate shines a penetrating light across the entire spectrum of activity in the Department of National Defence and the Canadian Forces. In addition, we sought to explore, to the extent possible in the circumstances, the professional values and attitudes of all rank levels with respect to the lawful conduct of operations and the treatment of detainees, as well as the extent to which cultural attitudes affected the conduct of operations. We also reviewed allegations of cover-up and destruction of evidence (although to a lesser extent than we would have preferred).

The public inquiry process is an exercise in accountability (a concept defined below). In general terms, an examination of accountability as it relates to the military could entail a consideration of principles derived from the fields of criminal liability, civil responsibility, ministerial accountability, public service administration, and corporate, managerial, or bureaucratic accountability. However, despite the breadth and scope of our mandate, we do face jurisdictional constraints. We, therefore, limited our investigation consciously and deliberately, to questions of accountability falling outside the sphere of an assessment of criminal or civil liability. We affirmed this orientation publicly on numerous occasions.

Excluding notions of criminal and civil responsibility from an analysis of accountability does not impede an inquiry's ability to conduct an appropriate review. Indeed, public inquiries are effective instruments precisely because they can probe an issue in the public interest without the need to assign civil liability or determine guilt. The applicable principles of accountability are capable of reasonably precise identification and can provide an effective measure for evaluative purposes.

ACCOUNTABILITY DEFINED

Accountability is the mechanism for ensuring conformity with standards of action. In any setting where rules are established to guide human activity, supervision of conformity with those rules is an essential condition for the stability of that environment. Those exercising substantial power and discretionary authority must be answerable (that is, subject to scrutiny, interrogation, and, ultimately, commendation or sanction) for its use. Without answerability, systems tend to become autocratic, despotic, or dictatorial. Accountability is therefore a basic attribute of open, democratic societies. Open processes generally are regarded as guarantors of responsibility in the exercise of official authority. In democracies all public officers exercising significant authority are made accountable for their decisions and the effects of them. Accountability provides a vehicle for preventing, or at least controlling, the abuse of state power.

The term accountability is neutral in its embrace. It relates to both positive and negative actions. The accountable person accounts for all activities that have been assigned or entrusted -- in essence, for all activities for which the individual is responsible. Accountable officials receive credit as well as blame. Thus, in a properly functioning system or organization, there should be accountability for individuals' actions regardless of whether those actions are executed properly and lead to a successful result or are carried out improperly and produce injurious consequences.

RESPONSIBILITY DEFINED

Responsibility is not synonymous with accountability. The person authorized to act is 'responsible'. Responsible officials are held to account. People responsible for acting in an official capacity are ordinarily held to account for their actions. An individual who exercises powers while acting in the discharge of official functions is responsible for the proper exercise of the powers or duties assigned. Where the individual does so under the direction of a superior officer entrusted with supervisory authority, that superior officer is accountable for the manner in which that authority is or is not exercised. The subordinate remains responsible for the proper exercise of the powers or duties assigned, but the subordinate's proper or improper exercise of such powers or duties may also reflect proper or improper supervision for purposes of overall accountability.

Responsibility in the Case of Supervision and Delegation

There is a distinction between supervision of a subordinate's actions and delegation of the authority to act to another person (who may or may not be a subordinate). A person exercising supervisory authority is responsible, and hence accountable, for the manner in which that authority has been exercised. A person who delegates authority is responsible, and hence accountable, not for direct supervision of the kind a supervisor is expected to exercise but, rather, for control over the delegate and ultimately for the actual acts performed by the delegate.

The nature of delegation can be explained in these terms: An individual entrusted with authority to act can delegate certain tasks or functions to another person, but the act of delegation does not relieve the responsible official of the duty to account. Put another way, the responsible official can delegate the authority to act but can never delegate responsibility for the proper performance of the tasks and duties in question. Where a superior delegates the authority to act to a subordinate, the superior remains responsible - - first, for acts performed by the delegate; second, for the appropriateness of the choice of delegate; third, with regard to the propriety of the delegation (i.e., the nature, extent, and scope of the delegation and whether, in any circumstances, it was appropriate to delegate the function in question); and, finally, for control of the acts of subordinates, since delegates are the agents of their superiors and bind their superiors in acting on their behalf.

Responsibility in the Case of Ignorance, Negligence and Willful Blindness

Ignorance

It is the responsibility of those who exercise managerial authority (i.e., management, in the sense of exercising supervisory or delegated authority) to know what is transpiring within the area of their assigned authority. The proper exercise of managerial authority includes the necessity for managers to establish adequate systems or procedures to provide relevant information; to seek information; and to be informed and kept informed of all aspects of the mandate under their charge. Even if subordinates whose duty it is to inform their superiors of all relevant facts, circumstances, and developments fail to fulfill their obligations, this cannot absolve the superior of responsibility for what has transpired. Perhaps the most relevant questions in such scenarios are whether officers who had no knowledge of the facts or circumstances ought to have inquired or to have known what was transpiring, or whether they relied unjustifiably on inadequate sources for the information at issue. An executive officer who has been kept deliberately in the dark by subordinates about important facts or circumstances affecting the proper discharge of organizational responsibilities cannot, by that fact alone, escape being held to account. In such circumstances it will be relevant to understand what processes and methods were in place to ensure the provision of adequate information to those in authority. It will also be important to assess to what extent the information in question was well-known or commonly held and whether the result that occurred could reasonably have been expected or foreseen. Moreover, how the managerial official responded upon first discovering the shortfall in information will often be germane. (For example, were steps taken to prevent repetition or continuation of the action in question?)

These circumstances apply to responsible officials who raise the claim of "I did not know"¹ about important facts or circumstances related to the discharge of organizational responsibilities under their charge. In fact, those accused of responsibility for a harmful outcome often plead ignorance. For example, when blame for a recent riot at Headingley jail in Manitoba was attributed to the provincial Minister of Justice, she offered the defence of ignorance. Despite numerous prominent newspaper stories detailing serious problems at the jail, the Minister insisted that she knew nothing about serious problems of safety and morale. Moreover she invited the public to accept this claim as a robust defence, rather than as an admission of blameworthy failure. The implication of this view is, apparently that when one does not know of a problem, one is never responsible for failing to take corrective action.

Similarly, some witnesses testifying before us claimed that their ignorance excused them from personal moral responsibility. Examples of such claims are explored in Volume 5, Chapter 39, on disclosure of documents. These witnesses, in effect, ask us to consider them blameless for their failure to take action to correct a problem or set of problems of which they were not aware.

Not everyone will agree with the view that officials are never blameworthy for actions omitted or undertaken in ignorance. Indeed, it is one of the responsibilities of a superior officer to put in place the measures necessary to stay informed. A superior officer has an

additional obligation, where the proper mechanism has failed, to ensure that appropriate corrective action is taken to remedy the situation.

The plea of ignorance ("I did not know") should be regarded as a weak defence. No automatic grace flows to the benefit of those who, when exercising managerial authority, reap the bitter harvest sown by their own non-feasance, misfeasance or negligence, or that of subordinates. Indeed, some forms of misconduct by subordinates represent failures so large or so devastating to the functioning, morale, or good order of an organization that discharge or enforced resignation of a manager or supervisor is required, even if the superior officer is generally competent, has been diligent, and has acted in good faith. The message this sanction sends to the entire corps of the organization is considered more important than the salvation or preservation of an individual career. We do not mean to say that discharge or enforced resignation of the superior must be the organization's invariable response.² Context is the controlling variable.

Thus understood, an accountable official cannot shelter behind the actions of a subordinate. Accountable officials are always answerable to their superiors.

Negligence and Willful Blindness

Superiors' ignorance of wrongdoing by their subordinates does not excuse them from personal blame if the ignorance resulted from failure to put proper information procedures in place, or failure properly to monitor compliance with existing information procedures. Leaders who plead ignorance as their defence must show, in other words, not only that they did not know of wrongdoing by subordinates, but also that they could not reasonably have known. That is, they must demonstrate that their ignorance was not culpable.

If leaders were instrumental in their own ignorance, they are blameworthy for that ignorance. Those who appeal to the defence of ignorance to excuse or to mitigate their wrongful conduct do not deserve to succeed in their pleading when the ignorance was self-induced.

A further factor may help explain why information of certain kinds does not always reach high-level officials. Some senior officials may want to be kept in a state of ignorance with respect to certain developments. This desire can be communicated to subordinates in a variety of ways, both direct and indirect; subordinates then come to understand that certain kinds of immoral or illegal behaviour will be tolerated by their superiors so long as there is no official communication up the line. If this is effective, the senior officials are cloaked with what is termed 'plausible deniability'. They can then assert, with at least the veneer of honesty, that they gave no orders and knew of no plot to engage in illicit behaviour. Of course, a more objective inquiry into culpability would concern itself with what they knew or ought to have known and whether -- through word, action, or both -- they simply turned a blind eye to consequences that they were instrumental in setting in train.

Naturally, organizations that permit such an ethos to prevail also find it necessary to set boundaries on the kinds of illicit behaviour that will be tolerated. One effective means of communicating this message is through the example set by the organization's top leadership. Organizationally sophisticated leaders know that if they are seen by

subordinates to be violating the spirit of certain legislation. Subordinates will take from such an example the message that they, too, should do whatever is necessary to pursue the less correct bureaucratic objective rather than fulfil the aims of the governing legislation.

Responsibility and Sanctions

There are a few recognized occasions when one who is accountable for the actions of others may nevertheless seem not to be responsible for their missteps or misdeeds. The accountable party may appear to escape sanction. In this regard it is helpful to consider two sets of circumstances. Both scenarios turn on the nature and degree of the knowledge possessed by the responsible official.

The first scenario arises when superiors have been kept uninformed of important developments by subordinates under their charge or by the delegate for whom the superior is responsible. In this scenario, if the situation described is one of supervision, not delegation, in being held to account, the emphasis will be on the adequacy of the superior's oversight and supervision. If the situation described is one of delegation, the emphasis on accounting will be on the selection of the delegate and the adequacy of the governing controls surrounding the delegation. In either the delegation or the supervision scenario, even if the superior official is successful in demonstrating appropriate, prudent, diligent personal behaviour, the superior remains responsible for the errors and misdeeds of the subordinate. However, when assessing the appropriate response to the actions of the superior whose subordinate or delegate has erred, the authorities may be justified in selecting a penalty or sanction of lower order or no penalty or sanction whatsoever.

In the second scenario, the supervised subordinate or the superior's delegate acts, by stealth, artifice or fraud, beyond the authority (actual or delegated) that has been conferred. In the case of a delegation, if the superior has done all that can reasonably be expected in terms of selecting the delegate and imposing controls on the exercise of delegated authority, or has taken other prudent steps to prevent such mischief, the superior may escape sanction. As regards the acts of a supervised employee, a superior may, in a similar manner, avoid sanction if all due care and diligence have been exercised in supervising and overseeing the actions of the subordinate.

A leader exercising managerial or supervisory authority has a responsibility to put in place the mechanisms needed to stay informed. Leaders also have an obligation to monitor their subordinates' compliance with official policy. A leader with foresight should certainly anticipate that subordinates might conceal, rather than report, cases of serious wrongdoing. When a pattern of concealment has existed in the past and may have become a thoroughly ingrained part of an organization's ethos, a 'proactive' leader should implement thorough safeguards to prevent breaches and to detect any that do occur despite best efforts at prophylaxis.

These scenarios may suggest an evasion of responsibility by the superior, but on closer examination this impression dissolves. In point of fact, in systems that place appropriate emphasis on accountability, the superior is always held to account. In accounting to the authorities for their actions, superiors must seek to demonstrate appropriate diligence. Whether the situation involves supervision or delegation, if the superior has done all that

can reasonably be expected of a responsible manager or supervisor and has taken all prudent steps that might reasonably be expected of one exercising managerial authority, the potential sanction for the miscues of a subordinate may be mitigated.

This analysis of moral responsibility might be applied to the assertion made in testimony before us that if senior officers resigned every time their subordinates made an error, there would never be any leadership. Presumably, the point being made was that in any very large organization, subordinates will invariably make errors. Human beings are fallible, and this fallibility does not vanish when they don the uniform of the Canadian Forces. Minor mistakes will be frequent in any organization. Even systemic breakdowns can be expected from time to time. Hence the point: if those at the top of the bureaucratic hierarchy were found blameworthy and asked to resign every time a subordinate made an error, even a serious error, we would need a revolving door to accommodate a rapid succession of leaders.

Accountability does not demand such draconian measures when a misstep occurs. As the foregoing analysis demonstrates, it would be inappropriate to exact the automatic resignation of the senior executive in response to every error or example of misconduct. The need to account is invariable, but the proper response or sanction must be proportional and conditional upon the nature of the superior's failure or failures.

ACCOUNTABILITY AND ORGANIZATIONAL HIERARCHY

Hierarchy is an organizational imperative in any complex undertaking. Not all organizations are completely pyramidal in structure, but in most the relationships established to accomplish the organization's business or undertaking reflect lines of authority, communication and, ultimate, accountability. The complexity of the undertaking determines the extensiveness of an organization's chain of authority to a certain degree, but however it is structured, those at the apex of the organization are accountable for the actions and decisions of those in the chain of authority who are subordinate to them. In a properly linked chain of authority, accountability does not become attenuated the further removed one is from the source of the activity. The supervisor's supervisor is no less responsible for the acts of a subordinate simply by reason of being two rungs instead of one rung removed from the subordinate's actions. Rather, when the subordinate fails, that failure is shouldered by all who are responsible and exercise the requisite authority -- subordinate, superior, and superior to the superior. Indeed, those who exercise managerial authority on occasion may be obliged to accept graver consequences for errors and misdeeds than those who serve below them.

All organizations and institutions have, in their upper stratum, a designated executive corps of responsible leaders. All senior officials or executives must bear the burden of accountability for matters under their direction or control. Also, in some contexts, such officials may be made answerable for the activities of the organization as a whole, to the extent that they can be considered to be part of the directing mind or will of the organization.³ A person's liability to sanction for organizational misconduct or error may be determined according to express rules or common understandings, where they exist, but in the absence of such rules or shared appreciation (or in addition to them), liability may be assessed with reference to the individual's position, roles, and responsibilities within the organization. Thus conceived, accountability in its most pervasive and all-

encompassing sense resides inevitably with the chief executive officer of the organization or institution.

If an individual is acting only as one part of a large organization -- a 'cog in the wheel' -- and many other people contributed culpably to produce a bad outcome, some would argue that neither the individual nor anyone else is individually responsible. Others would assert that everyone who contributed in any way has an equal moral responsibility.

A more reasonable position is that all and only those whose culpable actions contributed to produce the harm are responsible (blameworthy). Moreover, each is responsible proportionately to the degree of their particular contribution to the outcome. Those who make the greatest culpable contribution to an outcome deserve the greatest blame; but all who contribute, by their culpable actions or omissions, bear some responsibility.

This is a traditional line of moral reasoning, and it would seem to follow from it that officials at the top of the bureaucratic hierarchy will often bear the heaviest moral responsibility when things go wrong, by virtue of their greater power and authority.

ACCOUNTABILITY WITHIN THE MILITARY

When an officer accepts command of troops, he accepts not only the responsibility of accomplishing a mission, but the guardianship of those who serve under his command. The military hierarchy exists and can function because enlisted personnel entrust their well-being and their lives to those with command authority. When those in command authority either abdicate that authority or neglect that guardianship, more is lost than lives. Lost also is the trust that enables those who follow to follow those who lead.⁴

We accept the view that the profession of arms is unique. No other profession in society "requires the sacrifice of one's life in its service, whereas the military regularly requires it."⁵ This requirement is what General Sir John Hackett described in *The Profession of Arms* as the clause of unlimited liability.⁶ This reality has led commentators to observe that "[b]ecause it is unique, because it imposes special obligations, and because it requires special men to fulfill them, the military profession must be separate even from the society it serves."⁷

In the context of the military, two virtues or values -- loyalty and obedience -- are intimately linked to the principles of accountability and responsibility. Indeed, for good and sufficient reasons, loyalty and obedience have traditionally been regarded as the highest military virtues. As Alfred T. Mahan points out, "the rule of obedience is simply the expression of that one among the military virtues upon which all the others depend."⁸ Instant unquestioning obedience must be inculcated in military personnel as a prime virtue, it is argued, because military necessity often requires that soldiers act rapidly and in concert. Delay or hesitation could be fatal. Obedience to one's military superiors and loyalty to one's comrades can, of course, easily express itself in concealment or cover-up of their wrongdoing.

Few authors have offered a more strict construction of the supreme value of military obedience than Samuel P. Huntington:

When the military man receives a legal order from an authorized superior, he does not argue, he does not hesitate, he does not substitute his own views; he obeys instantly. He is judged not by the policies he implements, but rather by the promptness and efficiency with which he carries them out. His goal is to perfect an instrument of obedience; the uses to which that instrument is put are beyond his responsibility. His highest virtue is instrumental not ultimate.⁹

It is important to note, however, that Huntington qualifies his version of the military ideal with the words "legal" and "authorized". That is, instant obedience is owed only to legal orders issued by an authorized superior. This qualification highlights the crucial subordination of the military to the rule of law. Ultimately, the loyalty of every officer and soldier in the armed forces of a democratic society must be to the rule of law, as even Samuel Huntington, with his extreme emphasis on the military virtue of "perfect" obedience, is compelled to admit.

The principles of responsibility and accountability discussed in this report apply equally - - and in some cases, more stringently -- to leaders and members of the armed forces and to senior executives, public servants, and ministers of the Crown. The military is a highly hierarchical system that confers unusual powers of command, control, and discipline on members of the Canadian Forces. Members of the armed forces operate under the rule of law and are required to obey lawful orders under threat of severe punishment, even when they are in dangerous circumstances. Officers and other soldiers authorized to issue lawful orders benefit from absolute immunity when those orders are issued and obeyed. Members of the armed forces in certain circumstances are authorized to use destructive force, including lethal force, that may result in the injury and death of human beings.

Leaders in the armed forces are at times responsible for the safety of Canada, vast national resources, and the lives of large groups of Canadian citizens in uniform. Richard Gabriel marked these unique, near universal, military duties in the most poignant way, observing that "no [other] profession has the awesome responsibility of legitimately spending lives of others in order to render its service."¹⁰ Canadians have a right to know that the authority, responsibilities, and duties given to members of the armed forces, and especially to leaders, are performed effectively, efficiently, and within the law.

Although the modern era has seen the emergence of peacekeeping as a new and important phenomenon, the Canadian Forces, like armed forces throughout history and in most other states today, is still seen largely as an institution fashioned by discipline and ordered toward the chief purpose of fighting wars and winning them. The structure of the armed forces -- its identification of authority in rank, its hierarchical organization, and its system of command -- reflects this purpose. The principal organizing concept of armed force, however, is the idea of command. As used in the armed forces the term 'command' embodies sanctioned authority, unity of direction, and irreducible responsibility for the direction, co-ordination, control and behaviour of military forces under command. Command authority may vary with the rank and circumstances of officers, but these basic elements of command hold true at all levels.

It became obvious long ago that a single commander could not hope to exercise effective direct command over large forces and complex operations. Consequently, the idea of delegating authority to subordinate commanders evolved gradually and has become an

essential facet of what is often called a 'system of command'. The concept of delegation, however, has never usurped command responsibility. Delegated command authority is always limited in terms of troops and resources, time, location, mission, and/or degree of powers. Commanders always retain responsibility for the behaviour of their subordinates and for the resources, missions, and authority they delegate to them. Thus the image of a 'chain of command' appears, each link fastened inseparably to the next stronger link until it ends at the superior commander. It is instructive to note that the links in the chain are commonly referred to as 'higher' or 'lower' and as 'up' and 'down', providing a strong semantic indication that the chain of command joins those of lesser authority to those of greater authority.

Not all officers in the Canadian Forces are commanders. Many exercise staff functions and duties and are accountable for the degree of diligence with which they discharge their responsibilities and assume their obligations or use their powers. However, officers who are 'in command' are deliberately set apart from other officers by custom and regulations. Commanders, even at junior rank, enjoy certain customary privileges, such as being allowed to fly individual flags and pennants, and they traditionally have status above other officers. These customs, and others, are derived from the need in ancient times to identify commanders on the battlefield. In modern times these trappings of command may have lost some significance, but the identification of commanders remains a practical and necessary part of the military institution nonetheless.

Commanders must be clearly identified because they are the source of lawful commands, and they have responsibility in law and regulation for the training and safety of people, the proper use of resources, and the efficient accomplishment of assigned missions. In the Canadian Forces, commanders are identified in several ways. Their appointments are routinely announced, changes in command are accompanied by investigations to account for resources, and ceremonies are usually held and documents signed to mark the transfer of command from one officer to another. These types of procedures are followed not only to verify the change of command, but also to mark precisely the time at which it occurs, to avoid any ambiguity about who has command and who can be held responsible for the unit or units under command.

As with rank, officers who hold senior command are usually more experienced and qualified than officers who hold subordinate command. This ranking is another important separator between officers; it is also another important separator of responsibility. As an officer gains rank and seniority in a strongly hierarchical organization like the military, that individual's behaviour becomes increasingly important in directing the behaviour of others and serves as a model for others throughout the organization. This effect is multiplied enormously when commanders have the combined weight of senior rank and command authority. Therefore, although very junior commanders might rightly plead that they can be held responsible only for the behaviour of their immediate subordinates, senior commanders should be held accountable not only for their immediate acts and decisions, but also for the consequences -- intended or unintended -- of those acts for all the units and individuals under their command.

Command fixes responsibility on individuals in the Canadian Forces. In regulations, "a commanding officer is responsible for the whole of the organization and safety of the

commanding officer's base, unit or element."¹¹ Although the detailed distribution of work between the commanding officer and subordinates is left substantially to the commanding officer's discretion, a commanding officer shall retain for himself: (a) matters of general organization and policy; (b) important matters requiring the commanding officer's personal attention and decision; and (c) the general control and supervision of the various duties that the commanding officer has allocated to others."¹² The complexity of government sometimes makes it more difficult to fix responsibility in some agencies and departments of government, but such is not the case in the Canadian Forces. Command and responsibility are clearly defined in custom and regulation and are inseparable, unless they have been allowed to deteriorate through inattention or neglect.

Although commanders are accountable and responsible for the missions assigned to them and for the behaviour of their troops, failure to achieve a mission, especially in war, is not necessarily a culpable act. Military operations are often conducted in circumstances of great uncertainty and danger. Even the most diligent commander can be defeated by a more clever enemy with greater resources. Military history is replete with examples of honest failure, and they are occasionally marked with great honour.

On the other hand, carelessness, inattention, and lack of due diligence denote negligent failure. In such cases, commanders have usually failed to train their forces adequately, to prepare fitting plans appropriate to foreseeable events, to supervise carefully the deployment of their units, or to lead their troops energetically by example. In the autopsy of any failed military operation, therefore, examiners must decide whether the battle was well fought but lost, or lost through the neglect of the commander.

In the Canadian Forces the basic questions -- who should be accountable, what should be accounted for, and to whom should an organization be accountable -- are answered more easily than they are in other settings, because they are defined by custom of the service and the law. All members of the Canadian Forces are responsible and accountable for their own actions. Moreover, individuals with authority provided by rank or appointment carry a particular degree of responsibility and accountability for their own behaviour as well as that of those under their direction. In this regard, commanders are the most obvious locus of responsibility and accountability.

Although those in authority and especially commanders have various and at times a wide range of things for which they are accountable, customarily, they are all always responsible for obedience to orders, for the state of their units, the accomplishment of assigned missions, and the behaviour -- "the good order and discipline" -- of their subordinates. In regulations, as we have explained, the demands on commanding officers are purposefully inclusive, encompassing every thing and act that falls under the direction of commanding officers in the course of their duties. Regulation and custom of the service, in other words, place no boundaries on what commanding officers should be held accountable for, charging them with all important matters requiring their personal attention and decision.

The Canadian Forces are accountable to Parliament through the government of the day, not as an institution, but through the person of the Chief of the Defence Staff. The Chief of the Defence Staff alone has the "control and administration" of the Canadian Forces, and the *National Defence Act* specifically prevents anyone other than the Chief of the

Defence Staff from issuing orders or directions to the armed forces. Moreover, all members of the Canadian Forces are subordinate to the Chief of the Defence Staff, whose lawful orders they must follow through commanders appointed directly or indirectly by the Chief of the Defence Staff. Thus in custom and in law, members of the Canadian Forces, and especially commanders appointed by the Chief of the Defence Staff, are accountable to the Chief of the Defence Staff who is, in turn, alone accountable to Parliament through the government of the day. The argument that the changing nature of public service makes accountability difficult to define is not nearly as vigorous in the armed forces.

In Canada, control of the armed forces by civilians elected to Parliament is fundamentally important to the safety of the state and its citizens. Control is meant to be exercised through a clearly delineated hierarchy of civil and military authorities where responsibility is fixed and obvious in law. If this inseparable system of authority and responsibility becomes clouded for any reason, the state's control over the armed forces is necessarily weakened. Although Parliament allows officers to have authority to issue orders and to compel obedience in the Canadian Forces, it must demand in return that accountability for that authority be sharply defined in regulations, unambiguously delineated in organization, and obvious in execution. Therefore, it is the duty of elected citizens to respect, guard, and reinforce control over the armed forces by holding those given positions of special trust in the Canadian Forces to a stringent interpretation of responsibility and accountability that allows for no uncertainty.

General Principles of Accountability

Accountability

Accountability is the mechanism for ensuring conformity to standards of action.

Those exercising substantial power and discretionary authority must be answerable (i.e., subject to scrutiny, interrogation and, ultimately, commendation or sanction) for all activities assigned or entrusted to them -- in essence, for all activities for which they are responsible.

In a properly functioning system or organization, there should be accountability for an individual's actions regardless of whether those actions were properly executed and led to a successful result or improperly carried out and produced injurious consequences.

An accountable official may not shelter behind the actions of a subordinate. An accountable official is always answerable to superiors.

However an organization is structured, those at the apex of the organization are accountable for the actions and decisions of those within the chain of authority who are subordinate to them. Within a properly linked chain of authority, accountability does not become attenuated the further removed an individual is from the source of the activity. When a subordinate fails, that failure is shouldered by all who are responsible and exercise the requisite authority -- subordinate, superior, and superior to the superior.

Accountability in its most pervasive and all-encompassing sense resides inevitably with the chief executive officer of the organization or institution.

Responsibility

Responsibility is not synonymous with accountability. One who is authorized to act or exercises authority is 'responsible'. Responsible officials are held to account. An individual who exercises powers while acting in the discharge of official functions is responsible for the proper exercise of the powers or duties assigned.

Supervision

A person exercising supervisory authority is responsible, and hence accountable, for the manner in which that authority is exercised.

Delegation

A person who delegates authority is responsible, and hence accountable, not for direct supervision of that kind a supervisor is expected to provide but, rather, for control over the delegate and ultimately for the actual acts performed by the delegate.

The act of delegation to another does not relieve the responsible official of the duty to account. Individuals can delegate the authority to act, but they cannot thereby delegate their assigned responsibility in relation to the proper performance of such acts.

Where a superior delegates the authority to act to a subordinate, the superior remains responsible, first, for the acts performed by the delegate; second, for the appropriateness of the choice of delegate; third, with regard to the propriety of the delegation; and, finally, for control of the acts of the subordinate.

Sanction

Even if the superior official is successful in demonstrating appropriate, prudent, and diligent personal behaviour, the superior remains responsible for the errors and misdeeds of the subordinate. In such circumstances, however, when assessing the appropriate response to the actions of a superior whose subordinate or delegate has erred or been guilty of misconduct, the authorities may be justified in selecting a penalty or sanction of lower order, or no penalty or sanction whatsoever.

Knowledge

It is the responsibility of those who exercise supervisory authority, or who have delegated the authority to act to others, to know what is transpiring within the area of their assigned authority.

Even if subordinates whose duty it is to inform their superior of all relevant facts, circumstances, and developments fail to fulfill their obligations, this does not absolve the superior of responsibility for what has transpired.

Where a superior contends that he or she was never informed or lacked requisite knowledge with regard to facts or circumstances affecting the proper discharge of organizational responsibilities, it is relevant to understand what processes and methods were in place to ensure the adequate provision of information. Also germane is an assessment of the extent to which the information in question was notorious or commonly held and whether the result that occurred could reasonably have been expected or foreseen. Moreover, how the managerial official responded upon first discovering the

shortfall in information is often of import.

SPECIFIC DEFICIENCIES IN EXISTING MECHANISMS AND PROCESSES

We find that the standards just discussed have not been well guarded recently. The hierarchy of authority in National Defence Headquarters, and especially between the Chief of the Defence Staff, the Deputy Minister, and the Judge Advocate General, has become blurred and distorted. Authority within the Canadian Forces is not well-defined by leaders or clearly obvious in organization or in the actions and decisions of military leaders in the chain of command. Moreover, we find that governments have not carefully exercised their duty to oversee the armed forces and the Department of National Defence in ways that ensure that both function under the strict control of Parliament. Consequently, responsibility and accountability in the armed forces and the Department of National Defence are wanting, and control of the armed forces and the department by Parliament is impaired.

To this point we have concentrated on defining terms and attempting to set out guiding principles. We now move to a consideration and analysis of practical issues that raise accountability concerns.

The Government's action in curtailing our investigation has had the effect of preventing us from exploring the full extent of and accountability for, personal failures. Nevertheless, we have had ample opportunity to investigate fully issues pertaining to individual misconduct and personal shortcomings in relation to the pre-deployment phase of the Somalia mission as well as in relation to the phase of our proceedings in which we explored issues surrounding the disclosure of documents by DND and the CF through the Directorate General of Public Affairs (DGPA). Our findings and conclusions in this regard are found in Volume 4 of this report, entitled "Failures of Individual Leaders".

More generally, we are in a position to identify certain specific institutional or systemic deficiencies in existing accountability mechanisms and processes.

These are apparent in the military itself and in the military-civilian/political relationship. We are also in a position now to advance proposals for reforms designed to improve accountability in practical terms.

Before setting out these reforms, we summarize the most significant deficiencies bearing on accountability that emerged from our consideration of the testimony and the research undertaken. Each deficiency plays a role in diminishing or impeding accountability. The list and description below should be of assistance to the future efforts of policy makers, although we do not regard it as exhaustive.

1. As we detail at various points in this report,¹³ official reporting and record-keeping requirements, policies and practices throughout DND and the Canadian Forces are inconsistent, sometimes ineffective, and open to abuse. This situation should be compared with that in the Australian services. As regards consistency and effectiveness, a useful counterpoint is provided by the precise and detailed orders that are given to an Australian commander for a peace support mission.

They provide a remarkable contrast to the terms of reference given to Col Labbé for the Somalia deployment. Notable in the Australian orders is the value clearly placed on reporting, record keeping, investigating, and keeping concerned parties informed of progress of investigations with respect to activities generally and significant incidents in particular. These documents show that orders given can carry with them inherent accountability requirements, demonstrate the integrity of the operation of the chain of command with respect to accountability requirements, and demonstrate the intention of superior commanders to monitor and supervise the carrying out of assigned tasks. Regarding the potential for abuse in loose record-keeping practices, we have seen that, in some cases (e.g., daily executive meeting records and minutes), as publicity regarding the Somalia operation increased, records appear to have been obscured deliberately or not kept at all, to avoid later examination of views expressed and decisions made.¹⁴

2. In Chapter 39, describing the document disclosure phase of our hearings, we demonstrate the presence of an unacceptable hostility within the department toward the goals and requirements of Access to Information legislation, an integral aspect of public accountability. There appears to be more concern at higher levels with managing the agenda and controlling the flow of information than with confronting and dealing forthrightly with problems and issues.
3. The specific duties and responsibilities inherent in many ranks, positions, and functions within NDHQ are poorly defined or understood.¹⁵ Further, the relationship between officers and officials in NDHQ and commanders of commands, as well as officers commanding operational formations in Canada and overseas, is, at best, ambiguous and uncertain.¹⁶
4. The nature and extent of the duties and responsibilities of superiors to monitor and supervise are unclear, poorly understood, or subject to unacceptable personal discretion. Accountability for failure to monitor and supervise seems to be limited to the assertion that the superior trusted the person assigned the task to carry it out properly.
5. The current mechanisms of internal audit and program review, which are the responsibility of the Chief of Review Services (CRS),¹⁷ are shrouded in secrecy. Reports issued need not be publicized, and their fate can be determined at the discretion of the Chief of the Defence Staff or the Deputy Minister, to whom the CRS reports. The Chief of the Defence Staff or the Deputy Minister, as the case may be, retains unfettered discretion concerning follow-up and whether there will be outside scrutiny of a report. The CRS has no ability to initiate investigations. No mechanism exists for follow-up or independent assessment of their reports or recommendations for change.¹⁸
6. A disturbing situation seems to exist with respect to after-action reports and internally commissioned studies.¹⁹ These reports and studies can serve an accountability purpose, provided they are considered seriously and their recommendations are properly monitored and followed up. While requirements to produce evaluations and after-action reports are clear in most cases, no rigorous and routine mechanism exists for effective consideration and follow-up. We have

- numerous examples of problems being identified repeatedly and nothing being done about them or about recommendations in reports addressing and suggesting remedies for the problems.²⁰ Their fate seems to rest within the absolute discretion of officials in the upper echelons, who can and often do reject suggestions for change without discussion, explanation, or possibility of review or outside assessment.
7. Mechanisms for parliamentary oversight of the Department of National Defence and military activities are ineffective. We base this conclusion to a large extent on the analysis conducted on our behalf by Martin Friedland and detailed in his study, *Controlling Misconduct in the Military*.²¹ A 1994 joint parliamentary committee was unanimous in support of the view that there is a need to strengthen the role of Parliament in defence matters. We do not see Parliament playing an extraordinary supervisory role with regard to military conduct but, clearly, it can and should do more. We agree with Professor Friedland that Parliament is particularly effective in promoting accountability when it receives, examines, and publicizes reports from bodies with a mandate to report to Parliament (as would be the case, for example, with the responsibilities we propose be entrusted to an inspector general).
 8. We identify numerous deficiencies in the operation of more indirect accountability mechanisms, such as courts-martial and summary trials, MP investigations and reports and the charging process, personnel evaluations, mechanisms for instilling and enforcing discipline, and investigating and remedying disciplinary problems and lapses, training evaluations, declarations of operational readiness, and so on. These are the subject of close examination in other chapters of this Report.
 9. Leadership in matters of accountability and an accountability ethic or ethos have been found seriously wanting in the upper military, bureaucratic and political echelons. Aside from platitudes that have now found their way into codes of ethics,²² and the cursory treatment found in some of the material tabled by the Minister of National Defence on March 25, 1997,²³ the impulse to promote accountability as a desirable value or to examine seriously and improve existing accountability mechanisms in all three areas has been meagre.
 10. There also appears to be little or no interest in creating or developing mechanisms to promote and encourage the accurate reporting, by all ranks and those in the bureaucracy, of deficiencies and problems to properly specified authorities and then to establish and follow clear processes and procedures to investigate and follow up on those reports.²⁴

The Need for an Office of Inspector General

The foregoing description of notable deficiencies in the accountability of the upper echelons as revealed by the experience with the Somalia deployment suggests a range of possible solutions. Some of these suggestions are proposed and discussed in greater detail elsewhere in this report. However, one particular suggestion dealing with the creation of a new office of inspector general merits consideration here, since its entire *raison d'être* is

the promotion of greater accountability throughout the Canadian Forces and the Department of National Defence.

A comprehensive listing of our proposals for reform, including the creation of the Office of Inspector General, is offered at the end of this section.

Control by Parliament is essential to democracy in Canada and to the well-being of the relationship between the CF and society, but this is made difficult by the vast amount of information in the CF and DND and by the technical nature and necessary secrecy of defence policy and defence relations with other states.

Ministers of National Defence depend mainly on the advice and guidance of the CDS and the Deputy Minister when formulating policies and making decisions. This expert consultation usually serves governments well, but ministers have no established way to examine the CF or DND except through the eyes of their own military officers and officials. At times, ministers have organized evaluations, reviews, and inquiries into the activities of the armed forces and DND, but these studies have been restricted in scope and in time.²⁵ The Auditor General of Canada routinely undertakes assessments of the CF and DND and produces valuable reports on specific issues, but they are also limited.²⁶

Parliament is also dependent mostly on advice emanating from the same two sources and on occasional studies that do not always meet its needs. Clearly, from the evidence before us, ministers require a body to review and report on an ongoing basis on defence affairs and the actions and decisions of leaders in the CF and DND.

Canadian soldiers also lack information and assistance in their dealings with higher defence authorities. Although they voluntarily surrender some rights and freedoms when they join the CF, they retain an expectation that they will be treated fairly by their officers and by officials of DND. Most soldiers are well treated and serve with justifiable pride in their units but occasionally, and too often recently, this trust has been broken.

Members of the CF have reported that they are confused about their rights. They complain also that the chain of command is often unresponsive to their concerns and that those who file grievances may be met with informal reprisals and adverse career actions.²⁷ Members of the armed forces who feel the need to initiate a complaint often feel they face two unpalatable choices -- either to suffer in silence or to buck the system with all the perils such action entails. In our view, Canadians in uniform do require and deserve to have a dedicated and protected channel of communication to the Minister's office.

In other countries, offices of inspectors general and ombudsmen have been established to accommodate respectively these two requirements of review and reporting, and fair hearing for grievances.²⁸ At present, Canada has no inspector general or ombudsman with jurisdiction to oversee or investigate military affairs. There are also no routine reports to Parliament by the CDS or DND beyond those provided during the annual departmental budget estimates process.

This handicaps Parliament in its role of supervising military affairs because it does not have easy access to critical analyses of defence matters. The evidence before us suggests that this has resulted in a serious deficiency in the oversight of the CF and DND by

Parliament and in the treatment of members of the CF who have grievances against individuals in the chain of command.

There is evidence that Canadians and members of the CF want a review process that is straightforward and independent.²⁹ We also believe that a civilian inspector general, properly supported and directly responsible to Parliament, must form an essential part of the mechanism Canadians use to oversee and control the CF and the defence establishment. While the CF and its members would merit the primary attention of this new office, the close ties between the CF and DND, and public servants in DND, especially at NDHQ, requires that the Inspector General must act in and for members of both institutions.

The Inspector General of the Canadian Forces

The Inspector General of the Canadian Forces should be appointed by the Governor in Council and made accountable to Parliament. The Inspector General should be a civilian and have broad authority to inspect, investigate, and report on all aspects of national defence and the armed forces. The Inspector General, moreover, should be provided with resources including auditors, investigators, inspectors, and support personnel gathered in the Office of the Inspector General of the Canadian Forces.

In our view, the Inspector General should incorporate the concepts of both a military inspector and an ombudsman. These two concepts, while focused on different areas, are plainly related but might be established as separate branches under the Inspector General.

Mission of the Inspector General of the Canadian Forces

The Inspector General's mission should be to initiate and to inquire into, and periodically report on, any aspect of national defence that the Inspector General determines is important. These matters would include among other things, discipline, efficiency, economy, morale, training, operational effectiveness and readiness, the conduct of operations, and the functioning of the military justice system.

The Inspector General would also have an important responsibility regarding personnel and personal matters in the CF. These duties would include overseeing the efficiency and effectiveness of personnel policies such as promotions, selection of commanding officers, and the conditions of service for members of the CF. The Inspector General would also supervise and report on the redress of grievance system in the CF and provide opportunities for members of the CF to report matters that they think need to be investigated outside the chain of command.

The Inspector General should report to Parliament annually or whenever serious issues come to the attention of the Office of the Inspector General.

Functions of the Inspector General

The Inspector General should have four main functions:

- Inspections: focused on systemic issues in the CF and DND, including systemic problems within the chain of command and the military justice system.

- Investigations: focused on complaints about misconduct of individuals of any rank or position, about injustices to individuals within the CF and about misconduct related to the roles, missions, and operations of the CF and DND.
- Overseeing the military justice system:³⁰ focused on the application of the *National Defence Act* (NDA) and allegations of:
 - abuse of rank, authority, or position: for example, a failure to investigate, failure to take corrective actions, or unlawful command influence; and
 - improper personnel actions: for example, unequal treatment of CF members, harassment, racist conduct, failure to provide due process, reprisals.
- Assistance: focused on helping to mediate conflicts between individuals and the CF and DND, and to help redress injustices to individuals.

Powers of the Inspector General

The Inspector General should be empowered:

- to inspect any documents, plans, and orders of the CF and DND;
- to initiate studies and reviews of any defence issue or matters without prior authorization of the MND, CDS, or DM of DND;
- to initiate investigations of any complaint of wrong doings against any officers or members of the CF and any public servants or officials of DND without prior authorization of the MND, CDS, or DM of DND;
- to visit any unit or element of the CF or any defence establishment without prior warning;
- to interview any member of the CF or public servant of DND without prior approval of superiors and in complete privacy and confidence.
- to review all military police documents and reports, and documents pertaining to the military justice system;
- to conduct interviews of members of the CF charged under the NDA, to review the use of all disciplinary proceedings and administrative processes related to discipline or career assessments, including reproofs and reports of shortcomings;
- to review and inspect all career-related documents, boards, or assessments pertaining to individual members of the CF or the CF personnel system generally;
- to review and inspect commanders, units, or elements of the CF assigned to any operation in Canada or abroad and to report on the operational effectiveness and readiness of those commanders, units or elements; and
- to make public any reports or recommendations flowing from inspections and investigations as the Inspector General sees fit to release.

The Inspector General and Members of the CF and DND

Any member of the CF and any public servant in DND should be permitted to approach the Inspector General directly for whatever reason and without first seeking prior approval of any other member of the CF or DND.

There should be no need to report a complaint to a superior or reveal any conversation or correspondence between the member and any superior.

Inspections, audits, investigations, or reports that arise from complaints made by members of the CF or DND need not identify the complainant in any way.

Members of the CF or DND who believe that reprisals have been taken against them because of complaints made before the Inspector General should have special access to and protection provided by the Office of the Inspector General. In this regard, a few words concerning our experience with the subject of intimidation, harassment, and reprisals are in order.

From the earliest days of this Commission of Inquiry, concerns were expressed, in the media and elsewhere, that the Inquiry might not be able to get to the bottom of the matter because some witnesses from the military, especially those in the lower ranks, would fear reprisals from the authorities or prejudice to their military careers. In our public pronouncements on this subject we indicated that, at the time, we saw little evidence to suggest that threats of any kind were being made to potential witnesses before the Commission. While there was little real, tangible, or objective evidence to sustain these concerns, we knew that they existed and we were sensitive to them. Looking back on the entire course of our Inquiry, we have come to the conclusion that these concerns were far from fanciful. Certain witnesses who appeared before us did so against a backdrop of fear and intimidation.

We have publicly recognized the great courage that individual soldiers have shown in coming forward to assist the Inquiry in its work and by providing testimony at our proceedings that was not always favourable to the Canadian Forces. Among these we would number Maj Buonamici, Maj Armstrong, Cpl Purnelle, and Cpl Favasoli.³¹ Cpl Purnelle and Maj Buonamici, in particular, were victims of threatening behaviour and attempts at intimidation. Maj Armstrong had to be protected in theatre against physical reprisals for bringing his important allegations of misconduct to the attention of his superiors. We believe that these officers and non-commissioned members have served as examples to all ranks, particularly soldiers of lower rank, and we are indebted to them for their courage and support of our work.

We publicly undertook, on several occasions, to do everything in our power to protect these soldiers against any recrimination or prejudice to their careers that might flow from their co-operation with us. At the beginning of the in-theatre phase of our proceedings on April 1, 1996 we summarized our activity and plans in this regard:

...a number of steps have been taken to favour the establishment of the truth and protect those who seek to contribute to the inquiry process, including adopting a rule of practice and procedure which treats as confidential the information the Commission receives from whatever source; allowing testimony in camera where

necessary, undertaking the investigation of any allegation, complaint or evidence of ongoing reprisals against potential witnesses while the inquiry is in progress; and, if we find it necessary, we are prepared to include in our final report a proposal for a review mechanism whereby a committee of the House of Commons acting as a sort of ad hoc Ombudsman would be called upon to review upon request and systematically every five years the file and career progression of those who will have testified before this Commission of Inquiry.

The Commission is confident that these measures are sufficient to eradicate the possibility of reprisals and protect those who may be vulnerable in the military system.

Those who have testified before us under threat or peril to their careers are entitled to receive protection with respect to their future careers within the military. Regrettably, we have concluded that the reality exists that, for so long as these soldiers remain within the military, both their personal and professional reputations must be protected. Because of the past actions of the chain of command, there must be a mechanism available to these officers and non-commissioned members to redress any reprisals that may be taken against them after the Commission of Inquiry has issued its report.

We therefore believe that there is an urgent need for a new and more effective form of military career review procedure to deal with these cases. Such career review boards should be entirely independent and impartial committees. Also, any career review boards that may be convened with regard to individuals who have rendered assistance to the Inquiry should contain representatives from outside the military (perhaps including judges or other respected members of the larger community) in order to insure transparency and objectivity in the process. Career review board decisions should be subject to a further effective review by someone other than the Minister alone (as is currently the case), such as a committee of the House of Commons or Senate.

A career progression review procedure should provide soldiers who have assisted the Inquiry, and others in similar circumstances, with a mechanism for applying to have their career progression reviewed effectively.³² Individuals who have testified before us and allege that their career progression has been adversely affected as a result of their testifying should be given the right to apply to an independent career review board to have their career progression reviewed. They should possess, as well, an ability to seek a further review of the findings of these special career review boards.

In the event that reprisals have occurred and career advancement has been adversely affected, a mechanism for redress should also be included in the new procedure.

We believe that a systematic, periodic annual report should be prepared by the Chief of the Defence Staff for the benefit of a select committee of the House of Commons or Senate that reviews the career progression of all those who have testified before the Inquiry.

We support the creation of a specific process, under the purview of an independent inspector general, designed to protect soldiers who, in the future, bring reports of wrongdoing to the attention of their superiors.³³

In addition to the foregoing and in light of the experience of Cpl Purnelle,³⁴ we are struck by the fact that individual free speech in the Canadian military has been stifled to an unacceptable degree. While reporting requirements and relationships must be observed and dissident activities that threaten unit effectiveness and cohesion must be checked, the military must be open and receptive to legitimate criticism and differing points of view.³⁵ Members of the military should enjoy a right of free expression³⁶ to the fullest extent possible, consistent with the need to maintain good order, discipline, and national security. This should be reflected in official guidelines and directives.

RECOMMENDATIONS

We recommend that:

16.1 The *National Defence Act*, as a matter of high priority, be amended to establish an independent review body, the Office of the Inspector General, with well defined and independent jurisdiction and comprehensive powers, including the powers to

- 1. evaluate systemic problems in the military justice system;**
- 2. conduct investigations into officer misconduct, such as failure to investigate, failure to take corrective action, personal misconduct, waste and abuse, and possible injustice to individuals;**
- 3. protect those who report wrongdoing from reprisals; and**
- 4. protect individuals from abuse of authority and improper personnel actions, including racial harassment.**

16.2 The Chief of the Defence Staff and the Deputy Minister of National Defence institute a comprehensive audit and review of

- 1. the duties, roles and responsibilities of all military officers and civilian officials to define better and more clearly their tasks, functions, and responsibilities;**
- 2. the adequacy of existing procedures and practices of reporting, record keeping, and document retention and disposal, including the adequacy of penalties for failures to comply; and**
- 3. the duties and responsibilities of military officers and departmental officials at National Defence Headquarters in advising government about intended or contemplated military activities or operations.**

16.3 The Chief of the Defence Staff incorporate the values, principles, and processes of accountability into continuing education of officer cadets at the Royal Military College and in staff training, command and staff training, and senior command courses. In particular, such education and training should establish clearly the accountability requirements in the command process and the issuance of orders, and the importance of upper ranks setting a personal example with respect to morality and respect for the rule of law. 16.4 To strengthen the capacity of Parliament to supervise and oversee defence matters, the *National Defence Act* be amended to require a detailed annual report to Parliament regarding matters of major interest and concern to the operations of the National Defence portfolio and

articulating performance evaluation standards. Areas to be addressed should include, but not be limited to

1. a description of operational problems;
2. detailed disciplinary accounts;
3. administrative shortcomings;
4. fiscal and resource concerns; and
5. post-mission assessments.

16.5 The *National Defence Act* be amended to require a mandatory parliamentary review of the adequacy of the act every five years.

16.6 The *Queen's Regulations and Orders* be amended to provide for a special and more effective form of military career review procedure to deal with cases of intimidation and harassment related to the Somalia deployment and this Commission of Inquiry.

16.7 Such special career review boards be entirely independent and impartial committees and contain representation from outside the military, including judges or other respected members of the larger community, to ensure transparency and objectivity in this process.

16.8 Decisions of these special career review boards be subject to a further effective review by a special committee of the House of Commons or the Senate or a judge of the Federal Court.

16.9 In the event that a finding is made that reprisals have occurred and career advancement has been adversely affected, a mechanism for redress be available.

16.10 For the next five years, an annual report reviewing the career progression of all those who have testified before or otherwise assisted the Inquiry be prepared by the Chief of the Defence Staff for consideration by a special committee of the House of Commons or the Senate.

16.11 A specific process be established, under the purview of the proposed Inspector General, designed to protect soldiers who, in the future, bring reports of wrongdoing to the attention of their superiors.

16.12 The *Queen's Regulations and Orders* article 19 and other official guidelines and directives be amended to demonstrate openness and receptivity to legitimate criticism and differing points of view, so that members of the military enjoy a right of free expression to the fullest extent possible, consistent with the need to maintain good order, discipline, and national security.

NOTES

1. 'Knowledge' should not be thought of as the complete encapsulation of all aspects of corporate or organizational consciousness. Knowledge need not be actual. It can be imputed. In matters of consequence, willful blindness does not excuse. As regards individual actions, the notions of intention and recklessness are often

- germane. Also, in this latter regard, knowledge may not be a useful focus of inquiry -- at least in some settings, as, for example, where negligence is in issue. In such circumstances, it may be more appropriate to focus on whether the individual adhered to appropriate standards of care and whether due diligence was exercised.
2. We acknowledge the highly charged debate concerning whether liability should ever be absolute. We incline to the view that in the context of the military and the reality of a soldier's 'unlimited liability' in extreme circumstances, there may be a need for the organization to vindicate itself through a public changing of the guard, even though due diligence may be demonstrated.
 3. This is the case where the issue is one of criminal liability.
 4. Representative Dan Daniel, United States Congress, Congressional Hearings on the Death of U.S. Marines in Beirut, 1983.
 5. Richard A. Gabriel, *To Serve with Honor. A Treatise on Military Ethics and the Way of the Soldier* (Westport, Connecticut: Greenwood Press, 1982), p. 87.
 6. General Sir John Hackett, *The Profession of Arms* (London: Times Publishing Co., 1962), p. 63.
 7. Gabriel, *To Serve with Honor*, p. 88.
 8. Quoted in Samuel P. Huntington, *The Soldier and the State* (Cambridge, Massachusetts: Harvard University Press, 1957), p. 73.
 9. Huntington, *Soldier and State*, p. 73.
 10. Gabriel, *To Serve with Honor*, p. 86.
 11. *Queen's Regulations and Orders* (QR&O) 4.20(1).
 12. QR&O 4.20(3). For general responsibilities of an officer commanding a command, see QR&O 4.10.
 13. See our discussion in Volume 5, Chapter 38, which deals with the March 4th incident.
 14. This is discussed in Volume 5, Chapter 39, on disclosure.
 15. There are numerous examples of this. The evidence and submissions of the former Deputy Chief of the Defence Staff reveal ambiguity and possible confusion about whether the DCDS, as a staff officer with command prerogatives, had responsibility for the declaration of operational readiness; the former Deputy Minister evinced some ambivalence in his testimony about whether it was possible for him to give advice on operational matters; the former Director of Operations (J3 Ops) gave testimony downplaying the significance of his position as regards in-theatre events and liaison, yet he appears in evidence as interacting intensively with key figures in Somalia at crucial points.
 16. See the research study we commissioned: Douglas Bland, *National Defence Headquarters: Centre for Decision* (Ottawa: Public Works and Government Services, 1997).

17. The main functions of the Chief Review Services are to provide expertise on management practices; to carry out program evaluations and independent audits, including the investigation of inappropriate use of resources; and to provide a corporate ethical and conflict of interest focus, all to assist senior managers in DND and the Canadian Forces in meeting their mandates.
18. In our DGPA hearings we witnessed an example of the misuse of the Chief Review Services function, presumably so as to ensure a low-level, low-profile examination of an issue. The CRS was directed to investigate the possible destruction or alteration of documents, when a Military Police or criminal investigation was clearly a more appropriate vehicle.
19. See, for example, BGen I.C. Douglas, *Peacekeeping Operations (PKO's) Review, Interim Report -- SPA DCDS* (December 21, 1990); MGen Boyle, "After Action Report -- Somalia Working Group", July 29, 1994, Exhibit P-173 Document book 44, tab 3 (unsigned).
20. See the studies of the Chief of Review Services on such subjects as peacekeeping and command and control: Chief Review Services, NDHQ, *Report on NDHQ Program Evaluation E1/81 DND Policy/Capability in Support of Peacekeeping Operations* July 1983; and *NDHQ Program Evaluation E3/92 Command and Control*, vol. 7, Summary of Internal Reports Relating to Command and Control (March 1994).
21. Martin Friedland, *Controlling Misconduct in the Military* (Ottawa: Public Works and Government Services, 1997), pp. 108-110.
22. See the recently devised Statement of Defence Ethics, in DND, *Defence 2000 News* (December 1996), p. 4.
23. See, for example, Reports to the Prime Minister, [tabled by] Minister of National Defence, "Authority, Responsibility and Accountability" (1997); "Ethos and Values in the Canadian Forces" (1997); and "A Comparative Study of Authority and Accountability in Six Democracies" (1997).
24. In this regard see our discussion of the incident of March 4, 1993 in Volume 5, Chapter 38, and note the cases of Maj Armstrong and Maj Buonamici.
25. Such studies include, for example, *Report to the Minister of National Defence on the Management of Defence in Canada*, Report of the Management Review Group (July 1972); Task Force on Review of Unification of The Canadian Forces, *Final Report* (March 15, 1980); *Review Group on the Report of the Task Force on Unification of the Canadian Forces* (August 31, 1980); and various internal NDHQ reports prepared by the Chief Review Services.
26. See various reports of the Auditor General to the House of Commons regarding the Department of National Defence.
27. Canadian Forces Personnel Applied Research Unit (CFPARU), "Mechanisms of Voice: Results of CF Focus Group Discussions", Sponsored Research Report 95-1 (October 1995), p. DND 403818 and following.
28. We visited and collected information from various foreign defence establishments. In the United States, we were provided with a description of the

Inspector General, Department of Defense, and the Inspector General of the Army.

29. CFPARU, "Mechanisms of Voice".
30. This important function is covered in greater detail in Volume 5, Chapter 40, which details our findings and recommendations with regard to the military justice system.
31. A non-exhaustive list of those who have also been of assistance to us, at some personal risk, includes Sgt Little, Sgt Flanders, Maj Pommet, Maj Kampman, Maj Mansfield, Maj Gillam, Cpl Noonan, Cpl Chabot, MWO Amaral, MWO O'Connor, Cpl Smith, Cpl Dostie, WO Groves, and WO Marsh.
32. Reprisals are not restricted, apparently, to enlisted men and women. As we were about to go to press with this report, we were advised (in a letter dated June 6, 1997) by Mrs. Nancy Fournier, a civilian employee of DND, that she has experienced prejudice to her career as a result of providing testimony before the Inquiry in the DGPA/document disclosure phase of our proceedings and in the subsequent court-martial of Col Haswell. In a letter to the Deputy Minister of National Defence dated April 15, 1997, a copy of which she provided to us, Mrs. Fournier complains of being relegated to a position more junior than the one she occupied previously and of being asked to perform menial and demeaning tasks, in what she regards as "an effort to make my life as miserable as possible in the hope that I will up and quit willingly."
33. As they are required to do under the *Queen's Regulations and Orders* 4.02(e) and 5.01(e).
34. An attempt was made to have Cpl Purnelle, an outspoken critic, removed from the military via the career review board process and thereby bypass the more transparent court-martial process. After our intervention on his behalf, a decision was taken to proceed against him first by way of court-martial. Nine charges were laid against Cpl Purnelle under the *National Defence Act*. Two of these charges related to the single incident of Cpl Purnelle leaving his post without permission and attending at the Inquiry's offices in order to bring new evidence to our attention. Others related to media interviews given in contravention of the injunction against speaking to the press. In this latter regard, he alone was initially singled out for disciplinary action from among a group of soldiers who were interviewed for the television program *Enjeux*. Other charges brought against Cpl Purnelle related to his having written and published a book, *Une armée en déroute* (Montreal: Liber, 1996), that was critical of the armed forces. Cpl Purnelle ultimately was court-martialled. His constitutional objections to the proceedings, based on an alleged violation of his rights of free expression, were dismissed and thereafter he pleaded guilty to five charges of conduct prejudicial to good order and discipline (NDA, section 129). He was sentenced to a reprimand and a fine of \$2,000. Cpl Purnelle is now facing possible discharge in career review board proceedings begun against him.
35. In this connection we note the severe restrictions that military regulations impose on the disclosure of information (including non-classified information) by any

member of the Canadian Forces. In particular the following regulations appear to be unduly restrictive: QR&O 19.10, 19.14(2), 19.36(1), (2) (c) (d) (e) and (j), and 19.38.

36. In the military context, at least, the right to free expression should not be thought to embrace an ability to espouse supremacist causes; foster illegal discrimination based on race, creed, colour, sex, religion, or national origin; advocate the unlawful use of force or violence; or otherwise engage in efforts to deprive individuals of their civil rights.

THE CHAIN OF COMMAND

As we have explained, the chain of command is an authority and accountability system linking the office of the Chief of the Defence Staff (CDS) to the lowest level of the Canadian Forces and back to the office of the CDS. It is also a hierarchy of individual commanders who take decisions within their connected functional formations and units. It is intended to be a pre-emptive instrument of command -- allowing commanders to actively seek information, give direction, and oversee operations.

A chain of command can be judged from two perspectives: as an instrument of command, exercised through the flow of orders and information, and as a hierarchy of related commanders. These two characteristics -- information transmission and the exercise of command and control by (usually) officers -- define a chain of command. The measure of a chain of command, therefore, lies in its reliability and effectiveness as a conduit to move information up and down the chain of authority, and as a personal expression of the skills, competence, and diligence of commanders. A rough instrument can disarm the finest commanders, just as the finest instrument can be wasted on indifferent officers. Ultimately, commanders are responsible for shaping the chain of command to their purposes and honing it to sharp perfection.

The chain of command also provides a mechanism for transmitting critical aspects of command authority and responsibility. A properly functioning chain of command helps senior officers understand what is happening in their commands and pinpoint weaknesses and problems. These discoveries can be made through routine inquiries and reports, by staff officers acting for commanders, and directly by the commander's inspections and visits to subordinate units. Whenever the chain of command is brittle or broken, commanders may be left without reliable information with which to make decisions. Ensuring the soundness of the chain of command is therefore a paramount responsibility of command.

The chain of command is not expected to be a mere transmission line between commanders; instead it is established to reinforce the authority of command and to allow officers to do their duty as prescribed in law and regulation. Therefore, when important orders and direction are passed from one level of command to the next, commanders are expected to review the orders for completeness and appropriateness and to take action to correct defects that come to their attention. Furthermore, they are expected to amplify orders to suit the circumstances of their commands and the strengths and weaknesses of their subordinate commanders. Finally, they must supervise implementation of their

orders and oversee the successful completion of the assigned mission. The chain of command greatly facilitates these activities.

Before and during the deployment of the Canadian Joint Force Somalia (CJFS), the chain of command in the Canadian Forces (CF), in our view, was found wanting in both these aspects. It failed as a communications system and broke down under minimal stress. Commanders testified before us on several occasions that they did not know about important matters because they had not been advised. They also testified that important matters and policy did not reach subordinate commanders and the troops or, when they did, the information was often distorted.

FAILURES OF THE CHAIN OF COMMAND

The chain of command was not functioning properly during the pre-deployment phase, either as a mechanism for passing information or as an effective command network. The failure of the chain of command at senior levels was particularly striking with regard to how commanders came to understand the state of the Airborne Regiment in 1992. Many senior officers in the chain of command, from MGen MacKenzie to Gen de Chastelain, testified that they were ignorant of the state of fitness and discipline of the Canadian Airborne Regiment (CAR). Yet they maintained even during the Inquiry that they had faith in the appropriateness of the CAR to undertake a mission because they assumed that it was at a high state of discipline and unit cohesion.

MGen (ret) MacKenzie testified that BGen Beno had not informed him of the serious and dangerous incidents of indiscipline within the CAR. He did not know that weapons and ammunition had been seized during a search of the unit barracks conducted by Maj Seward. Nor did he know that unauthorized weapons had been found in the possession of soldiers. MGen MacKenzie told us that he was unaware that 'Rebel' flags were flown routinely by soldiers in the CAR and that, indeed, 34 such flags had been seized by unit officers. He stated he was also ignorant of the fact that many soldiers and senior non-commissioned members had repeated problems of alcohol abuse in the weeks and months before deployment of the unit to Somalia. Finally MGen MacKenzie admitted that he did not know that members of the CAR openly displayed racist and extremist tattoos before their superiors.¹

Even by itself, MGen MacKenzie's ignorance about the true state of discipline in the CAR is a cause for concern. But it is even more serious because the leaders' failure to recognize these facts or to investigate them adequately was compounded in early November 1992 after LCol Morneault was relieved of his command, in part because the CAR was undisciplined. At this point, there could have been no question, in our view, that the unit was in trouble. Still, none of the commanders attempted to seek out the facts of the Regiment's state of discipline.² When MGen MacKenzie was asked during testimony whether "any people above you, any of your superiors" directed him to find out specifically whether the discipline problems that had existed [in the CAR] had been resolved, he answered, "No, sir."³

MGen MacKenzie was also unaware of other problems that should properly have come to his attention. For example, he stated before us that he had no knowledge of reservations about Maj Seward's ability to command 2 Commando.⁴ "In hindsight" MGen MacKenzie

admitted before us that no "sane person could deny" that more should have been done by officers in the chain of command to tackle problems in the CAR prior to deployment.⁵ Yet we were astonished to find that no measures were taken by the senior officers to ensure that LCol Mathieu would be adequately warned about the problems in the unit when he assumed command.⁶

LGen Reay testified that before September 1992, during the period when the decision to identify the Airborne Regiment as the unit to go to Somalia was being made, he was not aware of any concerns that BGen Beno had about LCol Morneault's leadership style. His first indication of trouble in the unit came from conversations with LGen Gervais and MGen MacKenzie in "late September or early October," but the only concern seemed to be LCol Morneault's weakness as unit trainer. Nevertheless, LGen Reay knew that "discipline was a small factor but a factor." Yet he testified that he took no action to inquire into this factor.⁷

LGen Reay testified that on or about October 3, 1992, he was informed by MGen MacKenzie that "clearly some disciplinary problems were emerging in Petawawa that needed attention and needed to be resolved."⁸ MGen MacKenzie testified that on or about October 5, 1992, he would have mentioned the illegal use of pyrotechnics and the torching of the car to LGen Gervais and LGen Reay and told them also that the incident had not been resolved.⁹ However, the Deputy Commander of Land Force Command (LFC), LGen Reay, maintained that he was unaware that members of the CAR had attacked the chain of command by burning the car belonging to the unit orderly sergeant (the Commanding Officer's off-duty representative) in early October. Incredibly, he testified that he remained unaware of the incident for months, even in his capacity as Commander LFC. He stated that he did "not recall ever being told specifically of the car burning episode and when I read of it in the de Faye Board of Inquiry I was really quite surprised because it was the first time that that specific incident was brought to my attention." Though LGen Reay was aware that the unit was in trouble in several respects, he, by his own admission, made no inquiries of MGen MacKenzie or took any other action -- by reviewing command Military Police reports, for example -- to discover for himself the true situation in the CAR.¹⁰

The Commander Force Mobile Command/Land Force Command (FMC/LFC), LGen Gervais, testified that he was not aware of discipline problems in the CAR when he recommended it as the unit to go to Somalia. He testified also that even in mid-September, after discussing the situation in the CAR with BGen Beno, he knew nothing about any discipline problems. LGen Gervais had two further conversations with BGen Beno during the autumn of 1992, but according to his testimony, he was not informed of the disciplinary problems in the unit. When informed by his executive assistant soon after the event that a car burning had occurred at CFB Petawawa, LGen Gervais did not connect that incident to the CAR, nor did he seek any more information on the incident.¹¹ In fact, even though as Commander FMC/LFC, he had easy access to many experienced staff officers, including Military Police officers, and routine incident reports, LGen Gervais remained ignorant of the true situation in the CAR until after his retirement from the Canadian Forces.¹²

BGen Beno was sufficiently concerned about the state of readiness of the CAR that he mentioned his doubts informally to LGen Gervais in September 1992. Later, on October 19, 1992, in his letter to MGen MacKenzie asking for the dismissal of LCol Morneault, he wrote specifically that "the battalion has significant unresolved leadership and discipline problems which I believe challenge the leadership of the unit."¹³ BGen Beno testified, however, that prior to that letter he had not mentioned the state of indiscipline in the CAR to any officer in the chain of command. Nevertheless, he did assume that the serious incidents which occurred in October 1992 were known to commanders, because he believed "that military police reports [of the incidents were] passed to the various headquarters which would include the area and the command [headquarters]."¹⁴

The former Chief of the Defence Staff, Gen (ret) de Chastelain, explained to us that "control and administration indicates or means that the control of how [the CF] are used and the day-to-day administration of them in terms of organization, supply, discipline, all come under the Chief of Defence Staff." When he was asked if such things as hazing rituals and the wearing of unauthorized and inappropriate clothing by members of the CAR suggested to him a breakdown in either discipline or leadership in the Airborne Regiment, Gen de Chastelain replied that he knew nothing of these matters until sometime in 1994. He admitted that had he known of the serious disciplinary problems in the unit, "I would have taken it up with the commander [LGen Gervais], and had he known that, I'm sure he would have taken it up with his [subordinates]." But Gen de Chastelain testified that he did not know anything about problems of indiscipline in the CAR in 1992.¹⁵

Gen de Chastelain emphasized that indiscipline in any unit is a serious matter. He made the point strongly "that in any case of a serious discipline problem within a unit, I think it is incumbent on the commander of that unit to let his immediate superior know that that has happened and what measures he has taken to fix it and that either he has fixed it or he needs further assistance." He admitted that if commanders had been aware that the issues of the change of command and discipline and the challenge to authority were linked, someone ought to have taken strong action. Nevertheless, Gen de Chastelain insisted that no negative information about the CAR came to him through the chain of command, through the so-called technical network, or through the police or security staffs at any time.¹⁶ This we find remarkable and a strong indication that the chain of command in the CF and the staff system in National Defence Headquarters (NDHQ) were unreliable.

BGen Beno's letter of October 19th explicitly made the link between disciplinary incidents and challenges to authority, yet no action beyond dismissing LCol Morneault was taken by any commander.¹⁷ According to Gen de Chastelain's testimony, the commanders failed to inform him of serious matters as he would have expected, and they also failed to react appropriately to the problem. What is not clear is whether the failures were caused by oversight and carelessness or by a concerted effort within the LFC chain of command to hide the true situation from the CDS.

One senior officer at LFC headquarters, BGen Zuliani, did attempt to initiate a comprehensive investigation of the state of readiness and fitness in the CAR following the dismissal of LCol Morneault. He suggested in his testimony that LGen Gervais and his commanders were reluctant to explore the full extent of the problems in the CAR. He

spoke directly with the Commander LFC shortly after LCol Morneault was relieved and asked that a board of inquiry be established to investigate the context in which the decision was taken and to root out any underlying weaknesses in the CAR. Specifically, he asked that the internal inquiry examine the circumstances that led to the relief of command of LCol Morneault; conflicts involving him and officers at the Special Service Force (SSF) Headquarters; incidents or conflicts within the CAR during the June 24-October 19, 1992 period; the process by which the chain of command was notified of the existence of various problems within the CAR; and the evaluation process that led to the decision to replace LCol Morneault.¹⁸ BGen (ret) Zuliani testified that his advice was first accepted by LGen Gervais, but later rejected following discussions with MGen MacKenzie and LGen Reay. Here, we see the chain of command explicitly rejecting an offer to discover the true extent of the problems in the CAR and, therefore, willfully remaining uninformed.

Throughout the period from early 1992 to the deployment of the CAR to Somalia in December 1992, several serious disciplinary problems -- one, at least, of a criminal nature -- occurred in the CAR. These incidents, among other things, were so significant that they led to the dismissal of the Commanding Officer of the CAR, itself a unique and remarkable event in Canada's peacetime army. Yet we were told that few officers in the chain of command, from MGen MacKenzie to the CDS, Gen de Chastelain, were even aware of the problems.

We are asked to believe that the scores of staff officers responsible for managing information from units for senior officers and commanders in SSF Headquarters, Land Force Central Area (LFCA) Headquarters, Land Force Command (LFC) Headquarters, and National Defence Headquarters (NDHQ) never informed them of these grave incidents. Indeed, we must assume that the specialized and dedicated MP reporting system, composed of qualified non-commissioned members (NCMs) and officers who routinely file police reports and investigations specifically for the use of commanders, failed to penetrate the chain of command. In other words, we must believe that the commanders did not know what was happening in their commands and therefore the chain of command failed. But the evidence is that the chain of command provided enough information that commanders ought to have been prompted to inquire into the situation and act.

THE CHAIN OF COMMAND: OPERATION DELIVERANCE

During the planning and pre-deployment periods, the chain of command for Operation Deliverance began at Gen de Chastelain, passed to LGen Gervais, to MGen MacKenzie (after early September 1992), to BGen Beno, to LCol Morneault and, after his replacement on October 23, 1992, to LCol Mathieu.

During the deployment period, beginning in mid-December 1992, the structure of the chain of command was altered by the creation of CJFS under the command of Col Labbé. Therefore, at the moment of deployment and during the initial stages of operations in early January 1993, the chain of command, according to the CDS's orders, flowed from the CDS, Gen de Chastelain, to the Deputy Chief of Defence Staff, Intelligence, Security and Operations (DCDS ISO), MGen Addy, to the Commander CJFS, Col Labbé, thence to the Commanding Officer of the Canadian Airborne Regiment Battle Group, LCol

Mathieu, and from him to the officers commanding the commandos and attached sub-units.

Subsequently, several key officers changed positions and assumed new responsibilities. Gen de Chastelain retired and was replaced by Adm Anderson on January 28, 1993. LGen Reay replaced LGen Gervais as Commander LFC in January 1993. MGen Addy was promoted and replaced as DCDS by VAdm Murray in late February 1993. The names changed, but neither the responsibilities of officers in those positions nor their command relationships to the CJFS changed at all.

We were told without further explanation and supporting evidence that "the Forces had an administrative concept of organization and command control...[and] still do."¹⁹ However, in our view, the confusion of responsibilities in NDHQ and the lack of precise definitions of command authority in the CF and in NDHQ are such that it raises worrisome questions about the reliability, or even the existence, of a sound concept of command in the CF generally.

LGen Addy recalled that "several incidents in the late 1980s...brought to light major planning and command and control shortcomings at the national level [of the CF]."²⁰ Although LGen Addy believes that some command problems were resolved in 1991, he states that this was not the case regarding "command and control issues between the Environmental Commanders, the DCDS, and the Joint Force Commander."²¹ This is a very serious admission of a deep systemic weakness within the highest levels of the command structure of the CF because officers in these positions are the principal operational commanders and staff officers in the CF. By his own admission, LGen Addy knew of these problems when he became DCDS (ISO) in 1992 and was aware of these serious defects as early as 1986.²²

LGen Addy also presented to us a document entitled, "Deputy Chief of The Defence Staff, Intelligence, Security, and Operations" to explain his terms of reference and describe his functions as DCDS (ISO) in 1991 and 1992. The document still reflects this confusion of responsibilities and ambiguity of command authority. It confirms the DCDS (ISO) as having "major responsibilities...as the focal point for planning, controlling, and coordinating the NDHQ Joint Staff" and that "he acts as a Commander of a Command for all peacekeeping units/formations."²³

Planning for Operation Deliverance circumvented in some respects the established chain of command of the CF. First, Gen de Chastelain, and his staff acting in his name, took all important decisions concerning the NDHQ CJFS command, organization, manning ceiling, logistical support, budget, deployment timings, mission statement, operations orders, rules of engagement, and public affairs issues. The commanders of commands served merely (and obligingly) as 'force generators' and advisers.

Second, on deploying the CJFS, Gen de Chastelain established a unique and separate chain of command for the mission, which remained in effect until the mission was completed. Apparently, none of the formation commanders or their headquarters in the army, including the 1st Canadian Division Headquarters, were considered capable of heading this mission or the appropriate choice for the task. So Gen de Chastelain authorized the creation of an ad hoc headquarters for Col Labbé.

Third, the selection and the appointment of Col Labbé as the Commander of CJFS was made by Gen de Chastelain, whose orders stated that Col Labbé would act under his direction (then under the new CDS, Adm Anderson, in late January 1993). Notwithstanding these orders, it is obvious from the evidence that from the beginning of the operation the Chief of the Defence Staff was only Col Labbé's notional superior, for it was in fact the DCDS who commanded Col Labbé in every important respect until the mission was completed.

CONFUSION IN COMMAND FROM THE CDS TO THE COMMANDER CJFS

Gen de Chastelain indicated in his warning order of December 5, 1992, that the "Commander Joint Force Headquarters has [operational command] in-theatre for employment (phase three)" and that the "[Canadian] joint force, when formed will be under the command of the CDS."²⁴ This instruction is repeated in the CDS's subsequent operation order of December 9, 1992, with the additional remark that "operational control of elements of CJFS will be transferred to commander U.S. Combined Joint Task Force Somalia (CJTF-S)."²⁵ But as the operation developed, the national chain of command as it extended into NDHQ became increasingly ambiguous. No witness could explain to us clearly and with confidence the national chain of command for Operation Deliverance.

In accordance with a Ministerial Organization Order (93073), a Canadian Forces Organization Order (CFOO) "to state the organizational status of the CJFS" was issued by Adm Anderson, the Chief of the Defence Staff, on February 10, 1993,²⁶ assigning the CJFS to the Deputy Chief of the Defence Staff. It confirmed Col Labbé's appointment and that he had operational command of the CJFS. The order made Col Labbé "responsible to the DCDS for the effective and efficient administration [and] for disciplinary matters of the CFJS", and for all matters involving policy. Moreover, the order also made the DCDS responsible for national aspects of technical support, financial matters, and contacts between the CJFS and other parts of the Canadian Forces. Routinely during the operation, Col Labbé reported to the Deputy Chief of the Defence Staff and took all his orders from him.

Yet the testimony of both LGen Addy (DCDS (ISO) until late February 1993) and VAdm Murray (DCDS through the remainder of the deployment) contradicts doctrine and illustrates the obvious ambiguity in the command relationships between Col Labbé and NDHQ. LGen Addy testified that "in joint operations the tasked command is required to prepare the forces, they select them, they declare them operationally ready to the [CDS] at which time they are handed over to the [CDS] and on his behalf I would be acting as the commander of the command for him." He explained that the CJFS existed officially only as it arrived in theatre, and that was where the formal change in command occurred. "Until it is all deployed [in theatre] it isn't there, but the elements thereof, as they come in theatre, come under my command through the commander joint task force."²⁷ When asked directly, at what date he assumed command of Col Labbé and the CJFS, LGen Addy replied, "when the joint force [was] deployed."²⁸ Therefore, by his own testimony and according to CF doctrine and common sense, LGen Addy was in command of Col Labbé.

VAdm Murray testified that:

I have no difficulty saying that *I was the one principally responsible for the conduct of operations in Somalia*. That is certainly true. But I think, to be absolutely accurate and precise, we should.. have a clear understanding of what command and control relationships actually existed in that scenario. And in that scenario, the commander in-theatre, Colonel Labbé, was responsible to the commander in Ottawa, the Chief of Defence Staff, Admiral Anderson. As Deputy Chief of Defence Staff, *I functioned on Admiral Anderson's behalf and oversaw the operation*. So in a formal command and control sense, the commanding relationship was between Colonel Labbé and with me functioning on behalf of Admiral Anderson in terms of operations.²⁹

He emphasized, however, that the "formal relationship in the chain of command for Col Labbé" was to the CDS, but always "through me." However, VAdm Murray could not have been "the one principally responsible for the conduct of operations in Somalia" without being the *de facto* commander of the operation in Somalia. In a military organization, "in a formal command and control sense," responsibility and command are indivisible.

It is clear to us that this kind of ambiguity in the command arrangements of the CF cannot be permitted. If it were allowed, then accountability, and thus civil control of the military, would suffer. Officers either command or they do not. Once LGen Addy and VAdm Murray were given control of the execution of the operation and the force commander, they became part of the chain of command for all practical purposes and, consequently, assumed command responsibilities. Moreover, neither doctrine nor custom allows staff officers to command units, and attempts to bend this concept, even (or especially) at the highest levels of command, distort and obscure responsibility and accountability. Nevertheless, it is apparent that the command of CJFS above Col Labbé was unclear and that, particularly at NDHQ, the fundamental importance of establishing unambiguous command relationships was not well understood or practised.

It is not as though the issue of problems in the structure for the command and control of the CF on operations in Canada and overseas was new to leaders. Studies ordered by the CDS as early as 1985 to inquire into the continuing confusion in NDHQ concerning operational planning, confirmed this issue. One of these warned the CDS and the Deputy Minister that NDHQ could not be relied on to produce effective operational plans or as a base for the command and control of the CF in operations.³⁰ In 1988, the weaknesses in plans for CF operations near Haiti prompted yet another study into authority and planning responsibilities in NDHQ. This report found: no agreed upon concept for the operation of the CF in wartime; that NDHQ was inappropriately organized for command functions; that the responsibilities of the CDS and DM were blurred; and that "the most complex issue dealt with" was the relationship between the DCDS and the commanders outside Ottawa. None of these problems was resolved satisfactorily.³¹

A report prepared for the CDS and the Deputy Minister in September 1992 confirmed that these problems had not been properly addressed. Among other things, the evaluators found "undue complexity in the current command and central structure.. and too much room for misinterpretation." Further, "the evaluation [showed] that there is a critical need

for a simplified command and control structure, one which will bring to an end the current ad hoc approach."³² Thus, from their own studies and experiences, senior CF officers should have been well aware that the existing structure for the command of the CF was, at least, suspect and required their careful attention as Operation Deliverance was being planned.

FAILINGS OF THE CHAIN OF COMMAND DOWNWARD

In our view, the chain of command failed also as an instrument of command. For example, the commanders who were ordered to prepare the troops for the Somalia mission appeared content to allow the CDS and his staff at NDHQ to control every critical decision regarding the mission. Nevertheless, any of these officers could have intervened at any time in the planning process if they were at all concerned about the plan, the selection of commanders, the command and logistical arrangements, or the resources that were to be deployed to Somalia. They had a particular opportunity to influence the course of events when Gen de Chastelain issued his operations order, because that event should have caused them to review at every level the adequacy and completeness of the orders they received before they issued their own orders to the formations and units under their command.

Senior commanders are not compelled to pass on orders with which they disagree. They have customary discretionary powers to try to influence their superiors' decisions and to ask for clarification of orders and directions, especially when commanders are concerned with the safety of their troops or the plans for their employment. For example, Gen de Chastelain testified, with regard to rules of engagement, that when he was "satisfied [with the ROE] they would be issued to the commander who would then put them into effect with the caveat that if he found anything in these Rules of Engagement that did not meet his requirement he could come back and ask for changes."³³

The commanders took no significant action in this regard, however, nor did they question or modify the plan or orders produced at NDHQ. The commanders, therefore, at a minimum, acquiesced in the disruption of the chain of command and ought to be held accountable and responsible for the consequences of the orders they did issue.

Not only did the chain of command function improperly in passing information upward to commanders, but it also failed as a mechanism to pass orders, instructions, and "concepts of operations" to subordinate commanding officers, especially during the planning for Operation Cordon and Operation Deliverance. As noted in the chapter on mission planning, the chain of command proved cumbersome and ineffective in many cases and neglected CF doctrine developed especially to facilitate the passage of orders. As well, officers complained that the chain of command became confused and cluttered because many officers failed to respect it, and because of the intrusion on it of so-called 'technical networks'.

For example, BGen Crabbe, Commander of the Special Service Force in 1991, issued his planning guidance for Operation Python to the commander of the CAR, Col Holmes. He specifically warned Col Holmes to obey only orders issued by the Commander SSF, because he worried about a tendency in many CF agencies and headquarters to become involved inappropriately in the planning and execution of operations. If there was one

major lesson to be learned from previous operations of this nature, it was the need to maintain a clear and inviolate chain of command.³⁴

In addition, officers declared for example, that the chain of command was too convoluted; that too many officers at NDHQ were involved in the vetting of what should have been routine demands; and that senior staff officers at NDHQ were calling the CAR directly or vice versa. Members of the CAR also violated the chain of command upward but defended the action because of necessity. In his after action report, Col Holmes complained:

The Cdn AB Regt was frequently chastised, sometimes quite harshly, for not passing information up, or for violating the [chain of command]. This we did. We had to! The information flow from the [chain of command] was next to non-existent. Routine [Situation Reports] did not start arriving until well into the mounting process. In-theatre information was nonexistent until the CAR managed to send an LO (liaison officer) for a two week visit. We had numerous diplomatic, military, and UN sources that were not exploited [by NDHQ] for the benefit of the CAR. It was also obvious that after a significant delay in deployment, staffs at the higher level started to lose interest in the operation despite the Regiment's continued commitment.³⁵

Other officers complained that it was improper to dispense with tried and true procedures concerning chains of command, lines of communication, and the delineation of responsibilities.

For example, Maj Desnoyers, a senior staff officer at LFCA Headquarters wrote:

As we have introduced additional levels of staff to the chain of command we have failed to redistribute the responsibilities so that in peace, minor ops and war the same devolution is apparent. Policy decisions should be made at higher levels and detail should be the business of lower levels with no more than the normal 'consider two down' rule being applied. This fault is equally true of NDHQ as it is of FMC or the LFAs [Land Force areas] and must be tackled if we are to produce a system in which all concerned know their function. Without such enforced compliance, chaos will continue to reign with ad hoc arrangements for each class of, if not each individual, operation.³⁶

As discussed elsewhere in this report, the chain of command from NDHQ to Col Labbé failed early. He was appointed to command the CJFS although he was inexperienced, was outside Canada during the pre-deployment period, took no part in the pre-deployment planning, training, and supervision of the force, and was given only five days to prepare himself and his headquarters for this dangerous and unusual operation. The selection of Col Labbé by the CDS, even if he had well-founded faith in Col Labbé's ability, is open to question and placed inordinate demands on Col Labbé, even though he was obviously highly motivated to seize the opportunity the command presented to him.

A critical function of commanders is the selection of subordinate commanders at whatever level. Commanders have to be diligent in selecting commanders to lead members of the CF and they cannot simply rely on faith and trust and then hope

inexperienced subordinates will perform well. "Hope is not a method," and mere faith in subordinates is not command.

THE CHAIN OF COMMAND IN THE SSF AND THE CAR

The CAR was disrupted in mid-1992 by its continuing reorganization under the direction of a chain of command rife with internal dissension and distrust. Major Seward, the officer commanding 2 Commando, complained that orders were confused and information was not being passed down the line to him.³⁷ This type of problem continued during training and was mentioned as a problem in the evaluation of Exercise Stalwart Providence. The exercise director, Col Macdonald, testified that he "was concerned that the debriefs and the evaluations, assessments that we were doing were not being passed down to every soldier in the battalion."³⁸ He believed that this was a significant problem in a unit about to undertake a UN mission:

To conduct this type of mission, all the soldiers have to have every bit of information available to the battalion, because they may be the lead person on that convoy escort or they may be the first person on a site. And we were feeding in points that we felt each soldier had to have and, in some cases, that did not get down to the soldiers who needed that information.³⁹

The cause of the problems in the chain of command was more complex than simple errors of procedure and experience. WO Murphy testified that distrust of the leadership in the regiment was "causing dissension amongst the noncommissioned officers."⁴⁰ There was also a significant breakdown in communications between MWO Mills and Maj Seward, which further compromised the passage of information and the integrity of the information circulating in 2 Commando. As a result, the inevitable and usually benign informal chain of command that exists in all organizations became especially active and disruptive. Capt Koch testified that in his opinion "soldiers looked more towards their senior NCOs, their warrant officers, than to their officers" for information and leadership.⁴¹ The dissension in the ranks and especially in 2 Commando led to open challenges to leaders, symbolized in some instances by the flying of the rebel flag in barracks after such a practice had been banned by officers.⁴²

The problems in the command relationship between BGen Beno and LCol Morneault, discussed elsewhere in this report, inevitably affected the working relationship between officers in SSF Headquarters and the CAR. Maj Kyle testified that he noticed that his Commanding Officer, LCol Morneault, was "very, very concerned" about the amount of attention that BGen Beno was giving to regimental training, in the sense that BGen Beno was interfering in CAR affairs. Maj Kyle also complained that he thought senior staff officers at SSF Headquarters were distorting his information.⁴³

Maj Turner testified that he observed the working relationship between BGen Beno and LCol Morneault often. On more than one occasion he noted that BGen Beno was critical of the Commanding Officer's priorities and methods of command. For example, he was present when BGen Beno conveyed to LCol Morneault his opinion that "he thought the priority of the CO's effort should be on training and that the table of organization and equipment [on which the Commanding Officer was working at the time] was best left to one of his staff officers."⁴⁴ Maj Turner reported that "Gen Beno himself was feeling some

frustration with [LCol] Morneault and in the course of a conversation did confide in me that Colonel Holmes had had reservations about the appointment of [LCol] Morneault." It was remarkable that a commander would express his lack of confidence in one of his commanding officers to a staff officer. Surely the remarks upset the relationship and trust between LCol Morneault and senior staff officers at SSF Headquarters.

During the summer and autumn of 1992, the CAR was in turmoil, not only because it was preparing for overseas duty, but also because it was in the throes of a fundamental reorganization compounded by an annual posting in and out of personnel. Moreover, on October 23, 1992, the Commanding Officer was relieved of command, a stunning blow to the unit's confidence. Yet no officer in the chain of command visited the unit to critically assess its readiness or to gauge the morale of the soldiers. Leadership from the chain of command was lacking when it was most needed.

CONCLUSION

Armed forces allow commanders extraordinary powers over the lives and safety of Canadians and give them control over lethal weapons and their use. Officers also are trusted to defend society, sometimes with deadly force. Civil control of the armed forces through officers given authority over military units depends on a clear delineation of responsibility and accountability in the armed forces and between the armed forces and civil authorities. For these reasons, the concepts of command, authority based in law, and the chain of command -- linked authority defined in degrees -- evolved early. They have been the hallmark of civil-military relations and military organization for centuries.

There is no evidence that the concept of a chain of command is faulty. Indeed, evidence suggests that governments should insist on an easily identifiable, direct, and unencumbered chain of command in the Canadian Forces. If the chain of command is not entirely unambiguous, then accountability for decisions and actions in the CF will not be obvious, and that is a danger to civil control of the armed forces.

There is considerable evidence that the chain of command, during both the pre-deployment and the in-theatre period, failed as a device for passing and seeking information and as a command structure. On one occasion at least, commanders rejected an offer that might have informed them of serious problems in the CAR. These failures can be attributed to commanders, but not to the concepts of command or the chain of command.

There is also considerable evidence that the actions and skills of junior leaders and soldiers overcame many of the defects in the chain of command, allowing the operation to proceed. This is especially true during the period when Operation Cordon was cancelled and Operation Deliverance was authorized and deployed.

Recommendations

We recommend that:

17.1 The Chief of the Defence Staff:

- 1. confirm in doctrine and in orders that the chain of command is the sole mechanism for transmitting orders and directions to the Canadian Forces;**

2. **confirm in doctrine and in orders that staff officers are never part of the chain of command and have no authority to issue orders except in the name of their respective commanders; and**
3. **in the case of a specific operation, improve existing mechanisms for reviewing, confirming, and publishing the chain of command.**

17.2 The Chief of the Defence Staff ensure that technical networks, such as legal, medical, or engineering specialist networks, do not interfere with or confuse the chain of command between commanders.

17.3 The Chief of the Defence Staff establish general concepts and principles for the command of Canadian Forces contingents on international operations. These concepts and principles should then be instilled through training and used to frame particular orders for commanders of specific missions.

17.4 For greater clarity, and to remedy deficiencies in existing practices, the Chief of the Defence Staff ensure that all commanders of Canadian Forces contingents destined for international operations are given operations orders concerning the chain of command:

1. **within the contingent;**
2. **between the Canadian Forces contingent and allied commanders; and**
3. **between the deployed contingent and the Chief of the Defence Staff or subordinate commanders.**

17.5 The Chief of the Defence Staff conduct national training exercises routinely to test and evaluate the Canadian Forces chain of command in likely or planned operational settings.

NOTES

1. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8477-8478; 8480; 8482.
2. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8333-8336.
3. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8418.
4. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8407 and 8487.
5. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8415 and 8522.
6. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8479-8481.
7. Testimony of LGen Reay, Transcripts vol. 45, pp. 9003-9006.
8. Testimony of LGen Reay, Transcripts vol. 45, p. 9008.
9. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8526-527.
10. Testimony of LGen Reay, Transcripts vol. 45, pp. 9008 and 9010.
11. Testimony of LGen (ret) Gervais, Transcripts vol. 47, pp. 9436-9445.
12. Testimony of LGen (ret) Gervais, Transcripts vol. 47, pp. 9435-9445.
13. Document book 15, tab 18, DND 000573, paragraph 2d.

14. Testimony of BGen Beno, Transcripts vol. 41, pp. 8065-8066.
15. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9821, 9907, and 9913.
16. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, pp. 10109-10110.
17. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, pp. 10108-10109.
18. Testimony of BGen (ret) Zuliani, Transcripts vol. 181, pp. 37450-37451.
19. Written Submission Filed on Behalf of Lieutenant-General Paul Addy, April 1, 1997, tab 2, p. 8.
20. Written Submission Filed on Behalf of Lieutenant-General Paul Addy, April 1, 1997, tab 2, p. 9.
21. Written Submission Filed on Behalf of Lieutenant-General Paul Addy, April 1, 1997, tab 2, p. 10.
22. Written Submission Filed on Behalf of Lieutenant-General Paul Addy, April 1, 1997, tab 2, p. 9.
23. Written Submission Filed on Behalf of Lieutenant-General Paul Addy, April 1, 1997, tab 19, pp. 2/11- 3/11.
24. Document book 20, tab 5, DND 00830.
25. Document book 20, tab 31, DND 006839.
26. Canadian Forces Organization Order 1.327, Exhibit p. 72.4.
27. Testimony of LGen Addy, Transcripts vol. 48, pp. 9505 and 9576.
28. Testimony of LGen Addy, Transcripts vol. 48, p. 9576.
29. Testimony of VAdm Murray, Transcripts vol. 152, pp. 30987-30988 (emphasis added).
30. See *The Impact of Integration, Unification and Restructuring on the Functions and Structure of National Defence Headquarters*, DND S1/85, July 31, 1985; and *The Canadian Forces and the Department in War and Peace*, DND S3/85, November 15, 1985.
31. DND, *The Report on the Functions and Organization of NDHQ in Emergencies and War* (1988).
32. NDHQ Evaluation E3/92, "Command And Control: Executive Summary and Recommendations", p. i.
33. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10127.
34. Board of Inquiry (CARBG), Exhibit 35, "Memorandum: Op Python -- Mounting Documentation", Ref A, "Op Python/CCMINURSO -- Western Sahara: Planning Guidance and Direction," July 17, 1991, p. 1/7, DND 009966.
35. Document book 2 LCol Morneault, tab 12, "Op Python -- After Action Report", Annex A, "Operations Annex: Op Python -- After Action Report", A-1/4, DND 292956.

36. Maj Desnoyers, A G 1/G4 Ops, to LCol Kennedy, G3 Plans & Ex of Land Force Command Headquarters, "Memorandum: Op Python After Action Report", July 17, 1992, Document book 9, tab 16, p. 1/3, DND 008358.
 37. Testimony of Maj Seward, Transcripts vol. 30, pp. 5783-5785.
 38. Testimony of Col Macdonald, Transcripts vol. 26, p. 4976.
 39. Testimony of Col Macdonald, Transcripts vol. 26, p. 4976.
 40. Testimony of WO Murphy, Transcripts vol. 34, p. 6586.
 41. Testimony of Capt Koch, Transcripts vol. 23, p. 4202.
 42. See testimony of CWO (ret) Jardine, Transcripts vol. 24, pp. 4585-4587; and LCol Turner, Transcripts vol. 18, pp. 3417-3418; LCol Morneault, Transcripts vol. 36, pp. 694-941.
 43. Testimony of Maj Kyle, Transcripts vol. 21, pp. 3828 and 3950.
 44. Testimony of LCol Turner, Transcripts vol. 18, pp. 3430 and 3547.
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DISCIPLINE

Among the issues facing us, discipline has proven to be critical in understanding what went wrong in the Somalia mission. Much of the problem of the Canadian Airborne Regiment (CAR) as a unit, most of the incidents that occurred during the preparation stage in Canada, and the many troubling incidents involving Canadian soldiers in Somalia all have a common origin -- indiscipline. For the ordinary citizen, little exposed to the military, discipline is understood to be the cornerstone of armies, the characteristic that one would have expected to be much in evidence in an army as renowned for its professionalism as the Canadian Forces (CF). It was the difference between this public expectation and actual events in the Somalia mission which captured the attention of Canadians and contributed to the call for this Inquiry.

MEANING OF MILITARY DISCIPLINE

It is important to understand the critical role which discipline plays in the military -- its meaning, purpose and goals.

The *Oxford Concise Dictionary* gives at least eight definitions for the word 'discipline', the majority of which convey the sense of training, instructing, or conditioning with the purpose of establishing order and control (especially control of conduct). Interestingly, only one definition is given regarding the notion of chastisement, punishment, or controlling misconduct.

The word 'discipline' would seem to have a distinct meaning when associated with the military as opposed to its application to society at large, as manifested in judicial, legal, and police usage. In the larger societal context, discipline has come to mean the enforcement of laws, standards, and mores in a corrective and, at times, punitive way. The same connotation certainly pertains to the military as well, and, in fact, is the focus of much of this chapter.¹

However, it should be understood that the more important usage in the military entails the application of control in order to harness energy and motivation to a collective end.

The basic nature of discipline in its military application is more positive than negative, seeking actively to channel individual efforts into a collective effort thereby enabling force to be applied in a controlled and focused manner.

Much has been said in the course of our hearings about over aggressiveness. It is generally recognized that soldiers are, by the very nature of their work, aggressive. As Anthony Kellett stated, "If an army is to fulfil its mission on the battlefield, it must be trained in aggression".² The control of aggressivity so that the right amount of force can be applied in exactly the right circumstances is central to the military. The means of effecting such control is discipline.

PURPOSE AND GOALS

The military profession, in general, understands and respects the meaning of the word 'discipline', in intent at least, if not always in fact.³ Few other professions are as dependent on discipline. An army is best seen as a collection of individuals who must set aside their personal interests, concerns, and fears to pursue collectively the purpose of the group. The marshalling of individual wills and talents into a single entity enables an army to face daunting challenges and great adversity, and therefore to achieve objectives unattainable except through this concerted effort. The means by which this is accomplished is discipline.

The chief purpose of military discipline is the harnessing of the capacity of the individual to the needs of the group. The sense of cohesion which comes from combining the individual wills of the group members gives unity of purpose to the group. The group which achieves such cohesiveness is truly a *unit*. Good discipline is a critical factor at all levels of the military, nowhere more so than at the unit level. Much of this chapter is concerned with the Canadian Airborne Regiment as a unit, or with its various parts, the sub-units of the battalion.

Discipline plays a vital role at all levels within the military. Too frequently, armies tend to treat discipline as the concern mainly of the lower levels, a matter to be attended to primarily by non-commissioned officers, and needed only at the unit level and below. But discipline is important for the proper functioning of the chain of command throughout the military. Undisciplined staff officers or commanders who hold themselves above the rigours of discipline can do far more harm to the collective effort of the military than can any soldier in the ranks.

IMPOSED DISCIPLINE

Discipline seeks to draw out the best from individuals, relying ideally on their sense of co-operation and teamwork to support the group. Of course, since it is usually unnatural for aspiring soldiers to willingly forgo their own self-interest, discipline must initially be imposed. It must also be imposed on those soldiers who, even though trained and experienced, do not learn to discipline themselves. However, the goal of effective discipline is to gradually bring individuals to a point where, of their own volition, they control their own conduct and actions.⁴

SELF-DISCIPLINE

Only experienced soldiers, who accept the responsibility for disciplining themselves, are fit to lead others. No one should be given command of anything unless they first meet this most basic prerequisite. This applies in the first instance to the corporal on appointment to master corporal. It applies with increasing relevance at each subsequent level of rank. In turn, the task of ensuring the discipline of subordinates is perhaps the first priority of commanders. Necessarily, they must expect that the discipline they use within their commands must, in the main, be externally imposed. But it should be their goal to steadily move their command toward an effective level of self-discipline. This is accomplished in large part through setting a good example themselves and requiring all those in whom they have entrusted authority to do the same. As amplified in Chapter 15, good leadership is characterized by self-discipline, steady and dependable standards of justice, fairness in treating subordinates, and putting the needs of the troops ahead of one's own comforts and interests.

Such leadership produces a disciplined unit, platoon, or army ready for and capable of operational tasks. To ensure such a unit is the basic purpose of military discipline.

OBJECTIVES OF DISCIPLINE

The following are the objectives for good discipline in a military organization:

- A standard of discipline high enough to assure that the aggressiveness necessary for military actions is controlled, so that the right amount of force can be applied in exactly the right circumstances (this is especially critical in tasks demanding the application of *minimum* force).
- A standard of imposed discipline which leads all members to set aside individual interests, preferences, concerns, and fears in order to pursue collectively the purpose of the group.
- A unit (or an army) wherein the pursuit of a single common purpose or goal draws all members together as a cohesive whole.
- A standard of imposed discipline wherein laws, orders, and customs of the Service are observed by all members and wherein punishment is meted out justly, promptly, and to a dependable standard known to all.
- A unit in which it is clearly the commander's goal to elevate individual members to a standard of self-discipline, where individuals control their own conduct and actions of their own volition.
- A unit in which no one is entrusted with the leadership of others without having reached a high standard of self-discipline.
- A unit in which leadership is characterized by the example of self-discipline, steady and dependable standards of justice, fairness in treating subordinates, and putting the needs of the troops ahead of one's own comforts and interests.
- A unit sufficiently well disciplined and well led that obviates the challenge of an informal leadership.

- An armed forces whose leadership throughout all rank levels holds discipline to be an elemental quality of soldiering, a responsibility of all officers and non-commissioned officers whether in command or on staff, and a fundamental responsibility of the chain of command, one which cannot be delegated.

The degree to which these objectives of discipline were met during the Somalia mission, in the CAR and Canadian Airborne Regiment Battle Group (CARBG), as well as the responses of the Canadian Forces in general, will now be assessed.

STATE OF DISCIPLINE IN THE CAR BEFORE SEPTEMBER 1992

Background

The Hewson Report

On September 26, 1985, MGen C.W. Hewson submitted a report concerning disciplinary infractions and anti-social behaviour within Force Mobile Command (FMC). The report had been ordered a month earlier by Gen G.C.E. Thériault, Chief of the Defence Staff (CDS). In complying with this order, LGen C.H. Belzile, Commander of FMC, stipulated that MGen Hewson was to assess whether there was an unusual number of disciplinary infractions and incidents of anti-social behaviour within the Special Service Force (SSF) and the CAR.⁵

Concern that SSF soldiers were not conducting themselves with proper discipline was not new. In a memorandum of May 7, 1984, BGen R. I. Stewart, Commander of the SSF, noted the generally lax control over soldiers, disobedience, impaired driving offences, inadequate control of stores, ammunition, pyrotechnics, weapons, and equipment resulting in thefts or losses, and instances of assault.⁶ However, it was an incident at Fort Coulonge in July 1985, when a CAR soldier murdered a civilian with a machete during a barroom brawl, which led to the Hewson investigation.⁷

MGen Hewson concluded that the SSF displayed a higher rate of violent crime than other FMC formations. The CAR along with the 1st Battalion, The Royal Canadian Regiment (RCR) both manifested more assaults than other SSF units. Although the CDS, Gen Thériault, had considered disbanding the CAR in the wake of the Fort Coulonge incident,⁸ MGen Hewson refrained from making radical recommendations.⁹

Hewson Recommendations for Improving Discipline

MGen Hewson's recommendations for improving discipline provide instructive background for understanding the disciplinary problems affecting the CAR as the Somalia deployment approached. In MGen Hewson's view, only mature trained infantry soldiers should be eligible to serve in the CAR. Regiments and career managers needed to co-operate to ensure that the CAR was staffed with suitable personnel. He asserted that the CAR's junior officers and non-commissioned officers (NCOs) needed to establish closer rapport with the soldiers.¹⁰ While he acknowledged that most NCOs were outstanding soldiers and leaders, he commented that some weak junior NCOs contributed directly to a breakdown of discipline.¹¹ Further, he advocated that the officers with authority to enforce discipline be identified more clearly and consistently,¹² than was the case at the time, given that organization orders¹³ and their implementation¹⁴ had created

the confusing situation in which both the commanding officer (CO) of the Regiment and the officers commanding the commandos had equal disciplinary powers. However, the confusion resulting from this situation ended with the reorganization in the summer of 1992 that stripped the commando commanders of the status of a CO.¹⁵

Another source of confusion noted by MGen Hewson was the reluctance of certain COs to empower NCOs to lay charges.¹⁶ He referred specifically to the anomalies surrounding corporals: they were employed as senior privates and yet treated as NCOs for purposes of discipline.¹⁷ Finally, he recommended that qualified specialists examine the incidence of alcoholism at Canadian Forces Base (CFB) Petawawa.¹⁸

Follow-Up to Recommendations of the Hewson Report

MGen Hewson provided useful strategies for strengthening discipline and reducing anti-social behaviour in the Canadian Airborne Regiment. Initially, his recommendations were taken seriously. In a memorandum of November 25, 1985, LGen Belzile advised the CDS that he intended to act speedily on those problems falling within his competence.¹⁹

On September 4, 1986, LGen de Chastelain, then Assistant Deputy Minister (Personnel), stated in a letter to Mobile Command Headquarters that he considered this particular episode of disciplinary infractions and anti-social behaviour closed. He added that action regarding disciplinary infractions and anti-social behaviour would continue within a broader context.²⁰

Over the long term, MGen Hewson's specific recommendations attracted less attention. Col Holmes, the CO of the CAR from 1990 to 1992, testified before us that the Hewson report never came up in any discussions accompanying the handover from the previous CO, Col M.J.R. Houghton.²¹ Further, Col Holmes stated that he neither received a copy of the Hewson Report nor asked to see it.²² Yet we received evidence showing that during Col Holmes' tenure as CO, the types of misconduct which triggered BGen Stewart's condemnation on May 7, 1984, were again evident within the CAR.

Incidents in 2 Commando and Responses

2 Commando as a Disciplinary Challenge

Col Houghton, who commanded the CAR from 1987 to 1990, testified that 2 Commando was a cause of concern regarding discipline, in particular because its members were exceptionally aggressive.²³ In the early 1990s, disciplinary infractions took place in 2 Commando but did not result in comprehensive and effective remedial measures. MGen de Faye's board of inquiry in 1993 singled out 2 Commando as displaying flawed discipline and found that the CAR was deployed to Somalia with serious disciplinary problems in 2 Commando.²⁴

The Rebel Flag

Col Holmes testified that during his tenure as CO of the CAR, 2 Commando displayed the Confederate or Rebel flag in its quarters.²⁵ 2 Commando was not the only commando to show a flag: 1 Commando used the fleur-de-lis flag. For Col Holmes, Quebec's fleur-de-lis flag was acceptable.²⁶ However, he viewed the display of the Confederate or Rebel flag in 2 Commando quarters as a potential disciplinary challenge. He construed the flag

not as showing racist attitudes but as perhaps symbolizing a unit seeking a separate identity.²⁷ The flag was often taken out after punishment was imposed on members of 2 Commando. In our view, it signalled a form of rebellion against constituted authority. Col Holmes dressed down the CO of 2 Commando, Maj Davies, and banned any public display of the flag.²⁸ Yet the flag reappeared within the CAR in early October 1992,²⁹ when various disciplinary infractions were taking place, some involving members of 2 Commando.

Aggressivity, Bonding and the Wall of Silence

When Col Holmes was CO of the CAR, disciplinary infractions suggesting aggressive, even violent attitudes within 2 Commando took place. When the Military Police attempted to investigate, they were often unable to pinpoint the culprits, encountering a 'wall of silence'. For example, in 1990 an automobile belonging to Capt Ferraby, an officer in 2 Commando, burned under suspicious circumstances. Despite investigation, the culprits were never found.³⁰

The de Faye board of inquiry reported that in the spring of 1992 equipment assigned to Maj Davies and his sergeant-major was slashed during exercises in the United States, but an investigation failed to identify the perpetrator.³¹ Similarly, investigation did not reveal the parties responsible for breaking into and vandalizing the room at CFB Petawawa of Pte Gatske, a member of 2 Commando, in May 1992.³²

Col Holmes suggested that the 'wall of silence' among members of the CAR resulted from bonding.³³ He asserted that bonding began not at the commando level but at the platoon level.³⁴ We recognize that while bonding can help to make a platoon, company, or battalion operationally effective, it often did not promote good discipline within the CAR and its commandos. Loyalty among soldiers is important but misguided loyalty is dangerous and erodes official discipline.

Incidents in Other Commandos

Focus on 1 Commando and 3 Commando

A snapshot of discipline in the Regiment, provided by the board of inquiry for LCol Morneault's change of command in June 1992, shows a comparison of the three rifle commandos:³⁵

- Personnel awaiting military or civilian trials:

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1 Commando	- one soldier awaiting court-martial for absence without leave
2 Commando	- one soldier awaiting court-martial for theft - two soldiers (one a sergeant) facing civilian assault charges - one master corporal awaiting civil trial for driving while impaired
3 Commando	- nil

- Personnel on counselling and probation (C&P) or recorded warnings

*

1 Commando	- two soldiers on C&P - nine soldiers on recorded warnings (including a sergeant) for alcohol abuse
2 Commando	- five soldiers on C&P - 17 soldiers (including three sergeants) on recorded warning
3 Commando	- one soldier on C&P - seven soldiers (including one sergeant) on recorded warning

If 2 Commando offered the most formidable disciplinary challenge by the early 1990s, 1 Commando took second place, and 3 Commando was by comparison the tamest commando.³⁶ Both 1 Commando and 3 Commando displayed disciplinary problems, and attempts to investigate, especially in 1 Commando, met the same 'wall of silence' that investigative work in 2 Commando encountered.

Disciplinary Problems in 1 Commando

The strongest sign of disciplinary problems in 1 Commando was the initiation party for incoming members of 1 Commando that took place at CFB Petawawa in August 1992. A video taken at the party depicts the activities in which the new members engaged: they urinated on one another; they consumed urine-soaked bread; they did push-ups in feces; and they simulated anal sex.³⁷ This list is not complete. Gen de Chastelain, the CDS at the time, testified before us that the video depicting the initiation party of August 1992 for 1 Commando members showed that leadership and discipline had both broken down.³⁸ When the final Military Police report concerning this initiation party appeared on May 9, 1995, Capt Langs affirmed that the participants were known and that several senior personnel had known of the initiation party either before or after it occurred. However, even then no individuals had undergone disciplinary action.³⁹ Some participants suggested to the Military Police that an unofficial 'discipline', under the aegis of informal leadership and existing alongside the official discipline, encouraged participation. While there was no formal requirement to participate, those who stood apart might not be accepted in the same way as those who experienced initiation.⁴⁰ Cpl Purnelle testified that when he joined 1 Commando in 1990, he had not participated in the initiation and suffered some ostracism as a result.⁴¹ Nevertheless, not all participants entered the initiation party out of a sense of compulsion.⁴²

Another manifestation of 'discipline' promoted by informal leadership was the profession of ignorance that various participants made when Military Police investigators asked who organized and controlled the party.⁴³ According to a Military Police report of January 22, 1995, the initiation party was announced through 1 Commando's chain of command at an orders group (O group) meeting.⁴⁴ If this conclusion is correct, the inference is that the professions of ignorance indicated a 'wall of silence' like that encountered in 2 Commando.

Disciplinary Problems in 3 Commando

While 2 Commando and, to a lesser degree, 1 Commando displayed disturbing signs of indiscipline, the state of discipline in 3 Commando before the deployment to Somalia was significantly better. However, disciplinary problems had occurred in 3 Commando during the early 1990s at CFB Petawawa when Military Police seized illegally stored personal weapons and subsequently discovered ammunition being held without authorization. Most suspects identified in the ensuing investigation belonged to 3 Commando.⁴⁵

Factors in the CAR's Disciplinary Problems

Evidence showed that the following factors played an important role in fostering disciplinary problems within the CAR and specifically, 2 Commando, around the time that preparations to deploy to Somalia began in September 1992:

- CAR used as a 'dumping ground' for problem soldiers
- Quality of junior officers and NCOs
- Recruiting practices
- Relationship between master corporals and soldiers
- CAR turnover rates
- Tasking of junior officers
- Conflicts among officers and NCOs
- Suitability of CAR personnel
- Lack of regimental cohesion
- Downplaying of disciplinary infractions
- Evading responsibility for disciplinary infractions

CAR as a 'Dumping Ground' for Problem Soldiers

The parent regiments of the commandos sometimes used the CAR as a dumping ground for soldiers and officers who were less experienced or had shown themselves to be exceptionally aggressive.⁴⁶ Princess Patricia's Canadian Light Infantry (PPCLI), the feeder regiment for the 2 Commando, did not always send its best members to the CAR; nor did the PPCLI willingly take back troublesome members.⁴⁷ Both the Royal 22^e Régiment (R22^eR) and The RCR, the feeder regiments for 1 Commando and 3 Commando respectively, proved easier for Col Holmes to deal with in personnel-related matters.⁴⁸ Nevertheless, the R22^eR also contributed officers of questionable quality to the CAR. Occasionally, parent regiments sent their best NCOs to the CAR for training; once these NCOs were well trained, the parent regiments would call them back and substitute less experienced replacements.⁴⁹

Quality of Junior Officers and NCOs

The quality of the junior officers and especially the NCOs was a particularly important factor, especially in light of MGen Hewson's recommendations. BGen Beno, who took

command of the SSF in August 1992, appreciated the potential role that the NCOs could play in upholding discipline. In a briefing on September 9, 1992, to senior NCOs, he qualified discipline as the "realm of the NCO".⁵⁰ Evidence, however, suggested that the quality of the NCOs was problematic before NDHQ issued its warning order for Operation Cordon on September 4, 1992.⁵¹

The quality of the master corporals was particularly doubtful. One important contributing factor was the CAR's approach to recruiting master corporals. While privates, corporals, sergeants, and officers could be posted in from other regiments, the CAR recruited master corporals solely within its own ranks.⁵² This was significant. Master corporals are the NCOs closest to the soldiers⁵³ and represent the first level of leadership that the soldiers encounter.⁵⁴ Master corporals recruited from other regiments would have brought with them experience in alternative leadership techniques, but master corporals who came exclusively from the CAR had a narrower background.⁵⁵

A related factor was the Delegated Authority Promotion System (DAPS). If there were too few master corporals in a unit, the commanding officer could submit names of privates or corporals he deemed suitable to be appointed master corporals.⁵⁶ Cpl Matchee became a master corporal under the DAPS, even though for the same promotion he had not been successful in competition with his peers in the regular NDHQ merit boards.⁵⁷ The DAPS also led to the appointment of exceptionally inexperienced master corporals.

The CAR's visit of February 1992 to Camp Lejeune in the United States showed the inability of its NCOs to exercise effective disciplinary control over their soldiers. During the visit, some senior NCOs themselves got into a fight in a club at the camp⁵⁸ -- hardly a sterling example for their subordinates.⁵⁹

Recruiting Practices

Recruiting practices specific to 2 Commando worsened the quality of its NCOs and the consequences were unfortunate. There was testimony that Maj Davies actively sought NCOs of lesser calibre in order to allot high Performance Evaluation Report (PER) scores to those who were outstanding or superior (the personnel management system limited the number of outstanding and superior ratings).⁶⁰ There was testimony that the senior NCOs in 2 Commando, while keen and fit, lacked the experience and maturity of their counterparts in 3 Commando.⁶¹ Several witnesses intimated that some NCOs in 2 Commando were afraid of their soldiers;⁶² if this is true, the NCOs of 2 Commando were less likely to take vigorous disciplinary measures against troublemakers. Indeed, various soldiers in 2 Commando reportedly exercised an informal leadership over their comrades that paralleled and sometimes opposed the official leadership.⁶³

Relationship Between Master Corporals and Soldiers

The relationship between the CAR's master corporals and the soldiers was ambiguous, and hampered the ability of the master corporals to act as effective agents of discipline. On the one hand, the master corporals lived in the same quarters as the soldiers and socialized with them; on the other, they were expected to supervise them and report disciplinary infractions.⁶⁴

CAR Turnover Rates

The turnover rate within the CAR was fairly high in 1992, about 30 per cent of all other ranks (that is, non-officer ranks).⁶⁵ Between June and December 1992, the CAR had three COs: Col Holmes, LCol Morneault, and LCol Mathieu. The de Faye board of inquiry was told that 50 per cent of the CAR's officers and 33 per cent of its NCOs changed in 1992.⁶⁶ This influx of new members presented a challenge for the officers and NCOs, who needed time to establish unit standards of discipline. New officers and NCOs were either inexperienced in discharging the disciplinary responsibilities of their rank, or, if they were posted in from another regiment, were unfamiliar with the particular challenges of upholding discipline in the CAR.

Tasking of Junior Officers

Junior officers received tasks that took them outside the CAR periodically. This practice was common throughout Land Force Command (LFC) and resulted from the cutbacks in personnel levels.⁶⁷ Although taskings were probably necessary, they had a negative effect upon unit discipline. When junior commanders are taken away from their troops, they lose whatever standards of discipline they have attained and the troops are not afforded steady, even-handed leadership.

Conflicts Among Officers and NCOs

Good leadership depends on relationships among the leaders and followers that are built on confidence, trust, and mutual respect. Unfortunately we have found overwhelming evidence that there was a marked absence of these qualities in the CAR during the pre-deployment period.⁶⁸ Relations were strained between the commander of the Special Service Force (SSF) and the CO of the CAR, and between the CO and the senior staff of SSF Headquarters. Testimony before us described a lack of confidence and mutual respect among the senior leaders in the CAR and open animosity among the regimental sergeant-major (RSM), certain senior officers, and the company sergeants-major (CSMs). This situation impeded the teamwork essential for maintaining good discipline in the CAR during this critical period.

It is also likely that the lack of trust and, at times, open hostility among senior ranks in the CAR encouraged the same qualities among the junior ranks, fostered dislike and disrespect for their own leaders, and encouraged the emergence of informal leadership.

Suitability of CAR Personnel

There were people in key positions in the CAR in 1992 whose suitability for their appointments was questionable (see Chapter 19). This factor undoubtedly contributed to the general state of indiscipline and played a role in the breakdown of discipline after the Regiment deployed to Somalia.

Lack of Regimental Cohesion

Evidence indicated that the three commandos maintained a high level of independence from each other.⁶⁹ Sometimes the relations between the commandos degenerated into conflict.⁷⁰ In the spring of 1992, for example, a porch party at CFB Petawawa including members of 1 Commando and 2 Commando got out of hand: a group from 1 Commando

stole 2 Commando's Rebel flag, and a group from 2 Commando absconded with and may have burned 1 Commando's fleur-de-lis flag.⁷¹ The events of the porch party suggest antipathy between Francophone and Anglophone members of the CAR. Testimony also suggested that the three rifle commandos were sufficiently independent that the RSM, CWO Jardine felt himself handicapped in attempting to enforce discipline across the Regiment as a whole.⁷²

Downplaying of Disciplinary Infractions

Disciplinary infractions were sometimes overlooked. In 1990, a vehicle belonging to Capt Ferraby, commander of a platoon within 2 Commando, was set on fire.⁷³ As senior officers testified, the burning of the car was a significant incident.⁷⁴ Yet Col Holmes, who assumed office shortly after the burning of Capt Ferraby's vehicle, admitted that he never gave the incident a great deal of thought.⁷⁵ The de Faye board of inquiry also found that the slashing of Maj Davies' equipment, mentioned earlier, was not pursued thoroughly.⁷⁶

Evasion of Responsibility for Disciplinary Infractions

CAR members often successfully evaded responsibility for disciplinary infractions. The burning of Capt Ferraby's vehicle provided a case in point: the culprits were never discovered and Capt Ferraby, described as strict with his men,⁷⁷ was posted out prematurely.⁷⁸ The matter of the drunken fracas at a club at Camp Lejeune in February 1992 was not pursued.⁷⁹ This encouraged further violations of discipline.

Remedial Measures

From the beginning of the 1990s, remedial measures to correct the CAR's and, specifically, 2 Commando's disciplinary problems were discussed. When MWO Mills became company sergeant-major of 2 Commando in July 1991, his career manager advised him to sort out 2 Commando's disciplinary problems;⁸⁰ apparently, a state of affairs known within DND's hierarchy.

In May 1992, Maj Davies acceded to MWO Mills' request to ban alcohol from the barracks.⁸¹ In MWO Mills' view, alcohol had played a role when 2 Commando members physically damaged the barracks.⁸² The porch party mentioned earlier also influenced Maj Davies to accede to MWO Mills' request.⁸³ Summary trials of violators took place almost weekly in the course of MWO Mills' attempts to enforce discipline.⁸⁴ However, senior officers did not always support stern measures. Col Holmes was described to us as unsympathetic to Maj Davies' ban on alcohol from private quarters.⁸⁵ LCol Morneault's attitude towards the ban was a subject of contradictory testimony: MWO Mills asserted that LCol Morneault abrogated it,⁸⁶ while LCol Morneault claimed that he allowed Maj Seward to decide whether the ban would be lifted.⁸⁷

The non-medical use of drugs by CAR members brought punitive measures during the autumn of 1992 as it had earlier. Testimony suggested that 1 Commando had a considerable drug problem and that Maj Pommet took measures to curb drug abuse.⁸⁸ Two members of 1 Commando were prevented from being deployed to Somalia in December 1992 pending a drug-related court-martial.⁸⁹ Two members of 2 Commando, including MCpl Matchee, received counselling and probation for drugs during the five years before the CAR deployment to Somalia.⁹⁰ Two members of the Combat Support

Commando were placed on counselling and probation for drug use in April 1992 and January 1993.⁹¹

BGen Beno's memorandum of September 24, 1992, concerning the administration of discipline within SSF units, attempted to expedite the summary trial process in 2 Commando and the CAR, and in other units.⁹² He stated that summary trials took place too long after soldiers had been advised that charges against them were forthcoming.⁹³ While he recognized that the appropriate check of documents remained necessary, he instructed COs to ensure that specialist advice was obtained only when necessary and not as a matter of course.⁹⁴ In his view, his instruction would reinforce the sense of purpose and personal responsibility of officers and NCOs.⁹⁵ Moreover, soldiers would be disciplined by the officers and the NCOs commanding them day by day rather than by the system.⁹⁶ His instruction was germane to the CAR and specifically 2 Commando, where the summary trial was the most common method of handling disciplinary charges. From 1988 through 1992 only one court-martial took place within the CAR,⁹⁷ whereas in 1992 alone, 62 summary trials took place.⁹⁸ This is comparable with other infantry battalions.⁹⁹ However, as Martin Friedland points out, the use of summary trials decreased by half between 1982 and 1992.¹⁰⁰

This illustrates that the enforcement of discipline had apparently become less of a priority. It may also be indicative of apprehension about the *Charter of Rights and Freedoms* that caused the leadership of the CF generally to draw back from its responsibilities for discipline.¹⁰¹ Indeed, some officers may have seen the impact of the Charter as justifying their own inaction and as an excuse for avoiding their disciplinary obligations.

The disciplinary problems which surfaced within the CAR and, specifically, 2 Commando, from the beginning of the 1990s cried out for special remedial measures. Although measures were applied, they evidently were not comprehensive enough to be effective.

DISCIPLINE DURING THE PRE-DEPLOYMENT PHASE

Incidents in 2 Commando

Background: Training Preparations of September-October 1992

The incidents of October 2 and 3, 1992, which indicated a troubling lack of discipline in 2 Commando, took place as the Canadian Airborne Regiment battalion group was undergoing training for operations in Somalia. After National Defence Headquarters issued its warning order for Operation Cordon on September 4th,¹⁰² training began on September 8, 1992, and continued through October,¹⁰³ culminating in Exercise Stalwart Providence from October 14 to 18, 1992.¹⁰⁴

The training during September was not free of disciplinary problems.¹⁰⁵ However, during Exercise Stalwart Providence, disciplinary deficiencies were quite apparent within 2 Commando. Senior NCOs from the Royal Canadian Dragoons (RCD), the Regiment that appraised the battalion group's performance, reported that 2 Commando's soldiers lacked discipline in their order of dress.¹⁰⁶ Maj Kampman noted that the soldiers of 2 Commando were much quicker to escalate the use of force than soldiers of 3

Commando.¹⁰⁷ Further, he found that they displayed a more aggressive attitude toward the local 'civilian' population, a role played during Exercise Stalwart Providence by the members of the RCD.¹⁰⁸ These observations suggest that grounds existed, at this stage, for questioning whether 2 Commando's members would adopt a disciplined approach in applying the rules of engagement when serving in Somalia.

Incidents of October 2 and 3, 1992

Three incidents on October 2 and 3, 1992 demonstrated the lack of discipline within 2 Commando at that time. The evening of Friday, October 2, 1992, marked the start of the first free weekend for a majority of the CAR members since training had begun.¹⁰⁹ On the evening of October 2nd, military pyrotechnics were set off illegally at a party at the Kyrenia Club, the junior ranks' mess at CFB Petawawa.¹¹⁰ Testimony before us suggested that the Confederate flag was once again in evidence.¹¹¹ In the early morning of October 3rd, a vehicle belonging to the 2 Commando duty NCO, Sgt Wyszynski, was set afire; Sgt Wyszynski had allegedly called the Military Police concerning the disturbances at the Kyrenia Club.¹¹² As LCol Morneault testified, the burning of Sgt Wyszynski's car displayed alarming parallels with the burning of Capt Ferraby's car in 1990.¹¹³ In both cases, a member of 2 Commando, whose duties included the enforcement of discipline, incurred the enmity of some of the soldiers; his car was burned and the burning of the car preceded his removal from the CAR.

On October 3, 1992, various members of 2 Commando, perhaps fearing that their rooms would be inspected for pyrotechnics the following Monday,¹¹⁴ discharged illegally held pyrotechnics and ammunition during a party in Algonquin Park.¹¹⁵ The initial evidence suggested that members of commandos other than 2 Commando might have been involved. MWO Mills testified that Sgt Wyszynski told him on the evening of October 2, 1992, that the Kyrenia Club party included about 50 personnel belonging to all five commandos within the CAR.¹¹⁶ As inquiries proceeded, however, growing suspicion fell on 2 Commando. By October 9, 1992, LCol Morneault informed BGen Beno that 2 Commando members were likely the culprits in the first incident, and that a 2 Commando member might have torched Sgt Wyszynski's car.¹¹⁷

Initial Reactions to the Incidents of October 2 and 3, 1992

Most officers and NCOs responsible for discipline within the CAR acknowledged before us that the incidents of October 2 and 3, 1992, were significant.¹¹⁸ On October 6, 1992, BGen Beno demanded from LCol Morneault an explanation for "the disgraceful turn of events involving your soldiers during the evening of 2 October 1992."¹¹⁹ The issue confronting BGen Beno, LCol Morneault, and their subordinates was how to identify the perpetrators.

On the morning of October 5, 1992, Cpl Matchee, Pte Brocklebank, and a third individual approached WO Murphy to report that they had participated in the party in Algonquin Park, where they consumed alcohol and fired off pyrotechnics.¹²⁰ However, Pte Brocklebank informed WO Murphy that he accepted sole responsibility for the pyrotechnics discharges.¹²¹ Both WO Murphy and MWO Mills testified that they viewed Pte Brocklebank as 'taking the fall' for the other participants.¹²² MWO Mills charged Pte Brocklebank with a minor service offence, but in effect,¹²³ this discouraged further

investigation. Although the visit of the morning of October 5, 1992, to WO Murphy might appear at first to be an instance of co-operation with the CAR's disciplinary authorities, in reality, it represented a variation of the 'wall of silence'.

During the afternoon of October 5, 1992, all ranks of the CAR assembled on the parade square, where LCol Morneault castigated them.¹²⁴ He affirmed that those who admitted to their role in the incidents by 0900 hours on Friday, October 9, 1992, would be treated firmly but justly; those who did not confess their role but were subsequently found out would be treated severely.¹²⁵ He then dismissed all of the commandos except 2 Commando, and then told 2 Commando collectively that he considered them the main suspects.¹²⁶ LCol Morneault subsequently addressed 2 Commando's officers, and the Regimental Sergeant-Major, CWO Jardine sternly lectured the NCOs.¹²⁷ CWO Jardine reportedly made it abundantly clear that the Rebel flag was not to reappear within the CAR.¹²⁸

LCol Morneault ordered a surprise inspection of the rooms and lockers of 2 Commando's members on October 5, 1992.¹²⁹ Maj Seward testified that the goal of the inspection was to locate pyrotechnics, ammunition, and Rebel flags.¹³⁰ The inspection reportedly netted 34 Rebel flags as well as pyrotechnics and ammunition.¹³¹ Maj Seward conducted five summary trials of 2 Commando members as a result of the inspection.¹³² He referred Cpl Ford, arrested for possession of pyrotechnics and live ammunition, to LCol Morneault for trial.¹³³ The room inspection, however, did not identify the men who had expended military pyrotechnics illegally at the Kyrenia Club on the evening of October 2, 1992.

Later that day, Maj Seward marched 2 Commando to High View Tower in the training area.¹³⁴ Training continued at High View Tower for the rest of the week,¹³⁵ but the real purpose was to persuade the parties responsible for the incidents to come forward.¹³⁶ This exercise did not adequately clarify the situation. Only Cpl Powers confessed to Maj Seward that he had thrown pyrotechnics at the Kyrenia Club on the evening of October 2, 1992.¹³⁷ The training at High View Tower ended when it became clear that nothing further was to be gained by continuing with it.¹³⁸

As early as October 5, 1992, LCol Morneault contemplated the much more radical step of not permitting 2 Commando to be deployed to Somalia unless the perpetrators of the disciplinary incidents of October 2 and 3, 1992, came forward.¹³⁹ By late morning that day, CWO Jardine, Maj Seward, and MWO Mills all assented to LCol Morneault's plan of threatening to leave 2 Commando behind. LCol Morneault advised BGen Beno of the plan. However, when BGen Beno informed MGen MacKenzie of the plan, MGen MacKenzie responded negatively.¹⁴⁰

We view the controversy surrounding the plan as forming part of a broader controversy concerning the most effective way to combat the 'wall of silence', and certainly the Military Police encountered it as they sought to identify the parties responsible for the disciplinary incidents of October 2 and 3, 1992.

On October 5, 1992, a soldier from 2 Commando confessed to his platoon warrant officer that he had participated in discharging military pyrotechnics illegally at the Kyrenia Club, but the platoon warrant officer did not report his admission to his commando sergeant-major.¹⁴¹ Additionally, when the Military Police reinterviewed a soldier of 3

Commando, on November 26, 1992 about the torching of Sgt Wyszynski's car, he affirmed that his platoon warrant officer had informed him not to take a polygraph test.¹⁴² The attitude of both WOs hindered the investigation of the disciplinary incidents of October 2 and 3, 1992.

A further dimension to the aftermath of the early October incidents was the relief from command of LCol Morneault. Relieving LCol Morneault of command sent an inappropriate message concerning discipline to CAR members and, especially, 2 Commando. Even before the incidents of October 2 and 3, 1992, 2 Commando NCOs and junior officers who were responsible for enforcing discipline had not always encountered a co-operative attitude. MWO Mills testified that around 1990 someone fired a bullet through the window of the office of the then Company Sergeant-Major, MWO Stevens.¹⁴³ Capt Ferraby's car was set afire, and he was posted out. MWO Mills testified that relieving LCol Morneault of command and transferring Sgt Wyszynski from the CAR suggested that troublemakers within CAR could challenge lawful authority with impunity.¹⁴⁴

The Senior Chain of Command and the October Incidents

Evidence indicates to us that the chain of command above the CAR and the SSF became generally aware of the October 2nd and 3rd incidents chiefly in the context of BGen Beno's recommendation to relieve the CO of the command of the Regiment.

MGen MacKenzie had visited CFB Petawawa on October 2nd to address the leaders of a 1 RCR company about to be deployed to the former Yugoslavia, but he did not visit the CAR.¹⁴⁵

It was that same evening that the Kyrenia Club incident began the weekend of disciplinary problems in the Regiment. On October 5th, MGen MacKenzie received a general overview of those incidents but learned little about the torching of Sgt. Wyszynski's car.¹⁴⁶ BGen Beno acknowledged in his testimony that he never spoke directly to MGen MacKenzie or his chief of staff about the incidents,¹⁴⁷ nor did he call either LGen Gervais or MGen Reay about them.¹⁴⁸

Rather, in this period, BGen Beno's direct contacts with his commander, MGen MacKenzie, concerned the performance of the CO of the CAR, LCol Morneault, and unresolved disciplinary problems were cited as only part of BGen Beno's dissatisfaction with LCol Morneault.¹⁴⁹

We find it significant that MGen MacKenzie acknowledged in his testimony before us that, in retrospect, further measures should have been taken to counter the problems afflicting the CAR before the deployment to Somalia. We presume that disciplinary problems would have been among the problems he had in mind.

On October 9th, BGen Beno advised MGen MacKenzie that he was getting closer to asking that LCol Morneault be replaced,¹⁵⁰ and on October 19th, he wrote to MGen MacKenzie that the CAR displayed, among other shortcomings, unresolved disciplinary problems but that "there is a potential to turn things around if there is good leadership at the top."¹⁵¹ The letter was undoubtedly superseded when, on October 20th, BGen Beno telephoned MGen MacKenzie to formally request LCol Morneault's replacement. The

discussion focused on training rather than disciplinary problems.¹⁵² On the same day, BGen Beno faxed a letter to MGen MacKenzie confirming the request in writing which, while it cited "significant unresolved leadership and discipline problems", devoted attention to the issue of training.¹⁵³ MGen MacKenzie testified that when he received the letter, disciplinary problems in the CAR were not his chief concern.¹⁵⁴

During these events, MGen MacKenzie was at Fort Leavenworth in the United States with his commander, LGen Gervais, and the rest of the Army Council. He was therefore able to discuss at first hand with his immediate superior BGen Beno's recommendation to replace LCol Morneault.

These discussions took place intermittently during the course of the visit to Fort Leavenworth.¹⁵⁵ They led the Army Commander, LGen Gervais, to take the final decision on October 20, 1992, to relieve LCol Morneault, based on advice from MGen MacKenzie and LGen Gervais' Deputy Commander, MGen Reay.¹⁵⁶

MGen Reay testified that MGen MacKenzie telephoned him, perhaps during the week of October 5th, and spoke about disciplinary problems within the CAR -- but only in broad terms.¹⁵⁷ According to MGen Reay, MGen MacKenzie did not give him any details regarding the disciplinary incidents of October 2nd and 3rd. MGen Reay informed us that he made no specific inquiries.¹⁵⁸ By October 9th, MGen Reay knew that CAR members had expended pyrotechnics illegally, but he was unaware that the Kyrenia Club had been the venue. He believed, however, that the gap in his knowledge was closed October 20th.¹⁵⁹ He knew generally of the illegal discharge of pyrotechnics at Algonquin Park.¹⁶⁰ The torching of Sgt Wyszynski's car was undoubtedly the most serious of the disciplinary incidents of October 2nd and 3rd, but he said he learned of it only when he read the report of the de Faye board of inquiry in 1993.¹⁶¹

LGen Gervais, for his part, conceded that MGen Reay might have briefed him generally about discipline in the CAR, but if so, he did not recall that any details were mentioned.¹⁶² He stated that he had no recollection of BGen Beno's letter to MGen MacKenzie nor did he remember that MGen MacKenzie raised disciplinary issues with him at Fort Leavenworth.¹⁶³ Indeed, he testified that no discussion of CAR disciplinary issues took place during the visit.¹⁶⁴ If anything, he told us, he first learned of the disciplinary problems in 2 Commando after he retired from the Canadian Forces.¹⁶⁵ Gen de Chastelain's evidence was that he learned of the disciplinary incidents of October 2 and 3, 1992, only in 1993, when he was serving as Canadian ambassador to the United States.¹⁶⁶

MGen Reay, LGen Gervais, and Gen de Chastelain knew that BGen Beno seriously doubted LCol Morneault's leadership capabilities.¹⁶⁷ Gen de Chastelain agreed before us that good leadership is important to a unit's cohesiveness and discipline.

Thus, the senior levels of the chain of command became engaged in the disciplinary problems of the CAR in the fall of 1992 only indirectly through the issue of the replacement of the CO of the Regiment. We have no evidence of any further action or involvement.

Discipline, October 23rd to Deployment

LCol Mathieu replaced LCol Morneault as CO of the CAR on October 26, 1992.¹⁶⁸ BGen Beno testified that he had full confidence in LCol Mathieu,¹⁶⁹ and this led to a shift in his approach to promoting good discipline within the CAR. While LCol Morneault was CO, BGen Beno maintained close surveillance, and after LCol Morneault's departure he ensured that LCol Mathieu was aware of the CAR's disciplinary problems. As early as October 23, 1992, he composed an aide-mémoire listing the subjects on which he intended to brief LCol Mathieu, and disciplinary issues figured prominently.¹⁷⁰ BGen Beno testified that his briefings to LCol Mathieu made him aware of the disciplinary incidents of October 2 and 3, 1992.¹⁷¹ BGen Beno's evidence indicates, however, that he subsequently relied upon LCol Mathieu's assurances that the incidents had been investigated and that the officers in the unit were entirely satisfactory.¹⁷² MGen Reay acknowledged before us that in retrospect, BGen Beno should have been more aggressive in seeking answers about the unresolved disciplinary problems he had detected.¹⁷³ According to MGen MacKenzie's testimony, he inquired of BGen Beno about the CAR's state of leadership and discipline under LCol Mathieu¹⁷⁴ and in his policy letter of November 20, 1992, he expounded generally on the command responsibilities for upholding discipline and good order.¹⁷⁵ Nevertheless, there is no evidence suggesting that he asked whether BGen Beno or LCol Mathieu took measures to restore discipline, trust, or obedience among the soldiers in the wake of the incidents of October 2 and 3, 1992, and what those measures were.

MGen MacKenzie testified that his superiors gave him no special instructions concerning leadership and discipline.¹⁷⁶ LGen Gervais testified about his visit of November 12, 1992, to the CAR, when he asked how training was progressing. He also received BGen Beno's assurances that the CAR no longer suffered from inadequate cohesion, as well as LCol Mathieu's affirmation that he had encountered no difficulties in his new post.¹⁷⁷

LCol Morneault's replacement by LCol Mathieu may have lifted the morale of some officers. Maj Kyle testified that he believed that the CAR now had the requisite leadership and direction.¹⁷⁸ BGen Beno expressed full confidence in LCol Mathieu.¹⁷⁹ Nevertheless, Maj MacKay asserted that he detected no profound changes in the Regiment during the interval between LCol Morneault's departure and the date five weeks later when it was about to be deployed to Somalia.¹⁸⁰ There is no evidence of effective measures taken by LCol Mathieu to remedy the unresolved disciplinary problems identified earlier.

BGen Beno declared the CAR operationally ready on November 13, 1992.¹⁸¹ BGen Beno affirmed that he consulted with LCol Mathieu when appraising the CAR's operational readiness.¹⁸² Yet when LCol Mathieu became CO, the majority of the soldiers were on embarkation leave, where they remained until November 8, 1992.¹⁸³ BGen Beno acknowledged that LCol Mathieu first saw the entire Regiment on November 9, 1992.¹⁸⁴ Was BGen Beno subject to pressure to declare the CAR operationally ready? Col O'Brien telephoned him earlier in the day on November 13, 1992, to inquire how operational preparations were advancing, and BGen Beno told us in testimony that a failure to declare the Regiment operationally ready could be construed as reflecting adversely on him.¹⁸⁵

Incidents in Other CAR and CARBG Sub-Units

The evidence brought before us indicates that the CARBG sub-units apart from 2 Commando appear to have contributed much less to disciplinary problems before deployment. No noteworthy disciplinary infractions for personnel serving in Headquarters Commando, A Squadron RCD, or 1 Airborne Field Engineer Squadron came to our attention. The members of 1 Commando and, to a lesser degree, 3 Commando and the Service Commando were, however, implicated in some disciplinary infractions.

Disciplinary Incidents in 1 Commando

One disciplinary incident involving 1 Commando took place on October 9, 1992, when the Red Cross convened a special blood donor clinic at CFB Petawawa. Capt N. E. Gibson, the CAR's Medical Officer, and Maj R.J. Brown, an anaesthesiologist also belonging to the medical team slated for Somalia, had established that CAR members should be tested to confirm their blood group and that fresh blood would be necessary in theatre.¹⁸⁶ One way to bolster the fresh blood supply in Somalia was to take blood from CAR volunteers before the Regiment deployed to Somalia. The clinic's purposes were thus twofold: to test for the blood type of CAR members and to obtain blood from donors.¹⁸⁷ When the Red Cross team arrived, only 1 Commando was available. October 9, 1992 was a Friday, and 2 Commando and 3 Commando had already been stood down for the weekend.¹⁸⁸ Yet the medical team's work was supposed to profit the entire CAR, and in our view, to schedule the blood donor clinic without ensuring that the whole Regiment would be available to participate was poor planning. LCol Morneault conceded before us that he had allowed Capt Gibson to schedule the blood donor clinic too hastily.¹⁸⁹ Some soldiers did not appear.¹⁹⁰ A number of the 1 Commando members who presented themselves were reluctant to undergo tests. A senior NCO advised them that the Red Cross intended to test for AIDS, and they were asked to sign a declaration authorizing this particular test.¹⁹¹ Various members perceived AIDS-testing as a screening device and believed that those who tested positively would be barred from being deployed to Somalia.¹⁹² Most members present did not volunteer to donate blood;¹⁹³ approximately 40 to 60 members reportedly gave blood.¹⁹⁴ Maj MacKay admitted before us that the soldiers should have received a better advance briefing on the purposes of the blood donor clinic.¹⁹⁵ Linguistic differences between some Red Cross team members and some 1 Commando members contributed further to the failure of communication: some Red Cross team members were unilingual Anglophones, whereas some 1 Commando members were unilingual Francophones.¹⁹⁶ When the Red Cross team attempted to obtain blood donations, they suffered verbal abuse.¹⁹⁷

Occurring so soon after the disciplinary incidents of October 2 and 3, 1992, the conduct of some 1 Commando members at the blood donor clinic on October 9, 1992, was troubling. Their conduct raised less concern than the burning of Sgt Wyszynski's car or perhaps even the illegal discharge of pyrotechnics and ammunition, but it showed that concern for the CAR's disciplinary level could not be restricted totally to 2 Commando. On October 19, 1992, BGen Beno wrote to Dr. A. Guilivi, Medical Director of the Ottawa Centre of the Red Cross, apologizing for the way some soldiers conducted themselves at the blood donor clinic.¹⁹⁸ Four days later, LCol Morneault informed BGen

Beno that he planned to counsel 1 Commando on their lack of co-operation and poor conduct.¹⁹⁹ The blood donor clinic incident became known higher in the chain of command. MGen Reay informed us that after the meeting at Fort Leavenworth, he was generally aware of it.²⁰⁰ He testified further that he connected the incident with the broader issues of discipline and challenges to lawfully constituted authority that were pressing, about the time of the Fort Leavenworth meeting.²⁰¹ Nevertheless, we received no evidence suggesting that any 1 Commando members were subjected to disciplinary proceedings because of their conduct at the blood donor clinic.

Incidents in 3 Commando

We cannot affirm categorically that no 3 Commando members participated in the disciplinary incidents of October 2 and 3, 1992. Various 3 Commando members were questioned by the Military Police in connection with the burning of Sgt Wyszynski's car,²⁰² and some responses obtained suggest that a 'wall of silence' about disciplinary infractions was present in 3 Commando as well. One soldier affirmed during his interview, for example, that even if he possessed pertinent information, he would not reveal it.²⁰³ As far as we are aware, however, the Military Police investigation did not elicit evidence directly implicating 3 Commando members in the burning of Sgt Wyszynski's car or any other disciplinary infraction of October 2 and 3, 1992; no 3 Commando member was subject to charges or other measures.

Service Commando

The Military Police interviewed only one member of Service Commando about the disciplinary incidents of October 2 and 3, 1992 (actually, a member of 2 Commando who was on assignment to Service Commando).²⁰⁴ More specifically, they questioned him regarding the illegal expending of pyrotechnics and ammunition in Algonquin Park on October 3, 1992; he professed that he brought no pyrotechnics and that no one discharged pyrotechnics in his presence.²⁰⁵ To the best of our knowledge, the evidence against him was not compelling and he too was not subject to charges or other measures.

Possible Ways to Remedy Disciplinary Problems

During the final month before CAR members began to be deployed to Somalia on December 13, 1992, additional steps were contemplated as measures to improve discipline within the CAR. These included: further screening out of weak officers and troublemakers; reassigning personnel within the Regiment; and, ensuring the contingent included an adequate number of Military Police.

Screening Out Weak Officers and Troublemakers

According to LCol Morneault, BGen Beno raised questions about "numerous people", including the Deputy Commanding Officer, Maj MacKay, Maj Seward, and Capt Rainville.²⁰⁶ However, LCol Morneault testified that BGen Beno never explicitly ordered him to move or to replace anyone.²⁰⁷ While he was CO, LCol Morneault compiled a list of CAR members that officers commanding (OCs) and senior NCOs considered troublemakers, but he did not pass it on to BGen Beno or LCol Mathieu.²⁰⁸ By the time LCol Mathieu replaced LCol Morneault on October 26, 1992, Military Police reports concerning the investigation into the disciplinary incidents of October 2 and 3, 1992,

were beginning to appear. One Military Police report of October 26, 1992, described the results to that point of the investigation into the expending of illegally held pyrotechnics and ammunition at Algonquin Park.²⁰⁹ The report suggested that various participants in the party at Algonquin Park were known; the report did not, however, affirm that their role in the discharging of illegally held pyrotechnics and ammunition was clearly established.²¹⁰

On October 13, 1992, a Military Police report was issued concerning the illegal discharge of military pyrotechnics at the Kyrenia Club on October 2, 1992: the report noted that Cpl Powers admitted his role in throwing a smoke grenade and a thunderflash but otherwise made no findings against anyone.²¹¹ On October 26, 1992, a Military Police report concerning the burning of Sgt Wyszynski's car appeared: no witnesses or persons with information regarding this incident had come forward.²¹² Although by late October 1992, the results of the two later investigations were meagre, at least the investigation of the Algonquin Park party of October 3, 1992, gave some indication of who some of the probable troublemakers were.

BGen Beno acknowledged in his testimony that he possessed the authority to approach a CO and to instruct that particular soldiers not to be deployed to Somalia -- an administrative action rather than a disciplinary one.²¹³ However, he affirmed that by dealing with a soldier administratively before impending disciplinary procedures took place, he would very possibly affect the disciplinary action.²¹⁴ MGen MacKenzie also stated unequivocally that administrative procedures are available for leaving soldiers behind.²¹⁵

BGen Beno's evidence suggests that he left it to LCol Mathieu to make the decisions on whether to take weak officers or troublemakers to Somalia. BGen Beno testified that he told LCol Mathieu that he would fire Maj Seward,²¹⁶ but he did not wish to intervene as long as LCol Mathieu felt comfortable with Maj Seward; Maj Seward remained OC of 2 Commando. Capt Rainville, who was to figure prominently in the March 4, 1993 incident in Somalia, provides another example of an officer whose fate BGen Beno left to LCol Mathieu. LCol Morneault administered a verbal warning to Capt Rainville on October 23, 1992: the verbal warning arose from his conduct at la Citadelle in Quebec City on February 7, 1992, and in two incidents at CFB Gaagetown, one in April and the second in May, 1992.²¹⁷ When BGen Beno wrote on December 15, 1992, to LCol Mathieu about Capt Rainville, he expressed "grave doubts about this particular officer".²¹⁸ Nevertheless, LCol Mathieu decided to take Capt Rainville to Somalia and even kept him as OC of the Reconnaissance (Recce) Platoon.

In the end, six 2 Commando members were removed from the deployment list by LCol Mathieu, who advised BGen Beno accordingly in writing.²¹⁹ BGen Beno advised us that he did not know in which disciplinary incident the six were suspected of having participated.²²⁰ He testified further, to our amazement, that he did not know their names except for Pte Brocklebank.²²¹ He claimed that he would be interfering in CAR discipline merely by receiving their names.²²² We find this claim to be unconvincing.

Reassigning Personnel within the Regiment

As an alternative strategy to combat disciplinary problems within the CAR, BGen Beno recommended shuffling CAR members within the Regiment. More specifically, according to the additional information in a briefing for the Chief of the Defence Staff (CDS), he recommended that LCol Morneault and LCol Mathieu move from 2 Commando ten privates, six corporals, six master corporals, three sergeants and one platoon commander and, from the Reconnaissance (Recce) Platoon, two corporals, two master corporals and one sergeant.²²³ In his evidence, he acknowledged that he had recommended that LCol Mathieu move various CAR members within the unit;²²⁴ he added that he had heard that some CAR personnel were, in fact, moved.²²⁵ He testified that he recommended a shake-up without reference to names.²²⁶ MGen MacKenzie, speaking about 2 Commando, observed that sprinkling about 25 members throughout the unit would ultimately achieve little.²²⁷ We endorse this view.

An Adequate Military Police Contingent

As discussed in detail in Chapter 25, Mission Planning: Military Planning System, and Chapter 40, Military Justice, Military Police can play an important role in helping to bolster discipline within a unit. The decision to deploy the CARBG to Somalia with only two Military Police was to bear heavily on the state of discipline experienced in theatre.

THE SENIOR CHAIN OF COMMAND AND DISCIPLINE

There are a number of troubling aspects in the chain of command's reaction to the disciplinary incidents in the CAR in early October 1992. These include supervision; passage of information; timely reaction including advice, guidance, and intervention; and follow-up.

In Volume 4, *Failures of Individual Leaders*, we discuss the adequacy of the supervision by the Commander of the SSF of the preparations of the CAR. There is no evidence, however, to suggest that superiors above him were taking appropriate steps to supervise the CAR in any meaningful way. When the disciplinary incidents occurred, although the Commander of the SSF reacted, his superiors were not involved. Evidence suggests that there was a practice to await the receipt of incident reports, together with actions proposed or already put in place by the subordinate commander, before superiors involved themselves. While this practice may have the virtue of allowing the subordinate to command without interference from superiors, it has the decided weaknesses of delaying or indeed preventing senior reaction, withholding the greater authority one might expect the superior to bring to bear on the problem, and closing the possibility of higher levels of the chain of command applying more experienced, and perhaps more objective, judgement in remedying the situation.

The events of October 2 and 3, 1992, signalled a significant disciplinary problem within the CAR. The car-burning incident was particularly compelling. These events, especially the challenge to authority evident in the burning of the duty officer's car, should have elicited an immediate and decisive response from all levels of the chain of command. They did not. Instead, the superior levels became engaged only after they were presented

more than two weeks later with the request that the CO be relieved of command. The rationale for that action in part rested on the failure of discipline in the CAR

There is considerable evidence that the chain of command above formation level did not exercise adequately its responsibilities of supervision. Passage of information was intermittent. Timely reaction through advice, intervention, or remedial action was not sufficiently exercised. This state of affairs can be attributed to the responses of individuals. There are, however, systemic aspects to it as well. Such response appears frequently in evidence in a variety of situations involving a number of different officers, and indicates a pattern of practice which differs from doctrine and recurs often enough to suggest that it had become the custom.

We encountered in testimony many instances where supervision was almost routinely foregone, as if close supervision might be mistaken for a lack of confidence in a subordinate. We have been troubled by the poor passage of information, despite adequate standing procedures and satisfactory methods of communication. And we are deeply concerned that the chain of command almost invariably took little action to inform itself even when incidents were clearly signalling serious problems.

We were particularly disturbed by the apparent laissez-faire attitude of seniors to the subject of discipline generally. As stated in the introduction to this chapter, discipline must not be seen to be the sole purview of the lower end of the chain of command, a subject safely left in the hands of the NCO corps. While NCOs do indeed play a vital role in the application of discipline, they deserve and need the active participation of all levels of the chain of command. That participation should take the form of evident interest and concern expressed through close supervision. It should be demonstrated by senior commanders appearing among the troops, especially in difficult times. And it should show convincingly the readiness of senior commanders to lead by example. One may contemplate, in hindsight, the salutary effect on the standard of discipline in the CAR in the autumn of 1992, had the most senior leaders appeared on the scene and made quite clear to the troops exactly what their standards of discipline were.

DISCIPLINE DURING THE IN-THEATRE PHASE

Events in Somalia were to demonstrate the effects on operations of the standard of discipline evident in the CAR during the pre-deployment phase. The Canadian contingent included a number of units and sub-units in addition to the Regiment, some of which encountered disciplinary problems as well. But in the main, the focus of our analysis continues to rest on the Regiment as it faced the challenges of operations in Somalia as part of Unified Task Force (UNITAF). In light of the truncation of the Commission's deliberations, we have not been able to hear all the evidence covering the in-theatre phase. However, sufficient evidence was amassed to permit a partial summary of events and incidents typifying the state of discipline in Somalia.

The evidentiary base for analysis comprises the list of incidents in Chapter 40, Military Justice, testimony taken during hearings on events occurring up to the middle of March 1993, and the detailed examination of the March 4th incident presented in Chapter 38. Here, we will concentrate in summary fashion on those indices of performance and conduct which bear upon discipline.

The indices include problems of conduct, misuse of alcohol, indications of over-aggressiveness, evidence of poor standards of self-discipline, and the disciplinary record of convictions under the Code of Service Discipline.

To look first at incidents recorded during the in-theatre phase, we note that of a total of 102 listed in Chapter 40, some 58 are considered to have been incidents of a disciplinary nature. Eight of these are by any standard deemed minor, involving such service offences as short absences without leave, improper dress, and the like. These were dealt with by summary trial. Two others of these 58 incidents, however, were the March 4th and the March 16th incidents. They were of such profound consequence as to jeopardize history's assessment of the entire mission. In between these two extremes, the list of disciplinary incidents along with evidence presented to us contain some troubling indicators.

There were 10 recorded incidents which could be considered serious breaches of the Code of Service Discipline, although a number of them were never prosecuted. In addition to the abandonment of a personal weapon during the March 4th incident,²²⁸ there was, in our opinion, evidence of negligence in another case of a loss of a weapon.²²⁹ There was one case of a false statement²³⁰ and there were four cases of theft or suspected theft²³¹ (plus another case wherein cash disappeared from the troops' own canteen fund but no suspects were found). Stealing, in particular, stealing from a fellow soldier, has historically been one of the gravest of service offences, constituting an assault on trust and mutual confidence, upon which depends soldiers' capacity to live in the close environment demanded by the operation and to rely on one another in life-threatening situations.

There were two incidents involving insubordination,²³² and one case where a soldier assaulted a superior.²³³ These incidents are troubling indications that assault on official authority was still prevalent in the Regiment even in theatre. More alarming was an incident in which an officer struck a subordinate,²³⁴ an event signalling a breakdown of the most basic standards of leadership by demonstrating disrespect for soldiers and a lack of self-discipline.

We have heard considerable evidence on the issue of alcohol abuse in the contingent. Home videos routinely showed soldiers drinking. In many scenes, alcohol was being consumed by soldiers while armed with their weapons. We heard evidence of heavy drinking among soldiers while travelling on civilian aircraft,²³⁵ and extensive testimony reported to us the drinking indulged in by some NCOs and officers. The list of incidents includes eight cases of alcohol abuse²³⁶ which resulted in convictions under the Code of Service Discipline. Yet we have had to conclude that the number of alcohol-related convictions does not begin to describe the pervasive influence that misuse of alcohol had on the performance of troops in Somalia.

As early as New Year's Eve 1992, an ominous precedent was signalled in the rumour of misuse of alcohol by the Commanding Officer (CO) and the Regimental Sergeant-Major (RSM) who permitted troops on duty to see them while they were allegedly under the influence of alcohol.²³⁷ We do not have to rule, and we refrain from doing so, on the actual physical state of the CO and the RSM. What is important for our purposes here is the negative perception that the troops acquired early on of their leaders. Coupled with the laxity that came to prevail with respect to the enforcement of the alcohol policy, the

observance of the rules of engagement (ROE), the handling of personal weapons and discipline in general, alcohol abuse contributed to setting the stage for the inevitable.

Indeed, the issue of the rules of engagement and their observance is dealt with in detail in Chapter 22, and in even sharper focus in Chapter 38 on the March 4th incident. However, there were also incidents under the broader umbrella of discipline related to the attitude of troops in Somalia. These include the conviction of an officer for inciting his troops to abuse detainees. In addition, two other cases were alleged in which senior officers were rumoured to have incited the troops to aggressiveness.²³⁸ We stress that in neither of these two cases was culpability proven. However, we do note the unfortunate rapidity with which rumours of these remarks spread through the contingent and the inevitable influence they surely had on the attitude of soldiers towards their mission.

Other incidents pertaining to the attitude of troops involved the handling of detainees. Apart from the tragic abuse which Shidane Arone suffered as a detainee of Canadian troops, one of the lesser incidents involved allegedly giving Somali nationals noxious substances to drink and painting the hands of Somali thieves white before releasing them.²³⁹ Further, it had become widespread practice to take trophy-like photographs of restrained detainees made to wear condemnatory signs.

The attitude of troops was most graphically illustrated in the photos and home videos which eventually came to light. As noted, many of these involved detainees. Others contained scenes of individual soldiers using abusive language, obscenities, and racial epithets.

Evidence before us shows that the contingent suffered many cases of careless weapon handling including accidental discharge of personal weapons. Of these, 19 cases led to convictions.²⁴⁰ One of these resulted in the death of a fellow soldier; another involved a senior officer. Taken together the frequency of this offence is alarming and far higher than experienced in units of similar size and with comparable operational conditions. The average experienced by units in Yugoslavia in 1992-93 was four to six cases. When 1st Battalion, The Royal Canadian Regiment (1RCR) served in Croatia in 1994, they experienced one accidental discharge in the six months they were deployed on operations. All combat arms soldiers are intensively trained in the safe handling of personal weapons, training that is regularly refreshed in operational units. This included the CAR and other units of the SSE. The mishandling of personal weapons is therefore a sign, not of inadequate training, but of laxity and carelessness. The problem was made worse by the poor example set by leaders themselves committing the same offence. The record of the CARBG for accidental discharges of weapons is one of the most damning indicators of the lack of self-discipline in evidence before us.

Finally, Maj Armstrong was advised to wear a flak jacket and to leave the theatre prematurely for fear that one of his fellow soldiers might, under the influence of alcohol, take reprisals against him for his responsible stand on the shootings of March 4th.²⁴¹ No incident speaks more eloquently of the state of discipline in the CARBG in Somalia than this.

FINDINGS

- *The CAR was again experiencing signs of poor discipline in the early 1990s, despite the remedies recommended in the Hewson report.*
- *The state of discipline within the CAR's 2 Commando caused particular concern at that time. Over aggressiveness, defiance of authority symbolized by the Rebel flag, and misdirected bonding as evidenced in the pervasiveness of the 'wall of silence' all characterized the state of discipline in that sub-unit during the years preceding Operation Cordon.*
- *Disciplinary problems were apparent in 1 Commando as well. The strongest evidence is the initiation party for incoming members of 1 Commando that took place at CFB Petawawa in August 1992. Attempts to investigate the party again encountered a 'wall of silence'.*
- *Evidence of serious disciplinary disturbances in 3 Commando before preparations began for the deployment to Somalia is restricted to the seizure of illegally stored personal weapons by the Military Police. Some members of 3 Commando were convicted of offences involving the improper possession of weapons or ammunition.*
- *There is little evidence pointing to unusual disciplinary problems in the Service Commando or the Headquarters Commando before the CAR began preparing for Somalia.*
- *A number of factors contributed to disciplinary problems in the CAR and specifically in 2 Commando prior to deployment including periodic lack of commitment on the part of the CAR's parent requirements to ensure that their best members were sent to the CAR; inferior quality of some junior officers and NCOs; doubtful practices in 2 Commando for recruiting NCOs; ambiguous relationships between master corporals and soldiers; high turnover rate within the CAR and the sub-units; mutual distrust and dislike among some of the CAR's officers and NCOs; questionable suitability of individual officers for the CAR and the ranks they occupied; a tendency to downplay the significance of disciplinary infractions or to cover them up entirely; and, the continuing ability of CAR members to evade responsibility for discipline.*
- *The tendency to downplay disciplinary problems was especially troubling, both in underrating the significance of specific infractions and, more generally, in undervaluing the influence of poor discipline as a criterion of operational readiness.*
- *Evidence showed that the CAR's three commandos functioned almost independently. The CAR's lack of cohesion undoubtedly impeded attempts to enforce discipline within the Regiment.*
- *There were attempts to correct the CAR's and specifically 2 Commando's disciplinary problems such as alcohol and drug abuse during the early 1990s. Officers and NCOs received encouragement to adopt a purposeful, responsible*

attitude when conducting summary trials. However, these measures seemed unable to address the problems that faced the Regiment by then.

- *As we explain in greater detail in Chapter 19, Suitability and Cohesion, the CAR was unfit to undertake any mission in the autumn of 1992, let alone deployment to Somalia and this state of affairs was due in part to the CAR's disciplinary problems.*
- *The three incidents of October 2 and 3, 1992, demonstrated a significant breakdown of discipline in 2 Commando during the critical period of training and preparing for operations in Somalia. Military pyrotechnics were expended illegally at a party in the junior ranks' mess; a car belonging to the duty NCO was set on fire; and, various 2 Commando members expended illegally held pyrotechnics and ammunition during a party in Algonquin Park.*
- *These incidents were so serious that LCol Morneault proposed to leave 2 Commando in Canada unless the perpetrators came forward. BGen Beno, after consulting MGen MacKenzie, opposed this plan. In the end, the leadership was unable to identify the perpetrators.*
- *Although LCol Mathieu was informed of the weakness of Maj Seward, the problems with Capt Rainville, the indiscipline in 2 Commando, and the general lack of cohesion in the Regiment, almost everyone suspected of participating in the October incidents was permitted to deploy. Several of them created difficulties in Somalia.*
- *In view of the serious disciplinary problems in the CAR, the failure to include an adequate Military Police component in the CARBG was a major shortcoming in planning the operations in Somalia.*

Returning to the objectives of discipline, as discussed at the beginning of this chapter, we find further that:

- *The standard of discipline was not sufficiently high to control the aggressiveness of troops in the CARBG*
- *The standard of imposed discipline did not adequately contribute to the cohesiveness of the unit and in particular to the sense of collective purpose of the group.*
- *The standard of imposed discipline did not ensure that all members observed the laws, orders, and customs of the service to an acceptable degree.*
- *The lack of an adequate standard of self-discipline was especially evident both in the attitude of troops to the task at hand and in the example set by their leaders.*

Finally, with respect to the senior levels of the chain of command, we find that:

- *Despite doctrine, established practice, procedures, and resources, there were problems at the senior levels of the chain of command of inadequate supervision, poor passage of information, untimely or slow reaction through advice or*

intervention, and ineffective remedial action. Such problems appear to be so frequent as to indicate a significant systems failure in the exercise of command.

- *The attitude of all ranks, from junior soldiers to the most senior commanders in the CF, towards the importance of good discipline was fundamentally weak. With insufficient respect for and attention to the need for discipline as a corner-stone of professional soldiers, military operations must be expected to fail. In respect of the issue of discipline, the mission to Somalia was undoubtedly a failure.*

DISCIPLINE IN THE FUTURE

It is clear from these findings that the leadership of the CF faces a major challenge in ensuring that the disciplinary problems experienced in the Somalia mission do not recur. That challenge is more difficult because discipline involves every member of the forces. It is a function of both individual and group attitudes and effort, and it pervades virtually every facet of military activity.

Moreover, it presents a special challenge for leadership at the officer level. In a few cases, officers themselves breached the Code of Service Discipline. In general, discipline seems to have been simply taken for granted. It seems to have been assumed that trained soldiers in a professional military would naturally be well-disciplined. It was tracked and reported upon indifferently, with no central co-ordination or sharp focus at the highest levels. Above all, it was the subject of inadequate supervision, guidance, or remedy by the senior levels of the chain of command.

In facing the future, the first requirement is to take steps to recognize as a matter of fundamental policy the importance of discipline and the role it must play. Not only does it need policy definition and emphasis in doctrine and in training and education material, it also demands a prominent and visible place in the interest and concerns of the most senior leadership.

Recommendations

We recommend that:

18.1 The Chief of the Defence Staff institute an official policy on screening aspirants for all leadership positions, beginning with the selection of master corporals:

- 1. identifying self-discipline as a precondition of both commissioned and non-commissioned officership; and**
- 2. providing for the evaluation of the individual in terms of self-discipline, including the ability to control aggressive and impulsive behaviour.**

18.2 The Chief of the Defence Staff ensure that the importance, function, and application of discipline be taught in all officer leadership training, including the Royal Military College, staff and command college courses, and senior command courses.

18.3 The Chief of the Defence Staff modify the performance evaluation process to ensure that each individual's standard of self-discipline is assessed in the annual

performance evaluation report form, along with the individual's performance in applying discipline when exercising authority.

18.4 The Chief of the Defence Staff establish the head of Canadian Forces personnel (currently the Assistant Deputy Minister Personnel) as the focal point for discipline at the senior staff level in National Defence Headquarters, with advice and support from the Director General of Military Legal Services and the Director of Military Police. To this end, the head of personnel should establish and review policy on discipline, monitor all Canadian Forces plans and programs to ensure that discipline is considered, and assess the impact of discipline on plans, programs, activities and operations, both as they are planned and regularly as they are implemented.

18.5 The Chief of the Defence Staff emphasize the importance of discipline by reviewing frequent and regular reports of the Inspector General, and by requiring the head of personnel to report at least monthly at a daily executive meeting on the state of discipline throughout the Canadian Forces, both inside and outside the chain of command, and by personally overseeing any necessary follow-up.

18.6 The Chief of the Defence establish in doctrine and practice that discipline be identified as a determining factor in assessing the operational readiness of any unit or formation.

18.7 The Chief of the Defence Staff establish in doctrine and practice that during operations, all officers and non-commissioned officers must monitor discipline closely; and that the head of personnel oversee and, at the end of each mission, report on discipline.

18.8 To remedy deficiencies in existing practices, the Chief of the Defence Staff undertake regularly a formal evaluation of the policies, procedures, and practices that guide and influence the administration of discipline in the Canadian Forces.

NOTES

1. It is noteworthy that discipline is not defined in either the *National Defence Act* (NDA), R.S.C. 1985, Chapter N-5 (as amended), or the *Queen's Regulations and Orders*, even though the NDA offence, "Conduct to the prejudice of good order and discipline", is the most commonly used offence in the CF.
2. Anthony Kellet, *Combat Motivation: The Behavior of Soldiers in Battle* (Boston: Klusver Nijhoff, 1982), p. 10.
3. In chapter 8 of *The Psychology of Conflict and Combat* (New York: Praeger, 1988), Ben Shalit, a former commander of a military psychology unit in the Israeli Defence Force, provides particularly useful insights into the meaning and application of discipline in armed forces.
4. DND, Operational Training Manual, vol. 2, "Unit Administration" (B-GL-304-002/Fp. 001, July 7, 1987) addressed discipline in article 501 as follows:
 - 4.1. The objectives of military discipline are to ensure prompt and willing obedience to authority and to establish order and cohesion among individuals.

- 4.2. Obedience is the basis for sound discipline. It should not have its origin in fear of punishment but rather, should emanate from the individuals' understanding that orders are given by superiors who have proven their knowledge and ability. Properly administered, discipline imparts respect and confidence in soldiers and supports cohesiveness in the unit. Laxity in discipline creates unit disorder which can be disastrous in war.
5. Exhibit P-48, Document book 1, tab 1, Annex A.
 6. Exhibit P-48, Document book 1, tab 1, Annex U.
 7. Testimony of MGen (ret) Gaudreau, Transcripts vol. 3, p. 537.
 8. Testimony of MGen (ret) Gaudreau, Transcripts vol. 3, p. 537.
 9. Exhibit P-48, Document book 1, tab 1.
 10. Exhibit P-48, Document book 1, tab 1.
 11. Exhibit P-48, Document book 1, tab 1. The schedule to the *National Defence Act* qualifies Canadian army members holding ranks from general to officer cadet as 'officers'. Officers include generals of every stripe, colonels and lieutenant-colonels, majors, captains, and lieutenants. Officers holding the ranks from chief warrant officer down qualify as non-commissioned members (NCMs); these include chief and master warrant officers, sergeants, and corporals. According to the *Queen's Regulations and Orders* 1.02 (vol. I), an NCO is a member holding the rank of sergeant or corporal.
 12. Exhibit P-48, Document book 1, tab 1.
 13. Exhibit P-48, Document book 1, tab 1, Annex V
 14. Exhibit P-48, Document book 1, tab 1.
 15. Testimony of MGen (ret) Hewson, Transcripts vol. 3, pp. 347-348; Col Holmes, Transcripts vol. 4, pp. 660-661; Col (ret) Joly, Transcripts vol. 18, p. 3331; Col Houghton, Transcripts vol. 44, p. 8608; and LGen (ret) Reay, Transcripts vol. 45, p. 8954. On March 6, 1992, however, National Defence Headquarters approved an establishment change proposal for the reorganization of the CAR that did not explicitly transform the commando commanders from COs to officers commanding (OCs). See DND 286507.
 16. Exhibit P-48, Document book 1, tab 1, p. 19, paragraph 15.
 17. Exhibit P-48, Document book 1, tab 1, p. 54, paragraph 81(a).
 18. Exhibit P-48, Document book 1, tab 1, p. 21, paragraph 27(m).
 19. Exhibit P-48, Document book 1, tab 3, p. 2.
 20. Exhibit P-82.4, Document book 32D, tab 1.
 21. Testimony of Col Holmes, Transcripts vol. 4, p. 756.
 22. Testimony of Col Holmes, Transcripts vol. 4, p. 637.
 23. Testimony of Col Houghton, Transcripts vol. 12, pp. 2254-2255.

24. Exhibit P-20.11, Board of Inquiry, Phase I, Vol. XI, p. C-2/8.
25. Testimony of Col Holmes, Transcripts vol. 4, p. 595.
26. Testimony of Col Holmes, Transcripts vol. 4, p. 715.
27. Testimony of Col Holmes, Transcripts vol. 4, p. 597.
28. Testimony of Col Holmes, Transcripts vol. 4, p. 598. Indeed, Gen de Chastelain, CDS at the time Col Holmes prohibited any public display of the flag, included the flag among "unacceptable symbols" when he testified before the Inquiry. Transcripts vol. 49, p. 9906.
29. Testimony of MWO Mills, Transcripts vol. 23, pp. 4319-4320, and vol. 24, p. 4443; Maj Seward, Transcripts vol. 30, p. 5716; and LCol Morneault, Transcripts vol. 36, p. 6969.
30. Exhibit P-51, Document book 4, tab 3; testimony of Col Houghton, Transcripts vol. 12, p. 2239.
31. Exhibit P-20.11, Board of Inquiry, Phase I, Vol. XI, p. D-3/7.
32. Exhibit P-51.1, Document book 4A, tab 1.
33. Testimony of Col Holmes, Transcripts vol. 4, p. 606.
34. Testimony of Col Holmes, Transcripts vol. 4, p. 708.
35. Document book 89, tab 3G, DND 344071-344074.
36. Testimony of Col Holmes, Transcripts vol. 4, p. 611.
37. Exhibit P-53.
38. Exhibit P-53; testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9917.
39. Exhibit P-52, Document book 5, tab 6.
40. Exhibit P-52, Document book 5, tab 5.
41. Testimony of Cpl Purnelle, Transcripts vol. 35, pp. 6822-6823.
42. Exhibit P-52, Document book 5, tab 2.
43. Exhibit P-52, Document book 5, tab 2.
44. Exhibit P-52, Document book 5, tab 1, 14(u), DND 060137.
45. Exhibit P-51.1, Document book 4A, tab 2.
46. Testimony of MGen (ret) Gaudreau, vol. 3, pp. 552-554; CWO (ret) Jardine, Transcripts vol. 24, pp. 4557-4558; and MWO R. A. Murphy, Transcripts vol. 34, p. 6592.
47. Testimony of Col Holmes, Transcripts vol. 4, p. 613; Maj Priestman, Transcripts vol. 15, p. 2771; and CWO (ret) Jardine, Transcripts vol. 25, p. 4672.
48. Testimony of Col Holmes, Transcripts vol. 4, p. 619.
49. Testimony of CWO Cooke, Transcripts vol. 26, pp. 4916-4917.

50. Exhibit P-63, Document book 14, tab 15, p. D-2/5.
51. Exhibit P-77, Document book 28, tab 12.
52. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4548.
53. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4549.
54. Testimony of CWO Cooke, Transcripts vol. 26, p. 4886.
55. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4547.
56. Testimony of CWO Cooke, Transcripts vol. 26, pp. 4882, 4885.
57. Testimony of CWO Cooke, Transcripts vol. 26, p. 4887.
58. Testimony of Col Holmes, Transcripts vol. 4, pp. 605-606, 676.
59. DND has recognized how essential good leadership is for discipline. When a course for sergeants nearing promotion to warrant officer took place in March 1994 at CFB Gagetown, the Leadership Package Handout #0412 (Document book 118, tab 26) contained the following observation (p. 12/26): "Discipline begins with the leader himself, for without self-discipline, he cannot expect discipline in his subordinates."
60. Testimony of Maj Seward, Transcripts vol. 30, pp. 5687-5688.
61. Testimony of Maj Kampman, Transcripts vol. 27, p. 5189.
62. Testimony of CWO (ret) Jardine, Transcripts vol. 26, pp. 4841-4842; and Maj Seward, Transcripts vol. 30, pp. 5721, 5725.
63. Exhibit P-20.5, LCol Mathieu, testimony to Board of Inquiry, Phase I, Vol. V, p. 1194; testimony of Maj Seward, Transcripts vol. 30, pp. 5742-5743; and MWO R.A. Murphy, Transcripts vol. 34, pp. 6592-6593, and vol. 35, p. 6744.
64. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4561; WO R.A. Murphy, Transcripts vol. 34, p. 6594; and MWO O'Connor, Transcripts vol. 109, pp. 21798, 21912-21913.
65. Testimony of CWO Cooke, Transcripts vol. 26, p. 4905.
66. Exhibit P-20.2, BGen Beno, testimony to Board of Inquiry, Phase I, Vol. 11, p. 254.
67. Testimony of MGen (ret) Hewson, Transcripts vol. 2, p. 353; and LGen (ret) Foster, Transcripts vol. 3, p. 502.
68. This evidence is amplified in Volume 2, Chapter 19, Suitability.
69. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4550; and Maj Kampman, Transcripts vol. 27, p. 5209; Exhibit P-64, Document book 15, tabs 17, 19.
70. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4583.
71. Testimony of Maj Seward, Transcripts vol. 30, pp. 5662-5663, 5666.

72. Testimony of CWO (ret) Jardine, Transcripts vol. 25, p. 4640.
73. Exhibit P-51, Document book 4, tab 3; Testimony of Col Houghton, Transcripts vol. 12, pp. 2239, 2241.
74. Testimony of CWO (ret) Jardine, Transcripts vol. 12, p. 2239; Col Houghton, Transcripts vol. 41, p. 8048; and MGen (ret) MacKenzie, Transcripts vol. 43, p. 8388.
75. Testimony of Col Holmes, Transcripts vol. 4, p. 595.
76. Exhibit P-20.11, Board of Inquiry, Phase I, Vol. XI, p. D-3/7.
77. Testimony of Col Houghton, Transcripts vol. 12, p. 2243.
78. Testimony of LCol Morneault, Transcripts vol. 36, p. 6939.
79. Testimony of Col Holmes, Transcripts vol. 4, p. 606.
80. Testimony of MWO Mills, Transcripts vol. 24, p. 4417.
81. Testimony of MWO Mills, Transcripts vol. 23, p. 4276.
82. Testimony of MWO Mills, Transcripts vol. 23, p. 4274.
83. Testimony of Maj Seward, Transcripts vol. 30, p. 5662.
84. Testimony of Maj Seward, Transcripts vol. 31, p. 5964.
85. Testimony of MWO Mills, Transcripts vol. 23, p. 4275.
86. Testimony of MWO Mills, Transcripts vol. 23, p. 4277.
87. Testimony of LCol Morneault, Transcripts vol. 36, p. 6948.
88. Testimony of Cpl Purnelle, Transcripts vol. 35, pp. 6830, 6865-6866; and LCol Morneault, Transcripts vol. 36, p. 6951.
89. Document book 118, tab 22L, DND 106932; Document book 118, tab 21, DND 310801.
90. Document book 89A, tab 8.
91. Document book 89A, tab 8.
92. Exhibit P-51, Document book 4, tab 4C.
93. Exhibit P-51, Document book 4, tab 4C.
94. Exhibit P-51, Document book 4, tab 4C.
95. Exhibit P-51, Document book 4, tab 4C.
96. Exhibit P-51, Document book 4, tab 4C.
97. DND Board of Inquiry, Phase I, Volume X, Exhibit 115. During the same interval the number of courts-martial in The RCR, the R22^eR and PPCLI was 11, 22 and 18 respectively.
98. Exhibit P-51, Document book 4, tab 1.

99. In 1992, other infantry battalions were making comparable use of summary trials, as shown in the following table, compiled from Document book 4, tab 1, pp. 3191-3200:

*

1 RCR	52
2 RCR	45
1 R22°R	52
2 R22°R	62
1 PPCLI	80
2 PPCLI.	44

- Martin L. Friedland, *Controlling Misconduct in the Military* (Ottawa: Public Works and Government Services Canada, 1997), p. 94.
- Professor Friedland states, "It may well be that apprehension about the constitutionality of the military justice system after introduction of the Charter...[was] partly responsible for this decline in the use of the military justice system". Friedland, *Controlling Misconduct in the Military*, p. 101.
- Exhibit P-77, Document book 28, tab 12.
- Testimony of Capt Walsh, Transcripts vol. 13, p. 2334.
- Testimony of LCol Turner, Transcripts vol. 20, pp. 3529, 3744; Exhibit P-64, Document book 15, tab 19.
- Testimony of LCol Morneault, Transcripts vol. 37, p. 7303; Testimony of BGen Beno, Transcripts vol. 40, p. 7741; Testimony of Maj Seward, Transcripts vol. 31, pp. 5866-5867, and vol. 32, pp. 6198-6199; MWO Amaral, Transcripts vol. 104, p. 20809.
- Testimony of Maj Kampman, Transcripts vol. 27, pp. 5196-5197.
- Testimony of Maj Kampman, Transcripts vol. 27, p. 5198.
- Testimony of Maj Kampman, Transcripts vol. 27, p. 5198. MWO O'Connor also found 2 Commando too aggressive in its training: Transcripts vol. 109, pp. 21793-21794.
- Compare with testimony of Capt Walsh, Transcripts vol. 13, p. 2334.
- Testimony of MWO Mills, Transcripts vol. 23, pp. 4291-4294; CWO (ret) Jardine, Transcripts vol. 25, pp. 4605-4608; Maj Seward, Transcripts vol. 30, p. 5711; WO R.A. Murphy, Transcripts vol. 34, pp. 6615-6616; and LCol Morneault, Transcripts vol. 36, pp. 6963-6966.
- Testimony of Maj Seward, Transcripts vol. 30, p. 5716; and LCol Morneault, Transcripts vol. 36, p. 6966.
- Testimony of WO R.A. Murphy, Transcripts vol. 34, p. 6619; Exhibit P-51, Document book 4, tab 3.
- Testimony of LCol Morneault, Transcripts vol. 36, p. 6939.
- Testimony of WO R.A. Murphy, Transcripts vol. 34, pp. 6620-6621.

- Exhibit P-51, Document book 4, tab 3.
- Testimony of MWO Mills, Transcripts vol. 24, p. 4441.
- Exhibit P-51, Document book 4, tab 4,
- Testimony of CWO (ret) Jardine, Transcripts vol. 25, p. 4613; Maj Seward, Transcripts vol. 30, p. 5728; MWO R.A. Murphy, Transcripts vol. 34, p. 6617; LCol Morneault, Transcripts vol. 36, p. 6967; and MGen (ret) MacKenzie, Transcripts vol. 42, p. 8320.
- Exhibit P-51, Document book 4, tab 4.
- Testimony of WO R.A. Murphy, Transcripts vol. 34, pp. 6621-6622.
- Testimony of WO R.A. Murphy, Transcripts vol. 34, p. 6623.
- Testimony of MWO Mills, Transcripts vol. 23, p. 4316; and WO R.A. Murphy, Transcripts vol. 34, p. 6624.
- Testimony of MWO Mills, Transcripts vol. 23, p. 4328.
- Testimony of MWO Mills, Transcripts vol. 23, p. 4301; Maj Seward, Transcripts vol. 30, p. 5718, and vol. 31, p. 5874; and LCol Morneault, Transcripts vol. 36, p. 6979; Exhibit P-51, Document book 4, tab 4.
- Exhibit P-51, Document book 4, tab 4.
- Testimony of CWO (ret) Jardine, Transcripts vol. 25, p. 4616; and LCol Morneault, Transcripts vol. 36, p. 6979; Exhibit P-51, Document book 4, tab 4.
- Testimony of MWO Mills, Transcripts vol. 24, p. 4516; CWO (ret) Jardine, Transcripts vol. 25, p. 4618; LCol Morneault, Transcripts vol. 36, p. 6980; and MWO Amaral, Transcripts vol. 105, p. 20834.
- Testimony of Maj Seward, Transcripts vol. 30, p. 5719.
- Testimony of Maj Seward, Transcripts vol. 30, p. 5725; and LCol Morneault, Transcripts vol. 38, pp. 7465, 7468.
- Testimony of Maj Seward, Transcripts vol. 30, pp. 5716, 5725.
- Testimony of MWO Mills, Transcripts vol. 23, p. 4321; and Maj Seward, Transcripts vol. 30, p. 5726.
- Testimony of Maj Seward, Transcripts vol. 30, p. 5728.
- Testimony of MWO Mills, Transcripts vol. 23, pp. 4299-4300; and Maj Seward, Transcripts vol. 30, p. 5726-5728.
- Testimony of Maj Seward, Transcripts vol. 31, pp. 5874-5875.
- Testimony of Maj Seward, Transcripts vol. 31, p. 6041; and MWO R.A. Murphy, Transcripts vol. 34, pp. 6631-6633. According to Maj Kyle, the transfer of 2 Commando to High View Tower was the sole change in training attributable to the disciplinary incidents of October 2 and 3, 1992. His evidence was that massive modifications to the training plan were not considered necessary (Transcripts vol. 22, pp. 4037-4038).
- Testimony of Maj Seward, Transcripts vol. 30, pp. 5730-5734.

- Testimony of Maj Seward, Transcripts vol. 30, p. 5734, and vol. 32, pp. 6103-6104.
- Testimony of Maj Seward, Transcripts vol. 30, p. 5734.
- Testimony of Maj Seward, Transcripts vol. 32, p. 6169; and LCol Morneault, Transcripts vol. 36, pp. 6967-6969.
- Testimony of MGen (ret) MacKenzie, Transcripts vol. 42, p. 8320, and vol. 43, pp. 8351, 8548.
- Testimony of MWO Mills, Transcripts vol. 23, pp. 4308-4309, 4317, 4389, and vol. 24, p. 4523; and Maj Seward, Transcripts vol. 30, pp. 5735-5736.
- Exhibit P-51, Document book 4, tab 3.
- Testimony of MWO Mills, Transcripts vol. 24, pp. 4470-4471.
- Testimony of MWO Mills, Transcripts vol. 24, pp. 4464-4465.
- Testimony of MGen MacKenzie, Transcripts vol. 42, p. 8298.
- Testimony of MGen MacKenzie, Transcripts vol. 42, pp. 8318-8319.
- Testimony of BGen Beno, Transcripts vol. 41, pp. 8065-8066.
- Testimony of BGen Beno, Transcripts vol. 41, pp. 8064-8065.
- For example, in an October 19, 1992, letter to MGen MacKenzie, BGen Beno identified several deficiencies in the CAR, of which the discipline problem was only one: Document book 15, tab 18.
- Testimony of MGen MacKenzie, Transcripts vol. 43, p. 8337.
- Exhibit P-64, Document book 15, tab 18, p. 2.
- Testimony of MGen MacKenzie, Transcripts vol. 43, p. 8351.
- Exhibit P-78, Document book 29, tab 7.
- Testimony of MGen MacKenzie, Transcripts vol. 43, p. 8533.
- Testimony of LGen Reay, Transcripts vol. 46, p. 9027; and LGen Gervais, Transcripts vol. 47, p. 9453. LGen Gervais' testimony suggests that minutes of the Army Council's deliberations were kept: Transcripts vol. 47, pp. 9488-9489. Nonetheless, the record of decision taken by the Army Council on October 20 and 21, 1992, contains no mention of the decision to replace LCol Morneault: Document book 118B, tab 6, DND 443565.
- Testimony of LGen Gervais, Transcripts vol. 47, pp. 9455-9456, 9462.
- Testimony of LGen (ret) Reay, Transcripts vol. 45, p. 9010.
- Testimony of LGen (ret) Reay, Transcripts vol. 45, p. 9010.
- Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9192.
- Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9192.
- Testimony of LGen (ret) Reay, Transcripts vol. 45, p. 9008.
- Testimony of LGen Gervais, Transcripts vol. 47, p. 9452.

- Testimony of LGen Gervais, Transcripts vol. 47, p. 9456, and vol. 48, p. 9699.
- Testimony of LGen Cervais, Transcripts vol. 48, p. 9699.
- Testimony of LGen Gervais, Transcripts vol. 47, p. 9441.
- Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9980-9981.
- Testimony of LGen (ret) Gervais, Transcripts vol. 47, pp. 9464-9467.
- Testimony of BGen Beno, Transcripts vol. 41, p. 8118; Exhibit P-54, Document book 7, tab 6; Exhibit P-82, Document book 32, tab 15.
- Testimony of BGen Beno, Transcripts vol. 41, p. 8103.
- Exhibit P-65, Document book 16, tab 1.
- Testimony of BGen Beno, Transcripts vol. 41, p. 8108.
- Testimony of BGen Beno, Transcripts vol. 41, p. 8057.
- Testimony of LGen (ret) Reay, Transcripts vol. 47, p. 9301.
- Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8404.
- Exhibit P-82.1, Document book 32A, tab 8.
- Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8404-8405.
- Testimony of LGen Gervais, Transcripts vol. 47, pp. 9482-9483.
- Testimony of Maj Kyle, Transcripts vol. 22, p. 4051.
- Testimony of BGen Beno, Transcripts vol. 41, p. 8103.
- Testimony of Maj MacKay, Transcripts vol. 33, p. 6348.
- Testimony of BGen Beno, Transcripts vol. 41, pp. 8016-8017; Exhibit P-66, Document book 17, tab 5.
- Testimony of BGen Beno, Transcripts vol. 41, p. 8118.
- Testimony of Capt Walsh, Transcripts vol. 13, p. 2335; and Maj Kyle, Transcripts vol. 21, p. 3924-3925.
- Testimony of BGen Beno, Transcripts vol. 41, p. 8118.
- Testimony of BGen Beno, Transcripts vol. 41, pp. 8016-8017, and vol. 42, pp. 8242-8243.
- Testimony of Maj MacKay, Transcripts vol. 33, p. 6343.
- Testimony of Maj MacKay, Transcripts vol. 33, p. 6343.
- Testimony of Maj MacKay, Transcripts vol. 33, p. 6344.
- Testimony of LCol Morneault, Transcripts vol. 37, p. 7195.
- Testimony of LCol Morneault, Transcripts vol. 38, p. 7480.
- Testimony of Maj MacKay, Transcripts vol. 33, p. 6344; and LCol Morneault, Transcripts vol. 37, p. 7195.
- Testimony of LCol Morneault, Transcripts vol. 37, p. 7195.

- Testimony of LCol Morneault, Transcripts vol. 37, p. 7195.
- Exhibit P-64, Document book 15, tab 27, Annex A, p. 7.
- Testimony of Maj MacKay, Transcripts vol. 33, p. 6345.
- Testimony of Maj MacKay, Transcripts vol. 33, p. 6345.
- Exhibit P-51, Document book 4, tab 5, DND 003192.
- Exhibit P-51, Document book 4, tab 5, DND 003194.
- Exhibit P-51, Document book 4, tab 5, DND 006566.
- Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9054.
- Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9054.
- Exhibit P-51, Document book 4, tab 3.
- Exhibit P-51, Document book 4, tab 3.
- Exhibit P-51, Document book 4, tab 3; Exhibit P-72, Document book 23, tab 2.
- Exhibit P-51, Document book 4, tab 3.
- LCol Morneault, Transcripts vol. 37, pp. 7175-7176.
- Testimony of LCol Morneault, Transcripts vol. 37, p. 7177.
- Testimony of LCol Morneault, Transcripts vol. 39, pp. 7579-7580.
- Exhibit P-51, Document book 4, tab 3.
- Exhibit P-51, Document book 4, tab 3.
- Exhibit P-51, Document book 4, tab 3.
- Exhibit P-51, Document book 4, tab 3.
- Testimony of BGen Beno, Transcripts vol. 4, pp. 7919-7920.
- Testimony of BGen Beno, Transcripts vol. 4, p. 7920.
- Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8410.
- Testimony of BGen Beno, Transcripts vol. 41, p. 7998.
- Exhibit P-51, Document book 4, tab 6; Document book 84, tab 2, DND 424291.
- Exhibit P-51, Document book 4, tab 6.
- Testimony of BGen Beno, Transcripts vol. 41, p. 7925; Exhibit P-68, Document book 19, tab 9
- Testimony of BGen Beno, Transcripts vol. 41, pp. 7938-7939.
- Testimony of BGen Beno, Transcripts vol. 41, pp. 7943, 8002.
- Testimony of BGen Beno, Transcripts vol. 41, p. 7943.
- Exhibit P-72, Document book 23, tab 2.
- Testimony of BGen Beno, Transcripts vol. 41, p. 7940.
- Testimony of BGen Beno, Transcripts vol. 41, p. 7995.

- Testimony of BGen Beno, Transcripts vol. 41, pp. 7991-7992.
- Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 85 13.
- Testimony of Cpl Smetaniuk, Transcripts vol. 138, pp. 28008-28013.
- Incident 86 (see annex to Volume 5, Chapter 40, Military Justice).
- Incident 7 (see appendix to Chapter 40).
- Incidents 24, 42, 43, and 80 (see appendix to Chapter 40).
- Incidents 22 and 62 (see appendix to Chapter 40).
- Incident 68 (see appendix to Chapter 40).
- Incident 9 (see appendix to Chapter 40).
- Testimony of LCol Moffat, Transcripts vol. 97, p. 19005.
- Incidents 4, 37, 41, 70,71, 73, and 90 (see annex to Chapter 40).
- Testimony of Sgt Little, Transcripts vol. 110, pp. 22052-22054, 22058, 22064, 22073, 22091; and Sgt Flanders, Transcripts vol. 110, pp. 22112, 22115.
- Incidents 2 and 54 (see annex to Chapter 40).
- Incident 8 (see annex to Chapter 40).
- Incidents 3, 6, 14, 15, 16, 18, 19, 20, 23, 38, 48, 56, 58, 59, 69,76, and 83 (see annex to Chapter 40). Two of the incidents described involved two Canadian Forces members
- Testimony of Maj Armstrong, Transcripts vol. 179, pp. 36908, 36910.

SUITABILITY AND COHESION

Our terms of reference required us to assess the suitability of the Canadian Airborne Regiment (CAR) for service in Somalia. Our approach to this task involves examining the specific suitability of the Canadian Airborne Regiment for the Somalia mission (mission-specific suitability). Was the CAR adequately manned, organized, equipped, and trained for that particular mission?

The inherent suitability of the CAR is also an important issue. Inherent suitability involves a consideration of several issues, including whether there is an appropriate correlation between the capabilities of the unit and the tasks assigned; adequacy of the organization in terms of command and control; and the adequacy of its resources, the nature of its training, discipline, and the attitudes of its members. Armed forces are composed of functional units, each with specific characteristics and capabilities. Each military unit is designed to be inherently suitable to perform certain types of tasks: air transport squadrons are suitable for air transport tasks, as mine hunting ships are suitable for mine hunting. Similarly, an infantry unit is the appropriate organization to launch an assault on a defended location. To say that a unit possesses inherent suitability, however, does not necessarily mean that a unit is in all respects suitable for every mission. It is at this point that every aspect of mission-specific suitability must be considered. The unit must be ready to assume its particular assigned mission.

Readiness is the state of preparedness of a unit to perform its assigned role. It is not enough that a unit be found inherently suitable to take on a mission of the kind that it ultimately is asked to perform. As regards its actual assignment, the unit must be able to demonstrate that it is operationally ready.

Finally, suitability cannot be assessed solely in terms of role, structure, resources or, indeed, readiness. Unless soldiers work together as a *unit*, trust and depend on one another, and strive for the same goal, they are unlikely to succeed in any endeavour they undertake. The degree to which there is unity or cohesion in a unit is a critical measure of its fitness or suitability for any mission.

Unit cohesion is the product of leadership, training, discipline, and high morale. It gives members of a unit the feeling that they can depend implicitly on their comrades. A strong and cohesive unit acts together under the direction of its official leaders. It is this sense of predictable dependability that gives a unit its strength, especially in stressful situations. On the other hand, a unit lacking in cohesion tends to act in an unpredictable manner, often on the direction of its informal rather than its formal leaders. Again, this tendency emerges most notably when the unit is under stress. Thus, fostering unit cohesion is a cardinal responsibility of leaders, and the degree of unit cohesion is a key measure of operational readiness and, therefore, of suitability.

DETERMINING SUITABILITY AND COHESION

Before a unit can embark on any mission, it must meet certain standards. These standards form the basis for our evaluation of whether the Canadian Airborne Regiment, in the fall of 1992, was fit to go on any mission.

A consideration of the suitability of the CAR would be incomplete without reference to its recent history and the effects of the reorganization of 1992. Against this backdrop we will consider the following questions, which all bear on the issue of the suitability of the CAR for service in any theatre: Was it a formed unit? Had it been assigned missions and tasks from a higher formation? Did it function as a unit? Was it adequately manned? We will then proceed to determine cohesion by addressing these questions: Was there a sound standard of leadership? Was there an acceptable standard of discipline? Did the leaders and subordinates act together? Was there excessive instability or turbulence? Was the unit suitably trained? Finally, we will address the inherent and mission-specific suitability of the CAR.

Some of the factors in determining a unit's suitability and cohesion for a given mission are assessed elsewhere in this report. For example, leadership, discipline, training, and the adequacy of manning are treated in separate chapters.

Suitability

Was the Canadian Airborne Regiment a Properly Formed Unit?

Effects of the Move to CFB Petawawa in 1977

The move of the Canadian Airborne Regiment to CFB Petawawa in 1977,¹ which was the subject of considerable controversy, resulted in manpower reductions and structural changes that significantly reduced the combat power of the Regiment.² Also, the CAR

lost its special status-exemption from external taskings -- a feature which differentiated it from every other unit of the Army. As a result, the CAR felt its combat readiness had been eroded. In 1982, LCol Harries, Deputy Commander of the CAR, wrote a paper describing the structure and operation of the Regiment at that time:

The truth of the matter is that the Canadian Airborne Regiment is simultaneously the best and worst organization in the army and, arguably, in the CF [Canadian Forces]. It is the best because the Regiment is a collection of very fit and very dedicated young Canadians who temporarily volunteer to leave the comfort, security and relative uniformity of more than a dozen parent Regiments, branches and trades to commit themselves to an elite which strives for the ultimate professional performance.... Notwithstanding its code and the soldiers who practice it, the Regiment is one of the worst organizations in the CF. This because the circumstances under which it must work and play and celebrate its heritage are complex, confused and illogical, and therefore frequently counterproductive...³

The paper argued that, among other things, the move of the Regiment to CFB Petawawa signalled the end of its operational capability as a ready force by its subordination to another formation headquarters. For example, although the role of the Special Service Force (SSF) since September 1980 had been that of a Canadian Air-Sea Transportable (CAST) Brigade Group in support of NATO, the CAR was specifically excluded from that commitment. This meant that for a large part of the year, SSF Headquarters was focused on issues not involving the Regiment.

The role of the Regiment was that of a ready, regimental-size force for the Defence of Canada Operations. However, it was impossible for the Airborne Battle Group to form a coherent and effective force by living and training together because the sub-units needed to carry out a full airborne operation of regimental size (i.e., gunners and engineers) were not part of the Canadian Airborne Regiment. Rather, they now belonged to non-airborne units committed to CAST. The result was a perceived degradation of unity among unit, airborne battle group, and Special Service Force.⁴

Thus, from the perspective of the CAR, the reduced assignment of CAR as part of the Special Service Force created operational and organizational problems that inhibited the ability of the Regiment to effectively carry out its role as a quick reaction unit in defence of Canada's North. This situation fostered disharmony between the CAR and the SSF, and weakened the regimental structure of the CAR.

The Hewson Report

As discussed more fully in our chapter on discipline, problems within the CAR became apparent by the mid-1980s. This led the Chief of the Defence Staff, Gen Thériault, to order a study in 1985 to review disciplinary infractions and anti-social behaviour within Force Mobile Command (FMC), and, in particular, the Special Service Force and the CAR. This study, known as the Hewson report, after MGen Hewson, then Chief of Intelligence and Security, reached several important conclusions about the state of the Regiment at that time.⁵

On the question of command, the report described the Canadian Airborne Regiment as a unique, continuing "organizational phenomenon" that made it difficult for the regimental commander to exercise disciplinary authority.⁶ The Canadian Airborne Regiment was unusual in that under Canadian Forces Operational Order (CFOO) 3.21.5 it could be both a unit within the SSF or a formation operating independently, and the commandos could be either sub-units or units within an independent formation. The CFOO did not identify the commandos as units, but they were perceived as such. The Commander SSF found it necessary to designate as commanding officers each of the five officers commanding commandos, an awkward and unbalanced arrangement. The result was that five of the subordinates of the regimental commander had the same disciplinary powers as the regimental commander. Although practical arrangements evolved whereby the commanding officers voluntarily restricted their powers in deference to their regimental commander, MGen Hewson noted that this total reliance on an unofficial arrangement "must be detrimental to the due process of military law", and concluded that the organization was an impediment to discipline.⁷

LGen Belzile, Commander FMC, wrote to the Chief of the Defence Staff (CDS) in response to the report. He emphasized, in part, that commandos must continue to have unit status and be commanded by commanding officers. He warned, to little avail, that a failure to make these arrangements would impair morale in the Regiment and result in further anti-social behaviour.⁸

Independence of the Commandos

The three infantry commandos retained a separate and distinct character. This distinctiveness was encouraged in a number of ways: separate residences for each commando at CFB Petawawa, 'friendly' competitions such as athletics and, most importantly, a vertical command structure linking each commando to the level above it but not to other commandos. For example, the Airborne Indoctrination Course had formerly been held for all Airborne initiates collectively, but by 1991, each commando conducted its own indoctrination course.

The commandos acted in concert on training exercises. However, each commando platoon was responsible for a specific task and, consequently, members did not mix with each other during training. This may have enhanced cohesion at the platoon level but at the expense of fostering cohesion at the commando and regimental levels.

Testimony also showed that the commandos differed from one another. According to the Regimental Sergeant-Major, CWO (ret) Jardine, in 1992 the soldiers in 2 Commando were mostly young and single; most lived in quarters and exhibited somewhat less professionalism than members of 1 Commando and 3 Commando. The behaviour of the 2 Commando soldiers was aggressive, and CWO (ret) Jardine testified that 2 Commando seemed to have a love/hate relationship with the other commandos.⁹

There was an ongoing rivalry among all commandos, particularly in relation to 1 Commando, a Francophone unit. Although, CWO Jardine and others believed no particular antipathy existed between the Francophones and Anglophones,¹⁰ contrary evidence emerged. LCol Morneault observed tension between the two groups, but considered it to be normal, reflecting Canadian society.¹¹ However, Maj Kyle observed

that the announcement of 1 Commando's victory in the 'march and shoot' competition for that year failed to elicit even polite applause from the other commandos at the annual Christmas dinner -- an indication that there was something more negative than mere rivalry involved.¹² Cpl Purnelle of 1 Commando noted that the Francophones in 1 Commando were not very concerned with what was going on in the other commandos, and there was generally little intermingling among platoons.¹³

Several witnesses criticized the structure of the CAR for its lack of integration of the commandos, contrary to the situation earlier in the Regiment's history. CWO Jardine believed that the structure of the Regiment -- in effect, the independence of the commandos -- made it difficult to deal effectively with discipline in 2 Commando. The structure of unit independence, he said, made the top of the regimental structure a "sort of guiding hand" to control the commandos. Thus, each commando had its own unit standing operating procedures (SOPs).¹⁴

Maj Seward, at that time the Officer Commanding (OC) of 2 Commando, testified that separating the commandos along strong regimental lines had not been wise, since such a system made unit cohesion difficult to attain.¹⁵ Similarly CWO Jardine testified that the change resulted in loss of control, as evidenced by the fact that the commandos were no longer working together.¹⁶ Moreover, Maj Kampman of the Royal Canadian Dragoons testified that since the rifle commandos had previously been trained essentially to operate independently in battle, he was concerned about the ability of the commandos to work closely together, after restructuring, as part of a more integrated unit. He observed that after Exercise Stalwart Providence in the fall of 1992, integration had not developed to the point where the commandos operated effectively together, although this was expected of companies in an infantry battalion.¹⁷

However, other witnesses, generally of more senior rank, disagreed with this assessment. For example, LCol Morneault said that the CAR had been acting effectively as a unit, even prior to the transition in the summer of 1992.¹⁸ Maj MacKay testified that despite differences among the commandos, there was a level of cohesion based on their belonging to the same organization and sharing the same maroon-beret spirit.¹⁹ The CDS, Gen de Chastelain, and the Commander of the Army, LGen Gervais, and others did not believe that the independence of the commandos in itself would affect the stability of the Regiment.²⁰

Indeed, even in the wake of the Somalia deployment, the high command continued to support the regimental affiliations between regular infantry regiments and the CAR. In his 1993 response to the CDS's direction to examine leadership and discipline within the CAR, LGen Reay, at that time Commander of the Army, argued that manning the Regiment would become more difficult to sustain in the long term without the affiliation, although he did not explain why. He therefore did not recommend termination of the regimental affiliation between the regular infantry regiments and the CAR. He said that it was clear, however, that the commanding officer could not indefinitely retain the assigning of personnel to the sub-units along absolute regimental lines. For this reason, the commanding officer would eventually be granted the unfettered authority to determine the employment of every person in the Regiment.²¹ This in itself is clear

evidence that in 1992 the commanding officer did not have the control over the Regiment that he should have had.

In his 1993 paper, "The Way Ahead", BGen Beno, Commander of the SSF submitted before the de Faye board of inquiry the following comments on regimental affiliations:

The regimental method of manning 1, 2 and 3 Commando leads to a sense of independence. There is the potential for cliques to develop where otherwise undesirable individuals might be protected. Offsetting weaknesses in one sub-unit by moving personnel to another is generally not done because of current regimental affiliations.²²

FINDINGS

- *Even before the restructuring of the Canadian Airborne Regiment in 1992, there were recognized deficiencies in the organization and leadership of the Regiment. These differences were exacerbated by the reorganization of 1992, which failed to eliminate the independence of commandos. There is compelling evidence that the CAR was not a properly formed unit.*
- *Francophones and Anglophones generally did not work together, and the relationship between 1 Commando and 2 Commando in particular went beyond mere rivalry, at times becoming hostility. Cumulatively, the result was a lack of cohesion at the most basic level.*

Did the CAR Have a Properly Assigned Mission and Tasks from Higher Headquarters?

Downsizing of the Regiment

As of February 7, 1992, the Regiment had an established strength of 749 members. A proposed reorganization would entail a reduction to 601.²³ At the same time, the units of the Regiment were to be formally disbanded and would become sub-units, although their existing names (1 Commando, 2 Commando, and 3 Commando) would be retained when referring to the three rifle companies of the new battalion.²⁴ One unit, the Airborne Headquarters and Signal Squadron, would no longer exist.²⁵

Col Holmes, the Commanding Officer of the CAR at the time of the transition, testified about the changes resulting from the restructuring. The nature of the Service Commando also changed. Before the change, the CAR could conduct operations and sustain itself for extended periods. Limiting the Service Commando to what was essentially a unit resupply organization, however, meant that it could only look after the needs of the Regiment for a very brief period. The Regiment had therefore lost its capability for self-sustainment. The Mortar Platoon was eliminated from the organization and a new weapons support company created.²⁶ The CAR had been reduced to capabilities similar to those of a smaller line infantry battalion.

LCol Morneau described the transition as a huge team effort, involving much hard work by almost every leader in the Regiment. He pointed out that the transition eliminated the ability of the Regiment to operate without additional support. LCol Morneau looked

forward to the Regiment becoming a battalion and the greater cohesion such a change would bring: "It would be a familiar structure to newcomers, coming from other infantry battalions; and, again, sometimes simpler is better."²⁷

The restructuring and downsizing took time. When the warning order for Operation Cordon was received in early September 1992, the Regiment had not physically completed the transition. The Regiment was still turning in excess vehicles and equipment. Planned moves to new building locations had not been finished, nor had buildings been renovated. Also, the regulations, orders, and instructions for the Regiment had not yet been rewritten, although a plan had been drawn up for this purpose.²⁸

Still, LCol Morneault concluded, to our surprise, that aside from the disruption caused by the turnover in personnel during the normal Active Posting Season (APS), the transition itself had no adverse impact on the Regiment.²⁹ Given the extent of the transition and other activities, we must consider whether this assessment was accurate.

Role and Tasks of the CAR during Reorganization

At the time of its deployment to Somalia, the role of the Regiment was to provide rapid-deployment airborne/air-transportable forces for operations in accordance with assigned tasks, primarily in support of national security and international peacekeeping. This role had remained unchanged since it was assigned in 1978. The operational tasks of the CAR were detailed in three Special Service Force (SSF) Defence Plans (DPs):

- SSF DP 200, Civil Aid Operations, assigned tasks to be conducted on order when the Regiment was designated the SSF Immediate Reaction Unit (e.g., armed assistance to federal penitentiaries);
- SSF DP 310, Defence of Canada Operations, assigned the Airborne the following tasks pursuant to receipt of a warning order from SSF Headquarters: maintain the Pathfinder Platoon at 48 hours notice to move and be prepared for airborne operations anywhere in Canada; maintain a commando group at 72 hours notice to move and be prepared for airborne operations anywhere in Canada; and maintain the remainder of the Regiment at 96 hours notice to move and be prepared for airborne operations;
- SSF DP 700, Stability Operations, designated the Regiment as the light infantry battalion component of a United Nations peacekeeping unit. The Regiment's primary task in the normal peacetime state (standby phase) was to be prepared to deploy anywhere in the world as a light infantry battalion for peacekeeping operations.³⁰

The CAR was capable of performing the first two tasks. On a tight schedule, it would have been difficult for the CAR to meet the task as a light infantry battalion, since this task required a slightly different organization and mix of equipment.

The Concept of Employment

Although the CAR did have assigned roles and tasks, consideration of these nevertheless seemed to take a back seat to the restructuring of the Regiment in 1992. For example, by the time the CAR had been downsized to a battalion in June 1992, discussion was still continuing within Land Force Central Area, the Special Service Force, and the Regiment about the appropriate 'concept of employment' for the Regiment.

The purpose of the concept of employment was to detail the appropriate mission and implied tasks of the CAR and its affiliated combat support and combat service support elements.³¹ Land Force Command approved a final concept of employment for the Regiment on November 4, 1992.³² It is clear that the Regiment was reorganized before it was given a new concept of operations. We believe it would have been more logical to develop the concept of employment first, and then design the unit to implement the concept.

In the new concept of employment, the primary role of the Regiment was to "provide a parachute-deployable, combat-capable force in support of Canadian interests at home and abroad." A secondary role was to operate as a light infantry battalion group in low- to mid-intensity operations or in peacekeeping operations anywhere in the world.³³ The proposed organization for Active Posting Season in the summer of 1993 called for a regiment of 665 personnel, including a mortar platoon (unlike the restructured Airborne of the summer of 1992), and a direct fire support platoon (which had not been included in the original planning).³⁴ A subsequent reorganization would be necessary after the Somalia deployment.

Before the deployment of the Regiment to Somalia, senior officers in Land Force Command Headquarters had recognized that to carry out its concept of employment, the Regiment needed additional integral components, including a mortar platoon and a direct fire support platoon. These were never added.

Moreover, under restructuring plans of November 1992, designed for implementation in 1993, the CAR was once again to become an independent unit capable of acting under national or allied control.³⁵ The Regiment was to come under command of the Land Force Central Area (LFCA) Commander.³⁶ BGen Beno, the Commander SSF, was concerned in the fall of 1992 about the plans for the independence of the Regiment, arguing that it should be left as a unit integral to the SSF and detached for tasking to National Defence Headquarters (NDHQ) or Area Headquarters as desired. He added: "If there was a battalion that needed...firm direction and leadership, it is the [CAR]."³⁷

FINDING

- *The restructuring of the Canadian Airborne Regiment in 1991 and 1992 by downsizing the Regiment to battalion size took place without first deciding the appropriate 'concept of employment' for it. What emerged was poorly conceived. As in 1977 with the move to CFB Petawawa, the downsizing of the CAR in 1992 occurred without due consideration being given to the appropriate mission, role, and tasking of the CAR. There is some question as to whether the mission and tasks were fully appropriate given the capabilities of the restructured CAR. This lack of definition concerning concept of employment, role, and tasking*

contributed to the impression that the CAR was unsuitable for the Somalia mission.

Was the CAR Adequately Manned?

The Hewson report emphasized the requirement for experienced, mature, and continuous leadership at section and platoon levels, but noted that the relationship between the soldiers and their immediate leaders had deteriorated badly over the preceding 10 years.³⁸ A primary cause was the increase of tasking within Force Mobile Command, which meant that many of the junior leaders were away from the units for months at a time. The turbulence caused by this instability increased due to the need for leaders to attend career courses. Since they lacked effective leadership from junior officers and noncommissioned officers (NCOs), many soldiers looked to informal leaders among themselves. As is often the case when informal leadership emerges, many of the informal leaders could not cope with the challenge in a responsible manner.³⁹

The report also noted that although most of the NCOs were outstanding soldiers and leaders, from time to time weak junior NCOs, attracted by the airborne option, had joined the Regiment. They became liabilities contributing directly to a breakdown in discipline. Care had not been taken to ensure that only above-average NCOs, particularly junior NCOs, were chosen for service with the CAR.⁴⁰ Moreover, it became clear that junior leaders were not equipped with the necessary tools to detect personality irregularities that might manifest themselves during training.⁴¹

Clearly, the Hewson report was concerned about deficiencies in leadership of the junior ranks and NCOs in the Regiment. However, while noting the instability within the CAR, MGen Hewson did not view the organizational structure, involving the organization of the Regiment around three independent commandos, as warranting change.

The Opinion of the Director of Infantry

Col Joly, the Director of Infantry, testified in 1993 before the de Faye board of inquiry about the situation of the CAR prior to 1992. He identified a tradition of establishing a rotation among the regiments so that a senior colonel in each of the regiments who had formerly commanded a battalion would be appointed to command the Regiment. Also, a very good lieutenant-colonel was ordinarily selected as deputy commander. The regimental operations officer and regimental major were typically experienced majors with good prospects for promotion to lieutenant-colonel. The commanding officers of the commandos were considered to be leaders with excellent potential for future progression. The aim, in ideal terms, was to place the best leaders in the CAR so that they would, in essence, improve their leadership skills.⁴²

This tradition of quality appointments changed with the downsizing of the CAR. The downgrading of the rank of the commanding officer position had a ripple effect, causing further reductions of ranks in other positions. At that point in time, according to Col Joly, Princess Patricia's Canadian Light Infantry (PPCLI) majors were not of the highest calibre. (One senior officer had concluded that many of the CAR's field officers were older, and not of the mould that was traditionally expected in the Regiment) . Col Joly believed that when commanded by a full colonel, the CAR had been much better served in its assigning of personnel and recruitment because the colonel had participated in the

Infantry Council process as an active co-equal, and had been able to garner the support of the regiments involved.

According to Col Joly, the CAR was a special unit, requiring care and attention; otherwise, by default, its quality and efficiency would suffer. The difficulty was that there had been a great deal of confusion brought on by downsizing, and "perhaps as part of this process, the Airborne Regiment has been a casualty in the way it has been manned, for reasons that are not clear but may be more of a parochial nature related to the regiments having other priorities in these changing times."⁴³

In an overview probably written in late 1992, Col Joly also concluded that the Regiment had been manned "with second-and third-string majors, and the third-string ones clearly had no potential." He recognized the possibility that some of the personalities would not be able to cope in Somalia and anticipated that there might be some problems. Col Joly claimed that sometime in January 1993 he had sent a message to LCol Mathieu. The message raised concerns about seven of LCol Mathieu's majors. However, Col Joly stated that the intent had been misinterpreted by LGen Reay, who subsequently directed that his message be destroyed because it caused confusion. The issue was handled by normal staff action.⁴⁴

In his testimony before us, Col Joly reiterated that the overall quality of the majors in the CAR, at least as far as the PPCLI was concerned, had been generally substandard and certainly below the outstanding level -- that is, in his words, "second" or "third string". By second string, he meant that the person would probably not gain command or be promoted to lieutenant-colonel or had not demonstrated the potential to be promoted. By third string, he meant that the person was not likely ever to be promoted. For the CAR, he said, strong leadership skills had been required, including, in the case of majors, the potential to become a lieutenant-colonel commanding officer of a field unit in the Canadian army.⁴⁵

In addition to quality concerns, there was a concern regarding numbers. When the CAR was eventually deployed as the Canadian Airborne Regiment Battle Group (CARBG) to Somalia, it did so under a manning cap of 845 personnel. To meet this restriction, difficult cuts were made. Needed personnel were left behind in Canada. The CAR was sent on a potentially dangerous operation with known shortages in areas such as line infantrymen, security forces, and combat support. They also went without an adequate reserve.

In fact, following the Somalia incidents, senior commanders severely criticized the leadership of the officers and NCOs in the CAR. LGen Reay, for example, commented that the poor quality of some of the regiment's officers and soldiers posted to the CAR in recent years, ultimately resulted in leadership shortcomings, indiscipline, and the emergence of a small lawless element within the Regiment.⁴⁶

FINDING

- *There was a deterioration in the quality of some personnel assigned to the CAR. This was exacerbated when the Regiment was downsized to a battalion. In addition, there were personnel shortages in several critical areas. Because of this combination of factors, we find that the CAR was not properly manned.*

Did the CAR Function as a Unit?

The reorganization of the CAR in 1992 was substantial.⁴⁷ The preface to "The Canadian Airborne Regiment Transition Plan" describes the transition as involving:

...the simultaneous disbandment of five units; a change of command, the loss of 150 personnel; the reorganization of virtually every platoon in the regiment; the assimilation of Base personnel into our quarters, the RCR into our messes; and a normal posting cycle this summer. All the while we must continue to prepare our soldiers for a possible UN contingency...and prepare an extensive individual and collective training plan for this fall.⁴⁸

This reorganization, in fact, interfered with the normal routine and appears to have continued beyond the summer into the fall of 1992. The Regimental Commander, Col Holmes, was ordered to minimize unit training as of May 29, 1992, to give the reorganization top priority.⁴⁹ The board of inquiry convened to look into the change of command noted that when LCol Mathieu replaced LCol Morneau as Commanding Officer of the CAR in October 1992, and the Regiment had been reduced to battalion status, "some of the necessary follow-on activity [had] not yet been completed, particularly in the areas of role, organization, equipment and garrison accommodation."⁵⁰ It also noted that the cumulative effect of Operation Python and Operation Cordon over the same time frame as the reorganization and reduction of the Regiment would necessitate a large stocktaking, and that the Regiment would face a daunting challenge to clean house after its return from Operation Cordon.⁵¹

What effect would this reorganization have on the capability of the Canadian Airborne Regiment to go to Somalia? Opinion on this issue was divided. Some senior military officers, including the Chief of the Defence Staff (CDS), the Commander Land Force Command (LFC) and his deputy testified that the restructuring was not so great as to prevent consideration of the CAR for selection. It appears that the further up the chain of command one went, the less seriously the problem was regarded.⁵²

However, others of lower rank were much more critical. Col Holmes, the Commanding Officer of the CAR before LCol Morneau assumed command, criticized the restructuring of the CAR. On the question of whether the reorganization had impaired the ability of the Regiment to train for Somalia, he concluded: "From a soldier's perspective I would suggest no; from an administrative perspective, I must question whether the Regiment would be capable of undertaking the operation."⁵³

The plan for the transition, he said, was more long than short term. Although some expertise remained in the Regiment as a result of the extensive training done for Operation Python, downsizing and the Active Posting Season nonetheless meant that a considerable number of new soldiers as well as officers needed to be brought up to the necessary level of expertise. The reorganization, in fact, extended into the fall. Moreover, the CAR had to reorganize and retool itself for Operation Cordon and, since it went to Somalia with armoured vehicles which were not part of the CAR's inventory, it had to re-equip again for the Operation Deliverance mission.

Col Holmes equated the process to the re-engineering of a medium-sized business: an organization with 750 people was being reduced to about 600 and the process was

changing virtually every aspect within that organization, including personnel, equipment, vehicles, and administration.⁵⁴ He stated: "So there's a lot of things in the equation here that in my view, contributed to the possibility of it being slightly off balance, if not more so."⁵⁵

When asked whether tasking the CAR for the Somalia mission had been a wise choice given the tremendous changes in the organization, Col Holmes replied: "It would not have been my choice...it would have been difficult for anyone to pick up the pieces and be ready to go in that short of order, in my view. That's my own personal opinion."⁵⁶

Col Joly, who in 1993 was Director of Infantry at Land Force Command Headquarters, also pointed to deficiencies resulting from the downsizing. Given the various tasks assigned, the CAR had inadequate ready resources to undertake the full range of expected missions, not only domestically but also internationally. Consequently, some of the components needed to augment the CAR could not be adequately trained. Moreover, it would be difficult to bring the components together in the time allowed for deploying (a seven-day response time). If committed to deploy without those resources, the CAR would have had serious difficulty performing its tasks.⁵⁷

MGen (ret) Loomis, author of a recent book on the Somalia deployment, argues that the downsizing of the CAR rendered the CAR ineffective as a functioning regiment. He maintains that the central problem with the Regiment was that by the time it went to Somalia, "it was neither fish nor fowl, neither a brigade nor a conventional Canadian infantry battalion".⁵⁸

According to MGen (ret) Loomis, as long as the CAR was a mini-brigade, with three different mini-battalions under their own commanding officers, with its own attached airborne artillery battery, engineer squadron and logistics unit under a regimental head quarters organized like a brigade headquarters, the situation was tolerable. However, if constituted in this way, every unit would be grossly under strength. In his view, when further reductions forced the CAR to be reorganized into an infantry battalion and partially mechanized for Somalia, it should have been dispersed back to its parent regiments. This would have ensured that the proper checks and balances of the regimental system were working.

FINDING

- *The restructuring changes that occurred within the CAR during 1991-92 left the Regiment ill-prepared to undertake a mission. During restructuring, it was not functioning as a unit.*

Cohesion

The capacity of soldiers to work together as a unit is highly dependent on structure. The infantry battalion constitutes one of the most developed and reliable military structures. It features a chain of command -- the classic interrelationship between officers and NCOs -- and a place for every member of the unit.

Military analysts agree that cohesion is fundamental to the performance of an army unit.⁵⁹ Leaders continuously encourage and build unit cohesion, especially during training exercises. Cohesion is instilled by emphasizing group loyalty and identification

through ceremonies, common traditions, unique uniforms, and distinct practices. When a unit is warned for an operation, a commanding officer must make an extra effort to bring the unit together by providing a clear purpose for a unit's mission and by reinforcing through training, unifying procedures, orders, tactics, and other operating methods. It is critical during this period to demonstrate and exercise the formal leadership system or the authority of the chain of command to establish confidence in the leaders, and to eliminate questions about who is directing the unit in the field.

Any experienced officer asked to evaluate the cohesion of a unit would therefore look for evidence that members of the unit at all levels understand the unit's mission; are performing their tasks according to agreed standing operating procedures; and that orders and directions are flowing through the unit from top to bottom in an efficient manner.

To determine the level of cohesion in the CAR the following questions will be addressed. Was there a sound standard of leadership? Was there an acceptable level of discipline? Did leaders and their subordinates act together? Was there excessive turbulence? Was the unit suitably trained?

Was There a Sound Standard of Leadership?

In this section, we summarize some of the findings illustrating the level of leadership⁶⁰ in the CAR and its impact on cohesion. Strong leadership is associated with high levels of cohesion.⁶¹

Leadership problems were evident at all levels. Officers in the chain of command had lost confidence in LCol Morneault and had him removed as Commanding Officer. The RSM, CWO Jardine, argued with LCol Morneault about the readiness of the unit and openly contradicted his Commanding Officer in front of warrant officers and sergeants.⁶²

LCol Morneault was not the only officer whose ability as a leader was doubted by senior officers and others. Testimony before us shows that senior officers and some senior non-commissioned officers did not trust Maj Seward or consider him fit for duty in Somalia.⁶³ BGen Beno remarked that he "would fire Seward based on [his] observations and what [he] heard from Col MacDonald," who conducted Exercise Stalwart Providence.⁶⁴

Immediately before departure for Somalia, the CAR exhibited undisciplined behaviour, including the misuse of pyrotechnics, ammunition, and weapons, engaging in anti-social activities, and acting with hostility towards superiors. This behaviour can be attributed, at least in part, to failures by the unit leaders. Commanders and leaders were not only unable to maintain good order and discipline in the CAR, but were also unable to resolve these problems satisfactorily before the CAR departed for Somalia. Even as late as October 19, 1992, BGen Beno complained to MGen MacKenzie that "the battalion has significant unresolved leadership and discipline problems which I believe challenge the leadership of the unit."⁶⁵

Officers were not the only poor leaders in the CAR. In 2 Commando, in particular, many non-commissioned officers were young, inexperienced, and demonstrated poor leadership. Two sergeants were found to be unsuitable and returned to their parent units six months after they were posted to the CAR. Another failed to report a soldier known to

be involved in an unlawful activity. According to testimony, the RSM, CWO Jardine, was not respected by some soldiers and some officers.⁶⁶

Indeed, leadership problems were so great that in late 1992, BGen Beno identified the deputy commanding officer, the officer commanding 2 Commando, the officer commanding the Reconnaissance Platoon, and as many as 12 NCOs as leadership risks whom he felt should not be deployed to Somalia. In his letter of October 19, 1992, recommending the replacement of LCol Morneault, BGen Beno wrote that LCol Morneault should be replaced "forthwith" because "for many reasons...including leadership and discipline problems...the Canadian Airborne Regiment is not a steady unit at this time."⁶⁷

FINDING

- *Significant problems at several levels of leadership undermined the cohesion of the CAR to the point where the Regiment ceased to operate effectively.*

Was There an Acceptable Level of Discipline in the CAR?

The CAR was experiencing signs of poor discipline,⁶⁸ despite the remedies suggested in the Hewson report. This was particularly evident in 1 Commando (initiation rites) and 2 Commando (excessive aggressiveness, defiance of authority). There were also troubling incidents in 3 Commando, Service Commando, and Headquarters Commando, but nothing as remarkable as the others.

The factors that contributed to discipline problems included the quality of some junior officers and non-commissioned members (NCMs); high turnover rates and out-of-unit taskings; mistrust and dislike among some of the officers and NCMs; a tendency to downplay the significance of disciplinary infractions; and the continuing capacity of CAR members to evade responsibility for disciplinary breaches.

In order to attain cohesion, a unit must demonstrate that it can function effectively in a disciplined fashion by promoting recognized standards of conduct. As we indicated elsewhere, this was not the case in the CAR.

FINDING

- *Lack of discipline was one of the reasons the CAR failed to reach a workable level of cohesion.*

Did Leaders and Their Subordinates Act Together?

The command relationship between BGen Beno, Commander of the SSF, and LCol Morneault, Commanding Officer of the CAR, deteriorated throughout the fall of 1992 to the extent that BGen Beno eventually recommended the replacement of LCol Morneault.

Conflicts between senior officers seldom go unnoticed. Some staff members within both SSF HQ and CAR HQ were aware of the differences of opinion between BGen Beno and LCol Morneault. This caused additional stress between the two headquarters and was counter-productive to a strong sense of cohesion.

Relations Between Officers and NCOs

Evidence of low unit cohesion in the CAR immediately prior to its deployment to Somalia was presented to us by other witnesses as well. Among other indicators of poor relations and cohesion within the CAR, they described a significant degree of tension and distrust between some officers and non-commissioned officers.⁶⁹

An officer's task is the command of a unit or sub-unit. The officer is responsible for leading and for devising plans to achieve the objectives for which the officer has been assigned. Those who lead must provide inspiration to their soldiers and be responsible for their well-being. The officer is also responsible for all the paperwork and administration of the officer's organization.

The NCO is responsible to the NCO's superior officer for the day-to-day running of the platoon, for discipline, for seeing that the troops are ready at the right place at the right time, with the correct equipment to carry out the officer's plan. As the eyes and ears of the officer, the NCO is responsible for keeping superiors informed of the morale, discipline, and well-being of the soldiers and acts as an intermediary between the lower ranks and superiors. The NCO is also responsible for seeing that the officer's policies and commands are passed on down the ranks.

The team of officer and NCO should embody the ideal working relationship at every level of the organization. The officer-NCO relationship represents the nexus between the officers and the troops and the quality of this relationship determines the overall success of the hierarchy. If the officer and NCO can work together co-operatively and transmit a positive impression to the soldiers and to those higher in the hierarchy, there is much less stress on the structure.

The importance of NCOs was emphasized by senior Canadian officers who testified that because officers pass through a unit more quickly than NCOs, the enforcement of discipline within a unit often rests on the shoulders of the regimental sergeant-major, sergeants-major, warrant officers, sergeants, and master corporals. These NCOs have a closer familiarity with the soldiers in the unit. If there is a strong regimental sergeant-major or a strong cadre of NCOs, leadership problems disappear or are minimized. If these leaders are weak, however, problems will arise. Therefore, an important aspect of unit cohesion is the ability of NCOs and officers to co-operate with and trust one another.

Many critical observations were made about the officer-NCO relationship within the CAR before its deployment to Somalia. Maj Kampman of the Royal Canadian Dragoons observed that the more frequent rotation of officers than of NCOs in the CAR made it very difficult for officers to impose their control and their command on their sub-units. Thus, almost by default, the senior NCOs became the old hands in the unit to whom the soldiers looked for leadership.⁷⁰

Maj Seward, Officer Commanding of 2 Commando, observed a change in the composition of the Regiment between his first tour with the CAR while it was at Canadian Forces Base (CFB) Edmonton, and his later experience in the Regiment in 1992. Notably, in 1992, the soldiers did not have the infantry qualification-level courses that were available to soldiers in the 1970s and 1980s. There were also more privates

than corporals, and the soldiers were younger. This suggests the need for superior NCOs.⁷¹

The Regimental Sergeant-Major (RSM) was concerned that the authority of NCOs was being eroded. He testified that he disagreed with the posting-out of two sergeants from 2 Commando. The RSM, CWO Jardine, believed that these NCOs were not accepted, and that there was pressure from above (Maj Seward) and below (the junior ranks) to get rid of them.⁷²

CWO Jardine testified that he found it appalling that someone in authority had not known of or taken steps to prevent the controversial hazing or initiation rites involving 1 Commando personnel in 1992, given that orderly corporals, orderly sergeants, and the orderly officers within the CAR itself were on duty in all the barrack blocks. CWO Jardine perceived a problem in the fact that the commando orderly sergeants living in the quarters were actually master corporals and were fairly young. Because they shared the same quarters, they socialized with the soldiers: "You could be socializing with the soldiers at night and the next day you would be out telling them what to do." According to CWO (ret) Jardine, the master corporals should have been segregated from the corporal and private ranks.⁷³

As well, there were numerous instances of poor judgement and bad advice from senior NCMs. For example, when Cpl Powers of 2 Commando first admitted to being responsible, at least in part, for the Kyrenia Club incident, he was advised by his sergeant not to come forward at that time. In CWO (ret) Jardine's view, such advice was "totally wrong".⁷⁴

Evidence of Distrust and Conflict⁷⁵

The quest for excellence and the spirit of competition, when properly harnessed, are positive forces. However, when they are uncontrolled and differences are allowed to fester, they can be counter-productive. In a cohesive unit, differences of opinion are quickly and diplomatically confronted and constructive criticism is encouraged and issues resolved. In a unit lacking cohesion, these problems remain uncorrected and can become divisive.

The level of distrust and conflict emerged clearly from the evidence of the officers and non-commissioned members who appeared before us. In a unit it is not imperative that all individuals like each other, but they must have mutual respect and trust. Unfortunately for the CAR, there was a significant level of distrust and conflict between officers and NCOs. As a result, cohesion suffered greatly.⁷⁶

The examples offered in the preceding section represent only a small part of the overall picture of dysfunctional interpersonal relationships within the CAR presented to us. The image of strained relationships and conflicting views among so many of the officers and NCOs of the Regiment is striking, particularly in light of the singularly weak response of the senior leadership to these problems in the days leading up to the deployment to Somalia.

FINDINGS

- *There was a lack of cohesion among the officers and non-commissioned members of the CAR -- leaders and their subordinates did not act together.*
- *Generally, the failure to separate master corporals from the rest of the troops in barracks weakened the NCO chain of authority.*
- *The officer-NCO cohesion within the Canadian Airborne Regiment was weak. Conflict and distrust existed among several officers and NCOs within the Regiment. This affected the proper functioning of the chain of command.*

Was the CAR Suitably Trained?

Our evidence shows that the mission-specific training provided to the CAR for its tour of duty in Somalia was poorly planned, poorly delivered and, in some instances, clearly inadequate.⁷⁷

Surprisingly, a systematic approach to the training of peacekeepers was almost totally absent in the CF. Training on peacekeeping-related matters was left to the ad hoc exigencies of pre-deployment training. Adding to this deficiency was the fact that the CAR received insufficient support and consideration from NDHQ, Land Force Command Headquarters and Land Force Central Area Headquarters during its pre-deployment preparations.

Training is an important aspect of cohesion. It serves to instil the personal self-confidence that individuals need to do their job. Training builds trust by demonstrating the value of teamwork. Without proper training, teamwork, and unit cohesion suffer.

FINDING

- *Problems encountered in training the CAR also served to lower the cohesion in the unit.*

Was there Excessive Instability in the CAR?

In the days leading up to its deployment, the CAR was characterized by instability or turbulence, possibly due to a high turnover rate of personnel in the unit. Instability results from postings in and out, the movement of personnel from one position to another within the Regiment, and readjustments made when individuals leave their positions to take career courses. Other reasons for turnover include high priority taskings outside the unit, the need to augment training establishments, and the need to find individual replacements for other peacekeeping missions. Typically, in peacetime, the number of personnel in a unit is well below the number required in times of war. Also, when preparing to embark on peacekeeping missions, some reorganization is always necessary. As a result, there is always more work to do in a unit than there are people to do it. Excessive turnover and less than adequate resources can cause breaks in the chain of command and may adversely affect cohesion in a unit.

The Canadian Airborne Regiment not only experienced a change in leadership at the commanding officer level but three of the four commando OCs were also changed.

Within 2 Commando itself, from 1990 to the summer of 1993, the commanding officer or officer commanding changed six times and the sergeant-major was changed four times.⁷⁸ Similarly, a considerable turnover of the corporals and privates occurred in 1991 and a substantial turnover of officers and non-commissioned officers took place in 1992.⁷⁹ The CAR, which had just undergone a major reorganization, was profoundly affected by the turnover in positions within 2 Commando.

Maj Seward testified that when he took over command in 1993, 2 Commando consisted of about 136 persons of all ranks, of whom about 50 per cent had changed during the Active Posting Season of 1992. Most of the changes had occurred at the rank of private and corporal. Also, two of the three platoon commanders had changed, although the platoon warrant officers had not.⁸⁰

FINDING

- *There was a substantial turnover of personnel within the Canadian Airborne Regiment during the Active Posting Season of 1992. Such a rate of changeover was not unique to the Regiment itself, but was nonetheless excessive and contributed to lowering the cohesion of the unit during the period of preparation for Operation Deliverance.*

Inherent Suitability

The selection of the Canadian Airborne Regiment also raises the issue of whether such units are inherently suitable for peacekeeping or peace-making operations.⁸¹

A defence publication lists air mobility, quick reaction, flexibility and lightness of arms as characteristics that set airborne forces apart from more conventional forces.⁸²

A former commander of the Airborne, LGen (ret) Foster, identified several other characteristics that are, in his view, unique to an airborne regiment: a high state of readiness (available within 48 to 96 hours); independence; ability to dramatically increase in size; an enhanced rank structure; maximization of fire power; an exceptional fitness requirement among soldiers; and a direct line to the senior commander.⁸³

Despite this list of impressive qualities, LGen (ret) Foster conceded that generally speaking, the past operations of the CAR had not required the specific characteristics he had listed.⁸⁴ He denied, however, that the CAR had been a regiment in search of a mission, one that could be considered a luxury. Instead, he compared the CAR to an insurance policy, in that it was ready to go and was cost-effective.⁸⁵

Paratroopers and the Constabulary Ethic

The question remains whether paratroops, as opposed to other infantry, are appropriate for peacekeeping or peace-making activities. Equally important, from the perspective of the Somalia operation, is the question of whether paratroopers believe themselves to be appropriate for such activities.

An American study conducted on the attitudes of paratroopers as peace-keepers, presented data pointing to a potential incompatibility between the parachutists' creed and what the study refers to as 'the constabulary ethic'. The same study also indicated a greater potential for problems such as boredom among such troops on peacekeeping missions.⁸⁶ This conclusion is supported by a 1990 examination of peacekeepers in the Sinai which concluded that although paratroopers had served well as peacekeepers, a "significant minority" had experienced attitudinal conflicts with the constabulary ethic.⁸⁷

Another American study published in 1985 suggested that the ability of paratroopers to adapt to peacekeeping operations depended largely on the expectation of career enhancement. According to this study, paratroopers who expressed a positive orientation toward a combat role and negative feelings about undertaking a peacekeeping assignment, could nonetheless adapt to the relative passivity and boredom of peacekeeping operations, provided such assignments were perceived to be career-enhancing.⁸⁸

The studies of American paratroopers suggest that many, albeit a minority, felt that peacekeeping could not be effectively performed without the use of force; that peacekeeping did not require special skills; and that peacekeeping was not the kind of job that paratroopers should be called upon to do. Such soldiers were seen as likely to question the appropriateness of a peacekeeping mission for their unit. Inasmuch as the CAR trained regularly with its allied counterparts, it is possible that these attitudes may have influenced some members of the CAR or that they may have had such attitudes quite independent of any outside influence. It is the responsibility of leaders to see to the elimination of such attitudes.

Mission-Specific Suitability

Mission-specific suitability simply means that the unit selected for a mission was chosen on an appropriate selection basis and, when properly prepared for its mission, was capable of conducting the mission successfully.

One factor cited as favouring the CAR's selection for Somalia was the Regiment's designation as Canada's UN standby unit, and the high state of readiness that this designation implied. Many witnesses emphasized the CAR's standby status as a major factor in its selection.⁸⁹

Gen (ret) de Chastelain, in response to criticism of the choice of the CAR for peacekeeping missions, pointed out that the CAR had been the UN standby unit for more than 20 years and had done "exemplary service in Cyprus during the Turkish landings in 1974". He added, "We should not apologize in any way for the [CAR] being a UN force."⁹⁰ He was supported by LGen Reay, Commander of Land Force Command, who saw the paratroop nature of the Regiment as an additional advantage in its selection as the UN standby unit.⁹¹

Policy for Selecting Peacekeeping Units

The instructions for designating a UN standby unit are found in the CDS's 1990 "Direction to Commanders 1990-96", and contain the CDS's personal and primary operational direction to the Canadian Forces. The mission of Mobile Command was to

maintain combat-ready general-purpose land forces to meet Canada's defence commitments. Among Mobile Command's tasks was the need to contribute to land forces as directed in support of international peacekeeping obligations.⁹²

According to NDHQ Instruction DCDS/85, in keeping with government policy to support peacekeeping operations, the Canadian Forces was required to maintain at an advanced state of readiness, for deployment anywhere in the world, a force designated "PK" standby unit, comprising three components:

- a combat arms unit, configured as a light infantry battalion, including support weapons detachments;
- a tactical air transport element; and
- a communications element capable of providing communications for a brigade-size force.

The view of the Canadian Forces in the late 1980s, it appears, was to deploy operational units on peacekeeping duties. The Final Report on NDHQ Program Evaluation E2/90, Peacekeeping,⁹³ stated:

During the Cold War there was an apparent reluctance to reduce the effectiveness of formations and units by removing components for peacekeeping duties. This concern was exacerbated by the 1970s when a number of Canadian peacekeeping contributions had come to comprise primarily support personnel committed to long-term operations. In turn, the option was seen to lie in the creation of ad hoc units and sub-units for peace-keeping, drawing on support trades from across the CF. Recently, there has been a trend back to deploying contributions drawn from a formed unit. Sources stated that this was related to a number of factors: superior unit cohesion and performance; the end of the Cold War; UN requests for a better balance of combat and support contributions; and, usually, finite six-month mandates.⁹⁴

The Quick-Deployment Issue

The capability to deploy quickly, in accordance with the status of a UN standby unit, was one of the factors in the selection of the CAR for Somalia. However, as matters developed, despite its status as a light infantry unit specializing in deployment by parachute, there was nothing in the designation of the CAR as Canada's UN standby unit that uniquely suited it for the Somalia mission.

Although, in theory, the CAR could have deployed within seven days, it was highly questionable whether it was capable of conducting the mission in Somalia immediately after the seven-day deployment period. LCol Morneau testified that although the CAR could have deployed within the seven-day period, its preparation for the mission would have been less well done; thus, any declaration of operational readiness would have been delayed until the unit was in theatre.⁹⁵ LGen (ret) Foster testified that peacekeeping missions often took from weeks to months to be put in place, "So that's not a 48-hour to ⁹⁶-hour kind of business."

Ordinarily, the seven-day notice period meant that the CAR would be basically equipped with the soldiers' personal equipment and the weapon systems that they could carry into a mission area. However, the Somalia deployment called for the kind of equipment that was suited to the work of a mechanized battalion. Therefore, large quantities of equipment not normally belonging to the CAR had to be transferred to the unit, packed into sea containers, and loaded onto ships. Also, members of the CAR had to be trained to a new role as a mechanized unit. As a result, the CAR could not possibly deploy within seven days for the Somalia operation and, initially, 30 days' warning was given.⁹⁷

In our view, the lack of objective standards for declaring operational readiness⁹⁸ and a perceived rush to deploy caused a premature declaration of operational readiness of the CAR.

The CAR had major defects that hindered its operational readiness. It was in the midst of a fundamental reorganization in addition to a change in its concept of operation. The reorganization had been taking place for some time but all the issues involving the new organization had not been resolved. Although primarily trained as an airborne light infantry battalion, it was expected to operate in Somalia as a mechanized infantry battalion, a considerably different concept.

The difficulty in making this adjustment was seriously downplayed. Only rudimentary training had been completed, and then, only at the section and platoon levels. The cohesion necessary to employ the commandos in support of each other and the integration of the infantry and armoured resources were never exercised. Had the CAR been forced to deploy as a battle group or combat team (believed to have been a distinct possibility prior to their departure from Canada), it would have done so without the benefit of any familiarization training or common standing operating procedures. Also, the logistics concept needed to support the operational concept was neither practised nor tested.

FINDING

- *By any realistic standard, the CAR was neither sufficiently cohesive nor operationally ready to take part in operations in Somalia.*

CONCLUSION

This chapter has discussed two significant aspects of military operations: suitability and cohesion.

To be suitable for any type of deployment, a unit must meet certain conditions, be properly formed, have properly assigned missions and tasks, and be adequately manned. We have found that the CAR was not a properly formed infantry battalion because it was beset by organizational stresses and limitations of a kind that should not have been placed on an infantry battalion. In addition, compounding the CAR's difficulties was the fact that the CAR was not properly manned because due care and consideration were not taken in selecting many of the key personnel, especially the leaders.

To possess the cohesion necessary for deployment to Somalia, the CAR had to meet certain conditions: it had to possess sound leadership and exercise acceptable discipline;

it also had to have leaders and subordinates act in concert. This could only occur with proper training and relative stability in the ranks.

We found significant leadership failings, at several levels, which were serious enough to weaken the cohesion of the CAR to the point that it ceased to operate effectively. In this regard, there was less than an acceptable level of discipline which, in turn, reduced the level of cohesion in the CAR. The leaders and their subordinates failed to act in unison and, in many cases, were in conflict. These shortcomings also served to reduce the level of cohesion within the CAR.

Although, in theory, the CAR was inherently suitable for the mission to Somalia, its actual state of leadership, discipline, and unit cohesion rendered it unfit for any operation in the fall of 1992.

From a mission-specific perspective the CAR had been improperly prepared and inadequately trained for its mission, and by any reasonable standard, it was not operationally ready for employment on Operation Deliverance.

Although the CAR may have been suitable for its mission by virtue of the fact it was a major combat arms unit, its dysfunctional organization, poor cohesion and low mission suitability rendered it unsuitable for deployment to Somalia.

NOTES

1. A brief history of the Canadian Airborne Regiment is provided in Chapter 9.
2. David A. Charters, *Armed Forces and Political Purpose: Airborne Forces and the Canadian Army in the 1980s* (Fredericton, New Brunswick: Centre for Conflict Studies, University of New Brunswick, 1984), pp. 74-75. See also Document book 120C, tab 3, pp. 73-74.
3. LCol J.D. Harries, "The Canadian Airborne Regiment -- A Proscribed Elite", November 22, 1992, Document book 120A, tab 2A, p. 2.
4. Harries, "The Canadian Airborne Regiment", p. 7.
5. MGen C.W Hewson, "Report on Disciplinary Infractions and Anti-Social Behaviour within Force Mobile Command with Particular Reference to the Special Service Force and the Canadian Airborne Regiment" (Ottawa: September 1985), Exhibit P-48, Document book 1, tab 1 (the Hewson report).
6. Citing Canadian Forces Organizational Order (CFOO) 3.21.5 (March 1, 1985), MGen Hewson pointed out that although the order stated that the officer appointed to command the Canadian Airborne Regiment was a commanding officer holding the appointment of a regimental commander, it also said that when the Canadian Airborne Regiment was deployed as an independent unit or formation, the regimental commander was designated as an officer who could exercise the powers and jurisdiction of an officer commanding a formation (Hewson report, pp. 33-34).
7. Hewson report, pp. 34-35.

8. Letter, LGen Belzile to Chief of the Defence Staff (CDS), "Disciplinary Infractions and Anti-Social Behaviour within FMC", Document book 1, tab 3, Annex A, p. A-4.
9. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4583.
10. Testimony of CWO (ret) Jardine, Transcripts vol. 25, pp. 4669-4670; and Maj Seward, Transcripts vol. 30, p. 5691. In his testimony Maj Seward talks about one of his men referring to 1 Commando personnel as "spies" because they spoke a different language.
11. Testimony of LCol Morneault, Transcripts vol. 27, pp. 7183-7184.
12. Testimony of Maj Kyle, Transcripts vol. 21, pp. 3930-3931.
13. Testimony of Cpl Purnelle, Transcripts vol. 35, pp. 6827-6829. More specifically, the Francophones of 1 Commando concerned themselves very little with what was going on in 2 Commando and 3 Commando. Anglophones and Francophones were brought together only in platoons outside the commando structure -- the Reconnaissance, Mortar, and Direct Fire Support platoons. Paratroops of 1 Commando lived in their own barracks and did not involve themselves very much with the Anglophone commandos.
14. Testimony of CWO (ret) Jardine, Transcripts vol. 25, p. 4640.
15. Testimony of Maj Seward, Transcripts vol. 30, pp. 5690-5691.
16. Testimony of CWO (ret) Jardine, Transcripts vol. 24, pp. 4544-4545.
17. Testimony of Maj Kampman, Transcripts vol. 27, p. 5209.
18. Testimony of LCol Morneault, Transcripts vol. 36, pp. 7029-7030.
19. Testimony of Maj MacKay, Transcripts vol. 33, pp. 6333-6335.
20. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9898-9907; and LGen (ret) Gervais, Transcripts vol. 47, pp. 9387-9393.
21. LGen Reay, "Response to Leadership and Discipline Issues - Canadian Airborne Regiment Board of Inquiry", confidential, October 28, 1993, Document book 48AH, tab 2.
22. "The Way Ahead -- Canadian Airborne Regiment Command, Control, Manning And Internal Operations", service paper attached to letter, BGen Beno to MGen Vernon, May 5, 1993, Document book 32, tab 5.
23. "Canadian Airborne Reorganization Order", Exhibit p. 54, Document book 7, tab 19, Annex A.
24. "Regimental Considerations -- Reorganization of the Canadian Airborne Regiment", Exhibit P-54, Document book 7, tab 21, p. 2.
25. "The Canadian Airborne Regiment Transition Plan", Exhibit P-54, Document book 7, tab 17, Serial 5, pp. 5-4/5.
26. Testimony of Col Holmes, Transcripts vol. 4, pp. 648-649.
27. Evidence of LCol Morneault to Board of Inquiry (CARBG), Phase I, vol. V, p. 1443.

28. Evidence of LCol Morneau to Board of Inquiry (CARBG), Phase I, vol. V, p. 1444.
29. Evidence of LCol Morneau to Board of Inquiry (CARBG), Phase I, vol. V, p. 1444.
30. "Board of Inquiry, Change of Command, Canadian Airborne Regiment", June 12, 1992, Document book 123, tab 6, p. 11/114 [hereafter, Board of Inquiry (Change of Command)]; Board of Inquiry (Change of Command), November 13, 1992, Document book 7, tab 6, Annex C, p. 12/92.
31. "Concept of Employment of the Canadian Airborne Regiment", First Draft, Document book 7, tab 18, p. 1/6.
32. "Concept of Employment of the Canadian Airborne Regiment", November 4, 1992, signed by BGen Vernon, Deputy Chief of Staff Operations, Land Force Command Headquarters, and containing typed signature of LGen Gervais, Commander, Document book 29, tab 1 9.
33. "Concept of Employment of the Canadian Airborne Regiment", November 4, 1992, pp. 9/12 to 10/12.
34. "Concept of Employment of the Canadian Airborne Regiment", November 4, 1992, Appendix: "Outline Organization Canadian Airborne Regiment: APS 93", p. A-1/11.
35. "Concept of Employment of the Canadian Airborne Regiment", November 4, 1992, p. 10/12.
36. LGen G. Reay, "The Canadian Airborne Regiment: Recommendations for Consideration", April 19, 1994, Document book 56G, tab 9, p. 2/2.
37. Letter, BGen Beno to MGen MacKenzie, Commander Land Force Central Area, September 24, 1992, Document book 13, tab 28, DND 003179.
38. This is discussed more fully in Volume 2, Chapter 20, which deals with personnel selection and screening.
39. Hewson report, pp. 29-30.
40. Hewson report, p. 29.
41. Hewson report, p. 29.
42. Evidence of Col Joly to Board of Inquiry (CARBG), vol. V, pp. 1316-1317.
43. Evidence of Col Joly to Board of Inquiry (CARBG), vol. V, pp. 1318-1319.
44. Evidence of Col Joly to Board of Inquiry (CARBG), vol. V, pp. 1320-1321; 1328-1329.
45. Evidence of Col (ret) Joly to Board of Inquiry (CARBG), vol. V, pp. 3190-3192.
46. LGen Reay, "Response to Leadership and Discipline Issues - Canadian Airborne Regiment Board of Inquiry", p. 2/5.
47. This is discussed more fully in Chapter 20, Personnel Selection and Screening, and Chapter 21, Training.

48. "The Canadian Airborne Regiment Transition Plan", Document book 7, tab 17, Preface, p. i.
49. Canadian Airborne Regiment Reorganization Order, February 7, 1992, Document book 7, tab 19, p. 1.
50. Board of Inquiry (Change of Command), November 12, 1992, Document book 17, tab 4, Executive Summary, p. 4/92.
51. Board of Inquiry (Change of Command), Executive Summary, p. 5/92.
52. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9894-9901; LGen (ret) Gervais, Transcripts vol. 47, pp. 9387-9393; and LGen (ret) Reay, Transcripts vol. 45, pp. 8951-8956.
53. Testimony of Col Holmes, Transcripts vol. 4, p. 665.
54. Testimony of Col Holmes, Transcripts vol. 4, p. 647.
55. Testimony of Col Holmes, Transcripts vol. 4, p. 668.
56. Testimony of Col Holmes, Transcripts vol. 4, p. 693.
57. Testimony of Col (ret) Joly, Transcripts vol. 17, pp. 2936-2939.
58. Dan G. Loomis, *The Somalia Affair: Reflections on Peacemaking and Peacekeeping* (Ottawa: DGL Publications, 1996), p. 40.
59. See J.C.T. Downey, *Management in the Armed Forces: An Anatomy of the Military Profession* (London: McGraw Hill, 1977), p. 62, quoted in LCol C.A. Cotton, "A Canadian Military Ethos", *Canadian Defence Quarterly* 12/3 (Winter 1982-83), p. 11:

60. An armed force is a body of men organized to achieve its ends irresistibly by coordinated action. Cohesion is, therefore, the essence of its being.
61. See also James Fallows, *National Defense* (New York: Random House, 1981), p. 171, quoted in Cotton, "A Canadian Military Ethos":
62. Before anything else, we must recognize that a functioning military requires bonds of trust, sacrifice, and respect within its ranks, and similar bonds of support and respect between an army and the nation it represents.
63. See also, Col (ret) Reuven Gal, "Unit Morale: From a Theoretical Puzzle to an Empirical Illustration -- An Israeli Example", *Journal of Applied Social Psychology* 16 (1986), p. 559:
64. [T]he strength of unit cohesion has been shown, time and time again, to be a key factor in the soldiers' level of morale and combat efficiency...
65. The leadership issue is a central theme of this report and is discussed more fully in Chapter 15, Leadership, and Chapter 20, Personnel Selection and Screening, both in this volume; chapters 24 and 25, Mission Planning, in Volume 3; and chapters 26 through 37, on the failures of senior leaders, in Volume 4.
66. Richard A. Gabriel and Paul L. Savage, *Crisis in Command: Mismanagement in the Army* (New York: Hill and Wang, 1978).

67. Evidence of LCol Morneau to Board of Inquiry (CARBG), vol. V, pp. 1474-1475; and evidence of CWO Jardine, vol. IV pp. 855-856.
68. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4579.
69. Testimony of BGen Beno, Transcripts vol. 41, p. 7998.
70. Testimony of BGen Beno, Transcripts vol. 41, p. 8063.
71. Testimony of Maj MacKay, Transcripts vol. 33, pp. 6251-6252, and vol. 34, p. 6560.
72. Document book 15, tab 18, pp. 1/2-2/2, DND 000573 and DND 000574.
73. This is discussed in detail in Chapter 21, later in this volume.
74. This issue is discussed in detail in Chapter 18.
75. Testimony of Maj Kampman, Transcripts vol. 27, p. 5250.
76. Testimony of Maj Seward, Transcripts vol. 30, p. 5670.
77. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4594.
78. Testimony of CWO (ret) Jardine, Transcripts vol. 24, pp. 4560-4561.
79. Testimony of CWO (ret) Jardine, Transcripts vol. 24, pp. 4620-4622.
80. This issue is discussed in detail in Chapter 21.
81. Testimony of Maj Seward, Transcripts vol. 30, pp. 5671-5676, 5682-5683, 5685-5687, 5702-5704, 5718-5725, 5735-5736, 576057-657601; WO Murphy, Transcripts vol. 32, pp. 6703-6705, 6714-6715, vol. 34, pp. 6584-6587, 6633-6634, 6628-6629; Col MacDonald, Transcripts vol. 26, pp. 4984-4986; Maj MacKay, Transcripts vol. 33, pp. 6245-6252, 6277-6278, 6544-6546; Maj Kyle, Transcripts vol. 21, p. 3883; and Cpl Purnelle, Transcripts vol. 35, p. 6836.
82. A full discussion of training is provided in Chapter 21.
83. Evidence of LCol Mathieu to Board of Inquiry (CARBG), Phase I, vol. V, p. 1203.
84. Evidence of BGen Beno to Board of Inquiry (CARBG), Phase I, vol. II, pp. 253-254. By contrast, LCol Morneau testified that the rate of turnover for officers (53 per cent) was close to normal for Airborne officers, whose tours of duty were two years. Moreover, to our surprise, he was of the view that the 60 per cent turnover rate was not overly high for new master warrant officers, given the seniority of the former master warrant officers before the transition. The practice of the CAR was usually to keep senior NCOs for a maximum of four years (two tours of two years each).
85. Evidence of Maj Seward to Board of Inquiry (CARBG), Phase I, vol. V, p. 1215.
86. This issue is also referred to in Chapters 21 and 23.
87. DND, *Airborne*, vol. 1, Airborne Operations (B-GL-310-001/FT-001, 1990), p. 1-2-1.
88. Testimony of LGen (ret) Foster, Transcripts vol. 3, pp. 381-385.
89. Testimony of LGen (ret) Foster, Transcripts vol. 3, pp. 439-443.

90. Testimony of LGen (ret) Foster, Transcripts vol. 3, pp. 444-446.
91. David R. Segal, Jesse J. Harris, Joseph M. Rothberg and David H. Marlowe, "Paratroopers as Peacekeepers", *Armed Forces and Society* 10/4 (Summer 1984), p. 504.
92. David R. Segal, Theodore P. Furukawa and Jerry C. Lindh, "Light Infantry as Peacekeepers in the Sinai", *Armed Forces and Society* 16/3 (Spring 1990), pp. 386-387.
93. David R. Segal and Barbara Foley Meeker, "Peacekeeping, Warfighting, and Professionalism: Attitude Organization and Change among Combat Soldiers on Constabulary Duty", *Journal of Political and Military Sociology* 13 (Fall 1985), pp. 179-180.
94. Testimony of Col (ret) Joly, Transcripts vol. 16, p. 2999; LCol Turner, Transcripts vol. 18, pp. 3412-3413; BGen Beno, Transcripts vol. 40, p. 7857, and vol. 42, pp. 8256-8258; LGen (ret) Reay, Transcripts vol. 45, pp. 8951-8952; and Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9899-9901.
95. Document book 125, tab 5.
96. LGen G.M. Reay, Commander Land Force Command. "The Canadian Airborne Regiment: Recommendations for Consideration", April 19, 1994, Document book 125, tab 6R, Annex A: "Justification for an Airborne Capability in the Canadian Forces", pp. A/8-10-9/ 10.
97. CDS Direction to Commanders, 1990-1996, Part I (Red Book), Document book 120A, tab 3, DND 363849-363873; CDS Directive to Commanders, 1992-1998, Part 1, Document book 86, tab 1, DND 441651.
98. DGPE, "Final Report on NDHQ Program Evaluation E2/90, Peacekeeping, 1258-77", June 30, 1992, DND 293220.
99. DGPE, "Final Report on NDHQ Program Evaluation E2/90", Part IV: Issues and Findings, p. 135.
100. As well, the selection of the CAR for Operation Cordon came over the summer period (during the Active Posting Season), at which time "just about every unit in the Canadian Armed Forces is ripped to pieces in one way or another...and then you grab everybody back together at the end of that posting season" (testimony of LCol Morneault, Transcripts vol. 39, pp. 7623-7628).
101. LGen (ret) Foster distinguished a peacekeeping mission from a combat situation: in a combat situation, the troops would be ready within a 48-hour period (Transcripts vol. 3, pp. 485-486).
102. Testimony of LCol Turner, Transcripts vol. 20, pp. 3608-3609.
103. Operational readiness is discussed in full in Chapter 23.

PERSONNEL SELECTION AND SCREENING

The key question in assessing the adequacy of the selection and screening of personnel for the Somalia deployment is whether the system, and those who operated it, took

unacceptable risks -- either knowingly or negligently -- in the manning of the Canadian Airborne Regiment (CAR) (which made up more than 70 per cent of the Canadian Forces personnel who served in Somalia) and in deciding which members of that unit were suitable to participate in that mission. In answering the question, we must consider these processes in their proper context.

The public should be entitled to assume that members of our standing, professional armed forces who are employed in line units of the Regular Force, and who are available and eligible for peace operations, are sound and reliable individuals -- even in the absence of significant pre-mission screening. As discussed in Chapter 8, the Canadian Forces (CF) has a comprehensive and highly structured system for selecting, training and employing its members. While career progression and prospects differ, the path is the same for all members of a given military occupation. This standardization does permit a certain amount of faith that members of the forces are reliable, suitable and competent to perform their duties. However, such faith must not be blind; and those within the system must not allow themselves to become complacent, regardless of how highly developed it is.

Chapter 8 revealed certain gaps and limitations in the screening of CF recruits. Persons with potential for criminal and anti-social behaviour can and do slip into the system and, once inside, may even thrive for a time on some aspects of military life. Unlike the case in most police forces, a criminal record is not a bar to enrolment in the CF and individual recruitment centres have considerable discretion in assessing the significance of past criminal convictions. There are, moreover, significant restrictions on the uses that can be made of *Young Offenders Act* convictions in the recruit screening process.¹ Also, unlike applicants to many police forces, CF recruits are not normally subject to psychological stability testing and assessment.² Finally, information obtained during the security clearance process can be used only for that purpose and not for other administrative, disciplinary, or investigative purposes.³

Further, in terms of post-enrolment, there are widespread reservations within the CF about key aspects of the career management system, such as the fairness and effectiveness of the performance evaluation reporting system; the accountability of National Defence Headquarters career managers; and general perceptions that career management in the CF appears often to be more preoccupied with individual career development than with operational imperatives.⁴

This raises the pervasive and vexing problem of careerism. Careerism is the phenomenon whereby the individual's need or desire for career advancement in an institution takes precedence over the needs of the mission or the well-being and effectiveness of the institution. Careerism is inconsistent with the performance of duty in pursuit of the needs of the service. It is a problem that is by no means unique to the military. Nonetheless, the military, more than other institutions in society, has as part of its ethos -- and, indeed, part of its *raison d'être* -- the notion of sacrificing personal interest for the common good. Even more to the point, it is the military, more than almost any other institution, that prides itself on translating this ideal into practice. So we consider it appropriate, and indeed incumbent upon us, to comment on this phenomenon.

The precepts of careerism seem to have become entrenched in the attitudes of many members of the CF. This is particularly noteworthy in the upper echelons, where some senior officers have tended to hitch their stars to selected superiors, cultivated their performance to the personal standards of their bosses, and rationalized their actions -- and sometimes their sense of values, particularly loyalty - on the basis of their understanding of their bosses' imperatives. As discussed in Chapter 15 on leadership, this has had the effect of shifting individual senior officers to the transactional form of leadership, trading institutionally required qualities of transformational leadership for unduly loyal performance to the standards of their superiors.

It is only human, of course, for people to be concerned with the development and progress of their careers -- or for mentors to be concerned with the promotion of their protégés. Moreover, it is entirely appropriate for an institution to take an interest in the development and well-being of its employees, including the meaningful development of their careers with that institution. This is important not only for employee morale, but also in ensuring that talent and potential are fully exploited or, at least, not squandered. In the case of the military, the further dimension of this obligation rests on the concept that individuals are encouraged to forgo self-interest in favour of the group in the understanding that the group will look after them. Attention to rational career development therefore serves both institutional and personal interests. Indeed, the attention paid to personal and career development by the Canadian Forces is to some extent a worthy example for other employers and institutions. But to the extent that such concerns find systemic expression in the institution, it must be clear at all times that the interests of the institution come first and that considerations of individual career development are legitimate only to the extent that they coincide with the needs of the institution.

Unfortunately, we have seen strong evidence of careerism creeping into and distorting the integrity of the personnel system as well as other crucial systems of accountability. Potential candidates for important jobs in various units were excluded from consideration if they were likely to be promoted during the normal term of such a posting.⁵ In selecting someone to fill a key sub-unit command position in the Canadian Airborne Regiment in the summer before the Somalia mission, the most desirable candidate was sent on course by his parent regiment rather than to the CAR. The career manager and the member's regiment believed that a tour with the CAR at that time would delay the member's career advancement.⁶ In another case, a platoon commander in the CAR was allowed to continue with a course in the United States during critical pre-deployment training in the fall of 1992, leaving the platoon in the hands of the second-in-command.⁷

It is bad enough when line units take a back seat to the needs and preferences of individual candidates and their mentors and proxies. But careerism also contributed to a performance appraisal system that was overly reluctant to criticize and to record instances of shortcomings. It led to the downplaying of misconduct by subordinates and reluctance to take appropriate remedial measures in some cases. At its worst, careerism inspired the cover-up, or attempted cover-up, of serious incidents of negligent, and even criminal, misconduct.

So, while the phenomenon of careerism is often associated with the personnel and career development system, both its roots and its implications extend much further, with the potential to threaten all aspects of the institution.

In addition to these systemic gaps and shortcomings, the CF personnel system is subject to a variety of constraints that affect its capacity to screen and select members rigorously. First, recruitment and promotion in the military are a response to organizational and operational imperatives as well as to the relative merit of individuals.⁸ Vacancies in the authorized establishment must be filled. Second, in the appointments process, the best candidates for the job may not always be available. They may require further education, training, or work in a different position for their long-term career development.

And although the needs of the service are supposed to take precedence over individual career development,⁹ those institutional needs have both a long-and a short-term dimension to them. After all, it is in the interests of the CF that members with superior potential progress more rapidly so that their talents can be put to optimum use. Paradoxically, then, the more members excel in particular jobs, the more they will ultimately be needed elsewhere. The chain of command is responsible for establishing the proper balance between short-and long-term needs, always recognizing the primacy of operational readiness and effectiveness.¹⁰ Third, the military is subject to federal laws governing human rights and privacy which tend to restrict the potential intrusiveness of the military in vetting its members.¹¹ Finally, concerns about morale within the military also serve to restrain any impulse to overly aggressive screening and monitoring of CF personnel.

Recognizing these limitations, all members of the chain of command with personnel responsibilities must be vigilant and conscientious in discharging these responsibilities, including responding to lapses in discipline and professionalism by their subordinates. The personnel system is only as good as those who operate it. If those with personnel-related responsibilities simply rely on the other components of the system, or are otherwise lax in performing their duties, problems will inevitably develop and recur.

This is not to say, however, that the CF should be looking to get rid of members at the first sign of difficulty. The CF should continue to be, as some witnesses described it, "a rehabilitative institution".¹² However, operational effectiveness and good order and discipline must be the priority, and the CF personnel system is not, and never will be, a substitute for diligence on the part of supervisors and commanders at all levels in discharging the full range of their personnel responsibilities. These include getting to know their subordinates -- their strengths and weaknesses; taking or recommending appropriate disciplinary or administrative action, or informal forms of counselling and guidance; conscientious and candid performance evaluation reporting; and recommending and appointing only the best available candidate for the job, based on appropriate criteria.

Thus the adequacy of the selection and screening of personnel for the Somalia deployment depended on the effectiveness of both the personnel system itself and the actions and decisions of individuals at all levels of the chain of command who were operating and overseeing that system.

We turn now to the particular processes used to select and screen personnel for the Somalia mission, including posting to the Canadian Airborne Regiment, and pre-deployment screening.

MANNING OF THE CANADIAN AIRBORNE REGIMENT

As indicated in Chapter 8, very few participants in an operation like the Somalia deployment are selected individually for that mission. The Force commander is the notable exception. Most other personnel are deployed because their unit is selected and dispatched by the national chain of command. Thus, in the case of the Somalia deployment, the quality of personnel selection for service in the Canadian Airborne Regiment was obviously crucial to the success of subsequent screening for the mission itself. It is to this aspect of the question that we turn first.

Selection Criteria for the Canadian Airborne Regiment

Apart from being parachute-qualified and volunteering for airborne duty, there were no formal standards for posting to the CAR. There was, however, a widely shared perception of the attributes considered desirable for Airborne personnel. It had long been recognized in Land Force Command (LFC) that the CAR had a special need for physically fit, experienced, and mature soldiers at all levels of the organization -- non-commissioned members, the junior leadership ranks, and the commando and regimental leadership alike. Yet these criteria were never formalized. What informal criteria there were and the rationale for them are discussed in more detail below.

The Special Challenge of Selecting Airborne Soldiers

Airborne forces, characteristically, need to be at a higher state of readiness than non-airborne troops. They need to be ready for action within 48 to 96 hours, and they are intended to be employed in areas where other ground forces do not have access and tend to operate in high-intensity situations on their own resources for short periods.¹³ These employment characteristics were reflected in the concept of operations for the CAR. The unit's conceived role included being ready for rapid deployment anywhere in Canada and being Canada's standby unit to conduct UN operations on short notice.¹⁴

As a result of this concept of operations and the demands of parachuting, there was generally a higher physical fitness requirement for Airborne soldiers.¹⁵ Because of these physical demands, service in the CAR was voluntary.¹⁶ Naturally, an applicant for service in the CAR had to be parachute-qualified, or had to be willing to become so.¹⁷

Given the CAR's planned operational role and the physical demands on its members, it was also generally recognized that Airborne soldiers needed to be somewhat more aggressive than other soldiers.¹⁸ But as one CF behavioural scientist wrote in a 1984 study, there is an implicit risk of inappropriate behaviour in an organization that selects for aggressiveness:

...it may be extremely difficult to make fine distinctions between those individuals who can be counted upon to act in an appropriately aggressive way and those likely at some time to display inappropriate aggression. To some extent, the risk

of erring on the side of excess may be a necessary one in an organization whose existence is premised on the instrumental value of aggression and violence.¹⁹

Land Force Command was aware of the special challenges in selecting personnel for the Canadian Airborne Regiment well before the Somalia mission.²⁰ They knew that particular care had to be taken to ensure that experienced and mature personnel were appointed to the CAR -- including junior and senior leaders who could manage the natural enthusiasm and aggressiveness of Airborne soldiers.²¹

Informal Selection Criteria for Junior Ranks

It was widely acknowledged that soldiers should be posted to the CAR only after they had had the chance to adjust fully to military life through service with a regular infantry battalion after battle school.²² The Hewson study of 1985 found that, with the benefit of this prior experience, junior non-commissioned members (NCMs) exhibited better self-discipline during their Airborne service and were less apt to be led astray by misguided informal leadership or peer group pressure.²³ Land Force Command leadership at the time agreed with these recommendations and reiterated to the feeder regiments the Canadian Airborne Regiment's special need for mature non-commissioned members who had one to two years' experience in a regular infantry battalion, as well as above-average performance and excellent physical condition. However, it was consciously decided at that time not to insist on the rigid application of these criteria, for fear of being unable to keep the CAR at its required 90 per cent strength as a high-readiness unit, bearing in mind the voluntary nature of service with the Regiment.²⁴

Informal Selection Criteria for Leadership Positions and Impact of the 1992 Restructuring

It was also well understood that particularly strong leaders were needed to command Airborne soldiers.²⁵ For the regimental commander's position, there was the additional challenge of commanding personnel from different regiments and being able to bring them together to function as a cohesive unit.²⁶ The CAR's brigade commander observed in the fall of 1992 that the Canadian Airborne Regiment "is the hardest unit to command."²⁷ Hence, it was considered desirable that the commander of the CAR be an experienced unit commander.²⁸ In addition, the need for above-average, mature and conscientious non-commissioned officers (NCOs) and junior officers to temper the enthusiasm of Airborne soldiers was recognized several years before the Somalia deployment.²⁹

When the CAR was restructured in 1992 and downgraded to a status equivalent to that of a battalion, the position of regimental commander went from being a post-command appointment in the rank of colonel to a regular unit command in the rank of lieutenant-colonel. In other words, before the appointment of LCol Morneault in 1992, commanders of the CAR would have had previous battalion command experience with their parent regiments before commanding the CAR. But even though the unit Commanding Officer (CO) position was being reduced from colonel to lieutenant-colonel, there was some debate about whether it should become a first command or should continue as a post-command appointment.³⁰

Normally, a candidate for battalion command would have completed the Canadian Land Force Command and Staff College course as well as the CF Command and Staff College course. Officers are selected to attend command and staff college while in the rank of major. They are selected in one of two ways: from the top half of the merit list for majors, or by the chain of command immediately following their tour as a sub-unit commander on the basis of superior or outstanding performance as assessed in their performance evaluation reports and by their regiments. They should also have commanded a rifle company and would normally have served in a series of staff appointments at various levels of Land Force Command.³¹

In the absence of official selection criteria for the position of commanding officer of the CAR, the NDHQ career manager for lieutenant-colonels in 1992, Col Arp, developed some unofficial criteria. According to these criteria, the successful candidate would be at the lieutenant-colonel rank (having been appointed to that rank within the last five years) in the combat arms, preferably infantry; would have prior successful command at the company level; would be at least functionally bilingual (since a third of the unit was drawn from the predominantly Francophone Royal 22^e Régiment); would have a desire to command; would have previous Airborne experience, preferably including an operational deployment; would have completed a range of combat and command courses (much of which would be implicit in achieving the rank of lieutenant-colonel); would have good potential for subsequent promotion; would be recommended by the relevant regimental council; and, ideally, would have previous command experience as a lieutenant-colonel.³²

Another consequence of downgrading the CAR to battalion status was that commanders of the CAR commandos went from being more senior majors -- with at least five to seven years in rank, with previous command experience in that rank (usually command of a rifle company in an infantry battalion), and who had commanding officer status -- to being more junior majors in their first command role in that rank.³³ Aside from losing the greater disciplinary powers of a commanding officer, the drop in the status of the appointment implied different qualifications and different assumptions about the command potential of the appointee. The incumbent went from being someone with previous company command experience as a major, and often senior officer education at the CF Command and Staff College, to being a junior major without senior officer training and without necessarily having commanded at the sub-unit level.³⁴ According to Col (ret) Joly, a former director of infantry and former regimental colonel of the Princess Patricia's Canadian Light Infantry, it is at the level of captain and especially major where "it becomes apparent who the best people are" and who should rise to command companies, battalions, and brigades. Hence, the 1992 reorganization of the CAR meant that command of the Canadian Airborne Regiment commandos went from being a job for senior majors with definite potential for higher command,³⁵ to being a proving ground for majors.

The Selection Process

The CAR was composed essentially of personnel posted from the three regular infantry regiments: The Royal Canadian Regiment (RCR), the Princess Patricia's Canadian Light Infantry (PPCLI) and the Royal 22^e Régiment (R22^eR). While some CAR members remained for several years, personnel were posted to the CAR with the expectation that

they would return to their parent regiments.³⁶ Members had a career affiliation with their parent regiment, rather than with the CAR. This feature of service with the CAR was underscored by the fact that, since the late 1970s, the three line commandos of the CAR were manned strictly on the basis of regimental affiliation: 1 Commando by the R22^cR, 2 Commando by the PPCLI, and 3 Commando by The RCR.³⁷

The effect of this arrangement was that the parent regiments retained an oversight and advisory role for promotions and appointments in the Canadian Airborne Regiment.³⁸ So, for example, in the case of the appointment of the commander of 2 Commando, the appointee would be from the PPCLI and that regiment's representative, usually the regimental colonel, would consult with the career manager and the branch adviser and make the recommendation to Land Force Command Headquarters, subject to any objections by the CAR commander.³⁹

In the case of appointing the CAR commander, all three regimental councils would be asked for recommendations. The deputy commander of Land Force Command would meet with the three regimental colonels, and they would select the CAR commanding officer, subject to the approval of the Commander Land Force Command.⁴⁰ Generally, an attempt was made to rotate the appointment among the three parent regiments, although this was by no means strictly observed.⁴¹

Another distinctive practice was the so-called 'Airborne Offer' promotion. Since service in the Canadian Airborne Regiment was voluntary, it was sometimes necessary to allow a member to be promoted earlier than would otherwise be the case, to ensure that all positions in the CAR were filled at the appropriate rank levels.⁴² Land Force Command policy limited a member to one such promotion in a career.⁴³

Selection of NCMs for the CAR was an informal process within the parent regiments, involving infantry battalion COs and regimental career managers.⁴⁴ Each battalion kept a list of those applying for parachute training and Airborne service.⁴⁵ Although service with the CAR was voluntary, the parent regiment chain of command suggested it to an individual if they deemed it appropriate.⁴⁶

CWO Cooke, who served as NCM career manager for the PPCLI from 1991 to 1994, testified about the process for selecting soldiers for service in the Canadian Airborne Regiment.⁴⁷ Physical fitness and job performance were said to be the main selection criteria.⁴⁸ Regimental merit lists were consulted, and candidates had to pass a physical training test. Ideally, the candidate would have at least 18 months' service in the parent regiment before applying to the CAR. Candidates would also be expected to have completed a primary combat function course and a specialty qualification, such as reconnaissance patrol or mortar. An applicant's conduct was said to have been a factor in selection. According to CWO Cooke, if members selected for parachute training subsequently experienced disciplinary or administrative problems, they would be removed from the unit's list for Canadian Airborne Regiment service.⁴⁹ The most significant selection factor was the recommendation of the company commander and the company sergeant-major.⁵⁰ However, the battalion CO made the final recommendation.⁵¹

Postings of personnel from the parent regiments to the CAR were finalized at the annual infantry NCM merit boards. The boards were composed of all the battalion COs and

regimental sergeants-major for the three regiments, who met to decide on promotions and extensions of service contracts. During these proceedings, participants met separately by regiment and conducted regimental business, including deciding on postings to the CAR.⁵²

The CAR commander always had the authority to return members to their original units if they did not measure up, but this was not done often. Essentially, the CAR had to trust the parent regiments to send the right people.⁵³

Tour lengths in the CAR varied, but generally the more junior ranks stayed for longer periods. The normal tour for an officer was two to three years; for senior NCOs it was generally two to four years. However, members could stay with the CAR indefinitely if they were willing to continue to volunteer for Airborne service.⁵⁴ Some NCOs did stay for many years. There was evidence, however, that this was often not a positive phenomenon for either the individuals or the CAR. It was felt to limit individuals' experience, perspective, and career advancement unduly and to create the potential for inappropriate situations of informal leadership.⁵⁵

Adequacy of the Manning of the Canadian Airborne Regiment at the time of the Somalia Deployment

We heard detailed evidence on the selection of particular individuals for key positions in the CAR in 1992.⁵⁶ This was a critical year for the Canadian Airborne Regiment in two ways. First, the Regiment was being reorganized from a regiment to a battalion. This had implications for how the unit functioned, both operationally and administratively.⁵⁷ Second, as we have seen, the reorganization had implications for the level of experience required of those occupying the key command positions -- all this at a time when the CAR would be deployed on its first UN mission in several years.⁵⁸

Evidence presented before us called into question the suitability or relative quality of a number of personnel selections for the CAR. In reviewing this evidence, it is not our purpose to criticize the individuals in question but to evaluate the process for manning the CAR, including the actions and decisions of those responsible for that process.

Evidence of Problems with the Process

At times, the personnel system seemed to rely blindly and bureaucratically on formal appraisals and was not responsive to other sources of relevant information that were often more revealing. A key tool in selecting CF personnel for promotions and appointments, the annual performance evaluation report, was known to downplay a member's weaknesses.⁵⁹ Yet they were heavily relied on, while informal yet often more candid comments were often ignored or rejected. For example, while LCol Morneault was given a 'superior' rating in 1991-92 as the Deputy Commander of the CAR by his superior, Col Holmes, the latter nonetheless had reservations about LCol Morneault's suitability to succeed him as Airborne Commander.⁶⁰ According to Col Holmes, the jobs of commander and deputy commander were different and required different strengths.⁶¹ He and the Brigade Commander at the time, BGen Crabbe, made their concerns known to Land Force Command.⁶² But MGen Reay and LGen Gervais preferred to rely on the career manager's assessment of the personnel records and the discretion of the regimental

senate of the R22^eR,⁶³ or La Régie, which had nominated LCol Morneau for the job in the first place. By the same token, criticisms of the proposed selection of Maj Seward as Officer Commanding (OC) 2 Commando from his predecessor, Maj Davies, were ignored by the career manager and not forwarded to the chain of command.⁶⁴ Similarly, Maj Seward failed to heed a warning about Cpl Matchee when selecting him for a master corporal appointment just before the deployment.⁶⁵ In the case of Capt Rainville, his personnel files contained no references to la Citadelle or Gagetown incidents (see Chapter 18, Discipline), even though his Brigade Commander had recommended that his letter about the matter be placed on Capt Rainville's file.⁶⁶

Although 'the best person for the job' was supposed to be the prevailing ethic in CF appointments -- particularly for key posts, such as battalion and company commander -- a variety of extrinsic factors were allowed to influence the process.

At times, career management plans for individuals were permitted to take precedence over the needs of a key combat arms unit like the CAR. As we have seen, candidates likely to be promoted during the normal term of a posting were excluded from consideration,⁶⁷ and the preferred candidate for appointment as officer commanding 2 Commando was sent on a course instead of to the CAR in 1992. The career manager and the member's regiment thought that a tour with the CAR at that time would delay the member's career advancement.⁶⁸

More arbitrary administrative imperatives were also allowed to distort the selection process. For example, NDHQ refused to allow any exceptions to its decision not to promote any infantry captains in 1992. For the CAR, this resulted in two contenders for the 2 Commando OC job being dropped from further consideration -- one of whom was particularly highly regarded.⁶⁹

Even completely irrelevant factors, such as inter-regimental and national politics, were sometimes allowed to influence key appointment decisions. It was precisely these factors that resulted in the selection of LCol Mathieu over two other candidates,⁷⁰ both of whom had already commanded battalions successfully with their parent regiments,⁷¹ while LCol Mathieu had not.⁷² It was decided by the Commander Land Force Command, LGen Gervais, that the Royal 22^e Régiment should be given a chance to redeem itself following the relief of LCol Morneau.⁷³ It was also considered desirable to avoid a perceived slight to the R22^eR at that particular time because of the impending referendum on the Charlottetown Accord.⁷⁴ Amazingly, considerations of this type were allowed to carry the day even though the CAR was a few weeks away from its first UN mission in several years and the Land Force chain of command was aware of problems in the unit that had contributed to the highly unusual step of relieving the Commanding Officer of his command.⁷⁵

In selecting personnel for key leadership positions in the CAR, the chain of command showed considerable deference to the judgement of the regimental councils of the parent regiments. These bodies are outside the chain of command and are not accountable for their personnel selections. Yet, a career manager testified that the recommendations of regimental councils were practically decisive in matters of personnel appointments. While regiments normally have to live with the results of a poor choice,⁷⁶ even this constraint did not apply to external postings, such as those to the CAR. One might have

expected that this would make the chain of command more inclined to review and second-guess the regiments' nominations for the CAR. But this was not the case.

The PPCLI knew that Maj Seward was not the best choice to lead 2 Commando.⁷⁷ The Commander of the CAR at the time, Col Holmes, also felt that the PPCLI could have done better in that case.⁷⁸ But when told that PPCLI would not put forward any more nominees, Col Holmes refrained from pressing the matter further, as he could have done.⁷⁹ The Commander and Deputy Commander of LFC, LGen Gervais and MGen Reay, were similarly disinclined to go beyond the Royal 22^e Régiment's nominations for commanding officer of the CAR in 1992.⁸⁰ This was in the face of actual concerns expressed by the outgoing CAR and Special Service Force (SSF) commanders with respect to LCol Morneault.⁸¹ Furthermore, after LCol Morneault was relieved, the new nominee of the R22^eR, LCol Mathieu, was accepted immediately even though he had not previously been selected to command one of its own battalions -- in contrast with the nominees of the PPCLI and The RCR.⁸²

Even when the NDHQ career manager, Col Arp, asked for more nominees from the R22^eR after questions had been raised in the LFC chain of command about LCol Morneault, the president of the R22^eR, BGen Zuliani, simply reconfirmed LCol Morneault's nomination and did not attempt to provide alternative candidates.⁸³

Furthermore, before the Somalia deployment, there were no official Land Force Command criteria for the key positions of commanding officer of the CAR and the officers commanding the commandos -- beyond the most obvious, such as holding the right rank and being parachute-qualified.⁸⁴ What unofficial criteria there were would be waived to accommodate regimental nominees. Neither LCol Morneault nor LCol Mathieu had previously commanded a battalion, even though this experience was desirable in a CAR commander.⁸⁵ Likewise, Maj Seward had not previously commanded a rifle company.⁸⁶ Yet, in all these cases, other candidates who had the desired attributes were available, or could have been made available.⁸⁷ In this context, it is worth noting that the CAR was the CF standby unit for rapid response and UN operations⁸⁸ and that combat arms unit commands (such as command of the CAR) were supposed to be among the CF's top staffing priorities, second only to UN force commands.⁸⁹

Another weakness in the personnel system was the manner in which the Delegated Authority Promotion System (DAPS) was applied to the CAR.⁹⁰ As described in Chapter 8, the DAPS allowed Land Force Command combat arms units to promote soldiers to master corporal who did not have the minimum prescribed time in rank but were otherwise qualified for the appointment.⁹¹ Master corporal is an important appointment, representing the first level of leadership in the CF,⁹² and NDHQ would authorize a DAPS only where the normal promotion system could not produce a sufficient number of them.⁹³ But the CAR had a practice of using the DAPS to avoid posting in master corporals from the parent regiments, thus allowing the unit to reward good performance among soldiers already serving in the CAR.⁹⁴ Unfortunately, because of the CAR's policy of manning commandos along the lines of parent regiment affiliation, this practice significantly reduced the selection base (from battalion to company). This in turn greatly increased the risk of promoting to a junior leadership position soldiers who had insufficient experience and maturity and who would be overly familiar with their

subordinates⁹⁵ -- precisely the opposite of what the CAR needed, as indicated in the Hewson report.⁹⁶

Cpl Matchee was appointed to master corporal through the DAPS on November 30, 1992.⁹⁷ He received this promotion even though he had participated in the Algonquin Park incident of October 3, 1992;⁹⁸ he was removed from a section at the request of the sergeant commanding that section just before deployment because his behaviour and attitude were disruptive;⁹⁹ and his platoon warrant officer and platoon commander objected to the appointment because of concerns about his attitude and discipline.¹⁰⁰ Cpl Matchee's platoon second in command even recommended to the Platoon Commander, Capt Sox, and the Company Sergeant-Major for 2 Commando, MWO Mills -- and through them to Maj Seward -- that Cpl Matchee be left behind during the forthcoming deployment to Somalia.¹⁰¹

Evidence of Problems with CAR Personnel

Land Force Command long knew of the special need for mature and experienced soldiers and leaders in the CAR, and the Hewson report of 1985 provided an explicit and detailed reminder to LFC of these needs. The chain of command also knew that the CAR depended on the three regular infantry regiments to meet these needs by sharing their best personnel¹⁰² and that this situation created at least the potential for a conflict of interest, since the regiments had an obvious interest in keeping as many of their better soldiers and officers as possible.¹⁰³ Further, the 1991-92 reorganization meant that for the first time, key leadership positions in the CAR would be open to persons who had not already been selected for equivalent positions in their parent regiments.

Despite these warnings and signals, and although the CAR had been designated as Canada's standby unit for emergency UN operations, key figures in the LFC chain of command would later concede that insufficient care had been taken in selecting personnel for the Airborne Regiment.¹⁰⁴

There was evidence of persistent suspicions that the parent infantry regiments deliberately sent less than their best personnel to the Airborne Regiment, or sent those they found too aggressive.¹⁰⁵ For example, despite the excessive actions of Capt Rainville during exercises while he was serving with the R22^cR in 1991-92- actions that the chain of command considered inappropriate at the time -- he was posted to the CAR in 1992. The CAR was not even informed of these incidents until Capt Rainville had been with the unit for a few months.¹⁰⁶ To give another example, Pte E.K. Brown apparently got drunk and broke a window in his barracks in Calgary on the eve of his departure for Petawawa.¹⁰⁷ While appropriate officials in 2 Commando were made aware of this, it certainly did not delay his new posting.¹⁰⁸ Moreover, in the case of Cpl Matt McKay, given that the DND's Special Investigation Unit had information about his activities in 1990¹⁰⁹ and that a photograph of him giving a Nazi salute had been published in a Winnipeg newspaper,¹¹⁰ together with the fact that his platoon commander in the PPCLI had counselled him about his association with such organizations,¹¹¹ it is likely that his parent unit was aware of his involvement with racist groups when they posted him to the CAR.

According to CWO Jardine, regimental sergeant-major at the time, an official from the PPCLI with whom he spoke in the early 1990s suggested that they made a point of not sending their best soldiers to the Airborne.¹¹² Moreover, there was evidence that at least one of the parent regiments was reluctant to take back non-commissioned officers who had been with the CAR for a number of years when this was suggested by the CAR commander and the regimental sergeant-major.¹¹³

Maj Seward alleged that the previous commander of 2 Commando had deliberately sought inferior NCOs from the PPCLI for the Airborne to achieve a better distribution of performance evaluation report (PER) ratings among senior NCOs in 2 Commando.¹¹⁴

Although he testified that he felt that the screening of soldiers from the R22^eR was generally adequate, the Officer Commanding 1 Commando in 1991-93, Maj Pommet, indicated that, on at least one occasion during his tenure, a soldier was sent to 1 Commando while on counselling and probation. This is contrary to CF regulations. Maj Pommet sent the soldier back to his original unit.¹¹⁵

Also in contrast to the spirit of the Hewson report, there was evidence that the parent regiments would often try to use the CAR as a training ground for NCOs. If an NCO did well, he would sometimes be called back and replaced by someone less experienced.¹¹⁶ LCol (ret) Mathieu testified that he felt that the battalions of the parent regiments would sometimes use the CAR as a "training centre" for soldiers presenting discipline problems in garrison.¹¹⁷

Whether the Airborne was used as a dumping ground for problem personnel or not, it is clear that the parent regiments did not always send the right people to the CAR. Moreover, at least in the case of the PPCLI, a number of key people in the LFC chain of command and in the parent regiments were aware of this in the period leading up to the Somalia deployment.¹¹⁸

Despite the Hewson report's emphasis on the CAR's particular need for mature and experienced personnel, a number of witnesses indicated that, at least in the early 1990s, the Airborne was receiving too many soldiers -- both NCMs and NCOs -- who were younger and less experienced than had formerly been the case.¹¹⁹ Maj Seward, (the OC in 2 Commando in 1992-93) for example, noticed a much greater proportion of privates among the NCM ranks when he took over 2 Commando in the summer of 1992, than during his previous tour in the late 1970s.¹²⁰ Moreover, some soldiers were still being sent to the CAR fresh from regimental battle school, even though this was generally considered undesirable.¹²¹

In particular, the calibre of the selections from the PPCLI in the late 1980s and early 1990s seemed to decline.¹²² Correspondingly, 2 Commando -- which consisted entirely of members from the PPCLI -- was experiencing discipline problems throughout this period. Key personnel in the CAR, the PPCLI, and the LFC chain of command were aware of this, or came to be aware of it at some point.¹²³ Despite the efforts of 2 Commando's Company Sergeant-Major, MWO Mills, to reassert discipline in the sub-unit during the previous year, Maj Seward conceded that 2 Commando definitely had more than its share of discipline problems in 1992-93.¹²⁴ Personnel of that commando generated more charges and administrative action, both at CFB Petawawa and in Somalia, than any other

sub-unit of the CAR.¹²⁵ Moreover, it was predominantly 2 Commando members who were the subjects of general courts-martial arising from events in theatre.

Nor were the problems confined to the junior ranks. Senior NCOs in 2 Commando seemed to lack the experience and maturity of those in other commandos.¹²⁶ During preparations for the Somalia operation in the fall of 1992, two sergeants had to be replaced.¹²⁷ Maj Seward had problems with another sergeant who had advised a soldier to delay coming forward to confess his involvement in setting off illegally obtained military pyrotechnics at the junior ranks' club in early October of that year.¹²⁸ Maj Seward also had problems that fall with a warrant officer who had failed to follow his directions while in command of his platoon during training.¹²⁹ Significantly, two officers (Maj Seward and Capt Sox) and two senior NCOs (Sgt Boland and Sgt Gresty) from 2 Commando were among those court-martialled in relation to the beating death of a civilian prisoner in Somalia on March 16, 1993. Both Maj Seward and MWO Mills had to be replaced by LCol Mathieu during the deployment.¹³⁰

LCol (ret) Mathieu testified that, after the March 16th incident, he realized that the PPCLI had sent weak leaders for the top three posts of 2 Commando in 1991-92: the officer commanding, the second-in-command, and the company sergeant-major.¹³¹

Yet the suitability of Maj Seward as Officer Commanding 2 Commando was an issue even before the March 16th incident. Several officials, including the PPCLI's regimental colonel, were dissatisfied with the selection of Maj Seward in the first place, or at least felt that PPCLI should have been able to come up with a better candidate.¹³² During preparations for the Somalia mission, the Commanding Officer of the Royal Canadian Dragoons -- which was helping the CAR with a pre-deployment training exercise -- and the Brigade Commander, BGen Beno, both recommended to the CAR CO that Maj Seward be replaced.¹³³ Later, during a review of the personnel files of CAR majors conducted during the mission, Land Force Command concluded that Maj Seward did not meet the newly established criteria for Airborne Regiment majors.¹³⁴

During the Somalia deployment, Maj Seward was a disappointment to his CO, LCol Mathieu.¹³⁵ He discharged his weapon accidentally on one occasion and was convicted of negligent performance of duty; he was later given a reproof by LCol Mathieu for this incident as well as for failing to control his soldiers on certain occasions; and after the beating death of a civilian detainee by 2 Commando soldiers, LCol Mathieu replaced Maj Seward and sent him back to Canada.¹³⁶ Maj Seward was later court-martialled in connection with that homicide for having instructed his subordinates to abuse prisoners as a deterrent to infiltrators to the camp. He was convicted of negligent performance of duty and sentenced to a severe reprimand.¹³⁷ On appeal to the Court Martial Appeal Court, his sentence was increased to three months' imprisonment and dismissal from her Majesty's Service.¹³⁸ Maj Seward's application for leave to appeal to the Supreme Court of Canada was dismissed.¹³⁹

Problems with the suitability of key personnel were not confined to 2 Commando and the PPCLI during this crucial period. Many people in the unit questioned the appropriateness of CWO Jardine (from The Royal Canadian Regiment) as Regimental Sergeant-Major -- or at least found him difficult to work with.¹⁴⁰ Some also questioned whether The RCR could not have come up with a better candidate than Maj MacKay for Deputy

Commanding Officer of the CAR.¹⁴¹ He, along with Maj Seward and the Officer Commanding Service Commando, Maj Vanderveer (from the PPCLI), was found not to meet the newly announced LFC guidelines for CAR majors in March 1993.¹⁴² While LFC found no fault with the performance of Maj MacKay and Maj Vanderveer, it was felt that both lacked battalion command potential, and Maj MacKay was older than the optimal age for a CAR major (35).¹⁴³

Another source of problems was the CAR's Reconnaissance Platoon Commander, Capt Rainville, who was posted to the Airborne from the 2nd Battalion of the Royal 22^e Régiment in the summer of 1992. The SSF and CAR's Commanding Officer found out several months later that Capt Rainville had been involved in some troubling incidents during exercises in the winter of 1991-92. During training operations at CFB Gagetown, he had been too aggressive in his treatment of 'prisoners of war'. In February 1992, he exceeded his authority in conducting a simulated raid on la Citadelle in Quebec City to check security at that site. He used prohibited or restricted weapons to threaten and frighten security guards into opening the vault where weapons were stored. Civilian police were called, and the incident was reported in the news media. The incident became the subject of a significant incident report to higher headquarters.¹⁴⁴ In a letter to BGen Beno, Capt Rainville's superior commander, BGen Dallaire wrote that Capt Rainville had shown a serious lack of judgement.¹⁴⁵ BGen Beno instructed LCol Morneault to give Capt Rainville a verbal warning.¹⁴⁶

Later, there were newspaper photographs of Capt Rainville with knives strapped to his belt, contrary to dress regulations.¹⁴⁷ The *Journal de Montréal* published an article where Capt Rainville is reported as conveying the impression that Airborne Regiment soldiers were trained or had a mandate for such activities as assassinations, kidnappings, and counter-terrorist operations.¹⁴⁸ BGen Beno recommended to both LCol Morneault and LCol Mathieu that they seriously consider leaving Capt Rainville behind during the Somalia mission.¹⁴⁹

In Somalia, Capt Rainville planned and led the security patrol that resulted in the shooting death of one Somali civilian and the wounding of another on the night of March 4, 1993. He was court-martialled and acquitted of unlawfully causing bodily harm and negligent performance of duty in relation to this shooting.

The CAR even had problems with the two commanding officers supplied by the Royal 22^e Régiment in 1992-93. Neither LCol Morneault nor LCol Mathieu was at the top of the Regiment's command list, and neither had been offered command of a R22^eR battalion.¹⁵⁰ LCol Mathieu had been a lieutenant-colonel for seven years at the time, so it was highly unlikely that the Royal 22nd Regiment had any intention of ever offering him command of one of its battalions.

Only four months after LCol Morneault took command of the CAR, the Brigade Commander, BGen Beno, formally requested that LCol Morneault be relieved of command. BGen Beno indicated that he could not declare the unit operationally ready as long as LCol Morneault remained CO.¹⁵¹ He believed that LCol Morneault did not properly appreciate the unit's training priorities and failed to involve himself sufficiently in the direction of the training.¹⁵² As a result, the unit was behind in its training for the mission, according to BGen Beno.¹⁵³ The Commander SSF also noted problems with

internal unit cohesion, as well as "unresolved leadership and discipline problems which... challenge the leadership of the unit."¹⁵⁴ BGen Beno recommended that LCol Morneault be replaced, and his superiors in the LFC chain of command accepted the recommendation.¹⁵⁵ The Commander Land Force Command, LGen Gervais, took the decision to relieve LCol Morneault of command on October 20, 1992.¹⁵⁶ He was succeeded by LCol Mathieu a few days later.

LCol Mathieu led the unit during the Somalia deployment, but he was relieved of his command in September 1993 and charged with negligent performance of duty in relation to orders, given while the CAR was in Somalia, concerning the use of deadly force. LCol Mathieu was twice acquitted of this charge by a general court-martial, and he took voluntary release from the CF in October 1994.

In general, there was significant dissension and a lack of confidence among key personnel in the CAR's chain of command, both before and during the deployment. The following account is by no means exhaustive. The Base Commander at Petawawa and head of the Canadian contingent for United Nations Operation in Somalia (UNOSOM), Col Cox, and the Brigade Commander, BGen Beno, did not get along with LCol Morneault. LCol Morneault thought that his Operations Officer, Capt Kyle, was inexperienced. For his part, Capt Kyle, along with BGen Beno and the latter 5 Operations Officer, Maj Turner, did not have confidence in LCol Morneault; the same officers also lacked confidence in the Officer Commanding 2 Commando, Maj Seward, as did the Officer Commanding the CARBG's Engineer Squadron, Capt Mansfield. Maj Seward, for his part, distrusted the Deputy CO, Maj MacKay, and Capt Kyle. There were significant problems between Maj Seward and the Regimental Sergeant-Major, CWO Jardine, and even his own Company Sergeant-Major, MWO Mills. Indeed, most of the other senior personnel in the CAR -- including the officers commanding the other commandos, the company sergeants-major, the platoon warrant officers, and the senior NCOs -- seemed to have a problem with CWO Jardine. There was also mistrust between CWO Jardine and MWO Mills and between CWO Jardine and the senior NCOs of 2 Commando.¹⁵⁷

Senior NCOs, warrant officers and officers need to have confidence in each other and must, at the very least, have open lines of communication between and among themselves. Those in positions of responsibility need timely information on -- among other things -- the state of discipline and morale among the soldiers as well as other personnel matters. Inevitably, there are occasions when, for example, platoon warrant officers or company sergeants-major prefer to raise a matter with the next higher non-commissioned member in the unit, rather than directly with the officer to whom they report. They may even have problems with that officer. Therefore, a good level of trust and communication throughout the NCO/warrant officer network, as well as in the formal chain of command is essential in a unit. We found it particularly disturbing that in the CAR, and especially in 2 Commando, there was significant evidence of problems on both fronts.

Furthermore, the CAR experienced serious discipline problems while in theatre, as demonstrated by 10 general courts-martial involving personnel of all rank levels in the unit (see Table 20.1).

In addition to the courts-martial, personnel were sent back to Canada during the mission for disciplinary reasons in five cases, including the Mortar Platoon commander and a warrant officer. The mission was also plagued with a high number of accidental weapons discharges, 18 of which resulted in charges against CARBG personnel, including three master corporals, a lieutenant and a major (Maj Seward, the Officer Commanding 2 Commando).¹⁵⁸

Table 20.1: [Courts-Martial](#)

Table 20.1: [Courts-Martial \(cont'd\)](#)

FINDINGS

At the time of the Somalia deployment, the Canadian Airborne Regiment (CAR) had not been well served by the personnel system, especially the process for manning that unit. Inadequacies in these processes and deficiencies in the actions and decisions of those responsible for their operation significantly contributed to the problems experienced by the CAR in 1992 and 1993.

- *Performance evaluation reports, which form the basis of key decisions concerning a member's career development (promotion, appointments, and selection for courses) were known to downplay a candidate's weaknesses. Yet they were relied on heavily, even blindly, in promotion and appointment decisions.*
- *The chain of command repeatedly ignored warnings that candidates being chosen for important jobs were inappropriate selections.*
- *As a matter of common practice, career managers refrained from passing on comments about candidates when they were made by peers or subordinates. Nor did they accept advice from officers about their replacements.*
- *Except for formal disciplinary or administrative action, information about questionable conduct on the part of CF members was not normally noted in files or passed on to subsequent superiors.*
- *There were no formal criteria for selecting candidates for key positions, such as the unit commanding officer and officers commanding sub-units.*
- *Land Force Command waived its own informal criteria in order to accommodate the parent regiments' nominees, even though candidates who met the requirements more fully were available, or could have been made available.*
- *Representatives of the regimental councils of the parent regiments, who are outside the chain of command and therefore unaccountable, had too much influence in the process. This was particularly problematic for the CAR, since these officers were virtually the only source of nominees from their regiments for postings to the CAR, and since any repercussions of a poor choice would be felt by the CAR and significantly less by their own regiments.*
- *In the appointment process, individual career management goals were too often allowed to take precedence over operational needs.*
- *Bureaucratic and administrative imperatives also were allowed to dilute the merit principle in the appointments process and override operational needs.*

- *In some cases, the chain of command allowed completely irrelevant factors, such as inter-regimental and national politics, to influence key appointment decisions.*
- *Although the CAR was known to require more experienced leaders than other units, in 1992, the chain of command knowingly selected less qualified candidates for key positions in the CAR when better candidates were available, or could have been made available.*
- *The Delegated Authority Promotion System (DAPS) promoted less experienced soldiers to master corporal -- an important rank, representing the first level of leadership in the Canadian Forces.*
- *The CAR abused the DAPS by using it to avoid posting in master corporals from the parent regiments, and promoting from within instead. Unfortunately, because of the lack of mobility of personnel between the CAR's three rifle commandos, this practice meant that DAPS appointments in the CAR were much less competitive than those in the parent regiments. In the parent regiments, a new master corporal was selected from anywhere in the battalion, whereas in the CAR, the commanding officer was effectively limited to choosing from a company-sized sub-unit. This practice increased the risk of selecting junior leaders at the NCO level with insufficient experience who were overly familiar with the soldiers they would then be called on to supervise.*
- *Cpl Matchee was appointed to master corporal through the DAPS, even though he already satisfied the basic prerequisites for that promotion through the normal route and had not been successful in competition with his peers; he had participated recently in the Algonquin Park incident of October 3, 1992; and even though the second in command of his platoon and his platoon commander raised concerns about the appointment -- and even questioned his suitability for deployment to Somalia.*
- *There were problems with appointees to leadership positions in the CAR in 1992-93: two COs, one officer commanding a commando, and a commando sergeant-major were replaced. One of those COs and the OC, along with two platoon commanders and two section commanders, were court-martialled in connection with events in Somalia.*
- *It was generally recognized by Land Force Command well before the Somalia deployment that the CAR was a special unit with a particular requirement for mature and experienced leaders at all levels -- senior NCOs, as well as platoon, company, and unit command positions. Yet by the time of the Somalia deployment, there was an apparent trend toward younger and less experienced soldiers and junior leaders. Promotion practices such as the so-called 'Airborne offers' which used promotions to fill vacancies in the CAR, and the Delegated Authority Promotion System -- particularly as it was used in relation to the Airborne Regiment -- contributed to this trend.*
- *There were no strict standards for selection of soldiers for the CAR.*

- *While the CAR could veto selections and post soldiers back to parent regiments, initial selection of soldiers for the CAR was entirely in the hands of the sending units.*
- *The informal selection process for the CAR -- operated, as it was, by the sending units and regiments -- left the CAR vulnerable to being used as a dumping ground for overly aggressive or otherwise problematic personnel.*
- *Despite the recognized need of the CAR for more mature soldiers, some soldiers with a record of recent misconduct were sent to the CAR.*
- *Parent regiments would call their best NCOs back from the CAR and send less experienced replacements; in other words, they used CAR as a training ground.*
- *The feeder battalions were in a conflict of interest when it came to sending their top-quality personnel, and the CAR undoubtedly suffered when parent regiments experienced particular shortages of such people.*
- *The practice of manning the CAR commandos according to regimental affiliation aggravated the impact of personnel problems in parent regiments by preventing the CAR from drawing more heavily from the healthier regiments.*
- *The Princess Patricia's Canadian Light Infantry experienced a slump in personnel quality in the early 1990s. As a result of the system of selecting for the CAR, this had a direct impact on 2 Commando.*
- *In general, despite warnings in the 1985 Hewson report about the CAR's special need for mature and experienced soldiers and leaders, Land Force Command and the parent infantry regiments too often failed in their duty to the CAR in this respect.*

Recommendations

- **We recommend that:**
 - 20.1 The Chief of the Defence Staff enforce adherence to the following principles in the Canadian Forces promotion and appointment system:**
 - 1.1. **that merit be a predominant factor in all promotion decisions; and**
 - 1.2. **that the operational needs of the Service always have priority over individual career considerations and administrative convenience.**
 - 20.2 To remedy deficiencies in existing practices, and to avoid minimization or concealment of personnel problems, the Chief of the Defence Staff modify the Performance Evaluation Report system to ensure that a frank assessment is rendered of Canadian Forces members and that poor conduct or performance is noted for future reference by superiors (whether or not the matter triggers formal disciplinary or administrative action).**
 - 20.3 The proposed Inspector General conduct periodic reviews of appointments to key leadership positions in the Canadian Forces to ensure that the proper criteria are being applied and that such appointments are as competitive as possible.**
 - 20.4 The Chief of the Defence Staff ensure that good discipline is made an**

explicit criterion in all promotion and appointment decisions.

20.5 The Chief of the Defence Staff develop formal criteria for appointment to key command positions, including unit and sub-unit commands, deviation from which would require the formal approval of the Chief of the Defence Staff.

20.6 The Chief of the Defence Staff ensure that, for any future composite combat arms unit (such as the Canadian Airborne Regiment),

- 1.3. **formalized criteria for selection to the unit are established;**
- 1.4. **the Commanding Officer have maximum freedom in selecting personnel for that unit; and**
- 1.5. **the Commanding Officer have maximum freedom to employ personnel as the Commanding Officer deems appropriate.**

Pre-Deployment Selection and Screening

The focus of standard pre-deployment screening in the Canadian Forces at the time of the Somalia deployment was to avoid costly and disruptive repatriation and replacement of personnel from an operational theatre.¹⁵⁹ The emphasis of the formal process was on factors such as administrative, medical, and family problems.¹⁶⁰ As observed in Chapter 8, central considerations, such as behavioural suitability and professionalism, are matters of discretion for the chain of command within the deploying unit. Until very recently (May 1994), there was little formal guidance on how that discretion should be exercised.¹⁶¹

Improper behaviour of CF personnel during a mission can be costly in a number of ways -- in terms of lives, property, operational success and in terms of the reputation of Canada and its military. As the 1995 manual for peacekeeping operations puts it, our soldiers function as "goodwill ambassadors".¹⁶² Moreover, as Franklin Pinch noted in a 1994 article, peace operations "tend to be complex, ambiguous and stressful environments, where individual weaknesses are likely to be magnified and where a high degree of occupational fitness -- including psychological and sociological fitness -are necessary for effective adaptation and performance."¹⁶³ In such a context, proper screening for behavioural suitability assumes the utmost importance.

As Capt (N) Allen, who commanded HMCS *Preserver* during Operation Deliverance, observed, "even identifying one individual with a potential personal problem which may later cause considerable grief, is cause enough to take the time and trouble long before deployment."¹⁶⁴

Appointment of the Joint Force Commander

Unlike most CF personnel who served in Operation Deliverance, the overall Canadian Task Force Commander, Col Labbé, was chosen specifically for the mission. There are no formal criteria for such a position, apart from being at the right rank level to command a force of the size and composition in question.

Col Labbé, then serving as the Chief of Staff at 1st Canadian Division Headquarters, was appointed Force Commander of CJFS by the Minister of National Defence on the advice

of the Chief of the Defence Staff (CDS).¹⁶⁵ The Commander Land Force Command, LGen Gervais, recommended Col Labbé to the CDS on the basis of his personal knowledge of him as a "very competent and thorough officer" with some experience in joint operations.¹⁶⁶ For his part, the CDS, Gen de Chastelain, knew of Col Labbé's reputation as a commanding officer and from his staff appointments and, on that basis, considered him "an outstanding officer" who "seemed ideal for the task."¹⁶⁷ According to LGen (ret) Gervais, Col Labbé would have been among the group of colonels being considered for promotion to brigadier-general in 1992.¹⁶⁸ Col Labbé was informed on December 4, 1992 that he would be the Commander of Canadian Joint Force Somalia.¹⁶⁹

LGen (ret) Reay testified that there would have been advantages in selecting Col Cox, who was already in Somalia at UNOSOM Headquarters and would therefore have been familiar with the personalities involved and with the theatre of operations. But because the proposed intervention was beginning to evolve into a multi-national peace enforcement operation, it was more convenient to select Col Labbé, who was available for liaison with U.S. military officials on tactical matters relating to the mission.¹⁷⁰ Moreover, Col Labbé, as Chief of Staff at 1st Canadian Division Headquarters, was then overseeing a joint headquarters structure that was involved in higher-level operational planning and was analogous to what was being envisaged for the Canadian task force deploying to Somalia.¹⁷¹

Pre-Deployment Screening

Pre-deployment screening of most CF personnel for Somalia had both a formal and an informal component.¹⁷² The formal component was based on administrative, medical and family considerations set out in the Canadian Forces Administrative Orders (CFAOs); these were the focus of Departure Assistance Groups conducted by the bases concerned.¹⁷³ Formal Departure Assistance Group screening was conducted for CAR personnel and available augmentees at CFB Petawawa on September 10 and 11, 1992.¹⁷⁴ Joint Force headquarters staff were similarly screened at 1st Canadian Division Headquarters at CFB Kingston on December 14th.¹⁷⁵ But apart from a direction not to send personnel with a record of "repeated misconduct", the assessment of members' behavioural suitability was left to the discretion of unit COs, who bore ultimate responsibility for certifying the fitness and suitability of each member of the unit.¹⁷⁶ Given the nature of problems that arose during the Somalia deployment, it is these informally assessed aspects of conduct and performance that are of concern to this Inquiry.

According to testimony before us, the unit chain of command generally did consider soldiers' recent performance and conduct in determining their suitability for deployment on a mission.¹⁷⁷ Our Inquiry was told that discipline was assessed on the basis of actual records of charges and convictions, as well as minor misconduct not necessarily resulting in charges, and that recent misconduct would be of greater concern than older incidents.¹⁷⁸ However, the ultimate screening decision was normally based on the member's overall record, rather than on a single incident.¹⁷⁹

Although responsible for all personnel in the unit, in practice, the CO personally screened only immediate subordinates -- the company commanders -- although the CO would certainly consider his platoon commanders as well.¹⁸⁰ Company commanders usually

made the screening decisions about the vast majority of personnel in the unit, although company sergeant-majors, platoon commanders, and warrant officers would all have input.¹⁸¹

Adequacy of Screening for Operation Deliverance

Some personnel were screened out for reasons of poor conduct or performance.¹⁸² Most notably the Commanding Officer of the CAR, LCol Morneault, was relieved of command after the Brigade Commander, BGen Beno, lost confidence in him.¹⁸³ Furthermore, at least 10 members of the 64- member rear party of the Canadian Airborne Regiment were initially excluded from the Somalia deployment for disciplinary reasons: one from Headquarters Commando, three from 1 Commando, four from 2 Commando, and two from 3 Commando.¹⁸⁴ Two other members of 2 Commando had been posted out of the CAR in the fall of 1992 as a result of misconduct.¹⁸⁵ Two senior NCOs of 2 Commando were also replaced before deployment because of poor performance.¹⁸⁶ Furthermore, six reservists who completed pre-deployment training were sent back to their units for poor conduct or performance.¹⁸⁷ A Squadron of the Royal Canadian Dragoons also left behind a couple of soldiers because of disciplinary concerns.¹⁸⁸

However, two of the ten Airborne members initially left behind for disciplinary reasons were later sent to Somalia. One was a corporal from 2 Commando who had been placed on counselling and probation in December 1991 for misconduct and misuse of alcohol.¹⁸⁹ The other was a private, also from 2 Commando, who was convicted of assault causing bodily harm and sentenced to 30 days' imprisonment on October 28, 1992 for an incident in June of that year.¹⁹⁰ This member was also present during the Kyrenia Club and Algonquin Park incidents in early October 1992.¹⁹¹ Both members were sent to Somalia in April 1993 as replacements.¹⁹²

Moreover, other members of the CAR whose behaviour or performance had been the subject of negative attention before the mission were deployed to Somalia. At least 47 members of the CAR were subjects of such attention in 1992, in the form of criminal/disciplinary charges, administrative action for misconduct or poor performance, verbal warnings, or involvement in the incidents of October 2-3, 1992, when stolen military pyrotechnics were set off illegally at CFB Petawawa and Algonquin Park and a duty sergeant's car was torched.¹⁹³ Twenty-eight of these members -- including 12 of the 14 involved in the incidents of early October -- were sent to Somalia.¹⁹⁴ While the majority apparently served without incident, at least nine were involved in further misdeeds in theatre, ranging from accidental weapons discharges and drunkenness to torture and murder.¹⁹⁵

Although it is difficult to second-guess the judgement of the leaders responsible in specific cases without knowing the nuances of each case and other considerations, in some of these cases there were clear antecedents to the misconduct that occurred during the mission.

A member of Headquarters Commando was involved in an incident aboard HMCS *Preserver* on New Year's Eve -- just days after his arrival in theatre. He was sentenced to 30 days' detention for drunkenness and conduct to the prejudice of good order and discipline and was sent back to Canada.¹⁹⁶ The CO subsequently recommended him for

substance abuse counselling and release from the CE.¹⁹⁷ This same member had previously been involved in incidents of misconduct related to alcohol abuse and had been charged by civilian police with leaving the scene of an accident in the spring of 1992.¹⁹⁸

A soldier in 2 Commando who went to Somalia with the CARBG was arrested for assault while on leave in Canada in February 1993.¹⁹⁹ He was convicted of this offence, reassigned to the CAR rear party at CFB Petawawa, given a recorded warning, and apparently released from the CF a few months later.²⁰⁰ This same member had been convicted of assault causing bodily harm in September 1992 for an incident the previous December.²⁰¹ He also participated in the Algonquin Park incident on October 3, 1992, where beer was consumed and weapons and stolen military pyrotechnics were discharged.²⁰²

Another soldier from 2 Commando was also involved in the pyrotechnics incidents of early October 1992. He ultimately admitted to stealing the pyrotechnics and setting them off in Algonquin Park on the night of October 3rd.²⁰³ He was charged under the Code of Service Discipline and was sentenced to a \$100 fine and seven days' confinement to barracks.²⁰⁴ Although his superiors were initially going to leave him in Canada,²⁰⁵ this soldier went to Somalia with his unit. Maj (ret) Pommet, the Officer Commanding 1 Commando in 1991-93, testified that, based on these infractions alone, he would have left this soldier in Canada during the mission had the soldier been in 1 Commando.²⁰⁶

During the mission, the soldier in question was charged with torture and negligent performance of duty in relation to the March 16, 1993 beating death of a 16-year-old civilian detainee; he was acquitted by a general court-martial. He was alleged to have witnessed much of the incident and failed to intervene or report what was happening. He was subsequently convicted of conduct to the prejudice of good order and discipline for his conduct in a homemade video which was recorded in Somalia.²⁰⁷

Even before the Algonquin Park incident, this soldier had accumulated a noteworthy disciplinary/administrative record: in June 1991, he was convicted of negligent performance of duty and was sentenced to seven days' confinement to barracks; in March 1992, he was sentenced to a \$100 fine and seven days' confinement to barracks for being absent without leave; and in September 1992 -- less than a month before the Algonquin Park incident -- he was given a recorded warning for his "military conduct".²⁰⁸

Comments from his personnel file indicated that, while he had a positive attitude, he was someone who required "maximum supervision during stressful situations."²⁰⁹ While the soldier's superiors in 2 Commando did have some concerns about him because of his recent misconduct and because they considered him somewhat gullible and impressionable,²¹⁰ they believed that he was nonetheless a good soldier and could be controlled in theatre. But WO Murphy also indicated that this soldier's deployment to Somalia was attributable, at least in part, to a perceived lack of suitable replacements. There was concern about the relative calibre of anyone already slated for the rear party; and by that time, all the allotted reservists had been integrated elsewhere in the unit.²¹¹

This case seems to have been symptomatic of a more general weakness in personnel screening in 2 Commando, which had more discipline problems before and during the Somalia deployment than any other sub-unit in the battle group.²¹² The personnel

problems in the PPCLI and problems in the selection process for the CAR that contributed to this phenomenon were discussed earlier in this chapter. Based on documents and testimony before the Inquiry, a majority of the 47 members of the CAR whose behaviour was the subject of negative scrutiny in 1992 came from 2 Commando (including 13 of the 14 individuals implicated in the incidents of October 2-3 and as a result of the barracks search of October 5th).²¹³ When only those members of this group who were sent to Somalia are considered, 2 Commando's share rises to two thirds.²¹⁴ Finally, seven of the nine members who got into further trouble in theatre were in 2 Commando.²¹⁵ These figures suggest not only that 2 Commando had more than its share of discipline problems to begin with, but also that it was less effective than other sub-units in screening out personnel the commando leadership should have known required closer scrutiny.

Part of the problem was the attitude and approach to pre-deployment screening of the Officer Commanding of 2 Commando, Maj Seward. From the perspective of selection and screening, 2 Commando had the advantage of being significantly over-strength for the Somalia deployment. (It had to reduce its establishment by a quarter to stay within the manning ceiling for the mission.)²¹⁶ Yet Maj Seward, for reasons of sub-unit morale and cohesiveness, was loathe to leave anyone behind particularly if it meant having more reservists assigned to the commando.²¹⁷ Moreover, in the aftermath of the pyrotechnics and car-burning incidents at Petawawa in October 1992, Maj Seward became even more defensive of his soldiers.²¹⁸ While he recognized that there were potential troublemakers in his sub-unit,²¹⁹ he and others in the commando leadership apparently felt that they could monitor those soldiers better in theatre.²²⁰ It was in this spirit that Maj Seward and MWO Mills, the Company Sergeant-Major, apparently rejected the alleged warnings of WO Murphy and Capt Sox that MCpl Matchee and Pte E.K. Brown should not go to Somalia because of concerns about their attitudes and discipline.²²¹ Ironically, then, factors that should have encouraged a more vigorous screening of personnel -- a personnel surplus, known discipline problems, and the availability of Reserve Force personnel as substitutes -- actually led Maj Seward to be more lenient in screening personnel for Somalia.

Maj Seward was not the only one who failed to heed warnings and advice about personnel in the period leading up to the deployment. LCol Morneault rejected the advice of LCol MacDonald, Commanding Officer of the Royal Canadian Dragoons, that Maj Seward should be replaced as Officer Commanding of 2 Commando.²²² Both LCol Morneault and LCol Mathieu rejected the same advice from the Brigade Commander, BGen Beno.²²³ BGen Beno also recommended to LCol Morneault and LCol Mathieu that they should seriously consider leaving Capt Rainville behind.²²⁴ But both COs expressed confidence in him, and Capt Rainville went to Somalia as Commander of the battle group's Reconnaissance Platoon.²²⁵ According to LCol (ret) Mathieu, BGen Beno also had concerns about the Deputy Commanding Officer, Maj MacKay.²²⁶ LCol Mathieu had known Maj MacKay since 1968, and they had served together on operations before, so he had confidence in the DCO's abilities and did nothing further in response to BGen Beno's concerns. LCol Mathieu did not know Maj Seward or Capt Rainville, however, so he did some checking with LCol Morneault and with the relevant NDHQ career manager, Maj Priestman. LCol Morneault endorsed both of them, and their personnel files looked good.

Capt Rainville's file contained no reference to the serious and telling la Citadelle and Gagetown incidents, although LCol Mathieu was aware of the former.²²⁷

The Regimental Colonel of the PPCLI, Col Gray, the outgoing Commanding Officer of the CAR, Col Holmes, the Director of Infantry and Chief of Personnel for Land Forces, Col Joly, the Brigade Commander, BGen Beno, and the Commander Land Force Command, LGen Reay, all had concerns about the selection of Maj Seward to lead 2 Commando.²²⁸ Yet despite these concerns, and even in light of problems earlier in the deployment, Maj Seward was allowed to remain in command of 2 Commando until after the March 16, 1993 homicide.²²⁹

LCol Mathieu did not follow BGen Beno's suggestion about moving 25 members of 2 Commando and six members of the Reconnaissance Platoon to other parts of the CAR as a means of dealing with problems of discipline and challenges to authority in the unit.²³⁰ LCol Mathieu felt that the idea was not a practical solution, since the troublemakers were not identified and because of the different working languages of 1 Commando and 2 Commando.²³¹

Although problems with the structure and system for manning the CAR, as well as specific problems with some selections from the PPCLI, may have stacked the deck to some extent against the unit in Somalia, the personnel screening conducted for that mission by the CAR, and particularly by 2 Commando, did little to root out problems already known to exist. Ironically, but not surprisingly, omissions of the type just described -- apparently motivated by the desire to preserve the integrity of the CAR in the short term -- helped to undermine it in the long run.

FINDINGS

The screening of soldiers in the Canadian Airborne Regiment on behavioural grounds for participation in Operation Deliverance was inadequate. We find that:

- *There was no formal system or standard for assessing or reviewing behavioural suitability. While CFAO 20-50 precluded the deployment of personnel with "a history of repeated misconduct", there was no definition or elaboration of this standard. In practice, therefore, the attention and weight accorded past misconduct or misbehaviour was effectively at the uncontrolled discretion of the commanding officer or the officer commanding the sub-unit.*
- *Poor judgement was shown in screening CAR personnel for the mission, especially in 2 Commando. Short-term morale appears to have taken precedence over discipline.*
- *Discipline and behavioural suitability did not receive sufficient emphasis in the screening and selection process.*
- *The unit leadership rejected significant warnings about the suitability of some personnel.*
- *Appointments to key positions in the CAR were allowed to stand despite serious misgivings on the part of senior officers and members of the chain of command, and despite the fact that the unit was on its first overseas deployment in several years.*

Recommendation

We acknowledge amendments to CFAOs 20-46 and 20-50 in May 1994 that now require commanding officers to decide explicitly on the behavioural suitability of soldiers under their command for overseas operations and that provide specific guidance on the factors that should be considered in this assessment.

- **We recommend that:**
 - 20.7 Canadian Forces Administrative Orders 20-50 and 20-46, which deal with the screening of Canadian Forces personnel for overseas deployments, be amended to:**
 - 1.1. **place priority on discipline as a criterion for selecting personnel for overseas deployment;**
 - 1.2. **make consideration of the behavioural suitability indicators mandatory; and**
 - 1.3. **make it clear that although the behavioural suitability indicators listed in Canadian Forces Administrative Order 20-50, as well as the option of referring cases for assessment by behavioural specialists, can assist commanding officers in screening personnel for deployment, they in no way displace or qualify commanding officers' responsibility or accountability for screening personnel under their command.**

A CAVEAT ON DISCIPLINE AND SELECTION AND SCREENING

A recurring theme in the findings and recommendations in this chapter is that discipline should receive greater emphasis in the selection and screening of personnel, from recruitment through deployment. While we believe that this is entirely appropriate on the basis of the evidence considered by this Inquiry, it is important to recognize that good leadership is an essential ingredient in selecting, training, developing, employing, and supervising soldiers. New procedures and guidelines can help, but they are no substitute for thorough, professional, and accountable leadership.

It is quite proper that indicators of undisciplined conduct be given greater and more explicit prominence in personnel selection and screening decisions, but we would not want such decisions to become so mechanical as to displace command judgement and accountability.²³² The CF recruiting system and the chain of command have been, and should continue to be, mindful of the fact that a person's potential (for good or bad) cannot always be summed up in a criminal record or a personnel file. While needless risks should not be taken in the face of significant warning signs, a rigid and bureaucratic approach could lead to selection and screening decisions made solely with a view to preserving the decision maker's blamelessness, rather than conscientiously assessing the individual.

Again, while guidelines, regulations, and orders that compel specific attention to behavioural suitability are useful improvements, they are only part of the story. Unless leaders at all levels have an appreciation of the intrinsic value of discipline in relation to the overall success of military operations; unless the responsible officials have sufficient

authority, information, and resources to select and screen their personnel; and unless there is accountability for bad judgements, much of the problem will remain unaddressed.

THE PROBLEM OF RACISM

*"I came to Somalia to shoot me a nigger."*²³³

*"The presence of white supremacists and neo-nazis in the Armed Forces or racists was a contributing factor of the disruptions in the military."*²³⁴

Apart from the normal personnel considerations of conduct, performance, and discipline, the deployment to Somalia should have raised concerns about racism. Incidents in the Canadian Airborne Regiment before and during the Somalia deployment bear this out.

The Policy at the Time of the Deployment

At the time of the deployment, the Canadian Forces had no policies denying enrolment to active racists, prohibiting involvement in racist organizations or participation in their activities, or even excluding active racists from UN duties.²³⁵

This is somewhat surprising for several reasons. For one thing, since 1978, the Canadian Forces -- like all federal institutions - has been prohibited from engaging in practices that discriminate on the basis of race, national or ethnic origin, colour, religion, or sex, among other prohibited grounds.²³⁶ Moreover, since 1983, the CF has been legally responsible for exercising "all due diligence" in preventing harassment or other discriminatory treatment of CF members and applicants by fellow members.²³⁷ Furthermore, it was obvious long before the Somalia deployment that Canada's commitment to UN operations would bring Canadian soldiers into close contact with people of different cultures and races.

By way of comparison, the U.S. military has had rules prohibiting active participation by its soldiers in such extremist groups since 1986.²³⁸

Furthermore, the CF lacked -- and continues to lack -- any procedure, apart from the normal chain of command, for complaining about racist conduct.²³⁹ A 1994 U.S. congressional report found that the factors identified by armed services members as making the complaints system most effective included options for raising complaints outside the chain of command, having strong support from top leadership, including a demonstrated commitment to protecting complainants from reprisal, adhering to established time lines for investigation and action, and providing detailed feedback to the complainant.²⁴⁰

Racially motivated conduct was addressed by the CF before 1993 only through general laws and rules. As of December 1992, the following provisions applied to CF members regarding human rights and provided the basis for dealing with any and all racist conduct in the CF:

- *National Defence Act*, section 129(1): "Conduct to the Prejudice of Good Order and Discipline";

- *Queen's Regulations and Orders* (QR&O) 19.14: "Improper Comments" that may discredit the CF if overheard by the public or that might make subordinates of the speaker dissatisfied with their condition or duties.
- QR&O 19.44: "Political Activities and Candidature for Office", which prohibits officers and NCMs from active participation in a political organization and from making political speeches.
- Canadian Forces Administrative Order (CFAO) 19-39: "Personal Harassment" policy and procedures to deal with improper behaviour based on personal characteristics, including race but also including physical characteristics or mannerisms.
- CFAO 19-40: "Human Rights -- Discrimination" policy which provides a procedure for handling complaints to the Canadian Human Rights Commission.
- *Security Orders for the Department of National Defence and Canadian Forces*, Chapter 22- "Security Clearances", where a member's security clearance could be affected where there is a change in personal circumstances such as actions that support extreme ideological views that are considered detrimental to DND or national security, or association with extremist cults when association appears to be causing adverse behavioural changes.

Members of the CF are also subject to the *Criminal Code* provisions relating to hate crimes:

- section 319(1), inciting hatred against an identifiable group where such incitement is likely to lead to a breach of the peace, and section 319(2), wilfully promoting hatred against any identifiable group.²⁴¹

Finally, article 4.02 of *Queen's Regulations and Orders* states, among other things, that officers shall promote the welfare, efficiency and good discipline of all subordinates. Article 5.01 gives the same direction to non-commissioned members.

Project SIROS and the CAR

By the late 1980s and early 1990s, the Department of National Defence began to have concerns about possible right-wing extremist involvement in the CF in light of the extremist ideology and violent tendencies of some of these groups and their potential threat to security.²⁴² In 1990-91, the Special Investigations Unit (SIU) of the Department of National Defence began a program, Project SIROS, to track such members.²⁴³ By June 1992, some 40 CF members had been identified as having possible involvement in right-wing extremist and racist organizations.²⁴⁴

At the time of the Somalia deployment, however, efforts like Project SIROS did little beyond monitoring the problem. As with much of the information obtained during security clearance checks (e.g., criminal record information from the RCMP, subversive indices from the Canadian Security Intelligence Service, and information from any other outside source²⁴⁵), the intelligence and information gained through SIROS tended to be kept within the security directorate at NDHQ, unless evidence of criminal activity was uncovered. There was no consistent practice of briefing commanding officers about racist extremists under their command until 1993.²⁴⁶ Whatever briefings of commanding

officers did take place before that time were done at the conclusion of an SIU investigation, rather than at the outset.²⁴⁷ Further, with respect to SIROS investigations, while the SIU would forward relevant information to staff of the Director of Security Clearance, it is not clear that information would flow in the opposite direction: the SIROS data base was maintained separately from the one for security clearances.²⁴⁸

Nine of the 40 CF members identified by Project SIROS by June 1992, were at CFB Petawawa, and six had been members of the CAR. Not only was CFB Petawawa an "area of concern" for Project SIROS, but the problem of active racists at Petawawa was apparently centred in 2 Commando of the Canadian Airborne Regiment.²⁴⁹

In the case of two members of the CAR who went to Somalia, the SIU had information before the deployment linking them to racist extremist activities. In the case of one of these individuals, the SIU received information about him in December 1991 and again in May 1992. SIU deemed the information insufficient to warrant an investigation at that time. However, an investigation was conducted from May to August 1993. The result was that there was no conclusive evidence in the case and, indeed, it was thought that it might have been a case of mistaken identity.

The other individual was Cpl McKay of 2 Commando. The SIU first received information on him in 1990, before the start of the SIROS program, while Cpl McKay was still with 2 PPCLI in Winnipeg.²⁵⁰ On his posting to CFB Petawawa in 1991, Cpl McKay claimed to have ceased his white-supremacist activities, after being advised to do so by his platoon commander in Winnipeg.²⁵¹ Not being convinced of this, the SIU launched an investigation in early 1992 that ended in May 1992.²⁵² The results were inconclusive: the SIU could not confirm Cpl McKay's continuing involvement in right-wing/white-supremacist activities following his posting to Petawawa.²⁵³ In the summer of 1992, the second in command of Cpl McKay's platoon, WO Murphy, was shown a photocopy of a Winnipeg newspaper photograph from the previous year; it showed Cpl McKay with his head shaved giving a Nazi salute. According to WO Murphy, he interviewed Cpl McKay about the photograph and asked him whether he belonged to a white supremacist group. Cpl McKay said that he had been involved with such groups while posted in Manitoba with 2 PPCLI, but that he had quit and no longer espoused such views.²⁵⁴ WO Murphy claimed to have informed either MWO Mills, the Company Sergeant-Major, or the Platoon Commander, Capt Sox, or both, about his counselling of Cpl McKay.²⁵⁵ Cpl McKay's superiors were not briefed by the SIU until April 1993.²⁵⁶ The SIU reopened its investigation of Cpl McKay in April 1994; the investigation ended when Cpl McKay was released from the CF for disciplinary reasons in May 1995.²⁵⁷ In 1996, Matt McKay was arrested and charged in a hate-related homicide in Winnipeg that occurred in 1991 while he was serving with 2 PPCLI.

Another CF member from a different unit at CFB Petawawa, who allegedly attended skinhead rallies and was linked to the violent Aryan Resistance Movement, was released from the CF in December 1992 and so did not participate in Operation Deliverance. Despite this background, however, and in spite of criminal convictions for robbery and assault and a Canadian Police Information Center notation that he should be considered "violent", this individual re-enrolled in the CF in March 1994.²⁵⁸

After the CAR was deployed to Somalia, the SIU became aware of information linking five additional members of the unit to racist groups or activities,²⁵⁹ including one CF member who was apparently a member of the Ku Klux Klan.²⁶⁰ Among these five were MCpl Matchee and Pte E.K. Brown.²⁶¹ In February 1993, the SIU received information alleging that Pte E.K. Brown of 2 Commando had been involved with racist skinheads before his posting to the CAR in July 1992.²⁶² The information received was sufficient to warrant an investigation, but before one could be launched, the SIU was asked to halt its investigation so as not to compromise the criminal investigation and prosecution flowing from the March 16, 1993 homicide of a civilian detainee in the 2 Commando compound at Belet Huen, Somalia.²⁶³

Racist Conduct in the Airborne Regiment

Notwithstanding testimony that CFB Petawawa had a zero-tolerance policy with respect to racist behaviour and symbols,²⁶⁴ other evidence demonstrated a persistent problem of racist behaviour among some CAR members.

Racial slurs were uttered without any disciplinary response.²⁶⁵ In September 1991, a Nazi flag and paraphernalia were found hanging on the wall in a 2 Commando barracks used for orders group meetings.²⁶⁶ Other questionable behaviour at Petawawa included the symbolic display of a Confederate or Rebel flag by some soldiers.²⁶⁷ However, many, including LCol Morneault, expressed the belief that the Rebel flag did not have racist connotations and saw it solely as a rallying symbol for 2 Commando. The Rebel flag was removed as a sanctioned symbol and was banned, but for disciplinary, not anti-racist reasons.

However, it was the treatment of Cpl Robin, shown in a video of hazing in the CAR in August 1992, that demonstrated the clearest lack of guidance and understanding of racially motivated behaviour in the CAR. Cpl Robin, the only Black man in the hazing group, had the letters 'KKK' written on his shoulder. Cpl Robin was also tied to a tree, had flour put on his face, and was referred to as "Michael Jackson's secret"; he was also required to crawl on all fours with a collar around his neck while being called 'Fido'.²⁶⁸ However, the other treatment of Cpl Robin was not much different from what others received during the hazing. Cpl Robin explained that he was indifferent to the experience; he did not see his hazing treatment as an act of racism on the part of CAR members, although he did admit that marking 'KKK' on his shoulder was a racist act.²⁶⁹

Other racist behaviour directed at Cpl Robin included being called "nigger" or "nègre" by fellow CAR members, although Cpl Robin said he saw this as a joke.²⁷⁰

It is possible that at least some of this ostensibly racist behaviour could be ascribed to a consciously cultivated and inculcated xenophobia (in the generic sense of that term) as part of internal bonding, rather than to malicious racial hatred or contempt of their colleague on the part of other CAR members. Cpl Robin himself provided an example of this perspective. Even when he reviewed the hazing video, he still did not want to hurt the good name of the CAR and was reluctant to criticize.²⁷¹

Racist conduct and association with racist groups were not a factor in predeployment screening by units at the time of the Somalia deployment.²⁷² The SIU was not asked to

provide input on the screening of personnel for overseas missions. Nor did the training process assess soldiers' understanding of, or reaction to, Somalis or Somali culture.²⁷³

Once the CAR reached Somalia, members used derogatory terms to describe the local population. In testimony it was noted that the terms "Nig Nog",²⁷⁴ "Nigger",²⁷⁵ "Slomali",²⁷⁶ "Smufty",²⁷⁷ "Moolie",²⁷⁸ and "Gimme"²⁷⁹ were coined and used often by CAR members to refer to Somalis. We were surprised to learn that many of these terms were not necessarily considered derogatory or racist by CAR members.²⁸⁰

Post-Deployment Action

Racism was recognized by the military as a significant issue only after media reports in the spring of 1993. As a result of the events in Somalia, a review of DND regulations, orders, and policies regarding racism and the involvement of CF members with racist organizations was conducted.

As a result of evidence revealed during the de Faye board of inquiry, a specific policy on racism was developed and issued in a general message from the Chief of the Defence Staff in August 1993. The result was CFAO 19-43, issued in February 1994.

CFAO 19-43 defines racist conduct as

conduct that promotes, encourages or constitutes discrimination or harassment on the basis of race, national or ethnic origin, colour or religion, including participation in the activities of, or membership in, a group or organization that a CF member knows, or ought to know, promotes discrimination or harassment on the basis of race, national or ethnic origin, colour or religion.

CFAO 19-43 also states the CF policy on racist conduct, which is that

the CF are committed to the principle of equality of all people, and the dignity and worth of every human being, without regard to, among other things, race, national or ethnic origin, colour or religion. CF members must always be guided by this principle in their relationships with each other, with members of the public, and with all those with whom they come in contact both within and outside Canada.

and that

racist attitudes are totally incompatible with the military ethos and with effective military service, and any conduct that reflects such attitudes will not be tolerated. Racist conduct is therefore prohibited, and will result in administrative action, disciplinary action, or both, and may include release. An applicant for enrolment in the CF who is unable or unwilling to comply with the CF policy against racist conduct will not be enrolled.

CFAO 19-43 also provides examples of racist conduct related to membership in racist organizations. Some of these examples are making, publishing, distributing, displaying, or issuing literature of the group or organization; donating or raising funds for the group or organization; and speaking publicly on behalf of the group or organization.²⁸¹

CFAO 19-43 points out that racist conduct can consist of individual actions that are unrelated to any organization: using racial epithets or derogatory terms, inequitable

assignment of duties, etc. The order also notes Canadian law prohibiting discrimination on the basis of race, principally the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, and the Criminal Code.

The order attempts to provide guidance and direction to COs, to the Military Police, and to the SIU for dealing with racist conduct. It outlines administrative measures a CO can take, which range from informal counselling to a recommendation for release from the CE. It also contemplates suspension from duty in serious cases and states that the CO can take disciplinary action as well as administrative action, that is, laying a formal charge under the National Defence Act.

The anti-racism CFAO directs that racist conduct be reported to NDHQ and that a program of education and training to prevent racism be developed. At the recruitment stage, it directs that enrolment be refused to anyone not prepared to sign a statement of understanding signifying their willingness to comply with the CF anti-racism policy. In addition, a questionnaire is now given to all entrants asking specifically about racist activities and affiliations.²⁸² Of course, providing false information during recruitment is itself grounds for involuntary release from the CF.²⁸³

Separate from the development of CFAO 19-43 but related to it, a screening procedure was developed by CF behavioural scientists to assist COs in screening members for UN or other overseas duty and to identify those with the potential for aberrant or anti-social behaviour. If the CO had any doubts about an individual, that member can be referred to a personnel selection officer -- a qualified psychologist -- for a more detailed assessment.

In another separate but related activity, a CF Employment Equity Project was started in 1992 in recognition of the need for the CF to reflect and represent the country's cultural diversity. The following employment equity principles were promulgated by the CDS in May 1993:

1. CF endorses a proactive, purposeful recruiting program, which includes attracting candidates from diverse ethno-cultural backgrounds who meet all prescribed recruiting standards.
2. CF provides equitable opportunities to all serving members for training and development to enhance their abilities.
3. CF is committed to the elimination to the maximum extent possible of any policy or practice that results in arbitrary barriers to the advancement, promotion, and retention of all its members.
4. CF promotes awareness, understanding, and acceptance of all ethno-cultural groups with a view to enhancing their contribution to the operational effectiveness of the CF.

Under the Employment Equity Project, a review of the recruiting system has been completed to identify and remove systemic barriers, and a Forces-wide census self-identification survey has been completed to determine current representation of designated groups in the CF.

FINDINGS

We find that inadequate attention was paid to the problem and risks of racism in the Canadian Forces.

- *There was no policy or process for screening out active racists from deployment on missions, nor was there a policy precluding such persons from joining or serving in the CF in the first place.*
- *At least with respect to the Canadian Airborne Regiment, existing laws, regulations, orders, and policies were not used adequately or uniformly by the chain of command.*
- *There was no procedure, aside from the chain of command, to complain about racism.*
- *Proper policies and procedures did not exist for the adequate sharing and communication of information and intelligence among all the agencies concerned, including the environmental commands and unit leadership.*
- *The CAR's mission training did not test soldiers for their attitudes and responses to racial and cultural differences.*
- *Use of racist language and racist conduct on the part of some CAR members before and during the Somalia deployment suggest, in some cases, a lack of cultural understanding and training, as well as the presence of persons who freely exhibited racism.*

Recommendations

We believe that, well before the problems revealed during the Somalia deployment, the vast majority of CF members recognized that racist conduct is incompatible with military service. But a key lesson from the Somalia experience is that even a few extremists can have a pronounced and dysfunctional impact on the CF's bond with the Canadian public at large. Clearly, leadership by example, meaningful education and a zero-tolerance attitude are essential attributes of any attempt to deal with racism in the CF.

We acknowledge and commend the anti-racism policy of the Canadian Forces, issued in February 1994 in the form of CFAO 19-43, which prohibits racist conduct and makes it grounds for denial of enrolment in the Canadian Forces and, in the case of serving members, for administrative action up to and including involuntary release, as well as a possible charge of conduct to the prejudice of good order and discipline under the National Defence Act.

We recommend that:

20.8 The Chief of the Defence Staff develop and issue clear and comprehensive guidelines to commanders at all levels regarding prohibited racist and extremist conduct. The guidelines should define and list examples of racist behaviour and symbolism and should include a list and description of extremist groups to which Canadian Forces members may not belong or lend their support.

20.9 The Canadian Forces continue to monitor racist group involvement and affiliation among Canadian Forces members.

20.10 The Department of National Defence and the Canadian Forces clarify their position on the extent of their obligations under applicable privacy and human rights laws in screening applicants and members of the Canadian Forces for behavioural suitability, including racist group affiliation.

20.11 The Department of National Defence and the Government of Canada review their security policies and practices to ensure that, within the limits of applicable privacy and human rights legislation, relevant information concerning involvement by Canadian Forces members or applicants with racist organizations and hate groups is shared efficiently and effectively among all responsible agencies, including the chain of command.

20.12 The Department of National Defence and the Canadian Forces establish regular liaison with anti-racist groups to obtain assistance in the conduct of appropriate cultural sensitivity training and to assist supervisors and commanders in identifying signs of racism and involvement with hate groups.

NOTES

1. DND, Recruiter's Handbook for the Canadian Forces (Publication AL 1/99, April 1, 1995), p. 2-5, section 215, paragraph 4.
2. Maj K.WJ. Wenek, Directorate of Personnel Selection Research and Second Careers, "The Assessment of Psychological Fitness: Some Options for the Canadian Forces", Technical Note 1/84 (NDHQ: July 1984), Document book, tab 1.1, p. 2, paragraph 4a; Chief Review Services, Program Evaluation Division, "Report on NDHQ Program Evaluation E-4/86: Special Review of DND Security Screening Policy and Procedures" (May 13, 1987), p. 80, paragraph 237; and J.-P. Brodeur, Racism and Accountability in a Peacekeeping Context: The Canadian Forces in Somalia, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997).
3. Chief Review Services, "Report on NDHQ Program Evaluation E-4/86", p. 78, paragraph 233, p. 98, paragraph 291, p. 99, paragraphs 297-298, and p. 112, paragraph 341; and DND, Security Orders for the Department of National Defence and the Canadian Forces (A-SJ-100-001/AS-000), vol. 1, paragraph 22-18.
4. Director General Program Evaluation, "Pre-Evaluation Report PRE-E4/93: CF Personnel Planning and Management", August 1994, pp. 35-36 (Document R2841/DND 424834).
5. Testimony of Col Arp, Transcripts vol. 11, p. 2179; and LGen (ret) Reay, Transcripts vol. 46, p. 9060.
6. Testimony of Maj Priestman, Transcripts vol. 15, pp. 2697 and 2701.
7. Testimony of Maj Seward, Transcripts vol. 31, pp. 5865-5866.

8. Chief Review Services, "Report on NDHQ Program Evaluation Assessment Study -- EA 1/86: Personnel-Recruiting, Development and Distribution", May 13,1988, p. 11, paragraph 27 (Document 2841/DND 426035).
9. Chief Review Services, "Report on NDHQ Program Evaluation Assessment Study EA 1/86: Personnel", p. 6, paragraph 14, p. 11, paragraph 27, and p. 49, paragraph 162.
10. Chief Review Services, "Report on NDHQ Program Evaluation Assessment Study EA 1/86: Personnel", p. 6, paragraph 14.
11. Canadian Charter of Rights and Freedoms, sections 1,2,8,32(1), and 52(1); Canadian Human Rights Act, R.S.C. 1985, Chapter H-6, sections 2, 3(1), 7, 8, 10(a), 14(1)(c), 64, and 66, but see also section 15(a) re exception for bona fide occupational requirements; and Privacy Act, R.S.C. 1985, Chapter p. 21, sections 2, 5,7, 8, and 76 and Schedule 3.
12. Testimony of MGen (ret) Gaudreau, Transcripts vol. 3, p. 578; and MGen (ret) MacKenzie, Transcripts vol. 43, p. 8515.
13. Testimony of LGen (ret) Foster, Transcripts vol. 3, pp. 382 and 384.
14. BGen Vernon and LGen Gervais, "Concept of Employment of the Canadian Airborne Regiment", November 4, 1992, Document book 29, tab 19, pp. 9-10, paragraphs 25(c), 26(c), and 27(c); and testimony of Col (ret) Houghton, Transcripts vol. 12, p. 2267.
15. Testimony of LGen (ret) Foster, Transcripts vol. 3, p. 384.
16. Canadian Forces Administrative Order [CFAOJ 10-6; and testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9850 and 9855.
17. CFAO 10-6; and testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9850.
18. Testimony of LGen (ret) Foster, Transcripts vol. 3, pp. 382 and 384; and Col Holmes, Transcripts vol. 4, p. 664; and Wenek, "The Assessment of Psychological Fitness", p. 13, paragraph 23.
19. Wenek, "The Assessment of Psychological Fitness", p. 13, paragraph 23.
20. MGen Hewson, Mobile Command Study: A Report on Disciplinary Infractions and Anti-Social Behaviour within Force Mobile Command with Particular Reference to the Special Service Force and the Canadian Airborne Regiment, September 1985, Document book 1, tab 1 (hereafter, Hewson report); and Letter, LOen Belzile, Commander Force Mobile Command, to Chief of the Defence Staff (CDS), November 25,1985, re Disciplinary Infractions and Anti-Social Behaviour within FMC, Document book 1, tab 3.
21. Hewson report, p. 52, paragraph 118, and p. 54, paragraph 13 le; and Letter, LGen Belzile to CDS, Annex A, paragraphs 3-7, Document book 1, tab 3.
22. Hewson report, p. 18, paragraph 47, p. 19, paragraph SOa, p. 48, paragraph 108a, and p. 52, paragraphs 115 and 118; letter, LGen Belzile to CDS, Annex A, p. A-i, paragraph 4; and testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9863.

23. Hewson report, p. 18, paragraph 47, and p. 48, paragraph 108a.
24. Hewson report; and letter, LGen Belzile to CDS, Annex A, p. A-i, paragraphs 4 and 5.
25. Testimony of Col Holmes, Transcripts vol. 4, p. 664; Hewson report, pp. 29-31, paragraphs 75,76, 78a and 78f; and letter, LGen Belzile to CDS, Annex A, p. A-2, paragraph 6.
26. Testimony of MGen (ret) Gaudreau, Transcripts vol. 3, p. 569.
27. Aide-memoire, BGen Beno, October 21, 1992, re CO CDN AB REGT [Commanding Officer, Canadian Airborne Regiment] Discussion with Commander SSF, 21 Oct 91 [sic], Document book 32A, tab 6, p. 1.
28. Testimony of MGen (ret) Oaudreau, Transcripts vol. 3, p. 569; LCol Nordick, Transcripts vol. 2, pp. 296; Col (ret) Houghton, Transcripts vol. 12, p. 2259; and LGen (ret) Reay, Transcripts vol. 45, pp. 8955-956.
29. Hewson report, pp. 29-31, paragraphs 75,76, 78a, and 78f; and letter, LGen Belzile to CDS, Annex A, p. A-2, paragraph 6.
30. Testimony of LCol Nordick, Transcripts vol. 2, pp. 294-297 and 319-320.
31. Testimony of LCol Nordick, Transcripts vol. 2, p. 294; and Maj Priestman, Transcripts vol. 15, p. 2696.
32. Testimony of Col Arp, Transcripts vol. 11, pp. 2161-2163, 2170 and 2174.
33. Testimony of Col Holmes, Transcripts vol. 4, pp. 660661.
34. Testimony of Maj Priestman, Transcripts vol. 15, p. 2807.
35. Testimony of Col (ret) Joly, Transcripts vol. 18, pp. 324-3305.
36. Testimony of Col Holmes, Transcripts vol. 4, pp. 614615.
37. Testimony of LGen (ret) Foster, Transcripts vol. 3, pp. 408-09.
38. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4546.
39. Testimony of LCol Nordick, Transcripts vol. 2, pp. 277-278; Col Holmes, Transcripts vol. 4, p. 680; and Maj Priestman, Transcripts vol. 15, pp. 2738 and 2742.
40. Testimony of LCol Nordick, Transcripts vol. 2, p. 276.
41. Testimony of LCol Nordick, Transcripts vol. 2, p. 277; and Col Arp, Transcripts vol. 11, p. 2171, and vol. 12, p. 2106.1.
42. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9859-9860.
43. Letter, LGen Belzile to CDS, Annex A, p. A-2, paragraph 7d; and testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9861.
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45. Testimony of CWO Cooke, Transcripts vol. 26, p. 4873.
46. Testimony of Maj Priestman, Transcripts vol. 15, p. 2730.
47. Testimony of CWO Cooke, Transcripts vol. 26, pp. 4868-938.

48. Testimony of CWO Cooke, Transcripts vol. 26, pp. 4875 and 4913; and MWO Murphy, Transcripts vol. 34, p. 6591.
49. Testimony of CWO Cooke, Transcripts vol. 26, pp. 4873 and 4932.
50. Testimony of CWO Cooke, Transcripts vol. 26, pp. 4874-4875.
51. Testimony of Col (ret) Houghton, Transcripts vol. 45, p. 8831.
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53. Testimony of LGen (ret) Foster, Transcripts vol. 3, p. 413; and CWO Cooke, Transcripts vol. 26, p. 4896.
54. Testimony of Col Holmes, Transcripts vol. 4, p. 614.
55. Testimony of Col Holmes, Transcripts vol. 4, pp. 613-614; Capt Koch, Transcripts vol. 23, pp. 4204 and 4206; and CWO (ret) Jardine, Transcripts vol. 25, p. 4733.
56. See testimony of Col Arp, Transcripts vol. 11, p. 2157 and following, and vol. 12, p. 2081.1 and following; Maj Priestman, Transcripts vol. 15, p. 2686 and following; Col Holmes, Transcripts vol. 4, pp. 671-678, 682-685 and 802; MGen (ret) Gaudreau, Transcripts vol. 3, p. 570; CWO Cooke, Transcripts vol. 26, pp. 4886-4891; MWO Mills, Transcripts vol. 23, p. 4330; Maj Seward, Transcripts vol. 31, pp. 5884-5887, and vol. 32, pp. 6077-6080; WO Murphy, Transcripts vol. 35, pp. 6676-6677; BOen Beno, Transcripts vol. 40, pp. 7880-7892; MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8378-8398; LOen (ret) Reay, Transcripts vol. 45, pp. 8955-8956, 8998-9001, 9014-9018, vol. 46, pp. 9025, 9058-9061, 9071-9074 and 9222, and vol. 47, pp. 9271-9273; and LOen (ret) Gervais, Transcripts vol. 47, pp. 9462-9468.
57. Testimony of Maj Priestman, Transcripts vol. 15, p. 2816; and Col Holmes, Transcripts vol. 4, pp. 647-651 and 665.
58. Testimony of LCol Nordick, Transcripts vol. 2, pp. 294-297; Col Holmes, Transcripts vol. 4, pp. 660-661; Maj Priestman, Transcripts vol. 15, p. 2807; and Col (ret) Joly, Transcripts vol. 18, 3305.
59. Testimony of Col Arp, Transcripts vol. 12, p. 2119.1.
60. Document book, LCol Morneault, No.1; and testimony of Col Holmes, Transcripts vol. 4, pp. 671-672.
61. Testimony of Col Holmes, Transcripts vol. 4, p. 813.
62. Testimony of Col Holmes, Transcripts vol. 4, p. 675; and LGen (ret) Reay, Transcripts vol. 45, pp. 8998-8999, and vol. 46, p. 9216.
63. Testimony of Col Arp, Transcripts vol. 12, pp. 2095.1 and 2097.1; Col Holmes, Transcripts vol. 4, pp. 677 and 729; and LGen (ret) Reay, Transcripts vol. 46, p. 9222.
64. Testimony of Maj Priestman, Transcripts vol. 15, pp. 2731 and 2733.
65. Testimony of Maj Seward, Transcripts vol. 32, p. 6080.
66. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34648.

67. Testimony of Col Arp, Transcripts vol. 11, p. 2179; and LGen (ret) Reay, Transcripts vol. 46, p. 9060.
68. Testimony of Maj Priestman, Transcripts vol. 15, pp. 2697 and 2701.
69. Testimony of Maj Priestman, Transcripts vol. 15, pp. 2697-2709.
70. Testimony of Col Arp, Transcripts vol. 12, pp. 2131.1-2134.1; and BGen Beno, Transcripts vol. 40, pp. 7883-7884 and 7892, and evidence to the Board of Inquiry on the Canadian Airborne Regiment Battle Group, vol. IV, p. 1031 [hereafter, Board of Inquiry (CARBG)]; MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8392-8393; LGen (ret) Reay, Transcripts vol. 46, pp. 9060-9061 and 9071; and LGen (ret) Gervais, Transcripts vol. 47, pp. 9462-9464 and 9467-9468.
71. Testimony of BGen Beno, Transcripts vol. 40, p. 7881.
72. Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9065.
73. Testimony of LGen (ret) Reay, Transcripts vol. 46, pp. 9061 and 9071; and LGen (ret) Gervais, Transcripts vol. 47, pp. 9467-9468.
74. Testimony of Col Arp, Transcripts vol. 12, pp. 2131.1-2134.1; and BGen Beno, Transcripts vol. 40, pp. 7883-7884 and 7892, and evidence to Board of Inquiry (CARBG), vol. IV, p. 1031.
75. See letter, BGen Beno to MGen MacKenzie, Commander Land Force Central Area, October 19, 1992, Document book 15, tab 18.
76. Testimony of Maj Priestman, Transcripts vol. 15, pp. 2792-2797.
77. Testimony of Maj Priestman, Transcripts vol. 15, p. 2722.
78. Testimony of Col Holmes, Transcripts vol. 4, pp. 6836; and Maj Priestman, Transcripts vol. 15, pp. 2725-2726.
79. Testimony of Col Holmes, Transcripts vol. 4, pp. 686 and 803-804; and Maj Priestman, Transcripts vol. 15, pp. 2727, 2738 and 2742.
80. Testimony of Col Arp, Transcripts vol. 12, pp. 2095.1 and 2097.1; LGen (ret) Reay, Transcripts vol. 45, pp. 8998-8999, and vol. 46, pp. 9061, 9071 and 9222; Col Holmes, Transcripts vol. 4, pp. 677 and 729; BGen Beno, Transcripts vol. 40, pp. 7883-7884; and LGen (ret) Gervais, Transcripts vol. 47, pp. 9462-9464 and 9467-9468.
81. Testimony of Col Holmes, Transcripts vol. 4, pp. 671675; and LGen (ret) Reay, Transcripts vol. 45, pp. 89988999, and vol. 46, p. 9216.
82. Testimony of LGen (ret) Reay, Transcripts vol. 46, pp. 9061, 9065 and 9071; LGen (ret) Gervais, Transcripts vol. 47, pp. 9467-9468; Col Arp, Transcripts vol. 12, pp. 2150.1 and 2215; and BGen Beno, Transcripts vol. 40, p. 7881.
83. Testimony of BGen (ret) Zuliani, Transcripts vol. 181, pp. 37431-37432.
84. Testimony of Col Arp, Transcripts vol. 11, pp. 2162 and 2175; and Maj Priestman, Transcripts vol. 15, p. 2694.
85. Testimony of LGen (ret) Reay, Transcripts vol. 46, pp. 9065, and vol. 45, pp. 8955-8956; MGen (ret) Gaudreau, Transcripts vol. 3, pp. 568-569; and Col (ret) Houghton, Transcripts vol. 12, p. 2259.

86. Testimony of Maj Priestman, Transcripts vol. 15, p. 2775.
87. Testimony of BGen Beno, Transcripts vol. 40, p. 7881; LGen (ret) Reay, Transcripts vol. 46, p. 9072; and Maj Priestman, Transcripts vol. 15, p. 2776.
88. BGen Vernon and LGen Gervais, "Concept of Employment of the Canadian Airborne Regiment", pp. 9-10; and testimony of LGen (ret) Reay, Transcripts vol. 47, pp. 9272-9273.
89. Testimony of LCol Nordick, Transcripts vol. 2, pp. 257-258.
90. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4547; and CWO Cooke, Transcripts vol. 26, pp. 4902-4903.
91. CFAO 49-4, Annex B, paragraph 4, and Annex C, paragraphs 68, 10, 13-14.
92. Testimony of CWO Cooke, Transcripts vol. 26, p. 4886; and Maj Seward, Transcripts vol. 32, p. 6078; and evidence of CWO Raymond to Board of Inquiry (CARBG), vol. IV, p. 1007.
93. CFAO 49-4, Annex B, Appendix 2, paragraphs 2-4.
94. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4548; and CWO Cooke, Transcripts vol. 26, pp. 4902-906.
95. Testimony of CWO (ret) Jardine, Transcripts vol. 24, pp. 4546-548; and CWO Cooke, Transcripts vol. 26, pp. 4902-4904.
96. Document book 1, tab 1, pp. 52, 54.
97. Testimony of CWO Cooke, Transcripts vol. 26, pp. 4886-4887.
98. Testimony of Maj Seward, Transcripts vol. 31, p. 5885; and Military Police Investigation Report PET 855-12-92(LD), October 26, 1992, by Cpl Portz, 2 MP Platoon, CFB Petawawa, Document book 4, tab 3.
99. Evidence of Sgt Lloyd, General Court-Martial of Capt Sox, vol. 2, pp. 365-366.
100. Testimony of Maj Seward, Transcripts vol. 30, p. 5834, vol. 31, pp. 5884-5885, and vol. 32, p. 6080; MWO Mills, Transcripts vol. 23, p. 4330; and MWO Murphy, Transcripts vol. 35, pp. 6663, 6676-6677, 6692 and 6788.
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102. Testimony of LGen (ret) Foster, Transcripts vol. 3, p. 413; letter, MGen Hewson to LGen Belzile, Commander Mobile Command, 26 September, 1985, Document book 1, tab 1, p. 1/2; and letter, LGen Belzile to CDS, Annex A, p. A-i.
103. Testimony of MGen (ret) Gaudreau, Transcripts vol. 3, p. 542; Col Holmes, Transcripts vol. 4, p. 617; and letter, MGen Stewart to Col Holmes, March 5, 1992, Document book 83C, tab 14, p. 4.
104. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8460; Service paper, BGen Beno to MGen Vernon, "The Way Ahead -- Cdn Ab Regt -- Command, Control, Manning and Internal Operations", May 5, 1993, Document book 32, tab 5, p. S, paragraph 129(a)(2); and letter, LGen Reay, Commander Land Force Command, to CDS, October 28, 1993, re Response to Leadership and

- Discipline Issues-Canadian Airborne Regiment Board of Inquiry, Document book SSC, tab 6, pp. 34, paragraph 10(c).
105. Testimony of Col Holmes, Transcripts vol. 4, pp. 616617 and 685; Maj Priestman, Transcripts vol. 15, pp. 2725-2726; and CWO (ret) Jardine, Transcripts vol. 24, p. 4564; and letter, BGen Beno to BGen Ashton, Commander, 1st Canadian Brigade Group, April 8, 1993, Document book 89A, tab 4.
 106. Testimony of LCol Morneault, Transcripts vol. 36, pp. 69076908.
 107. Testimony of WO Murphy, Transcripts vol. 35, p. 6664.
 108. Testimony of WO Murphy, Transcripts vol. 35, p. 6775.
 109. Testimony of Cdr Jenkins, Transcripts vol. 6, p. 1209.
 110. Testimony of WO Murphy, Transcripts vol. 35, p. 6682.
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 112. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4S64; and Col Holmes, Transcripts vol. 4, pp. 616617.
 113. Testimony of Col Holmes, Transcripts vol. 4, pp. 613614.
 114. Testimony of Maj Seward, Transcripts vol. 30, pp. 5687-5688.
 115. Testimony of Maj (ret) Pommet, Transcripts vol. 182, pp. 37512-375 13.
 116. Testimony of CWO Cooke, Transcripts vol. 26, pp. 49164917.
 117. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34637.
 118. Testimony of Col (ret) Joly, Transcripts vol. 17, pp. 3194-3195 and 3239; BGen Beno, Transcripts vol. 41, pp. 7947-7949; Col Holmes, Transcripts vol. 4, pp. 682-83; Maj Priestman, Transcripts vol. 15, p. 2722; and MGen (ret) MacKenzie, Transcripts vol. 43, p. 8461.
 119. Evidence of Capt Yuzichuk to Board of Inquiry (CARBG), vol. 111, p. 672; testimony of Maj MacKay, Transcripts vol. 34, pp. 6564-6565; and Maj Seward, Transcripts vol. 30, p. 5670.
 120. Testimony of Maj Seward, Transcripts vol. 30, p. 5670.
 121. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9863.
 122. Testimony of MOen (ret) MacKenzie, Transcripts vol. 43, p. 8461; LCol (ret) Mathieu, Transcripts vol. 168, p. 34637; and Col (ret) Joly, Transcripts vol. 17, pp. 3190-3192; and evidence of Col (ret) Joly to Board of Inquiry (CARBO), vol. 4 p. 1316.
 123. Testimony of Col (ret) Houghton, Transcripts vol. 12, pp. 2253-2254; Col Holmes, Transcripts vol. 4, p. 611; MWO Mills, Transcripts vol. 23, pp. 4271 and 4361, and vol. 24, p. 4417; Maj Seward, Transcripts vol. 30, pp. 5683-5687, and vol. 31, p. 5968; Maj MacKay, Transcripts vol. 33, p. 6424; LCol Morneault, Transcripts vol. 39, pp. 7569-7572 and 7586-7587; and CWO (ret) Jardine, Transcripts vol. 105, p. 20889; letter, BGen Beno to MGen MacKenzie, Commander LFCA, October 19, 1992, Document book 15, tab 18; and letter,

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124. Testimony of Maj Seward, Transcripts vol. 30, pp. 5685 and 5687, and vol. 31, p. 5968.
125. Board of Inquiry on the Canadian Airborne Regiment, Change of Command [hereafter Board of Inquiry (Change of Command)], June 12, 1992, Document book 89, tab 30, Annex D; Board of Inquiry (Change of Command), November 13, 1992, Document book 7, tab 6, Annex D; Board of Inquiry (Change of Command), October 27, 1993, Document book 89A, tab 8, Annex B; and Board of Inquiry (CARBG), vol. X, Exhibits 87 and 88.
126. Testimony of Maj Kampman, Transcripts vol. 27, p. 5189.
127. Testimony of Maj Seward, Transcripts vol. 31, p. 5857; and LCol Morneault, Transcripts vol. 36, pp. 6911-6912.
128. Testimony of Maj Seward, Transcripts vol. 30, pp. 5735-5736.
129. Testimony of Maj Seward, Transcripts vol. 30, pp. 5705-5706; and LCol Morneault, Transcripts vol. 36, p. 6911
130. Evidence of LCol Mathieu to Board of Inquiry (CARBO), vol. V pp. 1193-1194.
131. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34638.
132. Testimony of Col Holmes, Transcripts vol. 4, p. 685; Maj Priestman, Transcripts vol. 15, p. 2722; Col (ret) Joly, Transcripts vol. 17, pp. 3194-3195 and 3239; BOen Beno, Transcripts vol. 41, pp. 7947-7949; CWO (ret) Jardine, Transcripts vol. 25, pp. 46244629; and LOen (ret) Reay, Transcripts vol. 46, pp. 9078-9079 and 9166; and message, LFC HQ to CARBO re COMMAND POSITIONS IN THE CDN AB REOT, 221349Z February 1993, Document book 83C, tab 10, p. 1.
133. Testimony of Col MacDonald, Transcripts vol. 26, pp. 49854987, and vol. 27, p. 5077; BOen Beno, Transcripts vol. 41, pp. 7947-7949; and LCol Morneault, Transcripts vol. 36, p. 6906.
134. Message, LFC HQ to AB Regt D INF 035 re MANNING OF MAJORS POSITIONS IN THE CDN AB REOT, 082000Z March 1993, Document book 48X, tab 1, p. 3.
135. Evidence of LCol Mathieu to Board of Inquiry (CARBG), vol. V pp. 1192-1193.
136. Board of Inquiry (CARBG), Exhibits 87 and 97, vol. X, pp. 3071 and 3105-3106.
137. R. v. Maj Anthony Seward, General Court-Martial, vol. 5, p. 950.
138. R. v. Seward (27 May 1996) #376 (Court Martial Appeal Court), pp. 19 and 21; and National Defence Act, Chapter N-S, section 140(c).
139. Judgement, Motion #25509: Major A.G. Seward v. The Queen, December 5, 1996 (Supreme Court of Canada).
140. Testimony of Maj Seward, Transcripts vol. 30, p. 5673, and vol. 31, p. 5855; Maj MacKay, Transcripts vol. 34, p. 6560; and WO Murphy, Transcripts vol. 35, p. 6735.

141. Testimony of BGen Beno, Transcripts vol. 40, pp. 7804-7805, and vol. 41, p. 7996; Maj Seward, Transcripts vol. 30, p. 5673; and LCol Morneault, Transcripts vol. 36, p. 6900; and evidence of BGen Beno to Board of Inquiry (CARBG), vol. IV, pp. 1027-1028; and LCol Mathieu, vol. V pp. 1186 and 1192.
142. Message, LFC HQ to CARBG re MANNING OF MAJORS POSITIONS, pp. 2-3.
143. Message, LFC HQ to CARBG re MANNING OF MAJORS POSITIONS, pp. 2-3.
144. Letter, BGen Dallaire to BGen Beno, "RAPPORT D'INCIDENT CAPITAINE J.A.M. RAINVILLE", September 23, 1992, Document book 4, tab 6A, ; and testimony of LCol Morneault, Transcripts vol. 36, pp. 6908-6909.
145. Letter, BGen Dallaire to BGen Beno, "RAPPORT D'INCIDENT".
146. Testimony of LCol Morneault, Transcripts vol. 36, p. 6963.
147. Testimony of BGen Beno, Transcripts vol. 41, p. 7950.
148. Evidence of BGen Beno to Board of Inquiry (CARBG), vol. IV, p. 1023.
149. Testimony of BGen Beno, Transcripts vol. 41, pp. 7947 and 7951-7952; and LCol Turner, Transcripts vol. 18, pp. 3424-3425.
150. Testimony of Col Arp, Transcripts vol. 12, pp. 2105.1-2106.1.
151. Letter, BGen Beno to MGen MacKenzie, Commander LFCA, October 19, 1992, Document book 15, tab 18.
152. Letter, BGen Beno to MGen MacKenzie, paragraphs 2, 3, 6 and 7; evidence of BGen Beno to Board of Inquiry (CARBG), vol. IV, pp. 1014-1019; and testimony of BGen Beno, Transcripts vol. 40, pp. 7737-7741 and 7793-7795.
153. Letter, BGen Beno to MGen MacKenzie, paragraphs 2, 3, 6 and 7; Evidence of BGen Beno to Board of Inquiry (CARBG), vol. IV, pp. 1014-1019; and testimony of BGen Beno, Transcripts vol. 40, pp. 7737-7741 and 7793-7795.
154. Letter, BGen Beno to MGen MacKenzie, paragraphs 2, 3, 6 and 7.
155. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8370, 8372 and 8379; LGen (ret) Reay, Transcripts vol. 46, p. 9038; LGen (ret) Gervais, Transcripts vol. 47, p. 9455; and Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9964 and 9967.
156. Testimony of LGen (ret) Gervais, Transcripts vol. 47, p. 9455.
157. Testimony of Maj Kyle, Transcripts vol. 21, pp. 3845-3849; Maj Seward, Transcripts vol. 30, pp. 5672-5673, 5686, 5703- 5704 and 5722-5724, and vol. 31, p. 5855; Maj MacKay, Transcripts vol. 34, p. 6560; MWO Murphy, Transcripts vol. 34, pp. 65846587, and vol. 35, p. 6735; CWO (ret) Jardine, Transcripts vol. 25, pp. 46104612, 46244629, and vol. 105, pp. 20924-20929; LCol Morneault, Transcripts vol. 36, p. 6972, and vol. 38, p. 7332; MWO Amaral, Transcripts vol. 104, pp. 20651-20656, 20749, 20789, 20807-20809, and vol. 105, pp. 20829 and 20831-20835; Maj Pommet, Transcripts vol. 107, pp. 21449-21453, and vol. 109,

- p. 21744; and Maj Mansfield, Transcripts vol. 103, pp. 2041-20417 and 20477-20478, and vol. 115, pp. 23041-23043.
158. Board of Inquiry (CARBG), Exhibits 87 and 88, vol. X, pp. 3071-3072.
159. CFAO 20-50, paragraph 3.
160. Board of Inquiry (CARBG), Exhibit 32, SSF SOP. 4003, Annex A, paragraph 4; and Testimony of Maj Kampman, Transcripts vol. 27, p. 5222.
161. The only explicit rule on the subject was in CFAO 20-50, paragraph 4a, which stipulated that "Members with a history of repeated misconduct shall not be considered for a posting outside Canada." Since the Somalia mission, CFAO 20-50 has been amended to require that unit commanders make an explicit determination of the behavioural suitability for deployment of personnel under their command. The amended CFAO also provides a list of specific indicators of behavioural or social unsuitability that COs should take into account in arriving at their decision. See CANFORGEN 023 of 021500Z May 94 from NDHQ re SOCIAL AND BEHAVIOURAL SUITABILITY SCREENING, Document book 89A, tab 10.
162. DND, Operations Land & Tactical Air, vol. 3, Peacekeeping Operations (Publication B-GL-301-003/Fp. 001, September 15, 1995), p. 11-3-1, paragraph 3b.
163. Franklin C. Pinch, "Screening and Selection of Personnel for Peace Operations: A Canadian Perspective" (Gloucester, Ont.: November 1994), p. 28.
164. Memo, OP CORDON/OP DELIVERANCE-Lessons Learned to N3, Marlant [Maritime Forces Atlantic] HQ, February 19, 1993, Document book 3 1A, tab 42.
165. Testimony of Col (ret) Joly, Transcripts vol. 16, p. 3045.
166. Testimony of LGen (ret) Gervais, Transcripts vol. 48, pp. 9653 and 9681; and Gen (ret) de Chastelain, Transcripts vol. 50, p. 10070.
167. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10071.
168. Testimony of LGen (ret) Gervais, Transcripts vol. 48, pp. 9679-9680.
169. Testimony of Col Labbe, Transcripts vol. 161, p. 32737.
170. Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9095. See also testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9653.
171. Testimony of LGen (ret) Reay, Transcripts vol. 46, pp. 9088, 9090-9094 and 9096-9097; LGen (ret) Gervais, Transcripts vol. 48, p. 9652; and Gen (ret) de Chastelain, Transcripts vol. 50, p. 10070.
172. Pinch, "Screening and Selection of Personnel for Peace Operations", p. 23.
173. See CFAO 20-46 and CFAO 20-50 and Force Mobile Command Operating Procedure 101, November 29, 1997.
174. Letter, LCol O'Brien, SSF Chief of Staff- "DEPARTURE ASSISTANCE GROUP (DAG) PERS COORD INSTR -- OP CORDON", September 8, 1992, Document book 10, tab 30.

175. Memo, Capt Gosselin, Adjutant, 1st Canadian Division HQ and Signal Regiment, "OP DELIVERANCE -- DEPARTURE ASSISTANCE GROUP 11114 DEC 92", December 10, 1992, Document book 89A, tab 1.
176. CFAO 20-50, Annex A, section 1, paragraph 4, and Annex A, Appendix 1, Part H; testimony of LCol Nordick, Transcripts vol. 2, p. 289; and LCol Morneault, Transcripts vol. 37, pp. 7171 and 7172. See also Pinch, "Screening and Selection of Personnel for Peace Operation", pp. 17-18 and 23.
177. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5222 and 5224; LCol Morneault, Transcripts vol. 37, pp. 7171-7172; and MWO Murphy, Transcripts vol. 35, p. 6662.
178. Testimony of Maj Kampman, Transcripts vol. 27, p. 5224; MWO Murphy, Transcripts vol. 35, pp. 6662-6663; LCol Morneault, Transcripts vol. 37, p. 7173.
179. Testimony of Maj Kampman, Transcripts vol. 27, p. 5225.
180. Testimony of LCol Morneault, Transcripts vol. 37, pp. 7171-7172.
181. Testimony of MWO Mills, Transcripts vol. 23, p. 4384; CWO (ret) Jardine, Transcripts vol. 25, p. 4763; and MWO Murphy, Transcripts vol. 35, p. 6665.
182. Letter, Capt McMillan, SSF Gi, to SSF Commander, "OP DELIVERANCE - CDN AB REGT REAR PARTY COMPOSITION", May 10, 1993, Document book 89A, tab 2; letter, LCol Mathieu to BGen Beno, "INTEGRATION OF RESERVISTS WITHIN AIRBORNE BATTLE GROUP", December 2, 1992, Document book 19, tab 9, p. 2, paragraph 5; and testimony of MWO Mills, Transcripts vol. 23, pp. 4323, 4325 and 4349; Maj Seward, Transcripts vol. 30, p. 5822; and Maj Kampman, Transcripts vol. 27, p. 5224.
183. Testimony of BGen Beno, Transcripts vol. 40, pp. 7737-7741 and 7793-7795; evidence of BGen Beno to Board of Inquiry (CARBG), vol. IV pp. 1014-1019; and letter, BGen Beno to MGen MacKenzie, Commander LFCA, "REPLACEMENT OF COMMANDING OFFICER CANADIAN AIRBORNE REGIMENT", October 19, 1992, Document book 15, tab 18.
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196. Letter, Capt Yuzichuk, CAR Adjutant, to CJFS Ji, "SUMMARY OF INCIDENT...", January 1993, Document book 111, tab 44C.
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198. Message, Adjutant, CARBG, to Ji, CJFS, "...CO's Recommendations"; and MPIR 710-81-92, May 20, 1992, Cpl Parsons, 2 MP Platoon, CFB Petawawa, Document book 89, tab 2.

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218. Testimony of LCol Morneault, Transcripts vol. 36, pp. 6906 and 6994, and vol. 39, p. 7610.
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223. Testimony of BGen Beno, Transcripts vol. 41, pp. 7947-7949; LCol Turner, Transcripts vol. 20, p. 3576; LCol Morneault, Transcripts vol. 36, pp. 6904-6906; and LCol (ret) Mathieu, Transcripts vol. 168, pp. 34619-34620.
224. Testimony of BGen Beno, Transcripts vol. 41, pp. 7947 and 7951-7952; and LCol (ret) Mathieu, Transcripts vol. 168, pp. 34619-34620.
225. Testimony of LCol Morneault, Transcripts vol. 36, pp. 6907, 6962, and vol. 38, pp. 7535-7536; and BGen Beno, Transcripts vol. 41, p. 7152.
226. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, pp. 34619-34620.
227. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, pp. 34634-34648.
228. Testimony of Maj Priestman, Transcripts vol. 15, pp. 2722-2726; Col (ret) Joly, Transcripts vol. 17, pp. 3194-3200; BGen Beno, Transcripts vol. 41, pp. 7947-7949; LCol Turner, Transcripts vol. 20, p. 3576; LCol Morneault, Transcripts vol. 36, pp. 6904-6906; LGen (ret) Reay, Transcripts vol. 46, pp. 9078-9079 and 9166; and LCol (ret) Mathieu, Transcripts vol. 168, p. 34677; and message, LFC HQ to CARBG, "COMMAND POSITIONS IN THE CDN AB RECT", February 22, 1993, Document book 83C, tab 10, p. 1, paragraph 1.
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230. Testimony of BGen Beno, Transcripts vol. 41, pp. 7940, 7945 and 7989-7995.
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232. See Pinch, "Screening and Selection of Personnel for Peace Operations", p. 13:
"...nor should formal selection strategies be considered sufficient to overcome other deficiencies in the leadership, management and supervision within the armed forces."
233. Evidence of a witness to Board of Inquiry (CARBG), vol. IV, p. 887, quoting an unnamed senior NCO or officer of 2 Commando.
234. Testimony of Cdr Jenkins, Transcripts vol. 6, p. 2585.
235. Testimony of Cdr Jenkins, Transcripts vol. 6, pp. 1201-1202, and vol. 14, pp. 2537 and 2660-2663.
236. Canadian Human Rights Act, S.C. 1976-77, Chapter 33, sections 2(a), 4, 7, 10(a), 12, 48(4) and 63(1).
237. S.C. 1980-81-82-83, Chapter 143, section 23.
238. Department of Defense Directive 1325.6, U.S. Department of Defense, September 12, 1969, as amended on October 8, 1986. The following excerpt sets out the U.S. policy: Military personnel must reject participation in organizations that espouse supremacist causes; attempt to create illegal discrimination based on race, creed, color, sex, religion, or national origin; or, advocate the use of force or violence, or otherwise engage in efforts to deprive individuals of their civil rights. Active participation, such as publicly demonstrating or rallying, fund raising, recruiting and training members, and organizing or leading such organizations is incompatible with Military Service, and is therefore prohibited. Commanders have authority to employ the full range of administrative procedures, including separation or appropriate disciplinary action, against military personnel who actively participate in such groups.
239. Testimony of CWO (ret) Jardine, Transcripts vol. 25, p. 4690.
240. U.S. Congress, House of Representatives, Committee on Armed Services, December 30, 1994, p. 6.
241. R.S.C. 1993, Chapter C-46.
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244. Testimony of Cdr Jenkins, Transcripts vol. 6, p. 1203.
245. Chief Review Services, "Report on NDHQ Program Evaluation E-4/86: Special Review of DND Security Screening Policy and Procedures," May 13, 1987, p. 78, paragraph 233, p. 98, paragraph 291, p. 99, paragraphs 297-298, and p. 112, paragraph 341; and DND, Security Orders for the Department of National

246. Testimony of Cdr Jenkins, Transcripts vol. 6, pp. 1196-1199.
247. Letter, Cdr Jenkins, D Secur Ops 2, "RIGHT-WING EXTREMISTS IN THE CF", February 4, 1993, Document book 8, tab 2, p. 2, paragraph 4; and testimony of Cdr Jenkins, Transcripts vol. 6, pp. 1213, 1214, 1215, 1227.
248. Testimony of Cdr Jenkins, Transcripts vol. 14, p. 2619.
249. Testimony of Cdr Jenkins, Transcripts vol. 6, p. 1209, and vol. 14, pp. 2518 and 2561; and SIROS Report, October 31, 1991, p. 3, paragraph 10.
250. Testimony of Cdr Jenkins, Transcripts vol. 6, p. 1209-1215.
251. Testimony of Cdr Jenkins, Transcripts vol. 14, pp. 2572-2574.
252. Testimony of Cdr Jenkins, Transcripts vol. 6, pp. 1209-1210.
253. Testimony of Cdr Jenkins, Transcripts vol. 6, p. 1210, and vol. 14, pp. 2573-2574.
254. Testimony of WO Murphy, Transcripts vol. 35, pp. 66824683.
255. Testimony of WO Murphy, Transcripts vol. 35, pp. 66824684.
256. Testimony of Cdr Jenkins, Transcripts vol. 6, pp. 1223-1224; and BGen Beno, Transcripts vol. 42, pp. 8128 and 8132-8133.
257. Testimony of Cdr Jenkins, Transcripts vol. 14, pp. 2571-2572.
258. Testimony of Cdr Jenkins, Transcripts vol. 6, p. 1213, and vol. 14, pp. 2557-2561, 2562-2563 and 2655-2659.
259. Briefing note, Cdr Jenkins to Minister of National Defence (MND), "INVESTIGATION OF RIGHT-WING EXTREMIST ACTIVITIES BY MEMBERS OF THE CANADIAN FORCES", September 13, 1993, Document book 72A, tab 18G, pp. 1-2, paragraph 3; and Testimony of Cdr Jenkins, Transcripts vol. 14, pp. 2553-2554.
260. Briefing note, Cdr Jenkins to MND, "INVESTIGATION OF RIGHT-WING EXTREMIST ACTIVITIES", p. 2, paragraph 3c; and testimony of LCol (ret) Mathieu, Transcripts vol. 173, p. 35795.
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262. Testimony of Cdr Jenkins, Transcripts vol. 14, p. 2582.
263. Testimony of Cdr Jenkins, Transcripts vol. 14, pp. 2582, 2590-2592.
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267. Testimony of MWO Mills, Transcripts vol. 24, p. 4470.
268. Testimony of Cpl Robin, Transcripts vol. 6, pp. 1033-1037.
269. Testimony of Cpl Robin, Transcripts vol. 6, p. 1070.
270. Testimony of Cpl Robin, Transcripts vol. 6, p. 1066.
271. Testimony of Cpl Robin, Transcripts vol. 6, p. 1075.
272. Testimony of Maj Seward, Transcripts vol. 32, pp. 61906191.
273. Testimony of Col MacDonald, Transcripts vol. 26, pp. 5010-5011; and LCol Morneault, Transcripts vol. 37, p. 7182.
274. Testimony of Maj Pommet, Transcripts vol. 107, pp. 21467-21468; and MWO O'Connor, Transcripts vol. 109, pp. 21848, 21854.
275. Testimony of MWO O'Connor, Transcripts vol. 109, pp. 21848, 21854-21855.
276. Testimony of Maj Seward, Transcripts vol. 30, p. 5838.
277. Testimony of Maj Mansfield, Transcripts vol. 103, p. 20431.
278. Testimony of Sgt Flanders, Transcripts vol. 110, p. 22124.
279. Testimony of CWO (ret) Jardine, Transcripts vol. 105, p. 21067.
280. Transcripts vol. 103, p. 20431.
281. Paragraph 9.
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TRAINING

We were asked to inquire into "the appropriateness of the training objectives and standards used to prepare for deployment of the Airborne Regiment" and to report on "the operational readiness of the CARBG [Canadian Airborne Regiment Battle Group], prior to deployment, for its missions and tasks."¹ Fundamental to a unit's operational readiness are troops well trained to perform all aspects of the mission to which it is being committed. Accordingly, our Inquiry touched on a broad spectrum of issues related to training and included, but was not limited to, a review of the training objectives and standards used for Operation Cordon and Operation Deliverance.

A well trained unit for peace support operations is one that is ably led; functionally well integrated (that is, its operational components fit together well); cohesive (it displays positive bonding among peers and across rank levels); and focused on an understood mission. It is also -- and of primary interest in this chapter -- one whose members have the knowledge, skills, outlook and attitudes necessary to meet the challenges that will be faced in theatre. This is especially important when troops are being sent off to represent Canada in foreign environments characterized by a high level of complexity, diversity, ambiguity, uncertainty, and risk,² of which Somalia is but one example.

The responsibility to ensure that units are well trained and their members have the appropriate attitudes to effectively undertake peace support operations begins with the Chief of the Defence Staff (CDS) and the Deputy Chief of the Defence Staff (DCDS) and extends through the various levels of command to unit commanding officers and on down to section commanders. We therefore begin by reviewing the peace support operations training arrangements that were in place at the higher levels of the Canadian Forces (CF) before considering the specific training conducted for Operation Cordon and Operation Deliverance. Ultimately, we want to know whether the Canadian Airborne Regiment Battle Group was properly trained for the Somalia mission and, if not, what the deficiencies were and how they might have been corrected.

TRAINING POLICY FOR PEACEKEEPING MISSIONS

The Traditional Approach

Given Canada's long involvement with United Nations peacekeeping endeavours, one would expect that by 1992, the year Somalia became an international issue, the CF would have had a clearly defined and conceptualized training system for peacekeeping missions that reflected changes in the peacekeeping field at that time. (Our discussion of training policy up to 1992 relates primarily to "traditional peacekeeping", characterized by the basic tenets of consent, impartiality, and use of force only in self-defence, as discussed in Volume 1, Chapter 10 -- Peacekeeping.) Amazingly, this was not the case. Indeed, at that time, the training policy of the CF was based almost exclusively on a traditional mode of general purpose combat preparation.

The objective of general purpose combat training (GPCT) is to prepare soldiers and units to perform a full range of basic combat functions and to integrate these functions effectively to meet larger operational needs. Before advancing to collective unit training, all soldiers are trained in basic soldiering skills, such as the use of weapons, fieldcraft, communications, biological/chemical defence, basic fitness, and first aid. GPCT was to provide the foundation for peacekeeping, supplemented by mission-specific training during pre-deployment preparations as the need arose.

This reliance on GPCT was based on the conviction that troops well trained for high-intensity warfare would be well prepared for any scenario falling short of combat, including peacekeeping.³ It assumed that peacekeeping would draw on the same set of skills as conventional warfare, but would test them to a lesser degree.

In addition to developing fighting skills, GPCT was seen to instil a strong sense of unit discipline and the ability to work cohesively and efficiently in any military setting, whether in battle, delivering food and assistance, or in other emergencies. Since UN peacekeeping missions involved critical contact with other military or para-military leaders, it was believed that combat-ready troops would be better able to understand, and command the respect of, the military leaders and soldiers of warring factions.⁴ Thirty years' experience in traditional peacekeeping, typified by Canada's involvement in Cyprus, had demonstrated the relevance of unit discipline, cohesion, and basic professional skills in all military endeavours.

It was assumed that any necessary training beyond GPCT was achievable within the relatively short period between the notice of mission and a unit's actual deployment -- that is, from several days to a few months. Relegating this training almost exclusively to the pre-deployment phase also reflected the view that each new mission was unique, with few common characteristics that could be prepared for outside a mission-specific context.

This basic CF design of training for war -- the 'traditional' approach -- was clearly evident in the early 1990s before troops were sent to Somalia.⁵ It was formulated in response to the plans and priorities established by the Government of Canada and expressed in the 1987 Defence White Paper.⁶ While recognizing Canada's continuing participation in UN peacekeeping missions, the White Paper essentially endorsed Cold War defence policy, based on a strategy of deterrence and collective defence in North America and Western Europe. The focus of the CF on general purpose combat readiness flowed from this statement of priorities.⁷

This policy seems to have served our forces well throughout the so-called 'classical' peacekeeping era (1956-1990),⁸ when relatively stable unit rotations to Cyprus were the norm. Indeed, CF peacekeepers were recognized internationally for their high level of professionalism. However, the rapidly changing nature of global conflict and the dynamics of peacekeeping in the late 1980s called for re-examination and change in peacekeeping training approaches.

Peacekeeping Skills Beyond General Purpose Combat Training

Training must be tailored to the tasks required, and this varies, to some degree, from mission to mission.⁹ The modern peacekeeper is called upon to perform an extraordinary range of roles and tasks:

The soldier of the 1990s must be flexible. He must be a diplomat, an aid worker, a policeman, as well as a warrior. He must exercise an unprecedented level of self-discipline by, in effect, programming himself to fit the prevailing situation.

In wartime, roles and objectives are clearly defined. But in operations other than war, the soldier is often forced to change roles from day to day, or even moment to moment. The peacekeeper must draw upon his combat infantry skills if a fire-fight breaks out, and then revert back to his diplomatic or humanitarian self.

The soldier of the 1990s must be better educated than ever before. He must be acquainted with the political, military and socio-cultural dynamics of the crisis area.... He must realize that as a representative of his country, his conduct will be held to extremely high standards.¹⁰

Thus a much wider array of knowledge and skill is required than is normally covered under GPCT. Broadening the knowledge and skill base through education and training is also a way of shaping appropriate attitudes and setting the right expectations to help CF members adapt to the demands of traditional peacekeeping or other peace support missions.

Many generic lists have been developed of the kinds of training generally required for peace support missions.¹¹ Some outline all the skills required; others focus only on non-GPCT skills. To indicate the range of skills and their interrelationship, we include a representative and composite list of key subjects identified as being of particular relevance to peace support missions. They are grouped to include those that usually fall within GPCT (although the exact application of the skills may differ); those not traditionally included in GPCT, but of general application to peace support operations ('generic peacekeeping' skills); and those that must be taught in a mission-specific context.¹²

General Purpose Combat Training

- use of small arms, crew-served weapons and non-lethal weapons
- fieldcraft, including survival techniques, map reading, water purification, navigation
- use of communications equipment
- mine awareness
- Law of Armed Conflict
- first aid, including CPR, hygiene
- patrolling and checkpoint operations
- sentry and guard duties, compound security.

Generic Peacekeeping Training

- overview of United Nations and history of UN peacekeeping
- nature of UN peacekeeping activities
- understanding of a peacekeeper's roles and responsibilities
- review of lessons learned from previous missions
- conflict resolution and negotiation
- intercultural relations training
- use of force policies and rules of engagement (ROE)
- investigation and UN reporting procedures
- establishing buffer zones, supervising a cease-fire, monitoring boundaries
- protecting humanitarian relief efforts, convoy escorts
- establishing and maintaining law and order
- searches, crowd control, handling detainees
- assistance in rebuilding infrastructure, relief work
- co-operation with related agencies (e.g., Red Cross)
- public affairs/media awareness.

Mission-Specific Training

- mission-specific objectives and command and control structures
- geography, history, political background, and threat assessment (military and environmental) in relation to theatre of operations
- theatre-specific cultural and language training
- theatre-specific vehicle, weapons, mines and munitions recognition
- training on mission-specific standing operating procedures and ROE
- theatre-specific health and hygiene
- stress management techniques.

We emphasize that the lists are not exhaustive or authoritative. However, they are sufficiently illustrative of training requirements for peace support operations to serve as a checklist in this chapter.

The lists are striking in at least two respects. First, the topics relevant to training for peace support operations are numerous and complex; we could not imagine them being covered adequately in the pre-deployment phase, particularly in cases where that period is measured in days.¹³ Second, although some topics must be taught in the context of a specific mission, many are applicable more generally to a wide range of UN missions. These generic peacekeeping training topics should be included, along with GPCT, in core training received by members of the Canadian Forces. This cannot be done during the limited pre-deployment period only and calls for a greater use of the individual training system, so that topics can be incorporated over a longer period.

Internal Reassessment

The Department of National Defence (DND) and the CF conducted a number of studies and reviews during the late 1980s and early 1990s examining various peacekeeping-related issues. Common themes of these internal reviews and studies included the absence of a nationally directed peacekeeping training program; inattention to, or inadequacy of, training structures and processes; and resulting deficiencies in the knowledge, skills and orientations of CF peacekeepers.¹⁴ In 1989, the Lalonde study advocated better co-ordination of peacekeeping deployments between National Defence Headquarters (NDHQ) and commands, but upheld the general purpose model of training.¹⁵ The same year, the Rowbottom study proposed a specialized approach to peacekeeping policies, procedures and training.¹⁶

In 1990, the Special Peacekeeping Adviser to the Deputy Chief of the Defence Staff reported that Canada's peacekeeping training efforts had both systemic and training content deficiencies.¹⁷ BGen Ian Douglas observed that "the training of our troops selected for UN operations is not well managed by the central system. Most training activities are ad hoc and, with a few exceptions, take place because field commanders foresee, and cater to, operational training requirements."

BGen Douglas noted that Canadian officers received insufficient education and training in peacekeeping operations. Particularly lacking were education and training in relation

to the geopolitical, cultural, interpersonal and international co-operation aspects of UN deployments. In the United Nations Observer Group in Central America (ONUCA) operation, both the Spanish and Venezuelan contingents "were quite superior to the Canadian Contingent, when compared across the board."

As to formed unit preparation, BGen Douglas confirmed the lack of direction from NDHQ to commands to units: "After 26 years of the Cyprus commitment there is still no system directed training package. Units either go back into regimental archives, and update old training plans, or borrow the most recent plan from the unit which preceded them".

The Douglas report recommended the development and management of a training package by Land Force Command Headquarters; introduction of a course of studies to overcome the noted education and training deficiencies; and the establishment of a permanent joint staff (J Staff) to improve NDHQ communication, co-ordination and management of peacekeeping activities.¹⁸ It also called for an in-depth review of all categories of peacekeeping training.¹⁹

A DND Military Review preliminary report, issued in February 1991, observed that there were "no current, officially published, Canadian doctrinal manuals for the guidance of CF members or units training for or serving on peacekeeping duties."²⁰ As well, there was "a lack of coordinated policy direction for training and training standards for units preparing for peacekeeping operations." Force Mobile (now Land Force) Command had no current training policy for formed unit deployments and rotations, and concern was expressed that general military training, which emphasized a high standard of discipline and aggressiveness, was insufficient for the peacekeeping role. "While there is no question of the requirement for a high state of discipline, time and training are required to prepare the soldier for the passive role of a peacekeeper."

In 1992 an NDHQ program evaluation report identified weaknesses at all levels of peacekeeping training and observed that "command and control and communication systems across the Canadian Forces for peacekeeping do not exist."²¹ The report reinforced the need for the involvement of the individual training system, along with functional commands, to ensure comprehensive peacekeeping education and training; emphasized the importance of "non-traditional" and "special" skills for peacekeepers; and urged the allocation of resources to support peacekeeping training efforts. The evaluation reflected growing concern about the adequacy of both general and specific aspects of peacekeeping training and concluded that "peacekeepers will need more than only general military training."

In early 1991, the United Nations published "Training Guidelines", which included guidance on standards of training for peacekeeping operations among contributing nations.²² One response was a staff paper by the Directorate of Peacekeeping Operations depicting a complacent CF attitude (that is, that very little was needed to prepare CF peacekeepers for operations), which was causing difficulties in competing with other peacekeeping contributors [who were] paying attention to the expressed wishes of the UN [by] upgrading their peacekeeping skills."²³

The paper warned against resisting the guidelines for refresher and special training (e.g., mission orientation and negotiation). The CF had an obligation to meet the UN guidelines, the paper argued, and could "no longer claim that specific peacekeeping training is not needed." Among its recommendations were that training be given priority and that it be tailored to the needs of various categories of peacekeepers, including formed and composite unit contingents (combat and support).

Internal resistance to change was apparent in the early 1990s, particularly around the time when submissions were being made to establish a peacekeeping training centre at Cornwallis, Nova Scotia. The centre was to provide more focused expertise and broaden the range of education and skills training being offered to peacekeepers.²⁴ In general, the CF response was to favour maintenance of the status quo, with the (by then) familiar refrain that "the best peacekeeper is a well-trained soldier, sailor or airman who knows his trade", with any required specialized training to be carried out as a premission 'add-on'.²⁵ The traditional list of contingency training (basically, combat-oriented training, conducted annually for the UN standby contingent outside Canada, under jungle, mountain or desert conditions); replacement/reinforcement/rotation training (primarily for support personnel destined for the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights, conducted quarterly); and military observer training was offered as evidence of a comprehensive training approach. There were also claims that staff changes in the office of the Deputy Chief of the Defence Staff (DCDS) in 1988 had improved the peacekeeping training situation.²⁶

In the short term, very little action flowed from any of the study or review findings,²⁷ and it is unlikely that change would have occurred had it not been for external pressure.²⁸ A survey of CF commands, colleges, and schools in March 1993 showed that few of the formations were conducting specific UN training or education,²⁹ and there was no indication of any appreciable influence on the way training was being directed by commands or done at the unit level.³⁰ Also, a comprehensive DCDS instruction of December 29, 1993 -- aimed at rectifying deficiencies, making improvements, and formalizing direction and guidance for peacekeeping operations³¹ -- had no immediate effect. Problems and limitations in peacekeeping training at the deploying unit level persisted into the mid-1990s.³²

The State of Training Policy in 1992

Thus in 1992, despite numerous internal studies with a consistent message -- that peacekeeping training should be critically re-evaluated and changed -- an ad hoc, general purpose combat training approach to preparing for UN deployments remained. There was no nationally directed systematic process for determining training requirements for peacekeeping and other peace support operations or for developing training plans and programs. Post-Cold War peace support operations training lacked an appropriately defined concept of operations, a proper needs analysis had not been conducted,³³ and formally developed doctrine, standards and training plans were absent.

Without training objectives and standards at the command level, there was no basis on which to provide guidance as to training priorities or the level to which training was to be conducted, let alone criteria to evaluate the effectiveness of such training. Production of training curricula, training packages, and standing operating procedures at the

formation/unit level was indeed hampered by the absence of central direction, a supportive training structure, and a 'corporate memory bank'. Although progress has been made since, the tone set at NDHQ and within commands foreshadowed the problems encountered by the Canadian Airborne Regiment during pre-deployment preparations in the fall of 1992. These can be seen partly as a reflection of higher-level resistance to modernizing the peace support operations training structure and process to meet emerging challenges. In this sense, some of the difficulties experienced by the CAR were highly predictable and preventable.

FINDINGS

- *In 1992, there was no formalized and standardized training system for peace support operations. A comprehensive training policy, based on changing requirements, had not been developed, and there was an absence of doctrine, standards, and performance evaluation mechanisms respecting the training of units being deployed on peace support operations. This situation existed even though deficiencies in training policy, direction, and management had been clearly identified in internal Department of National Defence and Canadian Forces reviews and staff papers before 1992.*
- *In preparing its forces for peace support missions, the Canadian Forces relied almost exclusively on a core of general purpose combat training, supplemented by mission-specific training during the pre-deployment phase. This traditional approach to training was not adequate to give military personnel either the full range of skills or the appropriate orientation necessary to meet the diverse and complex challenges presented in post-Cold War peace support missions. There was a failure to incorporate the required generic peacekeeping training, both in the individual training system and in the regular operational training schedule.*
- *There was no resource centre to provide effective support and assistance to units preparing for deployment, nor was a procedure in place for the systematic compilation and analysis of lessons learned to assist in the planning of and preparation for new peace support missions.*

CAR TRAINING BEFORE SEPTEMBER 1992

The Canadian Airborne Regiment was reputed to produce well trained, highly motivated soldiers and was tasked to maintain those soldiers at a heightened state of readiness.³⁴ In this section, we examine briefly the training undertaken by the CAR before it received the warning order for Operation Cordon, with a view to assessing its state of readiness -- in terms of training -- to undertake preparations for a UN peacekeeping mission in the late summer of 1992.

Induction into the CAR

All CAR members were volunteers. Before applying to the CAR, they would have served for at least 18 months in a parent infantry regiment, successfully completed a parachute jumping course, demonstrated a high level of physical fitness, and achieved a specialty qualification in a combat function.³⁵

For many years, the CAR conducted an Airborne Indoctrination Course (AIC), usually in the late summer, to orient newly arrived members. Until the mid-1980s, the AIC was a formal, intensive course consisting of 10 training days devoted to physical fitness, marksmanship on all infantry weapons, basic fieldcraft and battle drills, continued parachute training, rappelling, unarmed combat, and first aid training.³⁶ The course culminated in a parachute drop, usually at night. Upon completion of the course, the member was presented with a regimental coin -- the rite of passage into the ranks of the Airborne.³⁷

By 1985, the AIC had been reduced to a five-day course.³⁸ After Col Holmes took over command of the CAR in 1990, the course was changed so that it was no longer a rite of passage into the Regiment. Instead, it was conducted at the commando level to integrate new members into their sub-units.³⁹

Annual Training

Annual Training Cycle

As with other infantry units, the CAR had an annual training cycle, culminating in a unit-level or formation-level exercise in the late spring.⁴⁰ The CAR's training year was divided into three periods: individual training (September to December), collective training (January to May), and total force training (June to August).⁴¹ The individual training period focused on the development of individual skills and usually included a collective exercise in the fall that built on section- and platoon-level skills. During the collective training period, training up to commando and regimental levels would be followed by a winter exercise. By spring, collective training would normally have been conducted up to the brigade level, culminating in a brigade exercise.⁴² The summer (total force training period) marked a break from regular force training for the unit, with many senior non-commissioned officers (NCOs) and officers being assigned at that time to train reserves.⁴³

Mid-June to early September was also the active posting season -- the period when units such as the CAR experienced their largest turnover of both officers and non-commissioned members (NCMs).⁴⁴

Over the summer period just about every unit in the Canadian Armed Forces is ripped to pieces in one way or another in what is called the tasking or the posting season...and then you grab everybody back together at the end of that posting season.

If you can, you get some collective training and then you embark again on your individual training period.⁴⁵

For at least a few years before the CAR was sent to Somalia, there were significant disruptions and modifications in its annual training. For example, at the time Col Holmes assumed command in the summer of 1990, the unit had experienced the recent cancellation of two regimental operations: an exercise to Jamaica, cancelled as a result of Hurricane Hugo, and an exercise to Alaska, cancelled when one of the advance-party planes crashed, killing several soldiers. The resulting loss and disappointment affected morale, and the disruption in unit-level training affected the unit's ability to operate effectively as a regiment.⁴⁶ Further frustration was experienced when, in the summer of

1990, the CAR trained diligently for six weeks for possible deployment to Oka, Quebec, but was not called.⁴⁷

The CAR's Operational Roles

The Canadian Airborne Regiment's training was a function of the unit's assigned roles and operational tasks. The CAR's primary role was "to provide rapid deployment airborne/air transportable forces for operations in accordance with assigned tasks, primarily to participate in support of national security and international peacekeeping."⁴⁸ Operational tasks for which the CAR was to be prepared included Civil Aid Operations (e.g., internal security operations, armed assistance to federal penitentiaries); Defence of Canada operations (which entailed the maintenance of the entire Regiment at 96 hours' notice, and being prepared for airborne operations anywhere in Canada, with the pathfinder platoon and one commando group on shorter notice); and Stability Operations (being a component of a UN peacekeeping force).⁴⁹

In relation to its Stability Operations tasking, the CAR was designated as the UN standby battalion, to be maintained at an advanced state of readiness for deployment anywhere in the world.⁵⁰ The Commander Force Mobile Command was responsible for training the combat arms unit "to the standards outlined in NDHQ Annual Training Directives".⁵¹

The spectrum of conflict for which the peacekeeping standby unit could be employed included enforcement of cease-fire agreements; conventional armed conflict; internal security; and humanitarian assistance.⁵² Being maintained at high readiness for designated operations included the requirement that the CAR be maintained at 90 per cent of its authorized strength, its equipment be maintained at a higher state of readiness than in other units, and it be "capable of executing operations without additional training."⁵³

The unit was supposed to be prepared to deploy anywhere in the world on a peacekeeping mission on seven days' notice.⁵⁴ We were advised, however, that such rapid deployment might mean that training and intelligence briefings would have to be conducted in theatre, with the declaration of operational readiness being made after arrival in theatre.⁵⁵

Although the CAR was the UN standby unit, the last time it had participated in a UN operation before the Somalia mission was during a rotation to Cyprus in 1986-87.

Training to Meet the CAR's Operational Roles

To prepare for its operational roles, the CAR directed its training to the honing of light infantry skills, with a focus on physical fitness, musketry, basic battle drills, and the building of team spirit.⁵⁶ Members of the CAR received intensified training beyond that given to other infantry units, with the most obvious difference being that parachute training formed a part of their activities.⁵⁷ Being specialized light infantry, CAR members were not required to train with vehicles or devote time to vehicle maintenance.⁵⁸ Greater emphasis was placed on individual battle craft skills⁵⁹ and unarmed combat training,⁶⁰ and there was a requirement for a higher standard of fitness than in any other unit in the army.⁶¹ We heard CAR members described as "keen", "aggressive", and "highly motivated",⁶² and their training as "more professionally

challenging", with exercises "designed to challenge the individual resourcefulness and self-reliance of the individual soldier at all rank levels."⁶³ The CAR underwent more exchange training with U.S., British, and French forces than other units⁶⁴ and was trained in jungle, mountain, and desert warfare.⁶⁵

Surprisingly, however, despite being designated as the UN standby battalion, the CAR did not, as a matter of course, conduct any regular training aimed specifically at preparing for its tasking related to peacekeeping operations. They did train for the rapid deployment aspect of the tasking, but not for the conduct of peacekeeping operations once deployed. This was based on the premise that the best peacekeeper is a soldier well trained in combat arms.⁶⁶ As emphasized earlier, basic infantry skills may be essential for soldiers deploying on peacekeeping missions, but they are clearly not enough.

One would expect that as the UN standby battalion, the CAR would have at all times maintained a high level of proficiency in both general purpose combat skills and generic peacekeeping skills. Yet we are not aware that the CAR conducted any training exercises, outside a mission-specific context, aimed directly at the conduct of UN peacekeeping operations.⁶⁷

It was made evident to us that the CAR was made up of self-sufficient and aggressive troops in search of challenge. These characteristics would not necessarily make them unsuitable for service in UN operations, which can range from observation along cease-fire lines to high-intensity conflict. However, additional and continuing training to develop a broader range of skills and attitudes was surely called for, particularly in the case of action-oriented troops who could be called into service on a UN mission at any time. As experience has shown, peacekeeping operations can often be protracted, frustrating, and of uncertain duration, with soldiers coming into daily contact with both civilians and hostile belligerents. To succeed in such missions, compassion and conflict resolution skills are as essential as high-spiritedness and proficiency in arms.

FINDING

- *Sufficient and appropriate training to accomplish its assigned missions and tasks is an essential component of a unit's preparedness. Training in the CAR was focused on physical fitness, rapid mobility, parachute capability, light infantry skills, and deployment in harsh environments. To fulfil its tasking as the UN standby unit, the CAR should have at all times maintained a proficiency in both general purpose combat skills and generic peacekeeping skills (involving, for example, an understanding of the nature of UN operations and the role of the peacekeeper, conflict resolution and negotiation, cross-cultural relations, restraint in the application of force, and standard UN operations). However, the CAR received little or no continuing generic peacekeeping training to prepare it for UN operations, despite having been designated for many years as the UN standby unit. This typified the traditional DND/CF dictum that general purpose combat training provides not only the best, but also a sufficient, basis for preparing for peacekeeping missions.*

Operation Python

In the summer of 1991, the CAR was chosen to participate in the United Nations Mission for the Referendum in the Western Sahara (MINURSO). The UN mandate was to oversee the conduct of a referendum to determine the political future of the Western Sahara by monitoring a cease-fire, supervising the return of refugees, and identifying and registering voters. The Canadian mission was named Operation Python. The CAR's tasks were to include manning crossing points for refugees, monitoring and patrolling in support of UN military observers and civil police, providing security at UN sites and reception centres, and providing force reserves and basic mine clearing capabilities.⁶⁸

The CAR was given notice for Operation Python on July 13, 1991. The Commander of the Special Service Force (SSF), BGen Crabbe, issued planning guidance and direction to the CAR's Commanding Officer (CO) on July 17, 1991 to permit immediate planning, pending the receipt of an operations order.⁶⁹ The letter ordered, as a first step, that all training activities scheduled during the proposed period of deployment be cancelled and that the normal training activities scheduled for the period before deployment be cancelled or modified. The latter included several exercises, as well as trade qualification and leadership courses that were to be rescheduled for the spring of 1992. With respect to the training requirements for Operation Python, BGen Crabbe directed the CO's attention to the individual training requirements in the Operation Python planning directive,⁷⁰ emphasizing as well the incorporation of sub-unit and platoon aspects of the operation. He also undertook to have his staff prepare a series of briefings on the climate, geography, demography, background, and current situation in the area of operations.

Col Holmes, Commander of the CAR, quickly issued a preliminary regimental training directive for Operation Python on July 31, 1991.⁷¹ In it, he noted the challenges that would be presented in the deployment, emphasized the need for fitness training to assist the troops in adapting to the harsh conditions that would be encountered, and outlined additional training requirements for the mission.

On August 13, 1991, SSF Headquarters issued the operation order for Operation Python. The order provided detailed direction respecting training priorities and directed the CAR to develop a training plan in conjunction with SSF staff.⁷² A four-to-six-day exercise to simulate in-theatre operations was to be conducted to prepare the battalion group for employment in the UN Western Sahara Operation.⁷³ In keeping with the direction provided by SSF Headquarters, Col Holmes issued a second Operation Python regimental training directive on August 26, 1991,⁷⁴ which included a regimental training timetable for each commando and a schedule of regimental briefings.

In preparing for Operation Python, Col Holmes advised us, the CAR undertook extensive training, including weapons training, individual preparation training (including first aid, emergency CPR, communications), and general peacekeeping training (including road blocks, searches, and perimeter definition).⁷⁵ They also conducted an exercise that began with a parachute assault for two days, followed by three days focused on UN operations. However, because of a lack of vehicles available for training, most of the exercise had to be accomplished on foot.⁷⁶

When asked later what lessons were learned by the Regiment by preparing for Operation Python, Col Holmes replied, "I think the bottom line is...that we had a lot to learn because the peacekeeping experience for the Airborne Regiment at that time was very stale...but the major lesson learned was that the training was of value and we had learned a lot."⁷⁷ Col Holmes characterized the training on the whole as "extremely successful", and he credited that success to the co-operation received from SSF Headquarters and other SSF units.⁷⁸

In sharp contrast to the CAR's preparations a year later for its mission to Somalia, we note that in the context of Operation Python, immediate training guidance was issued by SSF upon receipt of the warning order, a general training directive was prepared by the unit CO, and the SSF issued an operations order containing detailed directions respecting training priorities -- a sequence of events that spanned four weeks. Only then was a detailed training schedule issued. We note as well the apparent good communication and co-operation between the Brigade and the Regiment, which were identified by Col Holmes as key elements in successful training.

Warning and preparation for Operation Python were launched in July 1991. By December 1991, it was obvious that the CAR would not be deployed on the mission.⁷⁹ Furthermore, because of Operation Python, the CAR lost an opportunity to attend a regimental exercise in Jamaica and also lost a rotation to Cyprus in the spring of 1992.⁸⁰ Delays relating to Operation Python, followed by its ultimate cancellation, demoralized the troops.⁸¹ Coupled with budget cuts, which meant fewer exercises, the CAR personnel suffered a loss of motivation and discipline: "people literally let themselves go."⁸²

In testimony before us, Operation Python training was cited as having given the CAR an advantage in preparing for its mission to Somalia,⁸³ and preparation for Operation Python was a factor in selecting the CAR for the Somalia mission itself.

Preparing for Operation Python no doubt provided some training benefits to the CAR: general purpose combat skills were refreshed and some UN tasks were practised. Some personnel preparing for Operation Cordon in the fall of 1992 could draw on the experience they gained in training for Operation Python the previous year.

However, the advantages provided by training for Operation Python, in terms of preparing the CAR for its mission to Somalia, should not be overstated. The tasks and theatres of operations for the two missions differed substantially. No mounted training was done in preparation for Operation Python.⁸⁴ Training was completed almost a year before the preparations for Operation Cordon began, and there were many new and inexperienced personnel in the CAR by the fall of 1992 who had not been with the Regiment during the Operation Python preparations.⁸⁵ The situation was well summed up by Col Holmes: "there was some expertise remaining in the Regiment as a result of the [Operation Python] training but at the same time recognizing the downsizing and posting season, there would be [a] considerable number of new soldiers as well [as] officers and NCOs that needed to be brought up to [speed]."⁸⁶

Training After Operation Python

The CAR's training in the late winter and spring of 1992 was disrupted on several fronts. After Operation Python was cancelled, unit resources had to be devoted to sorting and

returning stores and equipment that had been earmarked for the mission.⁸⁷ More significantly, the CAR was beginning to undergo extensive changes related to regimental restructuring. These changes, and the difficulties they created, are discussed in detail in Chapter 19 (Suitability). We note here, however, that in February 1992 the CAR was instructed to "minimize unit training as of 29 May 92, ensuring that the reorganization then becomes the top priority unit activity."⁸⁸ During this time, it would be fair to say that the unit was either not training, or not training at its normal pace.⁸⁹

Some training activity did nevertheless take place. In the spring of 1992 the CAR conducted general purpose military training at the U.S. Marine Corps base at Camp Lejeune in the United States, and during the brigade concentration in the spring they conducted a regimental level general purpose exercise.⁹⁰ However, as of June 1992, the Regiment had not undertaken any trade qualification courses for almost two years, because of the Operation Python commitment, resulting in a "number of holes" in terms of qualifications within the Regiment.⁹¹

Despite these challenges, Col Holmes testified that, in the spring of 1992, the state of the CAR's training was good in terms of general purpose combat preparation.⁹² However, "the peacekeeping training by that time was getting a bit stale...skills are very perishable, very perishable."⁹³ Col Holmes also advised us that, given the ongoing restructuring and the rotation of personnel during the summer, it is likely that the CAR would have been "off balance" at the time it was selected for service in Somalia.⁹⁴

FINDINGS

- *The restructuring of the CAR, together with the annual rotation of personnel and turnover in senior officers, seriously and adversely affected the CAR's state of training readiness for a new mission in the late summer of 1992. Morale had suffered seriously during the 1991-92 training year. Annual training and individual training had been disrupted. While training in preparation for Operation Python had some residual benefit in preparing individual members for a UN mission, the sub-units as constituted for Operation Cordon differed substantially from the sub-units that trained for Operation Python. These newly constituted sub-units had not as yet had the opportunity to train together as a regiment. Under these circumstances, the unit as a whole could not be considered either combat ready or proficient in peacekeeping skills.*
- *At the time the CAR was warned for Operation Cordon, it was not at a high state of readiness, from a training perspective, to undertake preparations for deployment on a peacekeeping mission.*

PRE-DEPLOYMENT TRAINING FOR OPERATION CORDON

On September 5, 1992, the CAR received a warning order for a peacekeeping mission to Somalia under Chapter VI of the UN Charter. This mission was called Operation Cordon. As part of its preparation for the mission, the CAR embarked on an intensive period of pre-deployment training. Although initial time lines provided for only four weeks of training, postponements in deployment dates resulted in training being spread out over a three-month period. In early December, the mission was changed to a peace enforcement

operation under Chapter VII of the UN Charter and renamed Operation Deliverance. It was under this new mandate that the CAR went to Somalia, with the advance party departing on December 13th and the main body starting to deploy on December 27, 1992.

In this section, we examine and assess the appropriateness and sufficiency of pre-deployment training for Operation Cordon. We begin with an overview of responsibilities for pre-deployment training at various levels in the chain of command. We turn then to an examination of the development of a training plan for the mission and conclude with a review of the training actually conducted.

It must be emphasized that training is one of the fundamental elements of preparing troops for operations. It is the pre-eminent activity during which good leadership is exercised, discipline established, and skills, standards and attitudes transmitted. As such, training is central to the general issue of operational readiness.

Responsibility for Pre-Deployment Training

When the Government of Canada commits CF personnel to operations, the ultimate responsibility for the operation resides in the Chief of the Defence Staff (CDS). This includes all aspects of preparing troops for the mission, including training preparations. In accordance with standing orders, the CDS holds the Commander of Land Force Command (Commander LFC) responsible for the generation of land forces, a task that includes the training of army personnel and units for the assigned mission.

For army units, authority with respect to pre-deployment training is delegated down the chain of command, first by the CDS to the army commander,⁹⁵ then down to area⁹⁶ and brigade⁹⁷ levels, and, ultimately, to the unit commanding officer.⁹⁸ Delegation of authority, however, does not mean abdication of responsibility: senior commanders in the chain of command retain control and supervisory responsibility for the training undertaken and are accountable for the results.

It is the CDS and NDHQ staff who in the first instance create the conditions that permit effective training preparations. At this level, the concerns are in relation to mission, resources and time. These include the clarity and 'doability' of the task assigned, as well as the policy, doctrine, and standards that will guide the training; the resources of people, equipment, materiel and money; and the time needed for the trainers to train their troops. In the case of peace support operations, NDHQ should also be expected to oversee the provision of resources for specialist training (such as linguists, area briefs, cultural and ethnic sensitivity training).

It is the Commander LFC, however, who carries the primary responsibility for preparing land forces for operations. Among the main tasks are the direction and general supervision of, and provision of support for, training preparations for these troops. Pre-deployment training is also to be overseen and supported by the appropriate LFC area commander.

Under the terms of the warning order for Operation Cordon issued by Land Force Central Area (LFCA) Headquarters, it fell to the Commander Special Service Force, BGen Ernest Beno, to declare the CAR operationally ready for its mission.⁹⁹ As Brigade Commander, it was his responsibility to provide training guidance and direction to the CO preparing

the unit for deployment.¹⁰⁰ BGen Beno was assisted in operational and training matters by Maj Turner, the Brigade Major (G3 SSF), and Capt Thomas, (G3 Operations) The latter two officers maintained regular contact with CAR staff during the pre-deployment phase.

The principal and immediate responsibility for training a unit for a mission rests with its commanding officer. Based on the guidance and direction received from superiors, the CO is responsible for developing a training plan, providing guidance and direction to staff and subordinate commanders, observing field training exercises, and ensuring that the troops are sufficiently trained to execute their mission. In the case of the CAR's mission to Somalia, the CO was LCol Morneault, who was appointed June 24, 1992 -- approximately two months before notice of the Somalia mission. He was succeeded by LCol Mathieu, who was appointed October 26, 1992. The CO was assisted by Capt Kyle, the Operations Officer responsible for executing the CO's orders for operational and training matters within the unit, and Capt Walsh, the Training Officer, who was responsible for co-ordinating training and allocating training resources. They were joined by Capt Koch, the CAR's Liaison Officer to SSF HQ, who assisted the CAR's training staff and assumed responsibility for the compilation of standing operating procedures (SOPs) for the mission.

Responsibility for training follows the chain of command, with the Officers Commanding (OCs) sub-units receiving direction from, and being responsible to, the unit CO. Once the CO has given overall guidance to the company commanders, they have some flexibility as to how they train their companies.¹⁰¹ Company commanders entrust responsibility for carrying out the next level of training to platoon commanders, and platoon commanders entrust responsibility for carrying out lower-level training to section commanders.¹⁰²

Development of a Training Plan for Operation Cordon

Essential Elements for the Development of a Training Plan

Before undertaking training for a mission, a training plan must be developed to guide preparations. In accordance with direction provided by the formation commander, the training plan is developed by the unit CO and regimental headquarters staff, with assistance from brigade headquarters. The essential elements of the plan are conveyed in the form of written documentation, supplemented by oral briefings and direction. Once developed, the written training plan is submitted by the unit to brigade headquarters for review and approval.

As the blueprint that guides pre-deployment training activities, a training plan must clearly convey the concept of the operation and the objectives to be achieved; specify the training drills, exercises and briefings to be conducted; establish training priorities and the standards to be attained; and provide for feed-back mechanisms for measuring the progress and sufficiency of training. Timetables for regimental level and sub-unit level training must also be developed. Sub-unit commanders must be given sufficient information and direction to prepare their own detailed training schedules and to conduct their training in accordance with the objectives, standards and priorities established by the CO. All components of the training plan are designed with the following goal in mind: to provide for the delivery of sufficient and appropriate training that will prepare

the troops physically, operationally, and psychologically for all aspects of the mission and develop the collective skills and unit cohesion necessary for the success of the mission.

Training for a peace support mission is progressive in nature. Each individual must have a certain level of competence in individual general purpose combat and generic peacekeeping skills, such as weapons handling, fieldcraft, using communications equipment, and negotiation skills. This training provides a foundation for collective training, which progresses from section-level to platoon-level to company-level to unit-level. In addition to building skills, collective training serves to build cohesion among individuals and confidence in their commanders at all levels. Special individual skills tailored to the specific theatre of operations must also be developed or refreshed, including combat first aid, mine awareness, and familiarity with local customs. Because time frames are often compressed, it is essential that priorities be established and allocated within the time available.

A pre-deployment training plan cannot, however, be created in a vacuum. At the least, the development of a good training plan requires

- a clear statement of the anticipated mission and tasks;
- doctrine or directives that set out training requirements and standards for the type of mission being undertaken. In the case of land forces tasked for a peace support operation, such doctrine would be within the purview of the Deputy Chief of the Defence Staff and Land Force Command;
- direction or guidance respecting training activities and priorities for the mission, to be provided, with increasing specificity, down the chain of command from LFC through to the unit level;
- co-operation and clear communication between all levels of the chain of command, particularly between the formation and unit levels;
- reasonable certainty about the time lines governing the mounting of the mission;
- access to supplementary resources like training plan precedents, training materials, and lessons learned from previous missions;
- accurate and timely intelligence respecting the theatre of operations, which would in turn require that a reconnaissance be conducted early enough to inform the development of the training plan;
- reliable information respecting the availability of vehicles, equipment, and other resources necessary for training; and
- identification of the specialized training resources available.

As we will see, serious deficiencies in relation to many of these supporting elements placed a heavy burden on the CAR staff in designing a training plan for Operation Cordon.

Development of the Training Plan

Although the warning order for Operation Cordon was not issued until September 5, 1992, rumours had been circulating about a possible mission, and plans were being formulated in late August.

LCol Morneault had been advised informally by BGen Beno during the third week of August that the CAR was on a short list of units that might be sent to Somalia.¹⁰³ During the last few days of August, LCol Morneault prepared his own estimate of the situation¹⁰⁴ as well as detailed notes for an oral operations order.¹⁰⁵ He held daily meetings with his staff to discuss training and gave an initial briefing to his OCs on or about September 1st.¹⁰⁶

On September 1, 1992, an initial warning order was issued by Force Mobile Command (Land Force Command) Headquarters,¹⁰⁷ stating in general terms that the government had announced a willingness to participate in a UN mission to Somalia, contingent upon further diplomatic agreements; that the CAR, with reinforcements, would probably be assigned to secure the distribution of humanitarian assistance in the north-east sector of Somalia; that the main body would not move before late September, but a reconnaissance and advance party would be required earlier; and that a detailed warning order would be issued within a few days.

CAR staff immediately initiated work on developing a training plan for Operation Cordon. LCol Morneault provided direction to his training officer, Capt Walsh, based on the oral information he had received, the results of an earlier reconnaissance to Somalia, training plans and after action reports from Operation Python, and their own collective expertise.¹⁰⁸ To LCol Morneault's knowledge, there were no written guidelines governing the development of training plans for UN missions¹⁰⁹ and, indeed, our Inquiry has confirmed this rather startling state of affairs.

While working on the training plan during the first few days of September, the regimental staff operated on a "very short fuse".¹¹⁰ In an attempt to find information to assist with the development of a training plan, the staff did extensive research, going through the files for documents from earlier missions, including those for Cyprus, the Western Sahara, and other operations on the African continent. In Capt Walsh's words:

We looked at experiences and training plans of soldiers and units who had deployed for the Gulf War. We then interviewed people who had deployed on these missions for lessons learned.

We went to the brigade headquarters, the area headquarters and the Army level headquarters, again, looking for lessons learned type document assistance with identifying the key areas that we had to focus on.

We contacted the J3 Peacekeeping cell here in Ottawa in NDHQ. We spoke with both staff colleges in Kingston and Toronto.¹¹¹

Senior staff who had contacts with their parent regiments also contributed to the development of the training plan.¹¹²

Despite these intensive efforts, CAR staff discovered that the available written material was "very limited".¹¹³ Aside from some training direction from SSF Headquarters and some references to documents concerning general purpose skills, Capt Walsh received no information packages on training from NDHQ, LFCA or SSF Headquarters.¹¹⁴

One would be hard pressed to come up with a description of a more ad hoc approach to designing a training plan for a UN mission. The unit was essentially left on its own to develop a plan, with no peacekeeping doctrine, training directives, or standard package of precedents and lessons learned upon which to draw.¹¹⁵ This is astonishing, given Canada's decades of involvement in peacekeeping missions.

FINDING

- *The absence of CF peacekeeping training doctrine, together with the lack of guidelines for the development of training plans for UN deployments or a standard package of precedents and lessons learned from previous missions, placed an undue burden on the CAR's junior staff in the initial stages of designing a training plan for Operation Cordon. Such absence represents a clear and inexcusable failure by the military leadership, particularly at the senior levels, given Canada's decades of involvement in peacekeeping missions. CAR staff went to great lengths to attempt to compensate for this lack of doctrine, guidelines, and materials.*

The first draft training program for Operation Cordon was forwarded by Capt Walsh to Special Service Force Headquarters on September 4, 1992.¹¹⁶ It included a summary of regimental and commando level training activities to be conducted from September 8th to 24th in preparation for deployment. A handwritten training calendar -- described in the covering letter as a guideline that would be developed in much greater detail at commando level -- was also attached.¹¹⁷

On Saturday, September 5, 1992, SSF was formally warned for Operation Cordon by Land Force Central Area.¹¹⁸ That same day, SSF issued a warning order tasking the CAR to assemble, prepare, and train a 750-person infantry battalion group for operation in the north-east sector of Somalia centred at Bossasso.¹¹⁹ The anticipated in-theatre tasks listed in the warning order included security of the port of entry for relief supplies, convoy security and escort of relief supplies, security of distribution centres, and security of base camp. September 4, 1992, was designated as 'W Day' (Warning Day), with the possible deployment of the advance party indicated as September 25, 1992 (W + 21), and the full contingent to be operationally ready to deploy on October 4, 1992 (W + 30).¹²⁰ No amplifying direction was given at that time regarding the training of the CAR for its mission.

LCol Turner (then Brigade Major, SSF) advised us that the warning order, having set out the anticipated tasks in theatre, provided sufficient information for a CO to commence pre-deployment training.¹²¹ We are not in agreement with this assessment. It is our view that detailed training guidance and direction should have been immediately provided by brigade headquarters in order to assist the CAR's CO and staff in developing their training plan. This is particularly the case in view of two factors: first, the absence of peacekeeping training guidelines, directives, and materials already noted, and, second,

the testimony of BGen Beno indicating that when he reviewed the initial proposed training schedule prepared on September 4th, he had doubts that it would result in the Regiment being ready on time.¹²²

FINDING

- *The CAR's CO and staff should have been provided, on a timely basis, with detailed written direction and guidance regarding the training concept, activities, and priorities to be reflected in their training plan.*

Some training guidance was forthcoming on September 8, 1992, -- the same day the CAR started to train for the mission. Capt Thomas (G3 Operations) from SSF forwarded to LCol Morneault an annex ("Annex D") from Land Force Command's draft contingency plan for Operation Cordon, which had been produced at Land Force Command Headquarters on September 3, 1992.¹²³ Although neither SSF nor the CAR was on the distribution list, a copy of the draft contingency plan was received by SSF on September 3rd,¹²⁴ and it was discussed at the Labour Day briefing given by staff from Land Force Central Area to members of the CAR and SSF.¹²⁵ When asked during his testimony why a copy of this useful background document had not been forwarded by SSF to the CAR before September 8th, LCol Turner (then Brigade Major SSF) testified that he may have assumed that LCol Morneault already had a copy. LCol Turner suggested as well that, with only 21 days to prepare, the CAR's CO probably didn't need a lot of training guidance and that, in any event, the contingency plan was an unsigned draft and all the necessary information was contained in the warning order.¹²⁶ LCol Turner stated, however, that he subsequently decided to send Annex D to the CAR on September 8th because he was surprised at the lack of regimental training direction and wanted to encourage LCol Morneault to put more emphasis on training.¹²⁷

Annex D stated that the battalion group would develop its training plan "to attain a combat readiness and be ready for [deployment] by W+30 or before". All designated personnel were to undergo section, platoon, and company level training prior to being dispatched to the theatre of operations. The training concept emphasized that the short time available would dictate a mission-oriented training program, and included a time chart, based on three stages of training, to serve as a planning guide.¹²⁸ Following one week of administrative preparations (during which individual training might start), the schedule anticipated eight days for general individual training to ensure a proper basis for further training; five days for collective training at the section, platoon, and company levels, followed by five days at the battalion group level, to ensure general purpose combat capability and proficiency in mission-specific tasks; and five days of theatre-specific individual training. Capt Walsh testified that the contents of the training guidance were verbally passed on to him by LCol Morneault, and reflected the progression of the training plan that was being developed by the CAR's staff.¹²⁹

At the level of Land Force Command Headquarters, this general form of guidance regarding the concept, progression, and content of training was appropriate and, for the most part, sufficient.¹³⁰ We would have expected, however, to see it amplified and developed at the area and brigade levels in the form of commander's training guidance and direction, rather than being simply passed down, unaltered, to the unit level.

LCol Morneault and his staff, with input from the sub-unit OCs, continued working together to develop the training plan.¹³¹ There was regular contact between SSF and CAR staff¹³² and a meeting was held with other units in the SSF to co-ordinate training resources and vehicles.¹³³

Several factors, however, made it difficult to plan and schedule training activities. First, there was an insufficient number of training vehicles to meet the unit's requirements.¹³⁴ Second, there was great uncertainty about the amount of time available for training. Deployment dates had begun to slip almost immediately after the September 5th warning order was received.¹³⁵ Perhaps as early as September 7th, but certainly by the middle of September, it was clear that the CAR would not be deployed before the end of October, due in part to the unavailability of a UN-chartered ship.¹³⁶ This postponement in deployment dates made it difficult to plan and co-ordinate training activities, and the training plan had to be revised as time lines changed.¹³⁷

Deployment dates for Operation Cordon were not known until the 26th of October 1992 and then slipped. This clearly hampered the efficient planning of training, as the total time available for training was constantly changing. To keep pace with slippage of deployment timings, the Canadian Airborne Regiment was forced to revise training plans on two separate occasions.¹³⁸

FINDING

- *Efficient planning of the content and scheduling of training for Operation Cordon was seriously hampered by the uncertainty surrounding deployment dates.*

Not only did changing deployment dates make planning difficult, it also seems to have contributed to disharmony between BGen Beno and LCol Morneault concerning the underlying approach to the training plan and the schedule for its implementation. From the start, LCol Morneault was very aware of the slippage, and appears to have embarked upon his pre-deployment preparations with these changing dates in mind. "[W]e already knew right at the start that things were starting to slip and we would have more training time."¹³⁹ BGen Beno, on the other hand, appears to have continued to emphasize the original dates set out in the warning order: "[N]o matter what the rumours were, it was abundantly clear that our superiors still envisioned...the earlier time lines."¹⁴⁰ This difference in perspective may have contributed to later disagreements between BGen Beno and LCol Morneault regarding their assessments of the progress of training, and the scheduling and purpose of Exercise Stalwart Providence.

A new version of the training plan for Operation Cordon was produced by CAR staff during the week of September 7th or early the following week, and forwarded to SSF by Capt Walsh.¹⁴¹ It expanded upon the September 4th version, with training scheduled until October 2nd, followed by a week-long field training exercise. Neither Capt Kyle nor LCol Morneault were aware of any problems with the training plan at that time¹⁴² and LCol Turner advised us that there was nothing wrong with the content of the training schedules per se.¹⁴³

However, BGen Beno was not satisfied with the training plan for what it failed to include.¹⁴⁴ He had expected more detail and guidance delineating the Commanding Officer's training concept, training priorities, and the level to which training was to be

conducted. According to LCol Turner, a training plan should be something beyond a list of planned activities; the calendars should have been accompanied, either in writing or in an oral briefing to BGen Beno, by a statement of the CO's concepts and priorities. LCol Turner testified that he did not believe that such a statement was ever conveyed to BGen Beno by LCol Morneault.¹⁴⁵

LCol Morneault testified that to the best of his recollection, he was not instructed by BGen Beno to include an aim, scope, and objective section in the training plan.¹⁴⁶ He stated that he had conveyed all of these concepts to his officers, but did not think it necessary to include such guidance in the actual document in order for the training plan to be complete. He pointed out as well that the training plan for Operation Python did not have such a section, and that BGen Beno had indicated previously that it would be a good model to follow.¹⁴⁷

LCol Morneault is correct in stating that his training plan resembles the regimental training directive issued for Operation Python that was comprised of timetables and briefing schedules.¹⁴⁸ However, that Operation Python training directive was preceded by both a preliminary regimental training directive prepared by the unit commander¹⁴⁹ and an operations order issued by SSF Headquarters¹⁵⁰ which together provided additional written details concerning the training concept and priorities. Over-reliance on the Operation Python training directive that contained only training schedules resulted in the production of a training plan lacking several essential elements.

FINDING

- *The Operation Cordon training plan should have included a written statement of the training concept and overall objectives, together with an explicit prioritization of the training activities to be conducted. The priorities were especially important given the uncertainty surrounding the amount of time available to conduct the training. A comprehensive training plan which clearly set out the CO's objectives and priorities at the start of the training period would also have fostered a more standardized approach to training among the sub-units and assisted in the development of unit cohesion.*

All three rifle commando OCs testified that they were satisfied with the direction and guidance received from LCol Morneault in terms of training.¹⁵¹ Unit orders groups were held weekly, as well as daily co-ordination conferences to which the sub-units sent their seconds in command.¹⁵² During these meetings, the training requirements of each sub-unit were reviewed.¹⁵³ Oral direction was given weekly by LCol Morneault on training items to be covered by the commandos, and training priorities were established. These tasks were then incorporated by the OCs into their commando training plans, which were subsequently submitted to the CAR Headquarters for approval.¹⁵⁴ According to LCol Morneault, he gave clear direction as to what he wanted the OCs to accomplish, and then gave them latitude as to how to go about doing their jobs.¹⁵⁵

These supplementary oral briefings did provide additional guidance to sub-unit commanders.¹⁵⁶ They were not, however, a valid substitute for written direction establishing an overall training concept and a clear statement of priorities.

BGen Beno, LCol Morneault, Maj Turner, and Capt Kyle met on September 16th and engaged in extensive discussions respecting training. A new package of training schedules and summaries was presented, with training to be conducted until October 2nd, followed by a training exercise ("FTX") from October 3rd to October 9th. Capt Walsh testified that he was told by Special Service Force Headquarters that it was a very good training plan.¹⁵⁷ The training schedules and summaries, or at least portions of them, were forwarded by SSF Headquarters up the chain of command to LFCA Headquarters and LFC Headquarters.¹⁵⁸ At the September 16th meeting, BGen Beno emphasized that LCol Morneault was to focus on mission-specific training for the CAR, rather than general purpose combat training.¹⁵⁹

On September 22, 1992, BGen Beno sent a detailed training direction for Operation Cordon to LCol Morneault.¹⁶⁰ This document was sent because after having reflected upon their September 16th discussion and reviewing the training plan, BGen Beno continued to have concerns about training and believed it necessary to provide LCol Morneault with clearer direction.¹⁶¹ At the time the training direction was prepared, it was known at SSF Headquarters that the earliest possible deployment date for the CAR was October 30th, "so there was still plenty of time in which to conduct good, useful mission-specific training."¹⁶²

The training direction is a comprehensive document that sets out guiding principles for pre-deployment preparations as well as a prioritized list of skills considered essential for all soldiers being deployed on the mission. In it, BGen Beno outlined the three basic rules that, in his opinion, govern the conduct of any peacekeeping operation and should underlie all of the battalion group's preparatory training: minimum use of force, maximum use of deterrence, and conflict resolution at the lowest possible level.¹⁶³ He also stated that the "Commanding Officer of the battle group. ..should aim...to deploy and return from Somalia without having discharged a single weapon in anger."¹⁶⁴

BGen Beno then established direction for individual and collective training that was to be completed by October 13th.¹⁶⁵ The list of activities was notably tailored for the UN mission, and assumed that the troops had, or should have had, general purpose combat training. The document stipulated that general purpose combat training was to be considered last and only if time permitted.¹⁶⁶

The pre-deployment training guidance set out in BGen Beno's training direction of September 22, 1992, delineates principles and is instructive. However, evidence presented by BGen Beno indicates that in early September, he had formed the opinion that LCol Morneault was failing to focus properly on training, failing to provide clear direction to his OCs, and failing to provide a satisfactory training plan.¹⁶⁷ It is clear that BGen Beno and LCol Morneault had numerous discussions about training before this direction was issued¹⁶⁸ and LCol Morneault testified that he had had "plenty of verbal guidance" from BGen Beno.¹⁶⁹ It is, nevertheless, most unfortunate that a written brigade training directive was not provided at an earlier point during the pre-deployment preparations, especially since the Brigade Commander had concerns early on about training and believed that the Commanding Officer needed clearer direction.

LCol Morneault saw BGen Beno's training direction on September 28th on his return from a fact-finding mission to UN headquarters in New York.¹⁷⁰ Although it seemed a bit

late for the issuance of written guidance, he did not interpret the letter as an expression of concern on BGen Beno's part¹⁷¹ particularly in light of the fact that written training direction had been issued by SSF Headquarters for Operation Python a year earlier.¹⁷² Rather, LCol Morneau saw in its contents a more eloquent reflection of both the ideas he himself had previously articulated respecting the aims of the regimental exercise, and the concepts he and BGen Beno had discussed at earlier meetings.¹⁷³

Capt Walsh thought the direction corresponded very closely with their training plan, and this served only to increase his confidence that their training plan had been properly developed.¹⁷⁴ He did not recall whether LCol Morneau told him specifically to follow the directions in the September 22nd letter, but he did recall that LCol Morneau gave him guidance and direction on training on a continuing basis, and that he articulated many of the same principles as those set out in the letter.¹⁷⁵

The training plan continued to evolve as the mission was delayed. In late September, Part II of the Operation Cordon training plan was prepared by CAR staff, covering the period from September 28 to October 18, 1992.¹⁷⁶ Additional time was scheduled for weapons training and commando exercises, and Exercise Stalwart Providence was rescheduled to run from October 14 to 18, 1992. The training plan was sent to SSF and Capt Walsh received no negative comments in relation to it.¹⁷⁷ In late October, after LCol Mathieu had assumed command of the CAR, an additional training plan was issued for the month of November.¹⁷⁸

FINDING

- *The CAR's CO and staff did not receive timely and sufficient support and information to assist them in the development of a training plan for Operation Cordon. Among other important things, there was a lack of peacekeeping training doctrine and standards; adequate and timely mission-specific training direction and guidance; clear communication between the unit CO and Brigade Commander; reasonable certainty as to deployment dates; access to training materials; accurate and timely intelligence respecting the theatre of operations; and reliable information regarding the availability of vehicles, equipment, and other necessary training resources.*

Content of the Proposed Training

The CAR training plan contains a summary of regimental training activities, accompanied by a brief description of the aim of each activity. The activities include: general training (administration, operations, medical, and exposure briefings; vehicle familiarization training; armoured vehicle driver training; commando mounted and dismounted operations; officer and senior NCO tactical exercises without troops); and specialty training (mine awareness; desert survival and navigation; communications; sniper; specialty equipment; crisis negotiation; public affairs).¹⁷⁹

A summary of commando level training is also included comprising: fitness training; weapons training; individual preparations training (combat first aid, emergency first aid, communications, nuclear/biological/chemical defence); general peacekeeping training (roadblocks, searches, observation posts, patrolling, escort duties, perimeter defence, airfield defence); specialty training (foreign weapons/equipment recognition, crowd

control, fighting in built-up areas, armoured vehicle crew training); and additional training (grenade, generator training/maintenance, shotgun, M-38, padre's hour, field training exercise).¹⁸⁰

The training activities listed in the plan in large measure cover, and indeed amplify upon, the training activities proposed in the training guidance provided in the draft Land Force Command contingency plan.¹⁸¹ Most of the training activities outlined in BGen Beno's training directive are also listed, with the significant exception of establishment and security of distribution centres, incident resolution, arrest and detainment procedures, and rules of engagement.¹⁸² Maj Kyle explained, however, that although incident resolution and rules of engagement were not listed explicitly in the summary of commando level training developed by LCol Morneault and his staff, they would be practised as part of other training scenarios (such as roadblocks and perimeter defence) at the platoon and commando levels.¹⁸³ Moreover, arrest and detainment procedures, as well as establishment and protection of distribution centres, were to be performed during Exercise Stalwart Providence;¹⁸⁴ thus, presumably, it was not considered necessary to include them in earlier training.

The training plan also includes regimental and commando training calendars. Although there are variations among the individual sub-unit training calendars¹⁸⁵ in general terms, training for the rifle commandos was to begin with an initial focus on weapons training and armoured vehicle driver training (for designated personnel). Additional weapons training and UN standing operating procedures training was scheduled during the second week. Physical fitness training, communications training, first aid, and regimental level specialty training were emphasized during the third week. Additional weapons training and UN SOP training was scheduled the fourth week, followed by UN training and preparatory training for Exercise Stalwart Providence, including mounted training. No provision was made for the battalion group to train together, outside the context of Exercise Stalwart Providence. Training planned for November was to include mounted training, additional specialty equipment training, and advanced weapons application training.¹⁸⁶

The training schedule does not provide for a neat progression from individual general training to collective training to individual theatre-specific training, as was outlined in the Land Force Command draft contingency plan. Some specialty training was moved forward, and some of the collective training was moved to the end. However, the training plan had to be adapted according to the availability of equipment and vehicles, adjusted to address existing training levels and needs, and expanded to accommodate the extension in deployment dates.

We note that virtually all of the training activities we had previously indicated in this chapter as related to general purpose combat skills necessary for peacekeeping operations are amply covered in the training schedules, with the very serious exception of Law of Armed Conflict training. From our list of generic peacekeeping skills, the following are among the topics that are either not addressed or given very little emphasis in the training plan: the nature of UN peacekeeping; co-operation with related agencies; conflict resolution and negotiation; intercultural relations training; and the handling of detainees. Most notably absent from the mission-specific training list are stress management,

theatre-specific cultural and language training, and training on mission-specific rules of engagement which, remarkably, were never developed for Operation Cordon. Insufficient provision is also made for geography, history, political background, and threat assessment (military and environmental) in relation to the theatre of operations (although, as will be discussed later, little intelligence was available upon which to base such training.)

FINDING

- *The training plan for Operation Cordon did not adequately provide for sufficient and appropriate training in relation to several non-combat skills that are essential for peacekeeping, including: the nature of UN peacekeeping and the role of the peacekeeper; the Law of Armed Conflict, including arrest and detention procedures; training on use of force policies, including mission-specific rules of engagement; conflict resolution and negotiation skill development; intercultural relations and the culture, history and politics of the environment; and, psychological preparation and stress management. The failure of the training plan to provide adequately for these non-combat skills arose primarily from the lack of any doctrine recognizing the need for such training, and the lack of supporting training materials and standards.*

We will be focusing on several of these non-combat skills later in this chapter. We will discuss how providing for training in the above mentioned areas was hampered not only by the absence of peacekeeping doctrine, but also by the lack of intelligence on the theatre of operations, the late development of required policies and standing operating procedures, and insufficient assistance from higher levels within Land Force Command and National Defence Headquarters with regard to specialty training support.

Inadequacies of the Training

In this section, the overall conduct of training for Operation Cordon is reviewed. Also examined are the progress of training, and several issues of particular concern that emerged in the course of our hearings.¹⁸⁷ Specific areas of training requiring a more in-depth review are considered below in the section on essential aspects of training for the Somalia mission.¹⁸⁸ Exercise Stalwart Providence is treated separately.

Conduct of the Training

Training for Operation Cordon began on Tuesday, September 8, 1992, three days after the warning order was issued to the CAR. The initial focus was on refreshing individual general purpose combat skills, which required little preparation time and formed a foundation for later training.¹⁸⁹ The original training concept called for three weeks of commando training, with section-level scheduled for the first week, platoon-level the second, and commando-level the third. However, due to problems with the availability of kit, equipment, ranges, and other resources¹⁹⁰ as well as the postponement in deployment dates, commando training was actually spread out over four or five weeks. With the arrival of training vehicles in early October, mounted training was conducted during the first week of that month. 1 Commando and 3 Commando each spent one and a half to two

days training with the vehicles; 2 Commando trained with the vehicles for only one day.¹⁹¹

The consolidated Operation Cordon training plan for the most part reflects the training actually conducted during September and October, with the exception that 2 Commando found itself somewhat behind and did not complete all the training it was assigned.¹⁹² LCol Morneault was of the view that training in addition to that which had been originally scheduled was either required or, in any event, desirable; before leaving on his reconnaissance on October 12th, LCol Morneault directed his training officer to schedule three weeks of additional training after Exercise Stalwart Providence. Two weeks were to be devoted to catch-up training by the commandos, and the third week was to be devoted to a regimental exercise.¹⁹³

Training reports were periodically prepared by the CAR's training officer, based on information received from Capt Kyle and the commandos' OCs and seconds in command.¹⁹⁴ The reports attempted to reflect the progress of training by simply listing completion rates for various segments of the training. Unfortunately, these reports proved to be at best uninformative and, at worst, unintentionally misleading. The reports indicated what percentage of CAR personnel had "completed" each of the scheduled training topics, but the percentages did not indicate the level to which training had been conducted, the nature of the training activities undertaken¹⁹⁵ or the proficiency levels achieved.¹⁹⁶

For example, a training report for October 13th stated that 95 per cent of personnel had completed training in general peacekeeping duties, and the covering letter indicated that collective training had been conducted "in depth" by the three rifle commandos.¹⁹⁷ However, collective training was supposed to be conducted at the section, platoon, and commando levels. Given that, it is difficult to reconcile the statement that in-depth collective training had been completed with the fact that 2 Commando had not done any extensive training above the section level before Exercise Stalwart Providence.¹⁹⁸

The ambiguity surrounding a statement that a particular segment of training was "complete" or had been conducted "in depth" stems directly from a lack of clear training standards and evaluation mechanisms. We saw no references to training standards in the training plans or training directives for Operation Cordon other than in relation to physical fitness, weapons handling, and collective battle tasks.¹⁹⁹ Combined with a reliance on sub-unit self-reports and evaluations, assessments of completion levels became highly subjective. Significantly, the confusion about the meaning of training having been "completed" appears to have resulted in a serious misunderstanding between BGen Beno and LCol Morneault about the progress of training.²⁰⁰ The problems associated with a lack of standards and evaluation criteria in relation to training are discussed more fully later in this chapter.

The training report of October 13th also indicated that the CAR would be operationally ready to deploy following the completion of Exercise Stalwart Providence, which had at that time been rescheduled for October 14th to 18th.²⁰¹ The exercise was conducted on the dates indicated while LCol Morneault was away in Somalia on a reconnaissance mission. Following this exercise, the CAR's Training Officer, Capt Walsh, prepared a memorandum suggesting that the following supplementary training be scheduled:

specialty training, including armoured vehicle driver training, sniper training, special equipment training (global positioning system and sun compass), turret firing, communications training, weapons training; and general training for commando mounted operations (escort, patrolling) and commando dismounted operations (relief centre procedures).²⁰²

On October 20th, Special Service Force Headquarters reported to Land Force Central Area on the CAR's operational readiness. It was reported that training for Operation Cordon was complete, except for training of augmentees which would take place October 19th to 25th.²⁰³ On October 21st, after returning from reconnaissance, LCol Morneault briefed the Vice Chief of the Defence Staff that training was progressing well, but that some supplementary training was required at the individual and collective levels. The same needs that were identified in Capt Walsh's memo were listed, as well as a need for standardization of procedures and tone.²⁰⁴ Based on reports he received from LCol MacDonald and BGen Beno, LCol Morneault was confident that any weaknesses could be corrected within the next three weeks, provided he could run a regimental exercise to put "his stamp" on the Regiment.²⁰⁵ However, it was also on October 21st that LCol Morneault was advised by BGen Beno that he was to be relieved of command, in part for reasons related to training.²⁰⁶

On October 24th, the CAR went on embarkation leave, and LCol Mathieu assumed command of the CAR on October 26, 1992. Although a training plan for November had been issued for the additional training needs identified by Capt Walsh and LCol Morneault,²⁰⁷ very little training was actually completed after the CAR returned from embarkation leave on November 9th.²⁰⁸ Vehicles were inspected and prepared for departure, equipment was packed for shipment to Somalia,²⁰⁹ but virtually no collective training or mission-specific training was conducted,²¹⁰ nor was a regimental-level exercise conducted.²¹¹ There were, however, some minor training-related activities. Refresher individual training and driver training were conducted.²¹² 2 Commando ran a two-and-a-half-day exercise called Bravo Cordon to practise lessons learned from Exercise Stalwart Providence.²¹³ In mid-November, 2 Commando did a crowd control demonstration and 1 Commando demonstrated a food distribution centre for LGen Gervais.²¹⁴ A platoon 'march and shoot' competition under LCol Mathieu was conducted during the week of November 23rd.²¹⁵

FINDINGS

- *The majority of the CAR's training for Operation Cordon was conducted prior to October 18, 1992. Although most categories of training outlined in the training plans for September and October were covered, the lack of training objectives, standards and evaluation criteria made it difficult for anyone involved to assess the levels to which training had been conducted or the proficiency levels achieved. In addition, there were significant shortcomings due to shortages of equipment and other training resources.*
- *No significant remedial or additional training was conducted for Operation Cordon after LCol Morneault was relieved of command.*

- *Insufficient use was made of the training time that was available in November. Even though vehicles and equipment were being prepared for shipment and unavailable for training, additional briefings and non-mounted scenario training could have been conducted.*

Vehicle Training

The CAR was a dismounted light infantry battalion, designed for airborne deployment. It did not have armoured personnel carriers or dedicated armoured vehicle drivers or crew commanders, nor did it train for mounted operations in the course of its annual training.²¹⁶ Having been selected to serve as the core of a mechanized battalion group for Operation Cordon, the CAR was thus faced with the considerable challenge of being re-equipped with vehicles, refitted as a mechanized unit, retrained, and restructured, all within the constraints of an initial 30-day warning period.

The need to operate with vehicles presented two distinct training challenges. First, from an individual training perspective, selected CAR personnel had to be trained to drive, maintain, crew, and command the armoured vehicles.²¹⁷ Second, the unit collectively had to learn tactical and mounted operations such as convoy escorts and mounted patrols. There was also the very practical problem of obtaining vehicles with which to train. Indeed, LCol Turner testified that he was initially surprised that the CAR was chosen for the mission, given that vehicles had to be taken away from a mechanized infantry unit and given to a dismounted one.²¹⁸

Training for Operation Cordon commenced with a 'crash course' in armoured vehicle driver training during the week of September 8th, with 40 to 50 soldiers selected for the training.²¹⁹ The course was conducted concurrently with the individual training scheduled for other members of the unit, and involved basic driving skills, vehicle maintenance, training on diverse terrain, and driver safety.²²⁰ The Royal Canadian Dragoons (RCD) set up and ran the course using their own vehicles and all the advanced driving and maintenance instructors in their Regiment.²²¹ The scheduled time frame for the training was considered highly compressed.²²² It is little wonder, then, that concerns were expressed after Exercise Stalwart Providence that the drivers required more training.²²³ The November training plan shows two days scheduled for further armoured vehicle driver training in various terrain conditions.²²⁴ We were told, however, that the CAR did not take advantage of an offer from the RCD to provide additional driver and mounted tactical training after Exercise Stalwart Providence.²²⁵

Early in the preparatory phase, the CAR received vehicles for operational deployment from the 1st Battalion, The Royal Canadian Regiment (RCR). However, based on initial time lines, these vehicles had to be painted, serviced and quarantined for use in theatre and so were unavailable for mounted training. Excess army vehicles were eventually obtained for use solely as training vehicles,²²⁶ but some of the vehicles were in poor condition or were not operational when received. Furthermore, a shortage of spare parts caused additional training delays.²²⁷ A week before Exercise Stalwart Providence, the Regiment had adequately prepared 14 vehicles to allow mounted commando-level training.²²⁸ However, the number was only sufficient to allow one commando to train at a time. Handing over the vehicles from sub-unit to sub-unit required administration time which further reduced actual training time on the vehicles.²²⁹ LCol Morneault made

repeated requests for more vehicles so he could rehearse his battalion group as a unit.²³⁰ Capt Walsh confirmed that knowledge of the vehicle shortage "filtered up the chain of command."²³¹

As part of sub-unit training, every soldier who would work in theatre with a vehicle received vehicle familiarization training.²³² In mounted operations training, the soldiers would be in the vehicles and go through various scenarios and exercises at the section, platoon, or sub-unit level.²³³ However, the CAR did not conduct combat team training or battle group training as a mechanized battalion because the concept was to use the armoured vehicles as a means of transportation and for platoon-level operations such as convoy escort.²³⁴

The CAR received detailed criticism and feedback on its mechanized operations during Exercise Stalwart Providence. LCol MacDonald believed that it was critical that additional time be dedicated to mounted operations.²³⁵ LCol MacDonald's observations are not surprising. Several witnesses testified to the difficulties faced in preparing the CAR for mechanized operations. The CAR had to train under very tight time lines with few vehicles, and was required to train on armoured vehicles with sophisticated weapons and fire control systems. Not only did selected members of the CAR have to learn to operate these properly at the individual level (drivers, gunners, crew commanders), but the unit had to learn mounted operations collectively at the platoon and company levels. Some of the tasks given to the Regiment, such as convoy escort, are tasks normally performed by armoured reconnaissance units. Even though all CAR members had previously served in line infantry units, this mission involved certain tasks that line infantry battalions would not normally practise during the regular course of their training.²³⁶ Maj Kyle asserted that "[t]o go from a dismounted infantry battalion to an AVGP [armoured vehicle general purpose] mounted battalion took a huge effort in terms of the men and equipment, everything from driver training to mounted company training."²³⁷

FINDINGS

- *Converting the CAR from a dismounted infantry battalion to a mechanized infantry battalion in the short time available presented a considerable challenge that the CAR was not able to surmount appropriately in the time and with the resources allocated. The late arrival and inadequate number of functioning training vehicles, coupled with the need to service and quarantine vehicles to be shipped to Somalia, not only substantially interred with the scheduling and conduct of mounted operations training at the sub-unit and unit levels, but also prevented the CAR from receiving adequate training and acquiring the needed proficiency in collective mounted operations.*
- *The CAR did not conduct combat team training or battle group training as a mechanized battalion.*

Supervision of Training

Training is one of the fundamental elements of preparing troops for operations, and is central to the overall issue of operational readiness. It is also the principal activity during which leadership is exercised and appropriate attitudes are conveyed. It is therefore to be

expected that commanders at all levels of the chain of command, even the highest, pay particular attention to the training preparations of a contingent, both to supervise and assess the preparations and, through their presence, to demonstrate their personal interest in and commitment to the operation that their troops are about to undertake.

We are dismayed at the degree to which leaders at all levels of the chain of command, with the notable exception of the Brigade Commander during the initial stages of training, failed to provide adequate supervision of the training preparations carried out by the CAR for its mission to Somalia. This is particularly so given that at least some of the senior leaders were aware in mid-September and early October that BGen Beno was concerned about LCol Morneault's leadership, as well as the state of training and operational readiness of the CAR. Yet they made little or no attempt to personally follow up on these concerns or to make their own independent assessments as to the state of the CAR's training and readiness.²³⁸

Visits by senior leaders to Petawawa during the CAR's pre-deployment preparations were relatively rare events. MGen MacKenzie visited Petawawa on October 2, 1992, to address the leadership of The Royal Canadian Regiment company that would be deploying to Yugoslavia.²³⁹ LGen Gervais visited the CAR on November 12th to meet with the new Commanding Officer. He made inquiries about training and spent a half day observing the Regiment train.²⁴⁰ Gen de Chastelain and MGen MacKenzie both attended a farewell Christmas lunch for the CAR on December 1st.²⁴¹ While the presence of these leaders on those occasions no doubt served to boost morale, it is regrettable that no one in the senior chain of command visited the CAR between September 8th and October 23rd, when the most intensive training was conducted, as well as the crucial period leading to the relief of LCol Morneault as commanding officer.

The personal supervision of training is one of the most important priorities of a commanding officer during pre-deployment preparations. Cpl Purnelle, one of the soldiers who testified on pre-deployment training, stated that he saw very little of LCol Mathieu after he assumed command: "before the mission, he was someone who was a little like a ghost." With respect to LCol Morneault, Cpl Purnelle testified that he came to see them during the training, spoke to them, and demonstrated an interest in what was going on.²⁴²

However, LCol Morneault estimated that he spent only approximately 15 to 20 per cent of his time observing training, although he wished he could have done a lot more. He also testified that although he believed that it was appropriate for a commanding officer to visit section- and platoon-level training, he did not view it as his job to evaluate performances at that level; that was the responsibility of the subordinate commanders who would then provide him with a clear picture of the state of training at the lower levels.²⁴³

FINDING

- *Leaders at all levels of the chain of command, with the notable exception of the Brigade Commander during the initial stages of training, failed to provide adequate supervision of the training preparations undertaken by the CAR for Operation Cordon.*

Effect of Standing Operating Procedures Development on Training

In preparing for a mission, it is essential that standing operating procedures (SOPs) be developed to ensure that operational tasks are conducted in an appropriate and standardized manner. These must be developed as early as possible in the training process so they can be validated, adjusted, practised and confirmed.²⁴⁴

The process by which SOPs were developed for Operation Cordon is striking in terms of the degree to which the CAR was left on its own to attempt to compile, revise, and, in some cases, draft from scratch the SOPs, drawing on a variety of sources with little guidance, assistance or material from Special Service Force, Land Force Central Area, or Land Force Command as to what the content of the SOPs should be.²⁴⁵ In the case of certain SOPs -- those dealing with detention procedures, for example -- neither the required intelligence nor policy was in place to inform the development of SOPs tailored to conditions in theatre.²⁴⁶

LCol Morneau directed each sub-unit to expand and develop specific SOPs, based on the main tasks anticipated in the operation: 1 Commando -- distribution centres; 2 Commando -- arrival in theatre in the base camp; 3 Commando -- convoy escort; Engineers -- minefield and group clearance; OC Service Commando -- administrative portions.²⁴⁷ Within this general direction, preparation of the SOPs was an ongoing process, with drafts prepared in various stages by both commandos and staff officers. Final development and confirmation were to be performed after LCol Morneau completed his reconnaissance to Somalia²⁴⁸ and during the conduct of Exercise Stalwart Providence.²⁴⁹ Draft SOPs were used as the basis for training for Operation Cordon and during Exercise Stalwart Providence.²⁵⁰ The final SOPs were signed by LCol Mathieu on November 19, 1992.²⁵¹ However, most, if not all, of the final SOPs were prepared under LCol Morneau's command, and reflect primarily his direction and planning.²⁵² LCol Morneau testified that during visits to training he would advise his company commanders if he saw that one was performing a task in a better manner than the other. He had intended to standardize the procedures during the regimental exercise.²⁵³

Maj Kyle testified that he had been concerned that the SOPs had not been standardized by the end of September, and that the commandos did not have the information required to standardize their procedures for general peacekeeping tasks.²⁵⁴ LCol Turner also testified that BGen Beno had expressed concern that the commandos were not performing their tasks in a standardized way, and grew increasingly concerned at the lack of standards.²⁵⁵ He was worried that SOPs did not seem to be in place because during the training no two commandos seemed to perform the tasks in the same way. This led BGen Beno to think that either the SOPs were not there or they were not being followed. This prompted him, in his letter of September 22, 1992,²⁵⁶ to direct that SOPs be developed and practised.²⁵⁷

Initial planning documents had contemplated an early reconnaissance. In fact, the Commanding Officer's reconnaissance did not occur until after most of the training for Operation Cordon had been conducted -- at the same time as Exercise Stalwart Providence. The lateness of the reconnaissance had an unduly negative impact on training because there were a number of SOPs that could not be completed until the Commanding Officer returned from reconnaissance.²⁵⁸

FINDINGS

- *Standing operating procedures are crucial to ensure efficiency, standardization and cohesion in the training and operations of a unit. Particularly in the early stages of pre-deployment preparations, the commandos were not training with a uniform set of SOPs. The lateness of the reconnaissance unduly delayed the completion and finalization of the mission-specific SOPs, and adversely affected mission-specific training.*
- *CAR staff received insufficient support, guidance, information, and materials to assist them in developing, in a timely manner, the mission-specific SOPs necessary for the conduct of standardized and sufficient training in relation to the tasks governed by those SOPs*

Attitudinal and Psychological Preparation

To assist in preparations for Operation Cordon, MWO Mack from The Royal Canadian Regiment put together some observations based on experience with Operation Scalpel (Persian Gulf), which were forwarded to the CAR on September 9, 1992. On the subject of personnel and training, he noted:

Individual soldiers were well trained for the task they were required to do. On occasion, at the MCpl/Sgt level there was a tendency to overreact to stressful situations. Superiors have to be aware of and anticipate this and have the junior leaders THINK before reacting. Certain situations can easily 'get out of hand' with serious consequences...which the superiors would be responsible for.²⁵⁹

This points to the need for proper discipline, and also to the need for training that develops appropriate attitudes and self-control.

A very clear and principled statement regarding the appropriate tone and attitudes that should guide both pre-deployment preparations and the mission itself is contained in the training direction issued by BGen Beno on September 22, 1992.²⁶⁰ BGen Beno began by defining three basic rules that should govern the conduct of any peacekeeping operation and underlie all of the battalion group's preparatory training: minimum use of force; maximum use of deterrence; and conflict resolution at the lowest possible level.²⁶¹

After acknowledging that every soldier must be capable of employing weapons and must understand battle drills and tactics, BGen Beno wrote:

Nonetheless, I wish it stressed and clearly understood at every level that training to specified weapon and battle task standards is only a vehicle by which soldiers gain confidence in themselves, their subordinates, peers and superiors, and their equipment. Training in this manner must not be viewed as an end in itself; it is simply one means of producing a confident, cohesive unit that is capable of conducting any type of operation and reacting quickly and professionally to any unforeseen situation. For example, I would not want your soldiers believing company attacks would be a common occurrence in Somalia. They should be thinking quite the opposite. Indeed, as Commanding Officer of the battle group you should aim, through the imaginative use of deterrence and the timely

employment of reserves, to deploy and return from Somalia without having discharged a single weapon in anger.²⁶²

In a training report of October 13, 1992, LCol Morneault indicated that the spirit of BGen Beno's direction and the three basic rules provided in his letter of September 22, 1992, had been stressed throughout the training.²⁶³ Capt Walsh verified that the three rules -- minimum use of force, maximum use of deterrence, conflict resolution at the lowest possible level -- were articulated by both LCol Morneault and LCol Mathieu during the pre-deployment preparations.²⁶⁴ During Exercise Stalwart Providence, LCol MacDonald also emphasized the importance of tone and attitude.²⁶⁵

While it would appear that BGen Beno and LCol Morneault were both cognizant of the need to convey appropriate principles relating to tone and attitude for a peacekeeping mission, we saw little evidence that much was done to ensure that these attitudes were instilled at all levels within the unit. On the contrary, we heard testimony that all the commandos appeared to be adopting too aggressive a bearing during UN operations training.²⁶⁶ Serious concerns were raised about aggressiveness in the training of 2 Commando, both before and during Exercise Stalwart Providence.²⁶⁷ Even though LCol Morneault briefed his staff and officers on the importance of establishing an appropriate tone for the mission, these instructions were not backed up with effective measures to ensure that the appropriate attitudes were being conveyed to, and adopted by, the troops.

In any event, it is doubtful that an 11th-hour orientation could have served to adequately balance years of socialization in attitudes appropriate for combat. We have expressed our views on the need to integrate peace support training into the regular training cycle, both to develop appropriate skills and foster appropriate attitudes. The difficulty with merely tacking on peace support training to general purpose combat training during the pre-deployment phase is highlighted in an excerpt from Maj Seward's Lessons Learned from Exercise Stalwart Providence:

Exercising in a UN peacekeeping role had a certain 'strangeness.' The open fire policy, the rules of escalation of force and the requirement to constantly and continuously negotiate had some of the junior leaders and soldiers confused despite a concerted effort to explain and ensure a corporate understanding. As the exercise evolved, I think that 2 Cdo's understanding of use of the above continually increased.²⁶⁸

FINDINGS

- *Despite the apparent sensitivity to the need to establish an appropriate tone and attitude for the training preparations and mission, the CAR did not succeed in ensuring that the appropriate tone and attitude were in fact conveyed to, and adopted by, personnel at all levels within the unit. At least some components within the CAR remained overly aggressive in their conduct and bearing during training exercises.*
- *Eleventh-hour attempts to instil an orientation appropriate for peace support missions cannot counterbalance years of combat-oriented socialization.*

Another aspect of psychological training apart from tone or attitude training deals with preparation for stress encountered during operations. Although the training plan included a one-hour briefing by the padre that was to include a discussion of combat-induced stress disorder, there is no evidence that any other briefings were conducted to help soldiers prepare for the multitude of stress-inducing circumstances likely to be encountered in a protracted peacekeeping mission. In the words of one officer:

I would be the first to admit that we were not really well prepared for the stress reaction that we encountered in operations as a result of vehicles blowing up on mines and as a result of people getting shot at. We were really not very well prepared to deal with personal crises and respond to personal crises.²⁶⁹

We eventually developed some of those skills, but I found myself lacking, and I think also within the chain of command we were lacking in our ability to deal with that kind of traumatic stress that we were experiencing.²⁷⁰

FINDING

- *There was insufficient training provided for dealing with stress likely to be encountered in theatre.*

Standardization of Training

The three commandos were all supposed to be training to accomplish the same general goals and complete the same list of regimental-level and commando-level training activities. They were not, however, training in exactly the same manner.²⁷¹ The commando training schedules prepared by the CAR Headquarters,²⁷² together with the individual commando training plans,²⁷³ detail the activities conducted by each commando on a day-to-day basis.

The major differences between the commandos' approach to training was highlighted in the testimony of their respective OCs. Both 2 Commando and 3 Commando at the outset placed considerable emphasis on general purpose combat training, conducting such activities as live and dry fire section and platoon attacks and battle drill training.²⁷⁴ However, while 2 Commando focused almost exclusively on combat-oriented training during the early phase of training, 3 Commando also incorporated mission-specific, task-oriented training (for example, roadblocks, checkpoints, cordon and search) into its schedule during the first two weeks of pre-deployment preparation.²⁷⁵ 1 Commando's training was somewhat different: they did no live fire platoon attacks, and placed more emphasis on negotiation and communication skills, training soldiers how to diffuse situations in various scenarios.²⁷⁶ Maj Pommet, whose strong leadership was praised by many of the soldiers we interviewed, indicated that he believed in a need for mission-specific training at an early stage and built it into the timetable accordingly.²⁷⁷

Each officer commanding had to assess the training needs of his own commando, and adapt those needs to the mission at hand.²⁷⁸ Maj Pommet (1 Commando), for example, was very confident in his soldiers' abilities at the outset of training preparations. He had trained with his troops the previous spring and 1 Commando had acted as an enemy force

during the summer training of reserves. As well, 1 Commando had a minimal rotation of personnel in the summer of 1992.²⁷⁹

Differences in training were no doubt also influenced by the attitudes of the commandos' OCs, particularly in relation to their perception of the threat level in theatre. Maj Seward appeared to perceive a greater threat than the other sub-unit commanders: "He was much more intense about bearing and about possibly the need to use force."²⁸⁰ This intensity of approach had been evident in a session where standing operating procedures were being developed: Maj Seward was described as being the most intense, Maj Pommet as being at the other end, and Maj Magee (3 Commando) in the middle somewhere.²⁸¹

Some of the differences in approach to training may also be attributed to each of the commandos being a product of their parent regiments. All would train toward the same goal, but each commando had its own personality and training philosophy.²⁸² We heard evidence that the commandos in the CAR remained strongly affiliated with their parent regiments, and the separation along regimental lines made the attainment of a cohesive unit very difficult.²⁸³ In addition, 1 Commando had very little contact with the other commandos, in part because of language barriers.²⁸⁴

The three commandos conducted their training separately and in somewhat divergent manners. Both before and after Exercise Stalwart Providence, they had no opportunity to train together as a unit. Late development of standing operating procedures also contributed to their performing tasks in different ways.

FINDINGS

- *There was a lack of standardization in training among the commandos. In part, this was attributable to differences in training needs, expected in-theatre tasks, regimental affiliations and the late development of standing operating procedures. Nevertheless, the commandos were conducting their training activities in a very independent manner, and were largely left on their own to assess the sufficiency of their training.*
- *Both prior to and after Exercise Stalwart Providence, the CAR did not train together as a unit and did not develop cohesiveness as a unit.*

Training of 2 Commando

When Maj Seward assumed command of 2 Commando in July 1992, cohesiveness within the sub-unit was low. This was due in part to the previous officer commanding having been away on training, and in part to the downsizing and reorganization of the CAR, which left the Regiment focused on administrative matters.²⁸⁵ In addition, both 1 Commando and 3 Commando had acted as an enemy force at the Central Area Concentration for the Militia held in August. 2 Commando had not had the same opportunity and had not done any general purpose combat training. After receiving the warning for Somalia, Maj Seward's training priorities were therefore to integrate the soldiers into rifle and weapons sections and to provide a training opportunity to the section commanders to learn the capabilities of individual soldiers.²⁸⁶ Early in the pre-deployment phase, then, Maj Seward asked LCol Morneault if he could place more

emphasis on general purpose combat training. LCol Morneault gave him permission to do so.²⁸⁷

Maj Seward spent approximately four days during the early part of training doing section battle drills.²⁸⁸ He believed that conducting such drills would help to integrate the soldiers, instill section control, and provide a basis for future platoon or commando operations training.²⁸⁹ Maj Seward also conducted field firing exercises, which he saw as a good way to ensure that the section would be able to move and protect itself under "real conditions."²⁹⁰ During the field firing exercises, Maj Seward set up scenarios where the soldiers were expected to discern between friendly and hostile forces. In one role-playing scenario, a soldier was held hostage in a shelter that had both friendly and hostile forces in it, and the section commander was to deploy his section in a tactical fashion to rescue the hostage.²⁹¹

Several witnesses had grave concerns about the focus and nature of 2 Commando's training. Offensive operations at the platoon level, simulated hostage-relief situations, and grenade assaults were seen as falling outside the scope of training appropriate for a peacekeeping mission.²⁹² The offensive mode of training, using aggressive attack situations, was viewed as inappropriate, and even the training conducted for roadblocks and checkpoints appeared to be carried out in an overly aggressive manner.²⁹³ With respect to the section battle drills, LCol Morneault called Maj Seward in to discuss the matter, and allowed him to complete the training, but instructed him not to take it beyond the section level.²⁹⁴ LCol Morneault cautioned him twice not to overemphasize the combat part of this training, and also cautioned him about the tone of the training -- not to extend it into training for offensive operations.²⁹⁵

Maj Seward also reviewed the proposed field firing training with LCol Morneault, who agreed with the exercise but again cautioned him to be careful that the tone was not too aggressive.²⁹⁶ To LCol Morneault's knowledge, Maj Seward did tone down the training after he was told to do so.²⁹⁷ With respect to the house-clearing exercise, however, LCol Morneault instructed him that such training was not to be done at that time, because it was not clear that force could be used on the mission in a hostage-taking or kidnapping situation.²⁹⁸

Having devoted considerable time to combat-related exercises, 2 Commando was left with limited time to focus on other aspects of its training. Maj Seward testified that prior to Exercise Stalwart Providence, 2 Commando did complete all categories of training that were to be covered.²⁹⁹ However, the focus of their training was at the individual and section levels.³⁰⁰ LCol Morneault acknowledged that, in retrospect, Maj Seward misapprehended the time available, believing that he could accomplish all the mission-specific training which he had been directed to do as well as supplementary general purpose combat training. This did not prove to be the case and 2 Commando was not as prepared as it should have been for Exercise Stalwart Providence.³⁰¹

Disciplinary problems in the CAR caused significant training difficulties during the week of October 4th. Because members of 2 Commando were suspected of having been involved in serious disciplinary infractions on the weekend of October 2nd to 3rd, they were removed to the field for the week to be isolated from the rest of the Regiment. While there, they continued to train according to their training plan.³⁰² This undoubtedly

divided 2 Commando's focus between training and trying to get to the bottom of the incidents. It was also the week that the vehicles came in, and 2 Commando only used one of its allocated days for training with the vehicles. In sum, this week's events were a major distraction and adversely affected 2 Commando's training.³⁰³

2 Commando's performance at Exercise Stalwart Providence in mid-October is discussed in the next section. However, after the exercise, BGen Beno concluded that 2 Commando was acceptable but had been trained too intensely and aggressively.³⁰⁴

Following Exercise Stalwart Providence, Maj Seward designed an additional training exercise for 2 Commando, Exercise Bravo Cordon, to address platoon- and commando-level operations. It was a two-and-a-half-day exercise held from November 19th to 21st, with scenarios involving negotiations with locals and bivouac security -- a 'mini Stalwart Providence' to deal with lessons learned from that exercise.³⁰⁵ Maj Seward was not present for the exercise as he was attending a merit board.³⁰⁶ In taking the initiative to design Exercise Bravo Cordon, however, he demonstrated a willingness and a desire to attempt to remedy the shortcomings identified in Exercise Stalwart Providence by providing additional scenario-based training for his commando.

FINDING

- *Overall, 2 Commando's training was too aggressive and combat-oriented for a peacekeeping mission such as Operation Cordon. We recognize that 2 Commando appeared to require additional time for refresher general purpose combat training, and that Maj Seward wanted to ensure that his troops were capable of dealing with any threats that might be encountered in theatre. Nevertheless, the degree of aggressiveness in the training scenarios, together with the length of time devoted to combat-type training, was to the detriment of the acquisition and development of mission-specific skills, as evidenced by 2 Commando's difficulties in the initial stages of Exercise Stalwart Providence.*

EXERCISE STALWART PROVIDENCE

Exercise Stalwart Providence was the field training exercise undertaken by the Canadian Airborne Regiment to prepare for deployment to Somalia. It took place from October 14 to 18, 1992, in the CFB Petawawa training area. It was conducted to ensure that the CAR was operationally ready to deploy on Operation Cordon.

Execution

The five-day exercise, which involved the entire unit, consisted of a series of scenarios in the field for various sub-units of the Canadian Airborne Regiment. It was in effect an elaborate simulation game on the ground, based on a speculative model of the upcoming UN mission to Somalia. The Royal Canadian Dragoons (RCD) organized and evaluated the exercise. In order to assess the performance of the CAR soldiers, the RCD devised a series of scenarios and incidents, set out in an 'activity matrix'. The initial tasks involved securing and establishing a base camp. The subsequent scenarios included events such as a convoy encountering mines and coming under fire; a small group of refugees requiring medical aid arriving at base camp; a request from a local official for assistance in disposing of corpses; and a riot at a food distribution site.³⁰⁷

Some Key Problems

Exercise Stalwart Providence was, on the whole, effective training: it allowed each commando to practise tasks anticipated for Somalia; it featured scenarios which required contact with non-combatants; it attempted, not always successfully, to make the scenarios realistic by having people role-play various elements of Somali society; and it had effective, built-in mechanisms for learning and evaluation throughout. The diligent efforts of the Special Service Force Headquarters, and the Royal Canadian Dragoons under LCol MacDonald, are to be commended. However, as we will outline below, the effectiveness of the exercise was limited by several problems from the outset: confusion as to the purpose of the exercise, the absence of the Commanding Officer of the CAR, difficulties in obtaining intelligence, and the lack of an effective system to address the remedial training needs identified in the course of the exercise.

Confusion as to Purpose

It is evident that in the planning and execution stages, there was confusion concerning the purpose of the exercise. While brigade staff and those conducting the exercise were clear that the exercise was intended to confirm the unit's operational readiness, some senior CAR officers approached it as simply a training opportunity. Once they realized that they were being evaluated, they began to view the exercise as a test.

This confusion may be explained by the fact that the holding of an exercise to confirm preparedness for a UN mission was not required by any standing policy or guidelines, nor was it usual practice in the Canadian Forces in 1992 to hold such an exercise. A unit exercise prior to deployment was common, and would be expected in this case since the newly reconstituted CAR had yet to complete any unit-level training. But according to the CAR's Deputy Commanding Officer, who was acting as Commanding Officer during the exercise, it was "quite unusual" to have the exercise conducted and evaluated by another unit in the manner that occurred.³⁰⁸

The purpose of Exercise Stalwart Providence, as set forth in the September 14, 1992, letter from brigade headquarters, was "to confirm the operational readiness of the Airborne Battle Group³⁰⁹ for UNOSOM (Operation Cordon.)"³¹⁰ Its objectives were to enable the battalion group to confirm standing operating procedures for such anticipated in-theatre tasks as convoy escort and protection of the base camp, as well as rules of engagement, crowd and refugee control, arrest and detainment procedures, and burial details (mass graves). A further objective was the practice of incident resolution, including escalation of the use of force, negotiation and reporting procedures.

The letter of September 14th also tasked the Royal Canadian Dragoons with conducting the exercise.³¹¹ Both LCol MacDonald and Maj Kampman of the RCD concluded, based on this letter, that the purpose of Exercise Stalwart Providence was to confirm the CAR's readiness for the Operation Cordon mission to Somalia. They also understood that given the short time frame, the CAR would be doing a fair amount of training throughout the exercise.³¹²

It appears that in the early stages, both the Commanding Officer, LCol Morneau, and the Brigade Commander, BGen Beno, agreed on the purpose of Exercise Stalwart Providence, but, as events unfolded, the exercise took on different purposes for each.

LCol Morneault saw Exercise Stalwart Providence as a regimental exercise in which, as Commanding officer, he would have the opportunity to assess his commandos and to define additional training needs.³¹³ He saw the role of the brigade in the exercise as providing support to a commanding officer-run exercise for the battalion. When he expressed concerns to his superior that the exercise was becoming a "regimental test", he received assurances that BGen Beno was looking only for three cohesive commandos.³¹⁴ Indeed, BGen Beno testified that, "It was never a test exercise",³¹⁵ but that it was too late to be doing commando-level training.

The differing views of BGen Beno and LCol Morneault may explain why several senior officers within the CAR gained the impression that the exercise was in fact a test of the unit's operational readiness.³¹⁶ The CAR's Deputy Commanding Officer, Maj MacKay, along with the OCs of 1 Commando and 2 Commando, testified that as Exercise Stalwart Providence unfolded it became clear to them that it was a test. At the outset, they were all approaching it as an opportunity to conduct commando-level training and to practise different approaches to peacekeeping tasks.³¹⁷ MWO Mills of 2 Commando testified that he had received verbal orders that Stalwart Providence was a "confirmatory test", not a "training exercise".³¹⁸ Similarly, Maj Magee, the Officer Commanding of 3 Commando, understood that it was to be a test of operational readiness.³¹⁹

FINDING

- *There was confusion between the brigade and regimental levels as to the purpose of Exercise Stalwart Providence. We are disturbed that there could have been any misunderstanding about an exercise which occupied so much of the SSF's human and materiel resources. Various perceptions as to its purpose existed during the planning stages: some saw it as simply a training exercise; others believed it was an exercise to test the cohesiveness of the sub-units; and still others saw it as an exercise to confirm the operational readiness of the CAR as a whole. It is our view that given the compressed time frame, the CO should have been left to run a regimental exercise, rather than having been rushed into a brigade-level test of operational readiness.*

Timing of Exercise Stalwart Providence

A further perplexing question lies in the timing of the exercise, which coincided with the Commanding Officer's reconnaissance to Somalia. The question was debated before us as to whether the exercise should or could have been delayed, in order to allow LCol Morneault to be present. This option, had it been possible, would also have allowed for the completion of the requisite sub-unit training that some witnesses said was not in fact satisfactorily completed by October 14th.

According to BGen Beno, the dates for the reconnaissance mission were set by the United Nations. BGen Beno also said that it would have been "exceedingly difficult" to change the dates of Exercise Stalwart Providence in order that the Commanding Officer, LCol Morneault, could do both the exercise and the reconnaissance. We are satisfied by the legitimate factors substantiating the decision that the CAR's Commanding Officer would be away during the conduct of the exercise.³²⁰ We are, however, in agreement with

the testimony of several witnesses who stated that the absence of the Commanding Officer had a negative impact on the exercise.³²¹

FINDING

- *We find that it was unfair to both LCol Morneault and the troops to have the Commanding Officer absent during what was essentially a test of the unit's operational readiness. Ideally, LCol Morneault should have been given the opportunity to be present at the exercise as well as to go on the reconnaissance mission.*

Lack of Intelligence

There was a lack of intelligence and current information on Somalia made available from NDHQ to the CAR, which impeded the planning of Exercise Stalwart Providence and limited its relevance to the real situation. When LCol MacDonald was planning the exercise, his primary source of information on Somalia was the Cable News Network (CNN) and the news media.³²²

We feel that this lack of up-to-date information limited the scope of the exercise. For example, the master activity list included only one reference to what could be called thievery. LCol MacDonald could not recall any scenario which addressed stealing from Canadian troops, and said he was not aware, in October 1992 when he was designing and delivering Exercise Stalwart Providence, of the extent of the thievery that was then going on in Somalia.³²³ This is a curious comment in that his subordinate, Maj Kampman, indicated that he had been well aware of the degree of theft in Somalia, and had specifically tried to include situations which involved this in the scenarios for Exercise Stalwart Providence.³²⁴ Another witness testified that there was not much emphasis placed on dealing with detainees, civilians, or thieves in the exercise since the CAR was not expecting to detain anyone and was told simply to hand the detainees over to local elders.³²⁵

FINDING

- *The training benefits afforded by Exercise Stalwart Providence were limited by a lack of intelligence and current information on conditions in Somalia. The exercise required a focus which more accurately reflected the threat, political, and cultural factors the CAR was liable to face in Somalia, and the opportunity for CAR members to practise the skills they would require to meet these challenges. In our view, the exercise should have included information, scenarios, and tasks which more closely represented the challenges expected in Somalia. This would have required significantly more support from NDHQ, in terms of intelligence and sourcing of expertise and advisers.*

Identification of Remedial Training Needs

As the exercise evaluators, the Royal Canadian Dragoons developed a detailed and effective system to identify problem areas in the CAR's performance during Exercise Stalwart Providence. In particular, they expressed concerns over the CAR's ability to take on a mounted role and safely operate vehicles. They also found problems in the flow of

information down through the ranks. There was no intensive period of remedial training after Exercise Stalwart Providence which, in light of the concerns raised as a result of the exercise, was most definitely required.

Vehicle Training

At the end of Exercise Stalwart Providence, mounted operations was identified as an area where the CAR would need additional training. Both Maj Kampman and LCol MacDonald testified about the difficulties faced by the CAR, a light infantry battalion, in adjusting to its new role as a mounted unit.³²⁶

Maj Kampman testified that: "...at the end of the week...we continued to be concerned about the ability of the Airborne soldiers to operate the vehicle[s] in a safe fashion."³²⁷ LCol MacDonald testified that he thought, at the end of the exercise, the CAR could have used an additional week of vehicle training.³²⁸ He clearly expressed this concern in a letter to BGen Beno dated October 20, 1992. This letter highlighted the critical need for practice in mounted operations, and specifically the "complexities of convoy operations".³²⁹ As some of the CAR drivers were new to the equipment, the RCD offered to give them vehicles for additional post-exercise mounted operations training. LCol MacDonald said that this offer was never accepted.³³⁰ We find this surprising and disappointing as it is clear from the documentation and the testimony that key officers and leaders within the CAR would have been aware of the need for remedial training.³³¹

Passage of Information

An additional concern expressed by the RCD during Stalwart Providence was that information was not getting passed down to the soldiers. LCol MacDonald stated that this was a critical requirement in this type of mission, as every soldier must have every bit of information made available to them.³³² They tested the flow of information by waiting a few days after a certain message had been issued, and then having an RCD observer walk up to the perimeter and ask a soldier what he had heard about that particular issue. If the soldier had not heard of it, they would track the message back until they found the place where the passage of information had been disrupted.³³³

Use of Force

Over-aggressiveness and escalation in the use of force by 2 Commando during the exercise was a source of concern for many witnesses.³³⁴ One particular problem involved the passage of information on the use of force down the ranks in 2 Commando. One witness cited this as the main reason that 2 Commando did not improve as quickly as the other sub-units.³³⁵ The view was expressed before us that the officers, non-commissioned officers, and soldiers were not getting the information they deserved.³³⁶ This is reflected in the RCD debrief points of October 20th, which stated that the "open fire/use of force policy is not clearly understood by all soldiers asked."³³⁷ It is interesting to note that in his testimony, Maj Seward agreed with this statement, and felt that the soldiers' understanding would improve if the issues were re-emphasized and reinforced.³³⁸ However, the very fact that there seems to have been such a problem with the passage of information within 2 Commando would indicate that the necessary reinforcement of the principles of the escalation of force was not taking place.

LCol MacDonald was sufficiently concerned about the issue of the passage of information that he mentioned it in his post-exercise letter to BGen Beno, along with his concerns about vehicle training. His overall assessment of the CAR following the exercise was that they had come a long way in the short period of time available to them, and would perform well in Somalia, given that they had three to four weeks left to train before leaving.³³⁹ However, these additional training needs were not seriously or systematically addressed in the weeks prior to deployment.

FINDINGS

- *Exercise Stalwart Providence was, on the whole, a good training exercise: it allowed each commando to practise tasks expected in Somalia; it featured scenarios which required contact with non-combatants; it attempted to make the scenarios realistic by having people role-play various elements of Somali society; and it had effective built-in mechanisms for learning and evaluation throughout. The diligent efforts of the SSF HQ, and the RCD under LCol MacDonald, are to be commended. However, Exercise Stalwart Providence lacked several important elements in order to be fully effective, whether as a training or a confirmatory exercise: the presence of the CO; more complete and accurate information respecting conditions likely to be encountered in theatre; and an effective system in place to ensure that identified remedial training needs were adequately addressed.*
- *The results of Exercise Stalwart Providence should have led to a concentrated and structured period of remedial or additional training, closely supervised by the chain of command. It should have included:*
 - *emphasis on proper passage of information*
 - *additional mounted vehicle training*
 - *training to ensure appropriate restraint in the use of force and ROE*
 - *training on the capture and holding of detainees.*

PRE-DEPLOYMENT TRAINING FOR OPERATION DELIVERANCE

The change from Operation Cordon to Operation Deliverance had a significant impact on the training requirements for the deployment to Somalia. After weeks of training for a Chapter VI peacekeeping mission in a relatively stable area of Somalia, the CAR was suddenly faced with the enormous challenge of preparing to deploy on a new and uncertain Chapter VII peace enforcement mission in a different and much less stable region of Somalia, with new use-of-force policies, and under new command arrangements. Most significantly, the new mission called for a new force structure: the CAR battalion group as constituted for Operation Cordon was to be augmented by the Mortar Platoon from 1st Battalion, The Royal Canadian Regiment, and A Squadron from the Royal Canadian Dragoons, neither of which had been warned or trained for Operation Cordon. Not only did these additional elements require training, but it would be essential that the newly formed battle group be brought together and trained as a cohesive whole.

However, there was almost no time for preparatory training for Operation Deliverance, and we are alarmed by the fact that no significant consideration was given to training

requirements, including time to train, by those responsible for committing troops to the new mission.³⁴⁰ Little training was conducted by any of the elements of the new Canadian Airborne Regiment Battle Group following the warning for Operation Deliverance. There was no training on mission-specific rules of engagement, despite the fact that a Chapter VII mission would involve use-of-force policies that differed substantially from those appropriate for a Chapter VI mission. Most significantly, perhaps, the elements of CARBG were ultimately sent off on a potentially dangerous mission overseas without ever having had the opportunity to train together as a full battle group.

The Training of the CARBG

On December 4, 1992, Special Service Force Headquarters issued a preliminary warning order indicating that the CARBG would be augmented for the new mission.³⁴¹ The warning order tasked the CAR to submit a consolidated training plan for the entire battle group by noon on December 5th.³⁴²

On December 5th, LCol Mathieu issued a warning order instructing CARBG sub-units to conduct training and preparations in accordance with the regimental training conference held the previous day.³⁴³ A Squadron was instructed to train in compliance with the SSF warning order, as co-ordinated with the CAR's training officer. The warning order also stated that Operation Cordon rules of engagement were not applicable to the mission, and that new rules of engagement were to be issued.³⁴⁴

The CAR's training plan for Operation Deliverance, covering the period from December 7 to 16, 1992, was submitted to SSF on December 5th.³⁴⁵ Sub-units recently attached under the CAR's command were to complete fitness training, weapons training, individual preparations training, and specialty vehicle/equipment training prior to commencing collective CARBG training for the mission.³⁴⁶ Catch-up briefings (intelligence, medical, mine awareness, etc.) were also scheduled for those personnel who had not previously received them.

LCol Turner explained that the change in mission introduced the new task of disarming factions who attempted to interfere with relief efforts, in addition to the previous tasks related to peacekeeping and humanitarian activities. This placed a new emphasis on a fighting function, which in turn required that a greater emphasis be placed on live fire training.³⁴⁷ As well, the area to which they were being deployed was less stable than that planned for Operation Cordon, increasing the prospect of belligerency.³⁴⁸

The following training was therefore planned for the CAR in preparation for Operation Deliverance: Invertron training (artillery indirect fire simulation); direct fire control (refresher training in requesting and spotting direct fire); live fire range training (to be conducted at section, platoon, commando, and battle group levels); combat first aid refresher training; officers training on CARBG SOPs and airmobile operations; and briefings to leaders on the use of equipment to be used in theatre. A Bison armoured vehicle driver conversion course was also to be conducted. In all, the CAR's training schedule provided for no more than 10 days of training, with even less time available for the members of the advance party.

The degree to which the Operation Deliverance training plan for the CAR was followed is not clear from the evidence before us. Maj Seward testified that there was a continuation of individual and refresher training, and that additional training such as Invertron training and a march and shoot competition were conducted. He described the training as being "low level...filler training," and noted that there were no vehicles available.³⁴⁹ There is clearly one respect in which the training plan was not followed: the contemplated battle group live fire range training did not occur, as CARBG did not train together as a group. This will be discussed later in this chapter.

It was suggested before us that the CAR itself required little additional training to prepare for Operation Deliverance based on the following propositions: the Regiment had carried out concentrated training for Operation Python and Operation Cordon during the past year and the skills learned were transferrable to Operation Deliverance; the new Chapter VII mission was more in line with the CAR's operational role as a general purpose light infantry unit; and the CAR had been training continuously for short-notice deployments.³⁵⁰

We find these arguments unconvincing, both in and of themselves and also in view of the numerous training problems and deficiencies discussed below. Here we note only that the CAR was trained as an air-deployable light infantry unit, and had only recently undertaken rudimentary mechanized training for routine tasks associated with peacekeeping missions. Normally, before entering a potentially mid-intensity theatre of operations, a mechanized unit would conduct intensive training in tasks involving the collective use of force. Therefore, despite its previous training experience, the CAR could not have been considered combat capable, as a mechanized unit, for a Chapter VII mission at the time it was warned for Operation Deliverance. Furthermore, the requisite training could not have been provided after it was warned, as there were no vehicles available with which to do such training.

We heard little evidence concerning the training received by the mortar platoon from the 1st Battalion, The Royal Canadian Regiment. Their training plan, however, suggests that what little time they did have to train would have been devoted almost exclusively to the conduct of mortar drills, together with dry and live fire training.³⁵¹

We were, however, presented with unsettling testimony regarding the daunting training challenges faced by the A Squadron of the Royal Canadian Dragoons during the very limited time available to prepare for the mission -- a period described by Maj Kampman, the Officer Commanding A Squadron, as "controlled chaos".³⁵² Equipment was in a low state of repair, with only 30 to 40 per cent of the vehicles operational in terms of both driving and gunnery systems.³⁵³ The whole Regiment (the RCD) focused on getting the Squadron ready, working 20 hours a day. Their primary concern, however, was preparing the vehicles and equipment. Everything else, including training, had to be of secondary importance; they tried to fit in whatever little training they could.³⁵⁴

The A Squadron's limited training was fitted into six and a half days and included a two-day refresher course on small arms, two days on the indoor miniature range to allow Cougar (armoured vehicle) crews to practise gunnery drills, one day on first aid, and half a day for tactical training on armoured personnel carriers. There was also one day reserved for various briefings.³⁵⁵

A Squadron had recently completed some comprehensive training which no doubt helped them through this operation. They had carried out intensive training in the early part of 1992, and had performed very well in an armoured corps competition in the summer of 1992.³⁵⁶ As well, the Royal Canadian Dragoons, and A Squadron in particular, had played an important role in preparing the CAR for Operation Cordon during Exercise Stalwart Providence. The preparations A Squadron had to undertake in order to conduct and evaluate that exercise provided them, albeit fortuitously, with valuable experience they could later draw upon when they were warned for Operation Deliverance.³⁵⁷

Maj Kampman expressed to us the serious concerns he had prior to being deployed on the mission to Somalia. He had received little direction on training; personnel were under a tremendous amount of stress; the mission was unclear; and there was little accurate intelligence on the theatre of operations.³⁵⁸ Maj Kampman's primary concern, however, was that the various elements of CARBG had completed no collective training as a battle group prior to deployment.³⁵⁹

[I]t is practically a principle, in fact it is a principle, I would say, within the Army that when we go into combat we operate as a combined arms team; that is armour, infantry, artillery, signals, engineers work as a single team, even down to the company or what we call combat team level.

And I was concerned that, because we had not had a chance to train as a battle group in Canada that we were now going into operations -- and what we thought at the time probably combat operations -- not having had an opportunity to train in that way.³⁶⁰

We most emphatically share this concern, and consider it one of the most egregious shortcomings in training preparations for Operation Deliverance. The absence of collective training for the CARBG meant that there was no opportunity to develop positive relationships between the various elements and to build the requisite knowledge and trust between the commanders.³⁶¹ We are aware that the CF regularly practises detaching and attaching various elements.³⁶² However, it was imperative for the CARBG to practise as a group, especially with the CAR assigned to conduct mounted operations - - not its usual role. Cohesion and uniformity in execution of standing operating procedures, two important elements emphasized repeatedly in evidence relating to training for Operation Cordon, would have been difficult, if not impossible, to achieve without collective training.

The lack of collective training as a battle group may have constituted one of the most serious deficiencies in the pre-deployment preparations for Operation Deliverance, but it certainly does not stand alone.

There is no evidence to suggest that adequate analysis was done by NDHQ or Land Force Command regarding the training requirements for the new mission. We are not aware of any training guidance or direction having been provided by higher levels of command to the CARBG in relation to Operation Deliverance. Furthermore, while the CARBG was preparing for deployment, little information was available on the nature of the new mission.

The CARBG received no intelligence specific to the area where they were headed.³⁶³ Indeed, when the battle group was deployed, they knew only that they would provide security for the Baledogle airfield, to be followed by future security operations in a location that was as yet unknown. They did not know they would be deployed at Belet Huen until after their arrival in theatre; obviously, no planning for Belet Huen was done before deployment.³⁶⁴ In the circumstances, requisite intelligence briefings on the cultural, political, and environmental situation they were about to enter could not be realistically provided.

Rules of engagement (ROE) for the mission were not issued until the 11th hour; thus, no pre-deployment training on theatre-specific ROE could be undertaken.

There is little evidence on the supervision provided by LCol Mathieu in terms of training for Operation Deliverance. It is evident that he was in the United States from December 5th to 8th for purposes of liaison with U.S. commanders. He then was deployed with the advance party to Somalia on December 13th.³⁶⁵ It appears safe to infer that under the circumstances his involvement in pre-deployment training for the new mission would have been minimal. Additionally, there is no evidence that his superiors in the chain of command provided any supervision of the CARBG's attempts to train.

At the root of many of the deficiencies we have identified in the Operation Deliverance training lies the haste with which troops were committed to this mission, with virtually no time to conduct the requisite training; training requirements were subordinated to the time frames dictated by the political commitment to rapid deployment. The best efforts of the dedicated officers and soldiers directly involved in preparing for the mission could not serve to overcome the major obstacle standing in the way of the provision of appropriate and sufficient training: the lack of a simple but essential resource -- time.

FINDINGS

- *With such a short period between warning and deployment, there was virtually no time to conduct preparatory training for Operation Deliverance. There is no evidence to suggest that adequate consideration was given to training requirements for the new mission by the officers and officials responsible for the decision to commit Canadian troops for the new mission, nor is there any evidence of training guidance or direction being provided to the CARBG by higher levels of command. This represents a significant failure by senior leadership.*
- *No significant training was conducted by the CARBG after the mission changed from Operation Cordon (Chapter VI) to Operation Deliverance (Chapter VII). Various prerequisites for the proper planning and conduct of training, such as a clear mission, theatre-specific intelligence, mission-specific ROE, training equipment and vehicles, and sufficient time to train, were not available. There was no opportunity for the newly constituted battle group to train together as a group. The CARBG was deployed to Somalia, on a potentially dangerous mission, without adequate training and without the battle group functioning as a cohesive whole. It was a matter of good fortune that they were not challenged by a serious show of force upon their arrival in theatre: the results could have been tragic.*

- *The CARBG was not operationally ready, from a training point of view, for deployment to Somalia for Operation Deliverance.*

ESSENTIAL ASPECTS OF TRAINING

In our examination of the training received by Canadian Forces deployed to Somalia, in addition to the serious deficiencies already enumerated, we encountered several glaring deficiencies relating to specific aspects of training that one would consider essential for a mission such as the one the CAR was undertaking. These training components are sufficiently important to merit separate comment in this report under the general headings of Law of Armed Conflict (LOAC), rules of engagement, cultural training, and training in negotiation.

Law of Armed Conflict

The CF is obliged under international law to provide training in the LOAC. We have determined that the insufficient knowledge of the Law of Armed Conflict on the part of the CAR members was in the first instance the result of weaknesses in training in the LOAC that existed in the CF more generally. Documents that we have reviewed indicate that in the mid-1980s, individual non-commissioned members within the CF were expected to have a "basic knowledge" of the Geneva Conventions, including treatment of prisoners of war and civilian detainees. Field officers attending the Command and Staff College would have received three hours of training in the LOAC in the mid-1980s,³⁶⁶ and some majors and most lieutenant-colonels would receive a full day session on the LOAC and ROE.³⁶⁷

According to the CF, there is considerable LOAC training taking place within the CF but it is not well co-ordinated.³⁶⁸ We heard testimony to the effect that there was little focus on LOAC training as part of the pre-deployment training for Somalia because soldiers received such training throughout their careers.³⁶⁹ While we agree that there was some training on the LOAC provided within the CF, we do not think that it was significant enough to justify its exclusion from pre-deployment training for the Somalia mission.

We have determined that there were similar weaknesses in training on the LOAC during the preparation for Somalia. During the Operation Cordon preparations for the Chapter VI mission, there was some understanding among the CAR officers that detention of civilians might be necessary in theatre.³⁷⁰ At that time, they anticipated that there would be some sort of local authority to hand the detainees over to, and it was not expected that they would be in the hands of Airborne soldiers for very long.³⁷¹ The scenarios in Exercise Stalwart Providence were based on this assumption, and it became apparent to those running the exercise that some of the members of the CAR were not familiar with the procedures for handling detainees.³⁷² It is clear from the testimony before the various courts-martial that there was no uniform understanding of how detainees should be treated. Several witnesses stated that they believed detainees were to be made uncomfortable in order to deter them from coming back.³⁷³ This was interpreted differently by various soldiers: some thought it meant keeping detainees awake all night and not giving them food or water,³⁷⁴ while others had the incredible notion that they were to keep detainees awake and uncomfortable by pouring cold water over their heads and not feeding them.³⁷⁵ The obvious confusion over the procedures for handling

detainees was identified as early as Exercise Stalwart Providence. The fact that nothing was done to remedy this confusion created a pressing need for training on handling civilian detentions in theatre.³⁷⁶ However, this was not done.

Once the mission changed to Operation Deliverance under Chapter VII of the UN Charter, the expectation of the type of detainees changed: now it was thought that they would be armed and aggressive looters.³⁷⁷ While we would have expected additional training on the handling of detainees -- particularly given the shortcomings recognized during the regimental exercise, this did not occur. There was, however, a lecture given on the Law of War to CARBG officers and a few senior non-commissioned members on December 10, 1992, by LCol Watkin of the Judge Advocate General staff. This general briefing addressed the Geneva Conventions and the care to be taken with prisoners and detainees.³⁷⁸

FINDINGS

- *In 1992 there was insufficient training in the CF generally on the Law of Armed Conflict (LOAC). This in turn resulted from a lack of institutional commitment within the CF regarding a systematic and thorough dissemination of the LOAC to all its members. As a result, the responsibility by default fell exclusively to those in charge of preparation of the CAR for Somalia to ensure that all ranks received adequate LOAC training.*
- *There was a very serious lack of training on the LOAC during the pre-deployment training for Somalia, as evidenced by the soldiers' confusion in theatre over how to treat detainees once they were captured.*
- *The lack of attention to the LOAC and its dissemination demonstrates a profound failure of the CF leadership, both in the adequate preparation of Canadian troops sent to Somalia, and in Canada's obligation to respect the elementary principles of international law in the field of armed conflict.*
- *There was no significant training on the capture and handling of detainees, either during Exercise Stalwart Providence or at any other stage of the pre-deployment training. This resulted from a failure of the chain of command to establish a policy for detainees and to ensure that standing operating procedures (SOPs) were developed for the capture and holding of detainees.*

Rules of Engagement

Rules of engagement are a fundamental tool of any military in accomplishing its mission effectively. They are, quite literally, the rules and principles that guide soldiers in operational situations, and form a necessary complement to the chain of command. ROE are commonly developed and disseminated before any military operation, such as the mission to Somalia. They form an essential part of pre-deployment training for specific missions, and are usually provided to all soldiers in written form (on a card) for ease of reference. A thorough understanding of the ROE is crucial in any military operation, for they establish the principles governing how a soldier is to respond to a given situation, and when and if that soldier is or is not to shoot.

An inherent understanding of the ROE was particularly important for the soldiers taking part in the mission to Somalia, where they would be faced with a complex array of peacekeeping and security duties in a volatile environment. However, the evidence before us is overwhelming that in spite of the acknowledgement by senior Canadian Forces personnel that an effective understanding of the ROE was crucial to the Somalia mission, members of the CAR simply did not receive sufficient training in them.³⁷⁹

It was stated time and again before us that when it comes to training on the ROE, briefings and lectures are insufficient. The training has to be ingrained and instinctive, so that the soldier is able to react instantly under stress with the appropriate amount of force.³⁸⁰ Several witnesses testified that the best way to achieve this implicit understanding of the ROE is through scenario-based training, where soldiers learn to make quick decisions in practical situations.³⁸¹

The ROE for the Somalia mission should have changed in tandem with the change from a Chapter VI to a Chapter VII mission. But, for the original Operation Cordon training, there were amazingly no ROE available and, in their absence, the CAR trained on the Yugoslavian ROE.³⁸² Although they did not have the actual mission ROE, there was some training conducted on the use of force. For example, during Exercise Stalwart Providence, the soldiers were evaluated on their escalation of force in various scenarios. One exercise evaluator testified that they were concerned about the "ability of the Airborne to apply the [ROE]" and whether the Airborne members "were able to apply a controlled escalation of force according to the situation that was going to be presented to them."³⁸³ Although this concern was clearly expressed to senior CAR officers, there were no efforts to provide scenario-based remedial training after they received the mission-specific ROE.

The previously mentioned briefing provided by LCol Watkin on December 10th, included information on the ROE. He did not speak specifically about the Somalia ROE as none had yet been issued. The officers were then supposed to pass the information on to their subordinates.³⁸⁴ However, there were no efforts made to ensure that this information was properly understood before being passed down through the chain of command to the troops, nor even that it was in fact passed down.³⁸⁵

It is evident that when the senior commanders declared the CAR operationally ready on November 13, 1992, there had been insufficient training on the ROE. There were no mission-specific ROE available for training purposes for either Operation Cordon or Operation Deliverance. The failure to provide sufficient training in this area and on the use of force can be attributed in part to a delay in the development and distribution of the ROE. Nevertheless, greater attention could and should have been paid to the ROE and the use of force throughout the pre-deployment training period.

Once the Operation Deliverance Chapter VII ROE were finalized, clarification concerning the final, approved ROE should have been provided immediately before deployment or on arrival in theatre. We heard testimony suggesting that a change from Chapter VI to Chapter VII ROE, under which the use of lethal force would not be restricted to situations of self-defence, would call for additional training time.³⁸⁶ However, it is clear that virtually no training was provided on the Chapter VII ROE once they were released on December 11, 1992.³⁸⁷

At the beginning of December, the view was expressed publicly on television by the Minister of External Affairs and International Trade that Chapter VII ROE allowed soldiers to shoot first and ask questions later.³⁸⁸ LCol Mathieu testified before us that this comment on the part of the Honourable Barbara MacDougall gave him the indication that they would be, in a sense, "backed" by the ROE for just about any kind of operation they would do.³⁸⁹

What little exposure to the ROE there was came in the form of lectures or discussions, but, due to the rush, there was a whole series of activities, such as hypothetical situations, that constitute training on the ROE that could not be conducted.³⁹⁰ Though the ROE were received very late, there was a commonly held belief that they could be reviewed and trained upon "in transit" on the plane to Somalia.³⁹¹ This shows that the level of importance attached to training on the ROE by the chain of command was both cursory and superficial.

While the need to systematically reinforce the ROE training once in theatre was recognized by senior commanders who testified before us,³⁹² this did not translate into effective ROE training throughout the deployment period.³⁹³ Maj Pomet showed great concern for the understanding of the ROE by his commando and took steps to train his soldiers, but he did so on his own initiative. On several occasions he verified his troops' knowledge of the ROE by presenting them with scenarios and asking them to respond.³⁹⁴ Although there may have been some discussion and briefings on the ROE, there was no organized and structured scenario-based training done in theatre. In our view, and notwithstanding the obvious need for it, the leaders failed to ensure that all of the soldiers had a comprehensive understanding of the use of force in Somalia through accessible and systematic training.

One guideline for the inadequacy of the CF in-theatre ROE training is what the U.S. forces were doing concurrently in Somalia. Rather than using the CF top-down distillation of information, the U.S. forces used the position of command judge advocate (CJA), in part, to educate its personnel on the proper interpretation of ROE. The CJA created a series of vignettes portraying anticipated situations that provided examples of the proper response. The Americans recognized that the ROE, as developed pre-deployment, might not have dealt with all possible situations that might occur. Therefore, they reassessed the appropriateness of the ROE once in-theatre realities were learned.³⁹⁵

Finally, as with training generally, protecting the time for the troops to be trained on the ROE is fundamental. There is no evidence that the senior leadership or the NDHQ staff considered this requirement. In our view, the need to allow time between the issuance of ROE and the deployment was so critical that it warranted delaying deployment to accommodate this need. Indeed, the CARBG should not have been declared fully operationally ready without it.

FINDINGS

- *There was a failure by the chain of command to provide adequate and appropriate training on the ROE and restraint in the use of force for Operation Cordon and Operation Deliverance. Appropriate training must include briefings, scenario-based exercises, and means of assessing in order that personnel have a*

complete and instinctive understanding regarding the use of force. The inadequacy of training on the ROE constitutes one of the most serious deficiencies in pre-deployment training.

- *The failure to provide adequate training on the ROE, and generally on restraint in use of force, can be attributed, in part, to the lateness in the development and distribution of the ROE. However, the unit should not have been declared operationally ready until adequate training on the ROE was conducted.*
- *Given the difficulties in providing training on the mission-specific ROE for Operation Deliverance prior to deployment, there was a clear and pressing need to ensure that systematic ROE training was provided on a priority basis once in Somalia. The necessary training was not conducted, nor were adequate measures taken to ensure that the ROE were sufficiently disseminated and understood.*

Political, Cultural, Historical, and Geographical Training

A further important aspect of mission-specific preparations is training on the politics, culture, history, and geography of the mission area. We find that there was little emphasis placed on this contextual training for the mission to Somalia. The training directive prepared by BGen Beno shows that it was anticipated that soldiers at the lowest ranks would be dealing with civilians on a daily basis through such tasks as the setting up of distribution sites, traffic control, and incident resolution with the minimum use of force.³⁹⁶ While a certain knowledge and understanding of the culture and politics of the local population is not in itself a task, it is an essential element underlying most of the tasks outlined in the training plans and directives.

Those in charge of pre-deployment training lacked a specific set of guidelines that outlined what the training requirement was in this area. While some officers at the lower staff level are to be commended for their efforts to provide some contextual training, the lack of recognition up the chain of command of the importance of this requirement resulted in inadequate theoretical and practical training on the political and sociological environment in Somalia. The evidence before us suggests further that there was a failure in the intelligence system, in that those in charge of training did not have the necessary information available to them.

A review of the testimony of senior officers before us reveals that training in this area was not considered an important pre-deployment requirement. From the CAR Operations Officer, all the way to the Chief of the Defence Staff at the time, Gen de Chastelain, it is clear that there was little or no concern regarding this area of training. It was described by some as a "routine thing" and, indeed, one officer considered it to be better than average for the Somalia deployment.³⁹⁷

While the CAR Intelligence Officer, Capt Hope, did his utmost to provide some training, he had no organizational framework to guide him.³⁹⁸ What he managed to provide was a series of intelligence briefings to the CAR soldiers, based on information collected from an NDHQ analyst, and on film clips culled from CNN.³⁹⁹ Also produced was the Somalia Handbook, though a large part of it consisted of tips on how to operate in a desert environment, and a relatively insignificant portion dealt with issues of politics, culture, and the history of Somalia.⁴⁰⁰

Further training on Somalia was provided in the form of briefings to the CAR officers: one by a reserve officer who had spent some time in Somalia, and another by a Somali national living in Ottawa.⁴⁰¹ Several officers found these briefings to be very useful, and the report of one briefing assessed the information as being "highly reliable".⁴⁰² Yet, despite their usefulness and apparent accuracy, even the most basic and general information from these lectures was not passed down to the soldiers. LCol Morneault thought that it would be better to wait in order to exercise some caution to prevent the wrong information going out."⁴⁰³ The result of this decision was that the soldiers were unprepared for the culture shock they were to face in Somalia. Cpl Purnelle of 1 Commando testified that the reality of what they faced in Somalia was a shock to them all.⁴⁰⁴

Cpl Purnelle's testimony provides a clear example of the consequences of not passing on known, reliable information to the troops. He stated that he was shocked by the high rate of homosexuality in Somalia, evidenced by men holding each other's hands.⁴⁰⁵ However, Lt Bryden's debriefing report, prepared on September 26, 1992, a full three months before deployment, expressly stated that while homosexuality is taboo, conversation is an art form in Somalia, and that "...touching to emphasize points is common. When in private conversation, two men may hold hands as they walk."⁴⁰⁶

It appears that CNN was the primary pre-deployment source of intelligence on Somalia.⁴⁰⁷ The intelligence information provided to those in charge of pre-deployment training was grossly inadequate and points to a failure of the intelligence system at the national level. It was clear from the testimony before us that the volatile and complex situation in Somalia called for accurate and up-to-date information which was extremely difficult to obtain.⁴⁰⁸ It is for precisely this reason that the intelligence system should have been working to its maximum capacity, in order to provide an accurate and measured understanding of the situation to those responsible for training and, ultimately, to the soldiers, who would be dealing face to face with the civilian population on a daily basis

FINDINGS

- *Training on the politics, culture, history, and geography of Somalia, as well as training on intercultural relations -- essential underpinnings for the performance of most operational tasks in peace support operations -- was totally inadequate. This failure resulted from: a lack of peacekeeping doctrine outlining the importance of such training; lack of sufficient support from NDHQ in terms of providing specialist resources; and the inadequacy of intelligence on Somalia available to those responsible for preparing the CAR for deployment. What information was available was not properly conveyed to soldiers at the lowest ranks.*
- *CAR staff officers are to be commended for their efforts, in spite of the absence of adequate support and information, to include some cultural training in the CAR's pre-deployment training.*

Negotiation Training

A further aspect of training for the Somalia mission was in negotiation skills. Again, there was no standing doctrine within the Canadian Forces that outlined the requirements for negotiation training for peace support operations in 1992. The UN peacekeeping training guidelines, which discuss the important role that negotiations play in UN missions, were available in 1992.⁴⁰⁹ The guidelines state that mediation and negotiation are basic tools to be used by peacekeepers at all levels of the chain of command. Effective negotiation allows for dispute resolution without resorting to the use of force.⁴¹⁰ The UN guidelines suggest that negotiation training for soldiers adopt a lecture format covering such areas as tact, diplomacy, and the three Fs of peacekeeping -- firm, fair, and friendly. It also recommends that negotiation exercises be incorporated into low-level training exercises.⁴¹¹

Furthermore, BGen Beno's training directive recognized that the basic rules governing peacekeeping operations call for negotiation at the lowest possible level to encourage the minimum use of force. Yet, negotiation training for the CAR was conducted only as part of collective rather than individual training for the Somalia mission.⁴¹²

Testimony before us makes it clear that the only formal training for Operation Cordon on negotiation was a Royal Canadian Mounted Police presentation to the officers,⁴¹³ focusing on the psychology of a hostage taker. The briefing was called "theoretical" by one officer who attended, and successful completion was measured solely on attendance.⁴¹⁴

The briefing was attended by officers only, and it is not clear from the evidence whether the information provided to the officers would be relevant to peacekeeping soldiers or if, in fact, they passed it down to their soldiers. If the briefing did indeed focus on the psychology of a hostage taker, we question its relevance to the requirements for negotiation training recognized in both BGen Beno's directive and the UN training guidelines.

Some scenario-based negotiations were practised during Exercise Stalwart Providence. It is clear from the planning documents prepared by the Royal Canadian Dragoons that negotiation techniques would be practised during roadblock scenarios, distribution sites, and base security operations.⁴¹⁵ Maj Kampman testified that the Royal Canadian Dragoons were becoming frustrated with the CAR soldiers, who consistently failed to identify the hostile elements in the scenarios, a practical prerequisite to initiating negotiations with them.⁴¹⁶ While the type of negotiation training presented in Exercise Stalwart Providence was in line with the suggestions set out in the UN training guidelines, we question whether the CAR soldiers were informed about the techniques of negotiating in a peacekeeping role so that they would be able to practise them in the scenarios that they faced.

FINDING

- *There was some recognition by the Special Service Force and the CAR regarding the importance of negotiation training, as evidenced by BGen Beno's training directive and the inclusion of some scenario-based negotiations during Exercise*

Stalwart Providence. However, the training on crisis negotiation appears to have been theoretical and not entirely relevant to the extensive negotiation skills required during peace support operations.

LACK OF STANDARDS TO EVALUATE TRAINING AT TIME OF DEPLOYMENT

At the time of the CAR's deployment to Somalia, many essential elements of training for peace support operations, such as training on culture, rules of engagement and the Law of Armed Conflict had no evaluation standards attached to them. This made it difficult for those in charge of training to determine, in an objective way, whether the level of the CAR's pre-deployment training was adequate. Generally speaking, we have seen the consequences of this lack of standards throughout our treatment of the issue of training.

This lack of objective standards was recognized at the time, and since the Somalia mission, by those who had the responsibility for determining the adequacy of the training and readiness of Canadian Forces personnel for a complex overseas operation.⁴¹⁷ It appears that with the lack of an objective framework, much of the burden of evaluating the appropriateness of the training fell on the Commanding Officer, LCol Morneault, who decried the lack of a generic peacekeeping package to provide guidance during the process of planning and assessing their preparedness for a complex mission such as the one the CAR faced in Somalia.⁴¹⁸

We are aware of the Battle Task Standards, which set out, in general terms, the level of training required for combat tasks. The de Faye board of inquiry stated that the degree to which these applied to the Somalia mission was clearly set out in the Land Force Command contingency plan directive on training. We note that while this document is quite specific as to what types of training are to be performed, it fails to outline the standard, or level, that the training must reach.⁴¹⁹ In addition, the Battle Task Standards that we have seen are for combat-type training, and do not, or did not, exist for mission-specific topics such as Law of War, cultural training or training on the rules of engagement.⁴²⁰

Perhaps the most obvious lack in training standards is evidenced in the training plans. A training plan without minimum standards built into it, along with a prioritized list of activities is, in effect, a training schedule or a list of times and dates and activities. When standards and priorities are built into the training plan, any slippage in deployment dates can be used effectively to bring the training to a higher standard in a methodical manner. These same standards, had they existed, would have been instrumental in assessing whether the CAR training for Operation Cordon was adequate once the mission had changed to Operation Deliverance.

In the case of the Operation Cordon training, the general standards and activities were set by CAR Headquarters, but it was basically left up to the individual commandos as to how they would carry out training.⁴²¹ As the commandos were training, much of the evaluation was conducted by the platoon commanders and the OCs of the commandos.⁴²² This allowed for a variety of divergent opinions on the state of training among those responsible for, and those observing, the training.

A clear example of this can be seen in the events surrounding the replacement of the Commanding Officer, LCol Morneault. While the details of this issue have been discussed elsewhere,⁴²³ it might be useful to note here that one of the main factors cited in contributing to LCol Morneault's replacement was a perceived failure in the area of training. A few short weeks after LCol Morneault was relieved of command, LCol Mathieu declared the unit operationally ready. Maj Seward testified that the type of training on which LCol Mathieu based his declaration was not "significant" and was of a "filler nature": "I don't think it was the type of training on which you should base such assessments."⁴²⁴ Had there been a system in place to measure the standard of the training, it would have been unlikely to have two such divergent opinions on the status of training in the Regiment within such a short period of time.

The lack of training standards also meant that there was no systematic means to identify and correct training shortcomings. We have seen that both during and after Exercise Stalwart Providence, the Royal Canadian Dragoons expressed a number of concerns about the state of the CAR's readiness. As mentioned earlier, there was concern over the aggressiveness of the CAR and its ability to apply the ROE and control the escalation of force, and how the soldiers would deal with camp security and unarmed civilians. In particular, concern was expressed about the CAR's ability to work in a mounted role.⁴²⁵

We would have expected the training shortcomings to have been reflected in the training plan for the months of November and December, and we consider that adequate standards against which to identify those shortcomings would have made the remedial training more probable.⁴²⁶

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- *Land Force Command (LFC) had clear standards for training related to collective battle tasks, as well as to physical fitness and marksmanship. However, neither NDHQ nor LFC had established clear standards for training for non-combat skills relevant to peace support operations (e.g., familiarity with UN operations, negotiation training, cultural training, the Law of Armed Conflict, use of force). This left the CAR with insufficient direction respecting the level to which training was to be conducted in relation to specific skills. As a consequence, the training plans for the CAR lacked specific standards and evaluation criteria for many of the training activities.*
- *The lack of specific evaluation criteria meant that there was no overall framework for the evaluation of training and, therefore, no objective criteria against which to measure the adequacy of training and identify remedial training needs.*

IN-THEATRE TRAINING

Had there been a systematic approach for assessment in place, additional training needs could have been determined for refresher training, remedial training, and training for the change in missions and tasks, and an in-theatre training plan could have been developed based on these judgements.

We were surprised by the apparent lack of an in-theatre training plan. While there were several pre-deployment documents that gave us the impression that the general possibility of training in theatre was being considered, we heard no evidence which indicated that a systematic or comprehensive in-theatre training plan was developed or implemented.⁴²⁷ BGen Beno had had the impression during Operation Cordon preparations that there would be a one-month acclimatization period in theatre.⁴²⁸ It appears that, in actual fact, operations began within 24 hours of the CAR's arrival in Belet Huen without any training on location. We believe that the existence of an in-theatre training plan, including aims, objectives, scope, tasks and standards, would have made effective training during slack periods of operations more likely. We are also of the view that on-the-job training, while practical and appropriate in some areas, is not a valid substitute for training on essential peacekeeping skills such as understanding the rules of engagement, familiarization with standing operating procedures, and negotiation techniques.

There was a crucial need for training on the ROE in theatre. Considering the change in mission and late receipt of the ROE, there should have been a plan in place to ensure full comprehension of the ROE by all members of the deployed unit.

Training on the SOPs is another area that should have made up part of the in-theatre training plan. We have seen that for a variety of reasons, various SOPs were not developed before the CARBG's arrival in theatre. In the case of the SOPs on the handling of detainees, it was decided to wait and see what the situation in their particular area was and develop the SOPs then.

We heard testimony stating that the SOP on the treatment of detainees was changed at the very beginning of the mission.⁴²⁹ We are not aware of any training, outside of the instructions provided in orders groups, that incorporated this new SOP. We would have liked there to have been scenario-based training that ensured that everyone was aware of the new procedure, and which could have served as an opportunity to refresh the soldiers' knowledge of their obligations toward detainees under the Geneva Conventions.

Several witnesses testified that the training done in theatre was mostly hands-on, or on-the-job training.⁴³⁰ The primary area where training was carried out in theatre was weapons and range training. Several witnesses recalled a range being set up and some in-theatre target practices being conducted. There was also training on the use of cayenne pepper spray, refresher training in combat drills, driver training, and desert survival skills.⁴³¹ MCpl Favasoli does not recall any training on the ROE, treatment of detainees, crowd control, picket duty or patrolling, although he does remember doing weapons refresher training in theatre.⁴³²

Considering the clear identification of remedial training needs in the pre-deployment phase, we are dismayed by the lack of a comprehensive in-theatre training plan to address these needs systematically. In particular, training, as opposed to instructions or orders, was needed on the ROE, on the new SOPs implemented in theatre, and on local customs, traditions, politics, and security.

FINDING

- *There was no plan developed for in-theatre training, notwithstanding the numerous shortcomings during pre-deployment preparations -- most notably on the ROE -- which had been, or should have been, identified. There was a failure to provide training -- as opposed to instructions or orders -- in theatre on the ROE, on new SOPs, and on local customs, traditions, politics, and security. Insufficient measures were taken to ensure an understanding on the part of soldiers of the meaning and importance of issues related to the Law of Armed Conflict, cultural differences, and use of force. This amounts to an inexcusable failure of leadership.*

RECENT DEVELOPMENTS IN CF PEACEKEEPING TRAINING

In making recommendations on training, we are mindful of the developments that have occurred in the Canadian Forces since the incidents in Somalia in March 1993,⁴³³ some of which have no doubt been a direct result of the attention that these have received from this Commission of Inquiry. For example, we are pleased that NDHQ has published formal guidelines on training and doctrine responsibilities, authorities and procedures for peace support operation deployments. The publication of documents on selection and training issues for formed and composite units and individuals is a positive development, especially since the more systematic approach has resulted in the publication of preliminary training standards.

We are also encouraged by the establishment of the Peace Support Training Centre in Kingston, Ontario, and the Lessons Learned Centres and we consider that they should help to satisfy the need for co-ordination of training, the production of training material, and the updating of training content and standards in a more systematic manner than has been true in the past. The utilization of the Pearson Peacekeeping Centre for officer educational purposes is also an improvement. However, we would like to see a similar approach taken for senior non-commissioned members, who play a crucial role in peace support operations, have a great deal of influence on junior members, and therefore require a broadening of perspective through education and discussion on peace support operations issues. Here we envision training in the peacekeeping partnership, humanitarian law, human resources support, and understanding the role of the peacekeeper as important.

We hope the reviews of the various individual training agencies will lead to concrete steps to better integrate individual and collective training efforts for peace support operations training, and we certainly endorse the specific attention being given to the Law of Armed Conflict and rules of engagement, and the increased emphasis on humanitarian and legal aspects of operations.

While we endorse all the improvements noted, it is not clear how they are going to be monitored. For example, a DCDS directive issued in December 1996, which sets out pre-deployment training requirements for peace support operations and is accompanied by preliminary training standards, does not provide any formal mechanisms for evaluating

standards of training to prevent expediency rather than scrutiny becoming the norm -- particularly when there is a requirement for rapid deployment. Since training of peacekeepers is still decentralized for units, we would like to see a much more stringent monitoring and evaluation approach developed and implemented under the aegis of the Chief of the Defence Staff.

Despite recognition of the above directions, we still offer the following recommendations which emerged from our detailed examination of training issues, in the hope that they will contribute to a more effective training system for peace support operations in the Canadian Forces.

CONCLUSION

Our overall conclusion is that professional soldiers wearing the flag of Canada on their uniforms were sent to Somalia not properly prepared for the mission. They were not prepared, in good part, because of key deficiencies in their training. The mission called for troops who were well led, highly disciplined, and able to respond flexibly to a range of tasks which demanded patience, understanding and sensitivity to the plight of the Somali people. Instead they arrived in the desert trained and mentally conditioned to fight. The sad events which came to characterize the mission must not be allowed to happen again.

Canadians have every right to expect that despite challenging and difficult circumstances, the men and women of our armed forces, at all times, conduct themselves professionally, humanely and honourably. In fairness, however, we must not place this duty upon them without first ensuring that every effort has been made to prepare our service personnel -- physically, psychologically and operationally -- for the multitude of roles we ask them to assume.

We must equip our armed forces personnel not only with requisite technical skills and equipment, but also with the attitudes, character, psychological strengths, and ethical grounding to help them maintain their professionalism, humanity, and honour under the pressures of fear, discomfort, anger, boredom, horror, and uncertainty. That thousands of Canadian peacekeepers have served us well under these conditions is proof that it is possible to provide individuals with such diverse strengths. That there were some who did not withstand the pressures and committed improprieties ranging from public displays of poor taste to unspeakable atrocities is proof that greater efforts must yet be made.

In seeking remedy for the future, we urge the Canadian Forces to acknowledge the central role which training must play in mounting peace support operations.

Recommendations

We recommend that:

21.1 The Canadian Forces training philosophy be recast to recognize that a core of non-traditional military training designed specifically for peace support operations (and referred to as generic peacekeeping training) must be provided along with general purpose combat training to prepare Canadian Forces personnel adequately for all operational missions and tasks.

21.2 Generic peacekeeping training become an integral part of all Canadian Forces training at both the individual (basic, occupational and leadership) and collective levels, with appropriate allocations of resources in terms of funding, people, and time.

21.3 The Chief of the Defence Staff order a study to determine how best to integrate the full range of knowledge, skills, attitudes, and values required for peace support operations at all stages of individual and collective training for both officers and non-commissioned members.

21.4 The Canadian Forces recognize, in doctrine and practice, that peace support operations require mental preparation and conditioning that differ from what is required for conventional warfare, and that the training of Canadian Forces members must provide for the early and continuous development of the values, attitudes and orientation necessary to perform all operational missions, including peace support operations.

21.5 The Chief of the Defence Staff ensure that the development of comprehensive training policies and programs for peace support operations makes greater use of a broad range of sources, including peacekeeping training guidelines and policies developed by the UN and member states, and the training provided by police forces and international aid organizations.

21.6 The Chief of the Defence Staff order that the mandates of all Canadian Forces institutions and programs involved in education and training be reviewed with a view to enhancing and formalizing peace support operations training objectives.

21.7 Recognizing steps already taken to establish the Peace Support Training Centre and Lessons Learned Centres, the Chief of the Defence Staff make provision for the co-ordination and allocation of adequate resources to the following functions:

- 1. continuing development of doctrine respecting the planning, organization, conduct and evaluation of peace support operations training;**
- 2. development of comprehensive and detailed training standards and standardized training packages for all components of peace support operations training;**
- 3. timely distribution of current doctrine and training materials to all personnel tasked with planning and implementing peace support operations training, and to all units warned for peace support operations duty;**
- 4. timely development and distribution of mission-specific information and materials for use in pre-deployment training;**
- 5. systematic compilation and analysis of lessons learned, and updating of doctrine and training materials in that light;**
- 6. systematic monitoring and evaluation of training to ensure that it is conducted in accordance with established doctrine and standards; and**

7. **provision of specialist assistance as required by units in their pre-deployment preparations.**

21.8 The Chief of the Defence Staff oversee the development of specialist expertise within the Canadian Forces in training in the Law of Armed Conflict and the rules of engagement, and in intercultural and intergroup relations, negotiation and conflict resolution; and ensure continuing training in these skills for all members of the Canadian Forces.

21.9 The Chief of the Defence Staff ensure that the time and resources necessary for training a unit to a state of operational readiness be assessed before committing that unit's participation in a peace support operation.

21.10 The Chief of the Defence Staff integrate a minimum standard period of time for pre-deployment training into the planning process. In exceptional cases, where it may be necessary to deploy with a training period shorter than the standard minimum, the senior officers responsible should prepare a risk analysis for approval by the Chief of the Defence Staff. In addition, a plan should be developed to compensate for the foreshortened training period, such as making provision for the enhanced supervision of pre-deployment training activities, a lengthened acclimatization period, and supplementary in-theatre training.

21.11 The Chief of the Defence Staff confirm in doctrine and policy the recognition of sufficient and appropriate training as a key aspect of operational readiness.

21.12 Contrary to experience with the Somalia deployment, where general purpose combat training was emphasized, the Chief of the Defence Staff confirm in doctrine and policy that the pre-deployment period, from warning order to deployment, should be devoted primarily to mission-specific training.

21.13 The Chief of the Defence Staff establish in doctrine and policy that to facilitate pre-deployment training focused on mission-specific requirements, units preparing for peace support operations be provided, on a timely basis, with:

1. **a clearly defined mission and statement of tasks;**
2. **up-to-date and accurate intelligence as a basis for forecasting the conditions likely to be encountered in theatre;**
3. **mission-specific rules of engagement and standing operating procedures; and**
4. **a sufficient quantity of vehicles and equipment, in operational condition, to meet training needs.**

21.14 The Chief of the Defence Staff establish mechanisms to ensure that all members of units preparing for deployment on peace support operations receive sufficient and appropriate training on the local culture, history, and policies of the theatre of operations, together with refresher training on negotiation and conflict resolution and the Law of Armed Conflict, as well as basic language training if necessary.

21.15 The Chief of the Defence Staff establish in doctrine and policy that no unit be declared operationally ready unless all its members have received sufficient and

appropriate training on mission-specific rules of engagement and steps have been taken to establish that the rules of engagement are fully understood.

21.16 The Chief of the Defence Staff ensure that training standards and programs provide that training in the Law of Armed Conflict, rules of engagement, cross-cultural relations, and negotiation and conflict resolution be scenario-based and integrated into training exercises, in addition to classroom instruction or briefings, to permit the practice of skills and to provide a mechanism for confirming that instructions have been fully understood.

21.17 The Chief of the Defence Staff establish in doctrine and policy that an in-theatre training plan be developed for any unit deploying on a peace support operation. The plan should provide for ongoing refresher training and remedial training in areas where deficiencies were noted before deployment and be modified as required to meet changing or unexpected conditions in theatre.

21.18 Canadian Forces doctrine recognize the personal supervision of training by all commanders, including the most senior, as an irreducible responsibility and an essential expression of good leadership. Canadian Forces doctrine should also recognize that training provides the best opportunity, short of operations, for commanders to assess the attitude of troops and gauge the readiness of a unit and affords a unique occasion for commanders to impress upon their troops, through their presence, the standards expected of them, as well as their own commitment to the mission on which the troops are about to be sent.

NOTES

1. Terms of Reference, P. C. 1995-442, March 20, 1995.
2. This point is generally conceded, but see Franklin Pinch, "Lessons from Canadian Peacekeeping Experience: A Human Resources Perspective" (Gloucester, Ontario: FCP Human Resources Consulting, 1994), pp. 22-27; and Kenneth Eyre, "The Need for Standardized Peacekeeping Education and Training", in Alex Morrison, ed., *The Changing Face of Peacekeeping* (Toronto: Canadian Institute of Strategic Studies, 1993), pp. 157-159.
3. Gen A.J.G.D. de Chastelain, "Wing-Walking Revisited: Canadian Defence Policy After the Cold War", *Canadian Defence Quarterly* 6 (June 1992), p. 7.
4. FMC 3450-1 (COS Ops) 16 May 1989, "Peacekeeping" (hereafter, the Lalonde study).
5. See, for example, *FMC Commander's Training Guidance for the Period 1993-1998*, written in 1991: "the fundamental direction and basis of training in the Army remains unchanged, that is, the Army must train for operations in war." (4980-0057 (Comd), 15 July 1991), p. 1/18.
6. *Challenge and Commitment: A Defence Policy for Canada* (June 1987).
7. See also *Statement on Defence Policy* (September 1991) and the 1994 *White Paper on Defence*, both of which endorse general purpose military and combat training as the foundation for multilateral operations.

8. See Pinch, "Lessons from Canadian Peacekeeping Experience", pp. 25-27, for distinctions between classical (or stable) and high-intensity (or unstable) peacekeeping operations.
9. For examples of the peacekeeping tasks undertaken on UN missions, see, for example, P. LaRose-Edwards, J. Dangerfield and R. Weekes, *Non-Traditional Military Training for Canadian Peacekeepers*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services Canada, 1997), pp. 3-4; and Special Joint Committee of the Senate and of the House of Commons on Canada's Defence Policy, *Security in a Changing World* (1994), Appendix G.
10. David Rudd, "Editorial Forum", *The Ottawa Citizen*, February 12, 1995, p. A9.
11. See, for example, "UN Training Guidelines for National or Regional Training Programmes" (91-02208); Deputy Chief of the Defence Staff, "Training Requirements for Peacekeeping Operations", December 29, 1993 (4500-1), Document book 56F, tab 7, Appendix 2 to Annex A; Common Security Consultants, "A 1994 Blueprint for a Canadian and Multinational Peacekeeping Training Centre At CFB Cornwallis" (January 1994), Annexes F to J; DND, *Operations, Land and Tactical Air*, vol. 3, Peacekeeping Operations (September 15, 1995, B-GL-301-003/Fp. 001), pp. 11-3-1 to 11-6-3, which is concerned with peacekeeping operations conducted under Chapter VI of the UN Charter; and Headquarters, Department of the [U.S.] Army, "Peace Operations" (December 1994, FM100-23), p. 87, which has separate lists for peacekeeping and peace enforcement.
12. Even the subjects listed under GPCT or generic peacekeeping training may have a component that must be tailored to a specific mission. For example, although mine awareness is taught generally as part of GPCT, additional training respecting theatre-specific mines and booby traps must be part of mission-specific training for a particular operation.
13. Peter Langille ("Consolidating Canadian Forces' Peacekeeping Training Efforts", submission to the Special Joint Committee on Canada's Defence Policy, August 2, 1994) reports that troops were deployed to Rwanda on little more than a week's notice.
14. Similar themes were expressed in studies external to the Canadian Forces. See, for example, Langille, "Consolidating Canadian Forces' Peacekeeping Training Efforts", pp. 6-13. The author criticizes the CF's peacekeeping training system as ad hoc and poorly managed; based on outdated attitudes that permit training to remain a low priority and place undue reliance on general purpose combat capabilities; and decentralized and mission-specific.
15. FMC 3450-1 (COS Ops) 16 May 1989, "Peacekeeping".
16. "DCDS Appreciation of the Situation: CF Peacekeeping Resources and Commitments", September 19, 1989 (the Rowbottom study).
17. Peacekeeping Operations -- Review, Interim Report -- SPA/DCDS, 1850-1/90 (SPA/DCDS), December 21, 1990 (the Douglas report). Although some of the

- concerns raised in the report related to UN Military Observers, the findings have broader implications (pp. 12, 14-15).
18. The J Staff was established on a temporary basis in 1990 to overcome matrix management co-ordination problems and is still in effect.
 19. The major outcome of the Douglas report was the development of a training plan and a recommendation to hold a seven-day pilot course for officers who would be serving as UN military observers/staff officers and multi-national force observers in May 1991. Part of the rationale for the course was to develop the proper attitudes among those carrying out UN peacekeeping duties and to develop loyalty and cohesion among CF officers (see Memorandum 4500-1 (DPKO), February 1991).
 20. Preliminary Report, Military Review of Canadian Forces Peacekeeping Operations (MR1/90), February 13, 1991, pp. 33, 39, 193. The same findings are presented in Military Review 1/90 Peacekeeping Operations Interim Final Report, August 27, 1991, and Military Review 1/90 Peacekeeping Operations Final Report, April 15, 1992 (pp. 32, 39 and 202).
 21. Final Report on NDHQ Program Evaluation E2/90: *Peacekeeping* (June 1992), pp. xvi, xvii, 192, 199, 252, 253, 255.
 22. Training Guidelines for National or Regional Training Programmes (91-02208).
 23. "Peacekeeping Training", staff paper, July 8, 1991(4500-1 [DPKO 4], Document book 118, tab 2), pp. 2-8; and Document book 118, tabs 2A to 2E.
 24. See P. Langille and E. Simpson, *CFB Cornwallis: Canada's Peacekeeping Training Centre, Annapolis Royal, N.S.* (Common Security Consultants, 1991); and P. Langille and E. Simpson, *A Blueprint for a Peacekeeping Training Centre of Excellence, Annapolis Royal, N.S.* (Common Security Consultants and Stratmon Consulting, Inc.).
 25. *Training for Peacekeeping*, December 15, 1991(3451-9 [DI Pol]), Document book 118, tab 3.
 26. See memorandum, DI Pol to DM and CDS, "CFB Cornwallis Peacekeeping Centre, over Comments on the Report prepared in March 1992 for the Province of Nova Scotia by Common Security Consultants and Stratman Consulting Inc., September, 1992", January 13, 1993 (3450-1 [DI Pol]), pp. 4/11-7/11.
 27. With criticism mounting, however, in December 1992, the Vice Chief of the Defence Staff wrote, in a memorandum entitled "Training for Peacekeepers", "There have been...recorded examples of deficiencies in our preparations to suggest that, at the very least, peacekeeping training should be formalized and the responsibilities be carefully delineated. The requirement to formalize our peacekeeping force preparations may extend to our NDHQ procedures."
 28. One source of external pressure was the Senate. See, for example, Report of the [Senate] Standing Committee on Foreign Affairs, *Meeting New Challenges: Canada's Response to a New Generation of Peacekeeping* (1993).

29. "Training for Peacekeeping", March 25, 1993, unclassified NDHQ J3PK 155, DND 312245.
30. See LaRose-Edwards, Dangeffield and Weekes, *Non-Traditional Military Training for Canadian Peacekeepers*, pp. 18-19.
31. "Training Requirements for Peacekeeping Operations", December 29, 1993 (4500-1 [DCDS]), Document book 56F, tabs 7 and 7F, p. A-4. This ambitious document dealt with the preparation of individuals and of formed and composite units and laid out specific training requirements for each of these categories.
32. LaRose-Edwards, Dangerfield and Weekes, *Non-Traditional Military Training for Canadian Peacekeepers*, pp. 19-21.
33. See Volume 1, Chapter 8, on the Canadian Forces personnel system for a description of the systematic model (CFITS) for developing a training program.
34. Testimony of LCol Turner, Transcripts vol. 18, pp. 3412-3413, and vol. 20, p. 3592.
35. Testimony of Col Holmes, Transcripts vol. 4, p. 622; and CWO Cooke, Transcripts vol. 26, pp. 4873-4877.
36. Testimony of LCol Morneault, Transcripts vol. 36, pp. 6952-6953; and MGen C.W Hewson, "Report on Disciplinary Infractions and Anti-Social Behaviour within Force Mobile Command with Particular Reference to the Special Service Force and the Canadian Airborne Regiment (Ottawa: September 1985), Document book 1, tab 1, p. 20/55 (hereafter, the Hewson report). One witness before us described the Airborne Indoctrination Course as having consisted of getting up at 4:30 a.m. and going to bed at 10:30 p. m., being driven until the soldiers couldn't move anymore (testimony of LCol Morneault, Transcripts vol. 36, p. 6953). Another CAR member familiar with the AIC stated that "it was probably worse than being in prison the way the soldiers were treated" (evidence of CWO Raymond to Board of Inquiry (CARBG), Phase I, vol. IV, p. 1001).
37. Testimony of Col Holmes, Transcripts vol. 4, pp. 620-622.
38. Hewson report, p. 20/55.
39. Testimony of LCol Morneault, Transcripts vol. 36, pp. 6952-6953,
40. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2287-2288.
41. Board of Inquiry, Change of Command, Canadian Airborne Regiment, June 12, 1992, Document book 123, tab 6, Annex C (hereafter, Board of Inquiry (Change of Command)).
42. Testimony of LCol Morneault, Transcripts vol. 39, p. 7624.
43. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2287-2288.
44. Testimony of Col Holmes, Transcripts vol. 4, p. 653.
45. Testimony of LCol Morneault, Transcripts vol. 39, p. 7625.
46. Testimony of Col Holmes, Transcripts vol. 4, p. 589. Col Houghton testified that as a result of the cancellation of the exercises, the Regiment "fell down a little" in

- the area of regimental training, but he did not believe that regimental cohesion had been seriously affected (Transcripts vol. 12, p. 2269).
47. Testimony of Col Holmes, Transcripts vol. 4, pp. 603,759. Col Holmes testified that it was also frustrating for the CAR's members to sit by their television sets and watch the Gulf War unfold, wondering if they might be called to deploy (Transcripts vol. 4, p. 604).
 48. Board of Inquiry (Change of Command), Annex C.
 49. The precise nature of the CAR's roles and tasks was under review in the early . 1990s and is discussed more fully in Chapter 19 in this volume. See also "Concept of Employment of the Canadian Airborne Regiment", November 4, 1992, Document book 29, tab 19.
 50. NDHQ Instruction DCDS 3/85, Operational Responsibilities, Peacekeeping (PK) Standby Units, 3451-4 (DCDS), February 15, 1985, Document book 123, tab 1; Testimony of Gen de Chastelain, Transcripts vol. 49, pp. 9899-9900; and Col (ret) Joly, Transcripts vol. 16, p. 2999.
 51. NDHQ Instruction DCDS 3/85, Operational Responsibilities, Peacekeeping (PK) Standby Units, p. 3. In response to our request to SILT for these directives, we were advised that "[a]fter substantive research, SILT cannot locate this document(s) nor verify that it ever existed" (letter, March 10, 1997).
 52. "Concept of Employment of the Canadian Airborne Regiment", p. 6/12.
 53. "Concept of Employment of the Canadian Airborne Regiment", p. 11/12; and Chief of the Defence Staff Force Development Guidance, Document book 86, tab 2. There was an apparent lack of precision about the nature of the standby tasking. For example, we were advised that a high state of readiness for rapid deployment did not apply to regular peacekeeping missions, such as Cyprus or Cambodia. For such missions, weeks or months of preparation are necessary: it is "not a 48- to 96-hour kind of business" (testimony of LGen (ret) Foster, Transcripts vol. 3, p. 486). See also testimony of Maj Kampman, Transcripts vol. 28, p. 5308.
 54. Testimony of LCol Turner, Transcripts vol. 20, p. 3592.
 55. Testimony of LCol Morneault, Transcripts voi. 39, p. 7622.
 56. Regimental Training Guidance to Commanders, September 25, 1990, Document book 123, tab 2.
 57. Testimony of Col Holmes, Transcripts vol. 4, p. 688; and MGen (ret) Hewson, Transcripts vol. 2, p. 341.
 58. Evidence of Maj Magee to Board of Inquiry (CARBG), Phase I, vol. IV; p. 1070. Most NCMs, however, had served for at least one year in a mechanized infantry battalion before joining the CAR (evidence of BGen Beno to Board of Inquiry (CARBG), Phase I, vol. 11, p. 243).
 59. Evidence of BGen Beno to Board of Inquiry (CARBG), Phase I, vol. 11, p. 248.
 60. Testimony of LCol Morneault, Transcripts vol. 36, p. 6899.
 61. Testimony of LCol Turner, Transcripts vol. 18, p. 3412; and evidence of BGen Beno to Board of Inquiry (CARBG), Phase I, vol. 11, p. 243.

62. Evidence of Maj Magee to Board of Inquiry (CARBG), vol. IV; p. 1069. Maj Magee went on to clarify that by "aggressive", he meant such things as being highly motivated and outgoing, looking for a challenge, and wanting to take on leadership roles (p. 1087). Many others have described members of the CAR as "aggressive in a positive sense. See, for example, MGen (ret) Hewson (Transcripts vol. 2, p. 342) discussing his 1985 report on disciplinary problems: "We found that the Canadian Airborne Regiment succeeded marvellously in producing an enthusiastic, fit and aggressive young soldier, *but these same characteristics needed to be tempered and, perhaps, channelled in the right direction by responsible junior leaders*" (emphasis added). See also testimony of Col Holmes, Transcripts vol. 4, p. 664.
63. Testimony of Maj Seward, Transcripts vol. 30, p. 5746.
64. Evidence of BGen Beno to Board of Inquiry (CARBG), Phase I, vol. 11, p. 249.
65. BGen Beno, "The Way Ahead -- Canadian Airborne Regiment Command, Control, Manning and Internal Operations", service paper, May 4, 1993, Document book 32, tab 5), p. 7/14, DND 000582; and testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9901.1 Commando specialized in jungle terrain, 2 Commando specialized in operating in the desert, and 3 Commando specialized in mountain operations (testimony of Col Holmes, Transcripts vol. 4, p. 723).
66. Testimony of LCol Morneault, Transcripts vol. 36, p. 7072. See also testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9901.
67. SILT was unable to provide the CAR's annual training plans for several of the years preceding the deployment to Somalia. Partial records for exercises conducted by the CAR in the course of its annual training during the late . 1980s and early . 1990s revealed no UN-oriented exercises. As noted in Volume . 3, the CAR did not even have standing operating procedures for UN operations, despite its status as Canada's UN standby unit.
68. "FMC Op. 001 -- Op Python CCMINURSO", July 29, . 1991,3250-9 (Comd), Document book 123, tab 4.
69. Document book MOR2, tab 8.
70. Document book 123, tab 3. It would appear that BGen Crabbe was referring to the "Minimum Trg Reqr" (DND 119751), which specified vehicle training, signals training, weapons refresher, mine awareness, first aid refresher, environmental training and intelligence briefing. The FMC Planning Directive was "to be used by the planning staff of LFCA HQ and the tasked unit for Op Python" (DND 119587).
71. Document book MOR2, tab 9.
72. Document book MOR2, tab 10.
73. Document book MOR2, tab 10, Annex B, pp. 2/2 (DND 293218-293219).

74. Document book MOR2, tab 11. LCol Morneau testified that, in the context of preparing for Operation Cordon, BGen Beno told him that the Operation Python training plan would be a good model to follow (Transcripts vol. 36, p. 7066).
75. Testimony of Col Holmes, Transcripts vol. 4, pp. 745-746.
76. Evidence of LCol Morneau to Board of Inquiry (CARBG), vol. V, p. 1405.
77. Testimony of Col Holmes, Transcripts vol. 4, p. 825.
78. "After Action Report for Op Python", March 24, 1992, Document book 123, tab 5 (DND 386920).
79. Testimony of Col Holmes, Transcripts vol. 4, p. 651. CAR's tasking for Operation Python was cancelled in February 1992 (Board of Inquiry (CARBG), Exhibit 104, p. 3).
80. Testimony of Col Holmes, Transcripts vol. 4, p. 604.
81. Testimony of Cpl Purnelle, Transcripts vol. 35, p. 6833. See also Testimony of Capt Walsh, Transcripts vol. 13, p. 2384.
82. Testimony of Cpl Purnelle, Transcripts vol. 35, p. 6833 (translation). Cpl Purnelle also testified that this attitude changed quickly when the Regiment was warned for Operation Cordon -- morale rebounded, at least during the initial training period.
83. Testimony of LGen Addy, Transcripts vol. 48, p. 9607; and Maj Kyle, Transcripts vol. 22, pp. 4104-4106.
84. Testimony of Capt Walsh, Transcripts vol. 13, p. 2316.
85. Estimates vary, but it would appear that about one third of the Regiment's members were new. See, for example, testimony of Maj Kyle, Transcripts vol. 21, p. 3780; Capt Walsh, Transcripts vol. 13, p. 2288; Maj Seward, Transcripts vol. 30, p. 5688; and MWO Mills, Transcripts vol. 23, p. 4338.
86. Testimony of Col Holmes, Transcripts vol. 4, p. 667.
87. Testimony of Col Holmes, Transcripts vol. 4, p. 651.
88. Memorandum from SSF, February 7, 1992, Document book 7, tab 19.
89. Testimony of Col Holmes, Transcripts vol. 4, p. 655.
90. Evidence of BGen Beno to Board of Inquiry (CARBG), Phase I, vol. 11, p. 241. Col Holmes testified that the CAR performed extremely well in the training exercise at Camp Lejeune and also performed well at the regimental exercise run by brigade headquarters (Transcripts vol. 4, pp. 746747).
91. Testimony of Col Holmes, Transcripts vol. 4, pp. 742-743. See also testimony of LCol Morneau, Transcripts vol. 36, p. 6896. Normally, these trade qualification courses within a unit are run on a yearly basis.
92. Testimony of Col Holmes, Transcripts vol. 4, pp. 748,789.
93. Testimony of Col Holmes, Transcripts vol. 4, pp. 788-789.
94. Testimony of Col Holmes, Transcripts vol. 4, pp. 738-739.
95. See Warning Order, Document book 28, tab 12.

96. See Warning Order to LFCA HQ, Document book 28, tab 13.
97. See Warning Order to SSF HQ, Document book 10, tab 24 (DND 000138), in which SSF was tasked to "assemble, prep, train and declare op ready the 750 pers. contingent."
98. See Warning Order to the CAR from 5SF, Document book 10, tab 23 (DND 000142), tasking the CAR to "assemble, prep and train the 750 pers. Inf Bn Gp for Op Cordon."
99. LFCA WNG 0 1, Document book 10, tab 24,
100. Testimony of LCol Morneault, Transcripts vol. 36, p. 7053. BGen Beno was appointed Brigade Commander on August 7, 1992. On August 13th, he spoke with his COs and emphasized that he considered training to be their highest priority (testimony of BGen Beno, Transcripts vol. 40, pp. 7711-7712,7724).
101. Testimony of MGen MacKenzie, Transcripts vol. 43, pp. 8573-8574.
102. Testimony of MGen MacKenzie, Transcripts vol. 43, p. 8574; and Capt Walsh, Transcripts vol. 13, p. 2395.
103. Testimony of LCol Morneault, Transcripts vol. 36, p. 7017.
104. Exhibit P-87.1, Document book MOR2, tab 14; and testimony of LCol Morneault, Transcripts vol. 36, p. 7040. His notes in the estimate contemplated three to four weeks of commando-level collective training that might include a Regimental Command Post Exercise and Field Training Exercise (with refugees, hungry persons, belligerents, etc.) and one week of individual training. His notes also make reference to "little intelligence available".
105. Document book MOR2, tab 17; and testimony of LCol Morneault, Transcripts vol. 36, p. 7116. The notes outlined a training concept allowing for administrative preparations and briefings, three weeks of commando training to be followed by a commando field training exercise, regimental individual refresher training, and specialist equipment training. At the time, LCol Morneault was under the impression that he would have six to nine weeks to prepare his troops for deployment (Transcripts vol. 36, p. 7058, vol. 37, pp. 7286-7294, and vol. 37, pp. 7547-7548; and Document book MOR 2, tab 15).
After receiving the warning order on September 5th requiring that the unit be prepared to deploy in 30 days, LCol Morneault revised this training concept to accommodate the new time frames. This included dropping the plan for a commando-level exercise. Within a day or two, however, it became clear that more time would be available, so LCol Morneault and BGen Beno planned a regimental exercise -- Stalwart Providence -- to follow the initial four weeks of training (testimony of LCol Morneault, Transcripts vol. 39, pp. 7549-7554).
106. Testimony of LCol Morneault, Transcripts vol. 36, pp. 7060-7061.
107. Document book 28, tab 3.
108. Testimony of LCol Morneault, Transcripts vol. 36, pp. 7040-7045. See Document book 9, tab 15, regarding Operation Python.

109. Testimony of LCol Morneau, Transcripts vol. 36, pp. 7043-7044. He also stated that "we did not have a generic package for the Army that we could say when we tasked the unit to do something, here's a generic package as a guide and now get on with the specifics" (Transcripts vol. 37, p. 7120).
110. Testimony of Capt Walsh, Transcripts vol. 13, p. 2290.
111. Testimony of Capt Walsh, Transcripts vol. 13, p. 2291.
112. Testimony of Capt Walsh, Transcripts vol. 13, p. 2294.
113. Testimony of Capt Walsh, Transcripts vol. 13, p. 2292.
114. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2292-2293.
115. We note the absence of a reference by the witnesses to the 1991 UN Training Guidelines that were distributed to NDHQ/DPKO in February 1991. In its policy briefings to the Inquiry in June 1995, the CF indicated that "This reference document has been widely distributed to all prospective troop contributing nations, including Canada, and is employed as a basic document to assist in the preparation and training of potential peacekeepers" ("Brief for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia: Identification of National Contingents for United Nations Peace Support Operations", p. 5). It would appear that the CAR obtained a copy of a version of the UN Guidelines only when LCol Morneau visited UN Headquarters in late September 1992. See evidence of LCol Turner to Board of Inquiry (CARBG), Phase I, vol. 11, p. 225.
116. Document book 13, tab 5; and testimony of Capt Walsh, Transcripts vol. 13, p. 2397.
117. During Capt Walsh's testimony, this calendar was referenced as p. 2A in Document book 13A. It appears also as the final page in Document book 13, tab 5.
118. Document book 10, tab 24.
119. Document book 10, tab 23.
120. BGen Beno testified that in his professional opinion, those time lines were quite adequate for the CAR to prepare for deployment, particularly in light of the CAR's status as Canada's UN standby unit (Transcripts vol. 40, pp. 7762-7763).
121. Testimony of LCol Turner, Transcripts vol. 20, p. 3672.
122. Testimony of BGen Beno, Transcripts vol. 42, p. 8214.
123. Letter, SSF to CAR, with enclosures, Document book 10, tab 28; LFC Draft Contingency Plan, Document book 12, tab 16, with covering letter, Document book 12, tab 15.
124. Testimony of LCol Turner, Transcripts vol. 18, p. 3404.
125. Testimony of LCol Turner, Transcripts vol. 18, p. 3617. See also testimony of Maj Kyle, Transcripts vol. 21, p. 3694.
126. Testimony of LCol Turner, Transcripts vol. 18, p. 3427, and vol. 20, pp. 3617-3618, 3711-3714. LCol Morneau may have received a copy of Annex D

- unofficially before September 8th; he received parts of the draft LFC contingency plan in drabs and drabs" (Transcripts vol. 39, pp. 7554, 7560).
127. Testimony of LCol Turner, Transcripts vol. 18, pp. 343 1-32, and vol. 20, pp. 3673, 3713-3714.
128. It was noted in the time chart for the training concept that the entire training period was dependent upon the existing level of training and could be adjusted.
129. Testimony of Capt Walsh, Transcripts vol. 13, p. 2302.
130. There is a notable absence of reference to the standards that are to be achieved, with the exception of company-level collective training (which was to conform to FMC Battle Task Standards) and personal weapons training (Stage 3 Shoot to Live). Also missing are topics such as training in the Law of Armed Conflict and negotiation, essential elements of pre-deployment preparation. These omissions, however, reflect the systemic failure to provide doctrine, directives, and standards in relation to training for peacekeeping missions.
131. Testimony of Capt Walsh, Transcripts vol. 13, p. 2297; and Maj Kyle, Transcripts vol. 21, pp. 3784, 3801.
132. Testimony of LCol Turner, Transcripts vol. 20, pp. 3736-3738.
133. Testimony of Maj Kyle, Transcripts vol. 21, p. 3782.
134. See, for example, testimony of Capt Walsh, Transcripts vol. 13, p. 2305. Problems related to the availability of vehicles are reviewed in more detail later in this chapter.
135. Testimony of LCol Morneault, Transcripts vol. 37, p. 7282; and LCol Turner, Transcripts vol. 18, p. 3447
136. Testimony of LCol Morneault, Transcripts vol. 37, pp. 7288-7292; and LCol Turner, Transcripts vol. 20, p. 3556, and vol. 18, p. 3428. The link between the possible deployment dates and the UN ship that would be carrying equipment and vehicles is significant because it was known 30 days were required from the time the ship was ordered by the UN until it was loaded and departed from Montreal. The original LFC Contingency Plan called for the ship to depart at W+31. For every day that passed without the ship being ordered, it was clear that the deployment date for the troops had slipped by a day, as the main body of troops was to arrive in Somalia at the same time as the ship (testimony of LCol Morneault, Transcripts vol. 39, pp. 7557-7560; and BGen Beno, Transcripts vol. 42, p. 8207).
137. Testimony of LCol Turner, Transcripts vol. 20, p. 3621; and Capt Walsh, Transcripts vol. 13, pp. 2423-2424.
138. Evidence of Maj Turner to Board of Inquiry (CARBG), Phase I, vol. 11, p. 222; testimony of BGen Beno, Transcripts vol. 42, p. 8208, concurs.
139. Testimony of LCol Morneault, Transcripts vol. 39, pp. 7559-7560. LCol Morneault testified that he believed that at a briefing given by personnel from LFCA on September 7th, it was made clear orally that a minimum of 60 days from the order was the time line the CAR could consider, although he did not

- recall whether he was ever told officially by SSF that this time line was firm (Transcripts vol. 39, p. 7561).
140. Testimony of BGen Beno, Transcripts vol. 40, p. 7737.
141. Testimony of Capt Walsh, Transcripts vol. 13, p. 2465; Document book 12, tab 2.
142. Testimony of Maj Kyle, Transcripts vol. 21, p. 3791; and LCol Morneault, Transcripts vol. 36, pp. 7065-7066. LCol Morneault does recall that he was told the initial handwritten plan wasn't good enough to forward to higher headquarters, but Capt Walsh then produced the complete training plan on computer, believing it conformed with what SSF HQ wanted (testimony of LCol Morneault, Transcripts vol. 36, p. 7065). This corresponds with LCol Turner's testimony that concerns about the training calendar were relayed to either Maj Kyle or Capt Walsh, and that in the second week of September, a more formalized and detailed plan was submitted (Transcripts vol. 20, pp. 3722-3723).
143. Testimony of LCol Turner, Transcripts vol. 20, pp. 3619-3620.
144. Testimony of LCol Turner, Transcripts vol. 20, p. 3726.
145. Testimony of LCol Turner, Transcripts vol. 18, pp. 3435-3438, and vol. 20, pp. 3619-3620.
146. Testimony of LCol Morneault, Transcripts vol. 36, p. 7065, and vol. 38, p. 7345. This evidence was contradicted by BGen Beno, who testified (and supplemented his testimony with a written summary of events) that in a telephone conversation with LCol Morneault on September 15th, he gave LCol Morneault very explicit direction on what he wanted included in the Regimental Training Plan, including details regarding training objectives, assumptions, principles, and standards. He did so because he was concerned that LCol Morneault had not focused on what kind of training was required and how he was going to do it (testimony of BGen Beno, Transcripts vol. 40, pp. 7752-7753; and Document book 25, tab 12, serial 7, p. 2/9).
147. Testimony of LCol Morneault, Transcripts vol. 36, pp. 7062-7066, and vol. 37, pp. 7311-7312.
148. Document book MOR2, tab 11.
149. Document book MOR2, tab 9. LCol Morneault did convey the concepts from this directive orally at an orders group for Operation Cordon (testimony of LCol Morneault, Transcripts vol. 36, p. 7063).
150. Document book MOR2, tab 10.
151. Testimony of Maj Pommet, Transcripts vol. 182, p. 37530; Maj Seward, Transcripts vol. 30, p. 5759, and vol. 32, p. 6165; and Maj Magee, Transcripts vol. 183, p. 37590. Testifying before the Board of Inquiry (CARBG), Maj Pommet indicated that the direction he received from LCol Morneault was broad, but he viewed this in a positive sense: he was given the task and necessary resources and permitted to get on with the job (evidence to the Board of Inquiry (CARBO), Phase I, vol. 111, pp. 757-758). See also the testimony of Maj MacKay, who told us that LCol Morneault did provide training guidance to his

- OCs during orders groups, although he could not recall whether the aim, scope, and objectives of training had been formally articulated "using those terminologies" (Transcripts vol. 34, pp. 6484-6485). Although Maj Seward was satisfied with the direction he received, he was not entirely satisfied with the written training plan: it did not explain the level to which general purpose combat training had to be conducted; it did not re-emphasize the individual commando priorities in terms of probable in-theatre tasks; and it did not provide sufficient details about Exercise Stalwart Providence (Transcripts vol. 30, pp. 5760-5762).
152. Testimony of LCol Morneault, Transcripts vol. 36, p. 6923; Maj Kyle, Transcripts vol. 22, p. 4073; and Maj Seward, Transcripts vol. 32, p. 6165.
153. Testimony of Capt Walsh, Transcripts vol. 13, p. 2344. Capt Walsh also testified that he personally received clear direction from LCol Morneault on the development of the training plan (Transcripts vol. 13, pp. 2299, 2454).
154. Testimony of Maj Magee, Transcripts vol. 183, pp. 37595-37598; and Maj Kyle, Transcripts vol. 21, pp. 3804-3807. We note that in the absence of a prioritized list of activities in the training plan produced by regimental headquarters, the detailed sub-unit training plans, approved by the CO, would, in effect, reflect the priorities assigned to various tasks.
155. Testimony of LCol Morneault, Transcripts vol. 36, p. 7062. Contrast this with opinions expressed by other witnesses: testimony of Maj Kyle, Transcripts vol. 21, pp. 3855-3857; and BGen Beno, Transcripts vol. 42, pp. 8167-8169; Document book 25, tab 12, serials 3 and 6 (compare with testimony of LCol Morneault, Transcripts vol. 38, pp. 7343-7344).
156. See, for example, evidence of LCol Morneault to Board of Inquiry (CARBG), Phase I, vol. V; p. 1409, where he discusses in detail an orders group conducted on September 7, 1992, during which he provided direction on training to be conducted and directed that emphasis be placed on observation posts, checkpoints, roadblocks, searches, patrolling, security and control at distribution centres, and security at bivouacs. See also the plans prepared by LCol Morneault in mid-September for a regimental exercise focusing on mission-specific tasks and emphasizing strongly the need for members of the Regiment to be given an opportunity to practise the use of force procedures and negotiation techniques (Document book MOR2, tab 16; and testimony of LCol Morneault, Transcripts vol. 37, p. 7125).
157. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2449-2450.
158. Testimony of LCol Turner, Transcripts vol. 20, p. 3725; see Document book 28, tab 31.
159. Testimony of LCol Morneault, Transcripts vol. 38, pp. 7360-7363, 7502.
160. Document book 13, tab 20. The document was drafted by Maj Turner, then reviewed, revised and issued by BGen Beno (testimony of LCol Turner, Transcripts vol. 20, p. 3738).
161. Testimony of BGen Beno, Transcripts vol. 40, p. 7773.
162. Testimony of LCol Turner, Transcripts vol. 18, p. 3439.

163. Capt Walsh testified that these principles were expressed by both LCol Morneault and LCol Mathieu (Transcripts vol. 13, pp. 2353-2354).
164. Document book 13, tab 20, pp. 1-2. The goal of not discharging a weapon during the mission if possible was also articulated by LCol Morneault during the planning and mounting process for Operation Cordon (testimony of Capt Walsh, Transcripts vol. 13, p. 2354).
165. The date on the document is not clear, but testimony indicates it is October 13, 1992 (testimony of BGen Beno, Transcripts vol. 40, p. 7778).
166. Document book 13, tab 20, p. 6.
167. See, for example, Document book 25, tab 12.
168. For example, they discussed training on September 7th, at which time BGen Beno indicated that what he wanted were well trained companies and that "how [LCol Morneault] got them well trained [was] entirely in the realm of the commanding officer" (Transcripts vol. 40, p. 7735). They discussed the progress of training on September 12th (testimony of BGen Beno, Transcripts vol. 40, p. 7744) and had further discussions regarding training on September 15th and 16th (testimony of BGen Beno, Transcripts vol. 40, pp. 7752-7753; and LCol Morneault, Transcripts vol. 38, pp. 7344-7346, 7360-7363, 7502).
169. Testimony of LCol Morneault, Transcripts vol. 38, p. 7364.
170. Testimony of LCol Morneault, Transcripts vol. 36, p. 7052. LCol Morneault showed this document to Capt Walsh during the last week of September or first week of October, by which time, of course, the September training plan had already been completed (testimony of Capt Walsh, Transcripts vol. 13, p. 2300).
171. Testimony of LCol Morneault, Transcripts vol. 38, pp. 7337, 7365. Although he acknowledged that there was nothing in BGen Beno's letter criticizing the training to date or suggesting remedial measures, LCol Turner stated that if he had been a commanding officer receiving such a letter at W+18, he would have interpreted it as a lack of confidence on the brigade commander's part in his ability to prepare for the mission (Transcripts vol. 20, pp. 3674, 3743-3744).
172. Testimony of LCol Morneault, Transcripts vol. 39, p. 7662, and vol. 36, p. 7052. Maj Kyle also saw the written guidance as unusual only in terms of its late timing and speculated that it might have been intended to formalize previous discussions (Transcripts vol. 21, pp. 3827-3829). "If [BGen Beno] was that concerned this probably should have been kicked in the first day or two of the operation" (Transcripts vol. 21, p. 3828).
173. Testimony of LCol Morneault, Transcripts vol. 38, pp. 7368-7369.
174. Testimony of Capt Walsh, Transcripts vol. 13, p. 2399.
175. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2300-2301, 2353-2354. See also testimony of Maj Kyle, Transcripts vol. 21, p. 3817. If LCol Morneault did not tell his staff directly about the letter, it could be because it was marked "confidential" (testimony of LCol Morneault, Transcripts vol. 37, p. 7118).
176. Document book 14, tab 5.

177. Testimony of Capt Walsh, Transcripts vol. 13, p. 2452.
178. Document book MOR3, tab 9. The planning for training during November, however, had been completed under LCol Morneault's direction before he was relieved of command (testimony of Capt Walsh, Transcripts vol. 13, p. 2492).
179. Document book 13A, pp. 56.
180. Document book 13A, p. 7.
181. Document book 10, tab 28. Annex D does list "[local] customs", which does not appear explicitly in the description of the operations briefing in the training plan.
182. Document book 13, tab 20. With respect to rules of engagement, BGen Beno noted in his directive that mission-specific ROE were not yet available. With respect to arrest and detention procedures, he stated that they must be "resolved in theatre"; indeed, no appropriate arrest and detention policy was established before deployment.
183. Testimony of Maj Kyle, Transcripts vol. 21, pp. 3821-3825. Maj Kyle did note, however, that arrest and detainment procedures did not appear to have been addressed explicitly in the training plan (Transcripts vol. 21, p. 3826).
184. Document book 13, tab 11.
185. We are referring here to the commando training calendars prepared by the CAR HQ; see Document book 13A. For detailed training calendars prepared by the commandos, see Document book MOR2, tab 20.
186. Document book MOR3, tab 9.
187. These include vehicle training, supervision, the development of SOPs, standardization among the three rifle commandos, the 'tone', and excessive aggressiveness of 2 Commando.
188. These include Law of Armed Conflict (including arrest and detention), rules of engagement and use of force, training on Somalia, and negotiation training.
189. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2303-2304, 2471; and Maj Kyle, Transcripts vol. 21, pp. 3791-93, 3956. Among other reasons were practical limitations that dictated this initial focus: equipment and training vehicles were not yet available for other forms of training; SOPs had to be developed for mission-specific tasks; administrative preparations were required; and intelligence was being gathered.
190. For example, a large quantity of specialty equipment was late in arriving (Document book 15, tab 5).
191. See Regimental Training Calendar for October, Document book 13A.
192. Document book 13A; testimony of Capt Walsh, Transcripts vol. 13, p. 2296; and LCol Morneault, Transcripts vol. 38, p. 7390, and vol. 36, p. 7107. Note that the additional training plans prepared for November and December do not appear to reflect the training conducted for Operation Cordon during that period. This is discussed below.
193. Testimony of LCol Morneault, Transcripts vol. 37, pp. 7139, 7147.

194. Testimony of Maj MacKay, Transcripts vol. 33, pp. 6296, 6385-6386.
195. Testimony of Maj Kyle, Transcripts vol. 22, pp. 4115-4116.
196. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2347-2348, 2452-54; and Maj Kyle, Transcripts vol. 21, p. 3968.
197. Document book 15, tab 5. Another training report, dated October 23, 1992, appears on p. 8 of Document book 13A.
198. See Memorandum, October 19, 1992, Document book 35.1, tab 3, p. 1.
199. The training plans provide only a list of the categories of training required. Although it provided some detail on the nature of the individual training requirements, BGen Beno's letter of September 22, 1992 (Document book 13, tab 20) does not elaborate on the standards to which collective training is to be achieved. Only Annex D of the LFC draft contingency plan (Document book 10, tab 28) makes general reference to a requirement for section, platoon, company, and battalion group training, again with no elaboration of standards to be achieved other than by way of reference to battle task standards.
200. See, for example, testimony of BGen Beno, Transcripts vol. 40, pp. 7774-7785; and LCol Morneault, Transcripts vol. 38, pp. 7378-7385.
201. Testimony of LCol Morneault, Transcripts vol. 38, pp. 7393-7396.
202. Document book MOR3, tab 6.
203. Document book 15, tab 20.
204. Testimony of LCol Morneault, Transcripts vol. 37, p. 7159; Document book 16, tab 12 (DND 005874-5).
205. Testimony of LCol Morneault, Transcripts vol. 38, p. 7482.
206. Testimony of LCol Morneault, Transcripts vol. 37, p. 7211; letter, BGen Beno to MGen MacKenzie, Document book 15, tab 18.
207. Document book MOR3, tab 9.
208. Testimony of Maj Kyle, Transcripts vol. 21, p. 3926.
209. Testimony of BGen Beno, Transcripts vol. 40, pp. 7851-7852; LCol Mathieu, Transcripts vol. 168, p. 34586; and Maj Kyle, Transcripts vol. 22, p. 4059.
210. Testimony of Maj MacKay, Transcripts vol. 33, p. 6349.
211. Testimony of BGen Beno, Transcripts vol. 40, pp. 7851-7852. BGen Beno pointed out that administration and logistics would have prevented the holding of a full-fledged exercise in November. Furthermore, LCol Mathieu did not see such an exercise as essential because he believed that the training had been adequate.
212. Testimony of LCol Mathieu, Transcripts vol. 168, p. 34586.
213. Testimony of Maj MacKay, Transcripts vol. 34, pp. 6512-6513.
214. Testimony of BGen Beno, Transcripts vol. 40, p. 7850.
215. Testimony of Capt Walsh, Transcripts vol. 13, p. 2337.
216. As well, no mounted training was done in preparation for the CAR's assignment in the Western Sahara. See testimony of Capt Walsh, Transcripts vol. 13, p. 2316.

217. Interestingly, the training guidance contained in the Land Force Command draft contingency plan did not contemplate the need for driver training within the proposed training time lines (Document book 10, tab 28).
218. Testimony of LCol Turner, Transcripts vol. 18, p. 3409.
219. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2318-2319. The CAR did have a few members who were qualified drivers, having served in armoured vehicle battalions. However, the trainees in the conversion course were beginning at "square one" (Transcripts vol. 13, p. 2306).
220. Testimony of Capt Walsh, Transcripts vol. 13, p. 2403.
221. Testimony of Col MacDonald, Transcripts vol. 26, pp. 5023-5024.
222. Testimony of Maj Kampman, Transcripts vol. 27, p. 5147.
223. Document book 29, tab 6.
224. Document book MOR3, tab 9.
225. Testimony of Col MacDonald, Transcripts vol. 26, p. 4989; and Maj Kampman, Transcripts vol. 27, p. 5217. But see testimony of Capt Walsh, Transcripts vol. 13, p. 2311.
226. Testimony of LCol Turner, Transcripts vol. 20, p. 3622. The problem of a shortage of vehicles to train on because of preparing and quarantining vehicles for shipment to the theatre of operations also appears to have existed during preparations for Operation Python (evidence of LCol Morneault to Board of Inquiry (CARBG), Phase I, vol. V, p. 1412). Some of the operational vehicles had to be pulled from quarantine for use in Exercise Stalwart Providence and then had to be put back through the Departure Assistance Group (testimony of BGen Beno, Transcripts vol. 42, p. 8212).
227. Testimony of Cpl Purnelle, Transcripts vol. 35, p. 6837; Capt Kyle, Transcripts vol. 21, p. 3794; and Maj MacKay, Transcripts vol. 33, p. 6394. The training report of October 13, 1992 refers to delays caused by the late arrival of training vehicles and their condition (Document book 15, tab 5).
228. Testimony of BGen Beno, Transcripts vol. 42, p. 8210.
229. Testimony of Capt Kyle, Transcripts vol. 21, p. 3794.
230. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2315-2316.
231. Testimony of Capt Walsh, Transcripts vol. 13, p. 2321.
232. Such training concerned vehicle operation, assignment of responsibilities, dismounting procedures, etc. (testimony of Capt Walsh, Transcripts vol. 13, pp. 2308-2310).
233. Testimony of Capt Walsh, Transcripts vol. 13, p. 2403.
234. Evidence of BGen Beno to Board of Inquiry (CARBG), Phase I, vol. 11, p. 244.
235. Letter, LCol MacDonald to BGen Beno, October 20, 1992, Document book 29, tab 6. See also testimony of Maj MacKay, Transcripts vol. 33, pp. 6282-6283.
236. Testimony of Maj Kampman, Transcripts vol. 27, p. 5147.

237. Transcripts vol. 21, p. 3782. See also "SSF After Action Report", February 2, 1993, Document book 24, tab 1, serial 1, which highlights the magnitude of the task involved in refitting the CAR for mechanized infantry operations.
238. See, for example, testimony of LGen Gervais, Transcripts vol. 47, pp. 9436-9437; LGen Reay, Transcripts vol. 45, pp. 9005-9014, 9021-9022; and MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8444-8449.
239. Testimony of MGen (ret) MacKenzie, Transcripts vol. 42, p. 8298.
240. Testimony of LGen Gervais, Transcripts vol. 47, pp. 9482-9483; and BGen Beno, Transcripts vol. 40, p. 7850.
241. Testimony of Gen de Chastelain, Transcripts vol. 49, p. 9987.
242. Testimony of Cpl Purnelle, Transcripts vol. 35, pp. 6832, 6850-6851 (translation).
243. Testimony of LCol Morneault, Transcripts vol. 36, p. 7067, and vol. 37, pp. 7306-7307.
244. Testimony of LCol Turner, Transcripts vol. 20, pp. 3528-3530.
245. See Volume 3, Chapters 24 and 25.
246. A standing operating procedure on the handling of detainees was finally developed in theatre (testimony of Maj Kyle, Transcripts vol. 22, p. 3986).
247. Evidence of LCol Morneault to Board of Inquiry (CARBG), Phase I, vol. y p. 1406.
248. Testimony of Maj Kyle, Transcripts vol. 21, p. 3898. See also Document book 13, tab 15, where the CAR's operations officer indicated that draft standing operating procedures would be confirmed on reconnaissance.
249. Testimony of Col MacDonald, Transcripts vol. 26, pp. 4961-4962, and vol. 27, p. 5137.
250. Testimony of Maj Kyle, Transcripts vol. 21, p. 3905.
251. Document book 17, tab 1.
252. Testimony of Maj Kyle, Transcripts vol. 22, p. 4095.
253. Testimony of LCol Morneault, Transcripts vol. 36, p. 7108.
254. Testimony of Maj Kyle, Transcripts vol. 21, pp. 3841-4382.
255. Testimony of LCol Turner, Transcripts vol. 20, p. 3528. WO Murphy was also of the opinion that the commandos were working independently and that there was little uniformity in the training and development of SOPs (Transcripts vol. 35, pp. 6641, 6646).
256. Document book 13, tab 20.
257. Testimony of LCol Turner, Transcripts vol. 20, pp. 3682-3683.
258. Testimony of Maj Seward, Transcripts vol. 30, p. 5764. We recognize, however, that Canadian authorities appear to have had little control over the date of the reconnaissance.

259. Memorandum, "Equipment and Personnel Problems Encountered During Operation Scalpel", September 9, 1992, DND 386892. The covering letter accompanying the memorandum appears in Document book 1 18B, tab 5, DND 386889.
260. Document book 13, tab 20.
261. Document book 13, tab 20, p. 1. Capt Walsh testified that these principles were expressed by both LCol Morneault and LCol Mathieu (Transcripts vol. 13, pp. 2353-2354).
262. Document book 13, tab 20, pp. 1-2. The goal of not discharging a weapon during the mission if possible was also articulated by LCol Morneault during the planning and mounting process for Operation Cordon (testimony of Capt Walsh, Transcripts vol. 13, p. 2354).
263. Document book 15, tab 5. See also LCol Morneault's briefing notes, in which he attempted to set the tone for the mission (Document book MOR2, tab 18).
264. Testimony of Capt Walsh, Transcripts vol. 13, p. 2354.
265. Evidence of Maj Seward to Board of Inquiry (CARBG), Phase I, vol. v; p. 1262.
266. Testimony of CWO Jardine, Transcripts vol. 26, p. 4821.
267. Discussed later in this chapter.
268. Document book 35.1, tab 3, pp. 1, 2.
269. Testimony of Maj Kampman, Transcripts vol. 27, p. 5259.
270. Testimony of Maj Kampman, Transcripts vol. 28, p. 5288.
271. Testimony of LCol Morneault, Transcripts vol. 36, p. 7103.
272. Document book 13A.
273. Document book MOR2, tab 20.
274. Testimony of Maj Magee, Transcripts vol. 183, p. 37586; and Maj Seward, Transcripts vol. 31, pp. 5914-5915.
275. Testimony of Maj Magee, Transcripts vol. 183, pp. 37592-37594.
276. Evidence of Maj Pommet to Board of Inquiry (CARBG), Phase I, vol. 111, pp. 756758.
277. Testimony of Maj Pommet, Transcripts vol. 182, p. 37535.
278. Testimony of Maj Pommet, Transcripts vol. 182, p. 37523.
279. Testimony of Maj Pommet, Transcripts vol. 182, pp. 37521, 37529.
280. Testimony of LCol Morneault, Transcripts vol. 36, p. 7104.
281. Testimony of LCol Morneault, Transcripts vol. 36, p. 7104.
282. See evidence of LCol Mathieu to Board of Inquiry (CARBG), Phase I, vol. V, pp. 1189-1190; and evidence of Maj Pommet, vol. 111, p. 765.
283. Testimony of Maj Seward, Transcripts vol. 30, p. 5690.
284. Testimony of Cpl Purnelle, Transcripts vol. 35, p. 6844.

285. Testimony of Maj Seward, Transcripts vol. 31, pp. 5857-5858.
286. Testimony of Maj Seward, Transcripts vol. 30, p. 5748.
287. Testimony of LCol Morneault, Transcripts vol. 36, p. 7103, and vol. 38, p. 7318. LCol Morneault acknowledged that he had been mistaken, in terms of the time available, in agreeing to Maj Seward's request (p. 7321).
288. Testimony of Maj Seward, Transcripts vol. 31, p. 5915. Battle drills consist of moving across open ground and learning how to react under fire -- a defensive manoeuvre. It was anticipated that patrols might come under fire from the local population (testimony of Maj Seward, Transcripts vol. 31, pp. 5918-5920).
289. Testimony of Maj Seward, Transcripts vol. 30, p. 5754.
290. Testimony of Maj Seward, Transcripts vol. 30, p. 5756.
291. Testimony of Maj Seward, Transcripts vol. 30, pp. 5757-5758.
292. Testimony of Major Kyle, Transcripts vol. 21, pp. 3807-3810, 3960-3962; and BGen Beno, Transcripts vol. 41, p. 8115.
293. Testimony of CWO (ret) Jardine, Transcripts vol. 25, pp. 4803-4809. Although he expressed particular concern about 2 Commando, he suggested that all the commandos appeared to be adopting too aggressive a bearing during UN operations training, and he thought that more emphasis should have been placed on developing negotiating skills. He also acknowledged that he saw attack-type training in 2 Commando during only one of the four visits he made in September (Transcripts vol. 26, pp. 4821-4822).
294. Testimony of Maj Seward, Transcripts vol. 30, p. 5755.
295. Testimony of Maj Seward, Transcripts vol. 31, pp. 5996-5997. The first caution was during the first or second week of September, the second during the last week of September (Transcripts vol. 31, p. 6046).
296. Testimony of Maj Seward, Transcripts vol. 30, pp. 5756-5757. LCol Morneault testified that he did not believe live fire range training was inappropriate: it had been conducted the year before for Operation Python, and in his view they had to be ready for a scenario "to help your buddy that's gone down" (Transcripts vol. 36, p. 7106).
297. Testimony of LCol Morneault, Transcripts vol. 39, p. 7660.
298. Testimony of LCol Morneault, Transcripts vol. 36, p. 7106.
299. Testimony of Maj Seward, Transcripts vol. 31, p. 5909.
300. Document book 35.1, tab 3; testimony of Maj Seward, Transcripts vol. 31, p. 6000.
301. Testimony of LCol Morneault, Transcripts vol. 36, p. 7107, and vol. 38, p. 7321.
302. Testimony of LCol Morneault, Transcripts vol. 36, p. 6978, and vol. 38, pp. 7476-7477, 7385-7387.
303. Testimony of LCol Morneault, Transcripts vol. 36, p. 7012.
304. Evidence of BGen Beno to Board of Inquiry (CARBG), Phase I, vol. 11, p. 246.

305. Evidence of Capt Reinelt to Board of Inquiry (CARBG), Phase I, vol. 111, p. 745; testimony of Maj MacKay, Transcripts vol. 34, pp. 65126513; memorandum, Maj Seward, October 28, 1992, Document book 35.1, tab 3; and testimony of Maj Seward, Transcripts vol. 31, p. 6001.
306. Evidence of Maj Seward to Board of Inquiry (CARBG), Phase I, vol. V; p. 1264.
307. Document book 15, tab 8, DND 003667-003679. For further evidence on the types of scenarios, see testimony of Maj Kampman, Transcripts vol. 27, pp. 5161-5163, 5156, 5167-5175. See also Maj Kampman's operations order for the exercise, Document book 13, tab 13, DND 005736-005739.
308. Testimony of Maj MacKay, Transcripts vol. 33, pp. 6372-6373 and 6342. Normally, a unit would conduct its own preparatory training with the help of other brigade units, but exercises are not typically run by another unit in the manner that the RCD ran Stalwart Providence for the CAR. See also LCol Turner, Transcripts vol. 20, p. 3615.
309. Note that it was the Airborne Battle Group, not only the Regiment, that was to take part in the exercise (testimony of Col MacDonald, Transcripts vol. 26, pp. 4943-4944)
310. Document book 13, tab 11, DND 005353.
311. Document book 13, tab 11, DND 005354.
312. Testimony of Maj Kampman, Transcripts vol. 27, p. 5155; and Col MacDonald, Transcripts vol. 26, pp. 4942-4943.
313. Testimony of LCol Morneault, Transcripts vol. 38, pp. 7412-7413; Document book 15, Tab 5, DND 000223. Commissioner Desbarats noted during the hearings that to judge from this document, LCol Morneault appeared to see the exercise as a final chapter of training. BGen Beno was of the view that the training should have been virtually completed before the exercise started (Transcripts vol. 40, p. 7800).
314. "If you turn it into a regimental test, then I need to run a battalion-level exercise, put my stamp on it, test my companies before they go to a brigade exercise.... So it was made very clear to me that we didn't have the resources at the time to do that, it is your exercise, I'm just helping you as much as I can, and I said thank you very much" (testimony of LCol Morneault, Transcripts vol. 38, p. 7411).
315. Testimony of BGen Beno, Transcripts vol. 40, p. 7749. "In the [CF]...we do assess training...to ensure. ..that we achieve the objectives which we want to and that we confirm that those components of the unit have done that training. But we do not have a test where, for example, an outside agency would come in with checklists and test you."
316. Testimony of LCol Turner, Transcripts vol. 20, pp. 3567-3568 and 3744-3747; Col MacDonald, Transcripts vol. 26, pp. 4990-4991; BGen Beno, Transcripts vol. 40, pp. 7748-7749; LCol Morneault, Transcripts vol. 38, p. 7505; Maj MacKay, Transcripts vol. 34, pp. 6498-6500 and 6505-6507; and Maj Kyle, Transcripts vol. 21, pp. 3867-3869.

317. Testimony of Maj MacKay, Transcripts vol. 33, pp. 6339-6340, 6342, 6409-6410, 6413, 6351-6352; of Maj Seward, Transcripts vol. 30, p. 5765; and Maj Pommet, Transcripts vol. 182, p. 37528.
318. Testimony of MWO Mills, Transcripts vol. 23, pp. 4343-4344.
319. Testimony of Maj Magee, Transcripts vol. 183, p. 37624.
320. Testimony of BGen Beno, Transcripts vol. 40, pp. 7839-7843.
321. Testimony of Maj MacKay, Transcripts vol. 33, pp. 6264-6265; Maj Kyle, Transcripts vol. 21, p. 3892; Maj Seward, Transcripts vol. 30, p. 5764; and Maj Kampman, Transcripts vol. 27, pp. 5185-5187.
322. Testimony of Col MacDonald, Transcripts vol. 26, p. 5030.
323. Testimony of Col MacDonald, Transcripts vol. 27, pp. 5137-5138.
324. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5171-5172.
325. Testimony of MWO Mills, Transcripts vol. 23, pp. 4345-4346, 4350.
326. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5145-5146; and Col MacDonald, Transcripts vol. 26, pp. 4992-4993.
327. Testimony of Maj Kampman, Transcripts vol. 27, p. 5217.
328. Testimony of Col MacDonald, Transcripts vol. 27, p. 5064.
329. Document book 29, tab 6, DND 000676; testimony of Capt Walsh, Transcripts vol. 13, p. 2313.
330. Testimony of Col MacDonald, Transcripts vol. 26, pp. 4988-4989.
331. Testimony of Maj Kyle, Transcripts vol. 21, p. 3881; he stated he was not surprised that they needed more work on mounted operations at the end of Exercise Stalwart Providence. Document Book 29, Tab 6, DND 000676. This letter informs BGen Beno of the need for additional driver training. Also, Capt Walsh's memo, Document Book MOR3, tab 6, DND 293047.
332. Testimony of Col MacDonald, Transcripts vol. 26, pp. 4976-4977.
333. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5191-5192.
334. Testimony of Maj Kyle, Transcripts vol. 21, p. 3884; MWO Mills, Transcripts vol. 23, p. 4342; LCol Morneault, Transcripts vol. 39, pp. 7659-7660; and Maj Seward, Transcripts vol. 31, p. 5926; Document book 15, tab 19, DND 005359; testimony of Maj Kampman, Transcripts vol. 27, pp. 5198-5202.
335. Testimony of Col MacDonald, Transcripts vol. 27, pp. 5049-5050.
336. Testimony of Col MacDonald, Transcripts vol. 27, p. 5051.
337. Document book 15, tab 19, DND 005366.
338. Testimony of Maj Seward, Transcripts vol. 30, p. 5782.
339. Document book 29, tab 6, DND 000676.
340. See, for example, the testimony of Cmdre Cogdon before the Board of Inquiry (CARBG) regarding the lack of time to make the appropriate estimate and to "look at what [the change in mission] means" (Phase I, vol. IV, p. 948).

341. Operation Cordon contingency plan, preliminary warning order, Document book 19, tab 25.
342. Operation Cordon contingency plan, preliminary warning order. These instructions were confirmed on December 5, 1992, when SSF issued Operation Deliverance warning order 1, Document book 20, tab 2. The RCD was also ordered to conduct battle group Bison armoured vehicle driver training, and 1 RCR was ordered to assist with Mortar Platoon pre-deployment training as required.
343. Operation Deliverance warning order 01, Document book 19, tab 30.
344. This statement underlines the confusion surrounding the change in mission and the rules of engagement in particular; no rules of engagement had ever been issued for Operation Cordon.
345. Document book 20, tab 19. An additional training plan for the battle group covering the period December 14 to . 25, 1992 was prepared on December 10th (Document book 20, tab 45). Most of the time during that period, however, was devoted to Christmas leave.
346. Memorandum, "Op Deliverance Training Plan", December 5, 1992, Board of Inquiry (CARBO), Exhibit 27, p. 20.8. In his testimony, Capt Walsh clarified that this training was also to be completed by augmentees brought in for Operation Deliverance -- those under specialty classifications like surgeons or special radio operators -- in order to supplement their training (Transcripts vol. 13, p. 2458).
347. Testimony of LCol Turner, Transcripts vol. 30, pp. 3591,3648.
348. Testimony of LCol Turner, Transcripts vol. 20, p. 3595. See also testimony of LCol Mathieu, Transcripts vol. 168, pp. 34595-34598.
349. Testimony of Maj Seward, Transcripts vol. 30, p. 5820. Capt Walsh also confirmed that Invertron training was conducted for all three commandos during the week of December 7th (Transcripts vol. 13, p. 2339).
350. See, for example, testimony of BGen Beno, Transcripts vol. 40, pp. 7853-7857; CWO (ret) Jardine, Transcripts vol. 25, pp. 4631-4632; Col Labbe', Transcripts vol. 162, pp. 32919-32924; and LCol Turner, Transcripts vol. 20, p. 3596.
351. Document book 20, tab 19.
352. Testimony of Maj Kampman, Transcripts vol. 27, p. 5221.
353. Testimony of Maj Kampman, Transcripts vol. 27, p. 5221.
354. Testimony of Col MacDonald, Transcripts vol. 26, p. 5000; and Maj Kampman, Transcripts vol. 27, p. 5232.
355. Maj Kampman, Transcripts vol. 27, pp. 5235-5236. See also A Squadron Training Plan, Document book 20, tab 19.
356. Testimony of Maj Kampman, Transcripts vol. 28, pp. 5285-5287, and vol. 27, p. 5237; and Col MacDonald, Transcripts vol. 26, p. 5000.
357. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5236-5237.
358. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5246-5247.

359. Testimony of Maj Kampman, Transcripts vol. 27, p. 5238. See also testimony of Capt Walsh, Transcripts vol. 13, p. 2338.
360. Testimony of Maj Kampman, Transcripts vol. 27, p. 5244.
361. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5238, 5242.
362. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8497.
363. Testimony of Capt Koch, Transcripts vol. 22, p. 4169; and Maj Kampman, Transcripts vol. 27, p. 5153.
364. Testimony of Maj Kyle, Transcripts vol. 22, pp. 4111, p. 4118.
365. Testimony of LCol Mathieu, Transcripts vol. 169, pp. 34808, 34758.
366. Maj Carol Mathieu, "New Horizons: Law of War Training for the Canadian Forces -A Luxury or A Necessity", paper prepared and presented to LCol R.O. Simard, Syndicate 7, Canadian Forces Command and Staff College, Toronto, April 13, 1984, p. 9.
367. Document book 121, tab IOF, DND 163948.
368. Document book 121, tab IOF, DND 163946.
369. Testimony of CWO Mills, Transcripts vol. 23, pp. 4351-4352.
370. Testimony of LCol Morneault, Transcripts vol. 36, pp. 7098-7099; Maj Seward, Transcripts vol. 30, p. 5804; and Maj MacKay, Transcripts vol. 33, p. 6301.
371. Testimony of Col MacDonald, Transcripts vol. 26, p. 4962; Cpl Purnelle, Transcripts vol. 35, pp. 6860-6861; and Maj Kampman, Transcripts vol. 27, p. 5180.
372. Testimony of Maj Kampman, Transcripts vol. 27, p. 5170. Maj Kampman was referring specifically to the soldiers of 2 Commando.
373. General Court Martial, Pte E.K. Brown, vol. 5, pp. 1024-1025, evidence of MCpl Skipton.
374. General Court Martial, Pte Brocklebank, vol. 4, p. 650, evidence of Pte Brocklebank.
375. General Court Martial, Pte Bocklebank, vol. 2, p. 321, evidence of Cpl Glass.
376. Testimony of Col MacDonald, Transcripts vol. 28, pp. 5269-5270.
377. Testimony of Maj MacKay, Transcripts vol. 33, pp. 6301-6303,
378. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2415, 2432.
379. The importance of training on the rules of engagement was recognized by several senior officers in their testimony before the Inquiry. See testimony of MGen (ret) MacKenzie, Transcripts vol. 42, p. 8303; Cmdre Cogdon, Transcripts vol. 9, pp. 1749-1750, and vol. 10, p. 1828; and LCol Nordick, Policy hearings transcripts vol. 2P, pp. 377-385.
380. See, for example, testimony of VAdm Murray, Transcripts vol. 155, p. 31540; and Capt Walsh, Transcripts vol. 13, p. 2359.
381. Testimony of MCpl Favasoli, Transcripts vol. 130, p. 26810; and LCol Nordick, Policy Hearings transcripts vol. 2P, p. 385. The Australian Army used scenario

- based training on the ROE during their training for Somalia. See Brigadier Peter Abigail, "International Law and the Planning and Conduct of Brigade Operations", in Hugh Smith, ed., *The Force of Law: International Law and the Land Commander* (Canberra: Australian Defence Studies Centre, Australian Defence Force Academy, 1994), pp. 9091.
382. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, pp. 10096-10099.
383. Testimony of Maj Kampman, Transcripts vol. 27, p. 5149. A similar concern was expressed by LCol MacDonald in his letter to LCol Morneault; see Document book 29, tab 6, DND 000676.
384. Testimony of LCol Labbe', Transcripts vol. 163, p. 33260.
385. Testimony of Maj (ret) Pommet, Transcripts vol. 107, pp. 21299-21300.
386. Testimony of Maj (ret) Pommet, Transcripts vol. 107, pp. 21334-21335.
387. Testimony of Maj Seward, Transcripts vol. 30, pp. 5809-5810; MCpl Klick, Transcripts vol. 124, pp. 24992-24993; and Cpl King, Transcripts vol. 127, p. 25587.
388. Special Broadcast, CBC Newsworld, December 4, 1992 (transcript: Commission of Inquiry document FA000495).
389. Testimony of LCol Mathieu, Transcripts vol. 170, pp. 35032-35034.
390. Testimony of Capt (N) MacMillan, Transcripts vol. 11, p. 2009; Maj MacKay, Transcripts vol. 33, p. 6323; and MCpl Favasoli, Transcripts vol. 130, p. 26401, and vol. 131, pp. 26486-26487.
391. Testimony of LCol Mathieu, Transcripts vol. 169, p. 34719; LGen Gervais, Transcripts vol. 48, p. 9662; Col MacDonald, Transcripts vol. 26, p. 5005; and Col Houghton, Transcripts vol. 44, p. 8792.
392. Testimony of Capt (N) McMillan, Transcripts vol. 11, p. 2009; Col Labbé, Transcripts vol. 163, pp. 33271-33272; and Comdre Cogdon, Transcripts vol. 9, pp. 1750, 1760, and vol. 10, p. 1833.
393. Testimony of Maj (ret) Pommet, Transcripts vol. 107, pp. 21353, 21356-21357; and LCol Mathieu, Transcripts vol. 169, pp. 34719-34721; evidence of Capt Moreau to Board of Inquiry (CARBG), Phase I, vol. 11, p. 300.
394. Testimony of Maj (ret) Pommet, Transcripts vol. 107, p. 21353.
395. Capt Parker, "JAG Integration into OOTW TOC Operations", *News from the Front!* (The Center for Army Lessons Learned: February 1994).
396. Document book 13, tab 20, DND 000179.
397. Testimony of BGen Beno, Transcripts vol. 40, pp. 7860-7861; Col O'Brien, Transcripts vol. 10, pp. 1929-1930, 1947; Col Houghton, Transcripts vol. 45, p. 8863; Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9808-9810; LCol Morneault, Transcripts vol. 36, pp. 7109, 7087; Maj Kyle, Transcripts vol. 22, p. 4097; and Maj Seward, Transcripts vol. 30, p. 5813, and vol. 32, pp. 6188, 6098.
398. Testimony of Capt Hope, Transcripts vol. 102, pp. 19928-19930.

399. Testimony of Capt Hope, Transcripts vol. 102, pp. 19931, 19935-19937, 19940.
400. Document book 25, tab 16, DND 004106; testimony of Capt Hope, Transcripts vol. 102, p. 20120.
401. The Reserve officer was Lt Matt Bryden. Testimony of Maj Kyle, Transcripts vol. 22, p. 4001; and LCol Morneault, Transcripts vol. 36, p. 7056. See also Document book MOR2, tab 4, DND 293192, Briefing by Mr. Muhammad Hassan, and testimony of LCol Morneault, Transcripts vol. 36, p. 7077; and Maj MacKay, Transcripts vol. 33, p. 6302.
402. Document book MOR2, tab 4, DND 293192.
403. Testimony of Maj Seward, Transcripts vol. 32, p. 6096.
404. Testimony of Cpl Purnelle, Transcripts vol. 35, pp. 6839-6840.
405. Testimony of Cpl Purnelle, Transcripts vol. 35, p. 6842.
406. Document book MOR2, tab 4, DND 293194.
407. Testimony of Maj Pommet, Transcripts vol. 182, p. 37522; Maj Seward, Transcripts vol. 31, p. 5902; Col MacDonald, Transcripts vol. 27, p. 5118, and vol. 26, p. 4952; and Maj Kampman, Transcripts vol. 28, p. 5302.
408. Testimony of Dr. Menkhaus, Transcripts vol. 7, pp. 1380-1381.
409. Document book 14, tab 19, DND 003033. It is not clear whether this document was available to or consulted by the CAR for the Somalia mission. For purposes of this discussion, the UN document is used as a guideline for what *should* or *could* have been done, but it is recognized that it did not constitute official CF policy at the time.
410. Document book 14, tab 19, DND 003036.
411. Document book 14, tab 19, DND 003036.
412. Document book 13, tab 20, DND 000179.
413. Testimony of Maj Kyle, Transcripts vol. 21, p. 3896.
414. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2349-2351.
415. Testimony of Maj Kyle, Transcripts vol. 21, p. 3890; Document book 14, tab 6, DND 0036643; Document book 14, tab 11, DND 003650-003654.
416. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5172-5179.
417. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8470; and evidence of BGen Beno to Board of Inquiry (CARBG), Phase I, vol. 11, p. 249.
418. Testimony of LCol Morneault, Transcripts vol. 37, p. 7120.
419. Document book 10, tab 28, DND 003051; Board of Inquiry (CARBO), Annex E to the Narrative, Phase I, vol. XI, 19 July 1993, pp. E-6/7-7/7.
420. DND, *Field Training Regulations*, vol. 2, supplement 4, "Individual Battle Task Standards" (B-GI-304-002/PTZ04, 1995), makes reference to "Battle Task Standards for Operations Other than War", including United Nations operations. This document was ordered from the Somalia Inquiry Liaison Team, but we were advised that it has not yet been produced.

421. Testimony of Maj Kyle, Transcripts vol. 21, p. 3866.
422. Testimony of Maj Kyle, Transcripts vol. 21, pp. 3864-3865.
423. See Volume 2, Chapter 18, Discipline.
424. Testimony of Maj Seward, Transcripts vol. 30, p. 5818.
425. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5216-5218, See also Document book 29, tab 6, DND 000676.
426. Document book MOR3, tab 6, DND 293047; testimony of Maj Seward, Transcripts vol. 30, pp. 5787-5798; December Training Plans, Document book 20, tab 19, DND 000461-000477; Document book 20, tab 45, DND 006415-006416.
427. Document book MOR2, tab 14, DND 292831; Document book MOR2, tab 17, DND 292836.
428. Testimony of BGen Beno, Transcripts vol. 40, pp. 7856-7857.
429. Testimony of Maj Kyle, Transcripts vol. 119, pp. 23884-23885.
430. Evidence of Capt Nash to Board of Inquiry (CARBG), vol. 11, p. 449; and Cpl Lewis, vol. 11, p. 466.
431. Testimony of LCol Moffat, Transcripts vol. 99, pp. 19398-19399; evidence of LCol Moffat to Board of Inquiry (CARBG), vol. 11, pp. 388-389; and Cpl Lewis, vol. 11, p. 466.
432. Testimony of MCpl Favasoli, Transcripts vol. 130, pp. 26406-26407.
433. See, for example, Training Requirements for Peacekeeping Operations, 4500-1 (DCDS) December 29, 1993, Document book 56F, tabs 7 and 7F. But see LaRose Edwards, Dangerfield and Weekes, *Non-Traditional Military Training for Canadian Peacekeepers*, p. 21, and Training Requirements for Peacekeeping Operations: Final Report (undated, but received by Inquiry research staff from NDHQ J3 Trg in January 1996), indicating the deferral of, or lack of implementation of, many of the specific tasks in the DCDS directive. See also Report of the Auditor General of Canada to the House of Commons, Peacekeeping, Chapter 7, National Defence (May 1996), p. 7-28; DCDS Study Directive: Peacekeeping Training in the Canadian Forces, 4500-1 (DCDS) September 14, 1995; DND, *Operations Land and Tactical Air*, vol. 3, Peacekeeping Operations (B-GL-301-003/Fp. 001), September 15, 1995; and NDHQ Instruction DCDS 5/96: Training Requirements for Peace Support Operations, 3451-1 (DCDS), December 6, 1996; Document book . 118C, tab 12.

RULES OF ENGAGEMENT: CONFUSION AND MISINTERPRETATION

Our terms of reference directed us to evaluate "the extent to which the Task Force Rules of Engagement were effectively interpreted, understood and applied at all levels of the Canadian Forces chain of command". As we have affirmed elsewhere, the term rules of

engagement (ROE) refers to the directions guiding the application of armed force by soldiers within a theatre of operations.

The ROE perform two fundamentally important tasks for Canadian Forces (CF) members undertaking an international mission: they define the degree and manner of the force to which soldiers may resort, and they delineate the circumstances and limitations surrounding the application of that force. They are tantamount to orders.

The record shows that Canadian Forces members serving in Somalia fired weapons and caused the loss of Somali lives in three separate incidents: on February 17, 1993, when Canadian soldiers fired into a crowd gathered at Belet Huen's Bailey bridge;¹ in the shooting death of Ahmed Afraraho Aruush on March 4, 1993; and on March 17, 1993, when Canadian soldiers shot a Somali national at the compound of the International Committee of the Red Cross in Belet Huen.² Shidane Arone's death on March 16, 1993 also shows CF members ready to resort to violence.³ Individually and collectively, these incidents raise critical questions surrounding the ROE governing CF members in Somalia. Did the ROE anticipate fully the range of situations where the application of force would be possible? Were the ROE clearly drafted? Was the information about the ROE passed adequately along the chain of command? Were the CF members properly trained on the ROE? This chapter explores these and related questions.

While we describe elsewhere in this report the Canadian Airborne Regiment's preparations to deploy to Somalia, it is necessary to repeat certain key points to understand fully the use and misuse of the ROE. We come back again to the failures which led to the confusion and misinterpretation that came to characterize the role the ROE played in the Somalian desert. Unfortunately, these failures strike entirely familiar notes, including lack of clarity surrounding the mission in Somalia; inadequate time to prepare, giving rise to hasty, ill-conceived measures; a chain of command that did not communicate the ROE clearly to the soldiers; deficient training on the ROE; and lack of discipline by CF members in observing the ROE.

THE DRAFTING OF THE ROE

On December 5, 1992, the warning order for Operation Deliverance was issued by National Defence Headquarters (NDHQ).⁴ Following this, the Canadian Operations Staff Branch (J3) subordinate to the Deputy Chief of the Defence Staff (DCDS), Intelligence, Security and Operations (ISO), MGen Addy, and staff members of his office drafted the ROE. A section in the office of the Vice Chief of the Defence Staff (VCDS), VAdm J. Anderson, also played a part.⁵ Between December 6 and 8, 1992, the Deputy Minister met with the Judge Advocate General (JAG) and the VCDS about the ROE: in his view, the ROE had sufficient foreign policy implications to demand his attention.⁶ By December 11, 1992, the ROE were completed; the VCDS forwarded a copy by fax to Gen de Chastelain, the Chief of the Defence Staff (CDS), who was visiting Brussels together with the Minister of National Defence, the Honourable Marcel Masse.⁷ The CDS approved them, and they were sent to Col Labbé, who was to command the Canadian contingent, on December 11th. Col Labbé published them in his operation order for Operation Deliverance on December 12th. On December 24, 1992, Gen de Chastelain forwarded the approved ROE again to Col Labbé, along with Col Labbé's terms of

reference as Commander Canadian Joint Force Somalia.⁸

THE CHANGE FROM OPERATION CORDON TO OPERATION DELIVERANCE

We note that the ROE were drafted as Canada's mandate in Somalia evolved. During early planning for Operation Cordon, the CF expected to use the port of Bossasso as the base. Once Operation Cordon gave way to Operation Deliverance, however, this assumption broke down. Mr. Fowler, deputy minister of DND at the time of the deployment, testified that Canada's sphere of operations was still uncertain as of December 7, 1992.⁹ The advance party of the Canadian Airborne Regiment Battle Group (CARBG) flew into Baledogle over an 11-day period beginning December 15, 1992. By December 28, 1992, Canada had agreed to become responsible for the Belet Huen Humanitarian Relief Sector.¹⁰ Moreover, Operation Cordon obliged Canada to carry out peacekeeping under Chapter VI of the UN Charter, but Operation Deliverance required Canada to engage in peace enforcement under Chapter VII. Ideally, the drafters should have tailored the ROE to reflect the mission and tasks involved, as well as the dangers they would encounter there.

LACK OF DRAFTERS' TOOLS

DND officials acknowledged candidly to us that, in December 1992, they lacked important tools that would have been helpful to the drafters of the ROE. Apart from UN Security Council Resolution 794 of December 3, 1992,¹¹ the foundations in international law for the mission were ambiguous.¹² We also learned that there was no CF doctrine stipulating how to draft the ROE for joint forces.¹³ Nor did the drafters have a detailed definition of the missions mandate, a written statement of Canada's political objectives, an evaluation of the risks, nor the concept of operations espoused by the force's command -- to name some major omissions.¹⁴ On balance, we conclude that the CF and NDHQ were ill-prepared to draft ROE for Operation Deliverance.

INFLUENCE OF THE AMERICAN ROE

Canadian drafters could conceivably compensate, at least partially, for the gaps in their information by examining the ROE issued by other countries joining the American-led Unified Task Force coalition. The Americans asked coalition members to create ROE compatible with theirs.¹⁵ They developed a classified but releasable version for coalition allies, entitled Proposed Coalition Military Operations Peacetime Rules of Engagement (ROE).¹⁶ Also the ROE of other nations were available and could have helped the drafters.¹⁷

DIRECTIONS ON USING THE ROE

CF members needed to be trained on the ROE before deploying to Somalia if the ROE were to be properly employed. LCol Mathieu, Commanding Officer of the CARBG, testified that the soldiers received training in Canada on the Law of Armed Conflict but

no training on the ROE for Somalia.¹⁸ Various other former Canadian Airborne Regiment Battle Group members agreed that there was no training on the ROE before deployment.¹⁹ Training was imperative to reflect not only the changed area of operations but also the elevated level of danger entailed in a peace enforcement mission. Although training could help give CF members clear and practical directions on the use of force, by not providing for detailed, mission-specific training on the ROE, our military leaders failed their soldiers.

Since the CARBG were not trained on the ROE before deploying, it was essential to make alternative attempts to ensure that the ROE were explicitly and consistently understood. CWO (ret) Jardine testified, however, that no instructions were ever given to the CAR as a whole. Instead, commanding officers disseminated instructions at their respective orders group.²⁰ This approach was clearly insufficient since it afforded too many opportunities for diverging instructions.

THE AIDE-MÉMOIRE OR SOLDIER'S CARD

To reinforce instructions from higher-ranking officers, soldiers on duty in an operational theatre normally carry a condensed version of the ROE known as an aide-mémoire or soldier's card, and the CF did attempt to provide members deploying to Somalia with such cards. LCol Mathieu and Maj Mackay, the CAR's Deputy Commanding Officer,²¹ collaborated to produce an initial version of the aide-mémoire that the advance party of over 200 troops received on December 13, 1992.²² After Col Labbé became commander of the Canadian Joint Force Somalia (CJFS), however, he asked Capt (N) McMillan, J3 Plans on LGen Addy's staff, to draft an aide-mémoire. On December 16, 1992, Capt (N) McMillan forwarded this second version of the aide-mémoire to Col Labbé, who was in Somalia. The Colonel approved the new version the following day and asked that it be translated. The French version was ready five days later; and the aide-mémoire, in both official languages, was available in plasticized form on December 23, 1992.²³ Still another soldier's guide was sent by fax to NDHQ for reproduction in pocket size on February 16, 1993.²⁴

Had the aides-mémoire appeared sooner, the soldiers would have had time to become acquainted with them, but the ROE themselves surfaced so late that the advance party received its aides-mémoire only when boarding a bus at CFB Petawawa to depart for Somalia.²⁵ Capt (N) McMillan's version of the aide-mémoire became available only a few days before the CARBG's main body began to deploy to Somalia. Francophone members of the CARBG did not receive cards in French until December 23, 1992.²⁶ Some CARBG members did not receive the aide-mémoire until they had left Canada: Maj Mansfield testified that he received it in Belet Huen during the first week of January 1993.²⁷

Also troubling were the discrepancies among the various versions of the soldier's cards circulating in Somalia, some of them significant. Most important, the provisions concerning the resort to force were described differently and yielded significantly dissimilar logical interpretations depending on the phraseology in a given version. For example, one version affirmed that the application of force depended on necessity and proportionality,²⁸ while other versions did not mention these elements, stating less clearly the preconditions for using force.²⁹ We believe strongly that the discrepancies between

the various versions of the aide-mémoire contributed significantly to the confusion and misinterpretation that surrounded the ROE in Somalia.

IN-THEATRE TRAINING ON THE ROE

The deficiencies imposed by hasty preparations for deployment could have been remedied by proper training on the ROE once the CF members reached Somalia. Shortly after arrival, the need for this training became glaringly apparent. This created grounds for questioning whether CARBG members would apply the ROE in a suitably disciplined manner and underscored the importance of training in this critical area. What we heard, however, indicates that there was no systematic, organized, structured training on the ROE in theatre. For example, MWO Amaral, formerly of 2 Commando, testified that he never engaged in simulated riots or other scenarios where the soldiers would have had to decide whether or not to shoot.³⁰

IN-THEATRE DIRECTIONS ON USING THE ROE

Clear and consistent directions from the CARBG's leaders to the troops in theatre would have helped offset ambiguities and imprecision surrounding the ROE. There were some officers, such as Maj Pommet, Officer Commanding (OC) 1 Commando, who tried to do this. Although he received no instructions from his superiors to train his soldiers in Somalia, he called them together several times to check on and improve their knowledge of the ROE.³¹ He tested his troops by presenting them with specific scenarios and asking them to respond.³² Although there might have been other such isolated efforts, it is certain that no co-ordinated instruction on the ROE occurred at the regimental level.³³

Maj Pommet's efforts were hampered and constrained by the abstract manner in which the ROE were framed. The ROE contained no examples of situations to assist soldiers in evaluating the degree of force to use. LCol Mathieu testified that, in 1992, the CF had no manual containing examples of situations implicating the ROE.³⁴ The U.S. forces' ROE for Somalia, by contrast, included such examples.³⁵ Capt (N) McMillan, who drafted the ROE, later explained, to our bewilderment, that he deliberately refrained from including examples because, he claimed, problems could have arisen if he had omitted some relevant scenarios.³⁶

GAPS AND AMBIGUITIES IN THE ROE

Although the incident of March 4, 1993 made the level of force to be used against thieves an urgent issue, thievery had been a problem earlier in the mission. But Capt (N) McMillan testified that thievery had received little emphasis when the ROE were being prepared.³⁷ After the CF reached Somalia, Col Labbé did not ask Capt (N) McMillan to amend or to clarify the implications of the ROE for thieves since he held that "they were sufficiently clear to deal with the whole spectrum of would-be aggressors, petty thieves, looters and so on."³⁸ The events of March 4, 1993 and other occurrences clearly suggest otherwise.

Particularly critical was the ROE's treatment of the phrase 'hostile intent'. Any failure to grasp this phrase accurately could carry disastrous consequences: sub-paragraph 15(b) of the ROE authorized the CF to use "deadly force" in responding to a "hostile act" or when confronting "hostile intent".³⁹ Thus, there appeared to be no distinction between a hostile act and a hostile intent, and many soldiers accepted that this was the case.⁴⁰ Maj Kampman, OC of A Squadron of the Royal Canadian Dragoons (RCD), asserted that when he received a draft of the ROE about December 12, 1992, the sense of hostile intent was unclear. He testified further that LCol Mathieu sought to make it clearer by advising the soldiers that a "hostile intent" existed if someone held a weapon "parallel to the ground". In the major's view, though, this attempted definition was unworkable, since his squadron operated in an area where many Somalis carried weapons.⁴¹

In a related vein, the ROE were deficient in failing to address adequately the question of the level of threat and the need for a graduated response depending on the severity of the threat encountered. The ROE left the impression that the response to unarmed harassment could be exactly the same as that envisaged for an armed threat (i.e., deadly force).⁴²

The ROE also failed to provide guidance to soldiers as to appropriate conduct when a threat dissipates. They were silent on the issue of disengagement. For example, soldiers were not aware of the appropriate response to a situation where an intruder breaks off an incursion and flees.⁴³ While armed force might be appropriate when the threat is direct and immediate, it may be excessive and even unlawful where the threat has subsided and the individual takes flight.

The ROE implications for handling detainees were equally uncertain. Paragraph 19 stipulated: "Personnel who commit a hostile act, demonstrate hostile intent, interfere with the accomplishment of the mission, or otherwise use or threaten deadly force against the Canadian Forces... may be detained. Detained personnel will be evacuated to a designated location for turn-over to appropriate military authorities."⁴⁴ Capt (N) McMillan testified that the drafters expected detainees held by the Canadians to be turned over to the Americans. As they were finalizing the ROE, however, it became unclear whether detainees would be conveyed to the Americans or some other body, such as the Red Cross or a UN agency. Since no recognized government existed in Somalia, the issue was left to be addressed in Somalia.⁴⁵

These few examples provide some insight into the depth and complexity of shortcomings relative to the ROE. However, they are provided purely as illustration and are far from exhaustive.

LCol Mathieu's Orders Group of January 28, 1993

These and other ambiguities furnished the context for LCol Mathieu's orders group of January 28, 1993. LCol Mathieu cited the well-publicized comment of the Secretary of State for External Affairs and International Trade, the Honourable Barbara McDougall, who boasted that soldiers going to Somalia had been provided with ROE that permitted them to shoot first and ask questions later.⁴⁶ At the orders group of January 28, 1993, LCol Mathieu told his soldiers that deadly force could be used against Somalis found inside Canadian compounds or absconding with Canadian kit, whether or not they were armed.⁴⁷

Paragraph 7(C)a of the ROE affirmed: "An opposing force or terrorist unit commits a hostile act when it attacks or otherwise uses armed force against Canadian forces, Canadian citizens, their property, Coalition forces, relief personnel, relief materiel, distribution sites, convoys and noncombatant civilians, or employs the use of force to preclude or impede the mission of Canadian or Coalition forces."⁴⁸ Nevertheless, it was not clear that Somalis were conducting an 'attack' simply by penetrating the Canadian compound.⁴⁹ Also, according to much testimony, no definition of 'Canadian kit' was offered at the orders group of January 28, 1993, although it was apparently assumed that the phrase 'relief materiel' encompassed Canadian kit which, in turn, was taken to denote 'Canadian military equipment'.⁵⁰ Soldiers had differing views as to what was understood by the term. Some believed it included water bottles or jerrycans of fuel -- an interpretation that would have authorized a soldier to shoot at someone attempting to steal a bottle of water. Later, this was clarified to denote vital military supplies or equipment.⁵¹ In our view, the direction issued at the January 28th orders group clearly exceeded the authority to shoot envisaged by the drafters of the ROE.

Even if LCol Mathieu wanted to modify the ROE, he had several hurdles to overcome. The Department of National Defence (DND) informed us that, before Operation Deliverance, no doctrine or procedure was available for the ROE to be adjusted and adapted rapidly according to the circumstances in theatre.⁵² Paragraph 30 of the ROE required recommended changes or additions to pass via Col Labbé to the CDS,⁵³ and Gen de Chastelain confirmed that only he could approve amendments.⁵⁴

Reactions to LCol Mathieu's Direction on the ROE

LCol Mathieu's direction placed the CARBG members in a quandary. Maj Pommet testified that he and Maj McGee, the officer commanding 3 Commando, questioned whether the direction was legal. The direction to shoot at thieves remained in force, but all OCs agreed not to shoot at children who often tried to pilfer from the troops.⁵⁵ Capt Hope described the direction as "a major step" in escalating the use of force.⁵⁶ MWO O'Connor qualified it as "a deviation" from the ROE.⁵⁷ MWO Amaral found it sufficiently ambiguous so as to represent a relaxation of the ROE.⁵⁸ Maj Pommet testified that since the direction was issued at an orders group meeting, it presumably qualified as an order⁵⁹ and not merely as a broad policy statement. Soldiers were uncertain as to whether they were required to obey this new interpretation of the ROE, or whether they could resist it as an unlawful order. Far from clearing up confusion about the ROE, the interpretation given on January 28, 1993 increased it to a dangerous extent.

Attempted Clarifications of LCol Mathieu's Direction on the ROE

In the days immediately following January 28, 1993, attempts were made to clarify LCol Mathieu's direction. Understood literally, it authorized lethal force against all thieves; nonetheless, some CARBG members understood that deadly force would be employed only when stolen materiel was 'critical equipment'.⁶⁰ Yet even LCol Mathieu conceded that nothing made clear what materiel counted as critical equipment.⁶¹ Another source of confusion was the target toward which soldiers were to aim once they had decided to fire on an intruder. LCol Mathieu instructed CF members to shoot "between the skirt and the flip-flops", that is, at the legs.⁶² Maj Mansfield thought that the instruction could

represent a positive step: it placed a shot to kill another step away.⁶³ However, even he was uncertain about the effect of the instruction, since he acknowledged that soldiers are trained from the outset to shoot at the centre of visible mass.⁶⁴ It is equally probable that it had the opposite effect, making the conditions for resorting to violence easier. Without doubt, many found the instruction confusing.

THE SOLDIERS' MOUNTING RESENTMENT

As the soldiers spent weeks and months in Somalia, their mounting resentment of continuing thievery and their confusion about the proper application of the ROE became an increasingly dangerous mix. Maj Mansfield, as OC of the engineer squadron, found that Somalis who penetrated the Canadian compound frustrated his men greatly and he was worried about retaliation.⁶⁵ WO Ashman believed that Somali infiltrators caused CF members to feel violated.⁶⁶ MWO Amaral asserted that Somalis spat on various CF members and hurled rocks at them.⁶⁷ On March 3, 1993, an American soldier died when a U.S. vehicle struck a mine near the village of Matabaan, approximately 80 to 90 kilometres north-east of Belet Huen, and Cpl Chabot testified that the American's death engendered a thirst for revenge against the Somalis.⁶⁸ Perhaps it is not mere coincidence that Mr. Aruush perished on the following day.

THE CONTINUING NEED FOR TRAINING ON THE ROE

As CF members gained greater experience in Somalia and grew progressively more dispirited, intensive training on the ROE became all the more important. When LCol Mathieu used his orders group of January 28, 1993 to communicate an important direction concerning the ROE, he employed a very loose approach. Scenario-based fact-driven training on the ROE would have been far superior, because it would have compelled individual CF members to confront in advance the painful choices that real events impose without the luxury of studied reflection. In particular, it could have reinforced the requirement for necessity, proportionality and restraint in the use of force. Moreover, by talking about how best to handle the frustrating circumstances and events that they encountered routinely, the soldiers would have had a safe and useful opportunity to vent their true feelings. They could have considered, simultaneously, the implications of resorting to excessive responses to unjustified provocations. The message must have been inescapably clear after the incident of March 4, 1993, but subsequent experience would show that the commanders' response to these obvious problems with the ROE was insufficient.

THE WEAKNESSES OF THE LEADERS

The ROE clearly failed to give CF members in Somalia useful, concrete guidance about the use of force, but their leaders declined to recognize any deficiencies. LGen Addy characterized the ROE as "perfectly clear".⁶⁹ Col Labbé affirmed that the ROE contained all the directives necessary for soldiers to bring their mission to a successful conclusion; moreover, in his opinion, the descriptions of "hostile intent" and "hostile act" were precise enough to enable soldiers to make reasoned choices about force.⁷⁰ LCol Mathieu's attempts at correction may well have sown confusion. Some might contend that the

soldiers themselves can invariably offset their leaders' deficiencies through their own common sense, but to endorse this assertion would be to hold the lower ranks to standards their superiors were incapable of attaining. In any event, the unaddressed problems surrounding the ROE would contribute to a bitter harvest of death and scandal.

THE INCIDENT OF MARCH 4, 1993: RECONNAISSANCE PLATOON'S UNDERSTANDING OF THE ROE

The tragic events of March 4, 1993 starkly revealed the confusion experienced by reconnaissance platoon members. According to Capt Rainville's direction to them, any Somali who attempted to penetrate the barbed wire surrounding the Canadian compound was engaging in "hostile action".⁷¹ This authorized his soldiers to begin a graduated response, potentially leading to the use of deadly force. Sgt Plante understood that platoon members would be justified in shooting would-be infiltrators even if they did not feel themselves menaced.⁷² MCpl Leclerc understood that soldiers were not authorized to shoot thieves, but could use deadly force against saboteurs.⁷³ In our view, though, no proper understanding of the ROE could justify using food or non-vital materiel as a device for luring Somalis into the compound and entrapping them. Moreover, the ROE of civilized nations do not encompass shooting fleeing, unarmed civilians in the back.

THE AFTERMATH OF THE MARCH 4TH INCIDENT

The day after the incident of March 4, 1993, Col Labbé gave the DCDS, VAdm Murray, a verbal report. VAdm Murray testified that he understood how Canadian soldiers might have misinterpreted the ROE. He was also uncertain as to whether criminal action was involved in these events.⁷⁴ The event should have triggered a re-examination of the ROE. Clearly, it was appropriate and important to seek an immediate, efficient and exhaustive re-examination of the ROE, including an examination of how they were understood and applied. However, the ensuing flow of correspondence after March 4, 1993 about the ROE and the soldiers' understanding of them tended to conceal rather than to attack problems.

CF CORRESPONDENCE ABOUT THE ROE, MARCH TO MAY 1993

Capt (N) McMillan's review of the ROE was released on March 20, 1993. Because he had presided over drafting the ROE in December 1992, he was placed in the uncomfortable position of reviewing his own work. He concluded, perhaps unsurprisingly, that the ROE as approved did not need to be modified. Nevertheless, he made two recommendations: to obtain confirmation that all levels of command had received clear direction on the ROE, and to refer all future questions surrounding the application of the ROE in Operation Deliverance to NDHQ.⁷⁵

LCol Watkin of the JAG Office produced another, more thorough, review on April 14, 1993. He held that the reconnaissance platoon's members acted in good faith, applying the ROE as they understood them. At the same time, he voiced serious concerns about the adequacy of the ROE themselves. He advocated that they be amended to provide specifically "for a graduated response and a cessation of the use of force when hostile

intent ceases, or it is clear a hostile act has not occurred". Additionally he urged that consideration be given to changing the ROE "to provide separately for the defence of property and to deal with the 'fleeing felon' issue". Furthermore, he called for further investigation of "[t]he failure to communicate all the requirements of the ROE to the unit level".⁷⁶

On April 24, 1993 -- less than a week after LCol Watkin's review -- VAdm Murray (the DCDS) wrote to Col Labbé about the ROE. He expressed himself satisfied that the ROE were suitable for Operation Deliverance. On the other hand, he asked Col Labbé to confirm that leaders had "read, understood, and appropriately interpreted" the ROE, that soldiers had been instructed on the application of force for their assigned roles, and that commanders had been encouraged to seek clarification if the mission and the ROE seemed inconsistent.⁷⁷

Two days later Col Labbé responded to VAdm Murray. The Colonel attempted to reassure the DCDS that further problems with the ROE were unlikely. He believed there were no grounds for seeking clarification of the ROE on the premise that they were unsuitable to the mission. He reported that additional measures had been taken to ensure that all CARBG ranks were "fully conversant" with the ROE. Despite the overwhelming amount of evidence we received suggesting that there was no training on the ROE in Somalia, Col Labbé told VAdm Murray that soldiers had exercised on the ROE "hundreds of times".⁷⁸

On April 27, 1993, VAdm Murray wrote about the ROE to the CDS, Adm Anderson, the DM, Mr. Fowler, the VCDS, LGen O'Donnell, the Assistant Deputy Minister for Policy and Communications, Dr. Calder, and the Commander of Land Force Command, LGen Reay. He repeated Col Labbé's two most important assertions: the ROE required no changes, and measures had been taken to ensure that all ranks were fully conversant with them.⁷⁹

However, on May 23, 1993, LCol Mathieu noted in his field note pad:

Seems to be some confusion on ROE ref looters. Review ROE with emphasis on escalation, graduated response, deescalation, proportionality and necessity and min force to do the job only shoot if...⁸⁰

The same day MGen de Faye, President of the board of inquiry, advised Adm Anderson and VAdm Murray that he had received a great deal of testimony giving him "grave concern over the understanding of the ROE in the Battle Group in general and 2 Commando in particular."⁸¹ MGen de Faye's concern focused specifically on the resort to deadly force against thieves, particularly as they fled. Nearly three months after the incident of March 4, 1993 which evoked the same issue, MGen de Faye concluded unequivocally that the same confusion persisted. He urged Adm Anderson and VAdm Murray to establish clearly the circumstances where deadly force might be employed against fleeing thieves and to articulate them clearly to Col Labbé.⁸²

Col Labbé gave his response to MGen de Faye's concerns in a missive of May 23, 1993 to VAdm Murray. The Colonel affirmed that he had done everything necessary to ensure that LCol Mathieu and the CARBG fully understood the ROE. Nevertheless, LCol Mathieu had received instructions to emphasize yet again to his OCs that the ROE

allowed deadly force to be used against thieves only when they were armed and displayed the intent to use life-threatening force.⁸³ Because the CARBG's redeployment to Canada was scheduled to take place shortly, there was little impetus for the Canadian Joint Force Somalia or NDHQ to subject the ROE to further scrutiny. There is no evidence that the ROE underwent critical re-examination in the closing days of Canadian operations in Somalia.

FINDINGS

Neither the drafting of the ROE for Operation Deliverance nor the attempts to impart them to soldiers showed the CF in a favourable light.

- *Canadian soldiers were deployed to Somalia under rapidly changing circumstances, and the ROE reached them in a piecemeal, slow and haphazard manner. Late production of the ROE was an avoidable occurrence and represents a leadership and systemic failure.*
- *Several inconsistent versions of the soldier's card co-existed in theatre.*
- *The interpretation of the ROE was changed substantively during operations in Somalia. In addition, the ROE were weak and incomplete. They failed, among other things, to address the crucial distinction between a "hostile act" and a "hostile intent".*
- *The interpretation and application of the ROE created substantial confusion among the troops. The interpretations offered by commanders added to the confusion, as did the failure to consider adequately the issue of the possible non-application of the ROE to simple thievery and to advise the soldiers appropriately.*
- *The training conducted on the ROE in pre-deployment and in-theatre phases alike was inadequate and substandard. Indeed, our soldiers were poorly trained on the ROE, having been confused, misled and largely abandoned on this crucial issue by their senior leaders. These realities contributed directly to serious practical difficulties in applying the ROE while Canadian operations in Somalia were continuing, notably with regard to the March 4th incident.*

These difficulties, important as they are, point to a larger issue of the adequacy of Canadian Forces policy concerning the institutional and systemic development and transmission of ROE.

In 1992 the CF clearly had no sufficient doctrine governing the development, promulgation and application of ROE. This gap is quite astonishing, since Canadian peacekeepers had enjoyed a lengthy and distinguished history in numerous operational theatres around the globe since Lester B. Pearson's era as Secretary of State for External Affairs. We acknowledge the noteworthy progress made by the CF since Operation Deliverance to fill the gap.

MGen Boyle received a briefing about the ROE on January 8, 1996, shortly after he replaced Gen de Chastelain as CDS. It suggested that Canada's experiences in Somalia

gave particular impetus to developing ROE architecture that could be used equally efficiently in a single service, joint or combined operation. While the 1991 Gulf War provided the initial impulse, the lions share of the work took place in 1993.⁸⁴ When Gen de Chastelain approved the *Use of Force in CF, Joint and Combined Operations* in July 1995, the labours finally bore fruit.⁸⁵ The purpose of the first volume, which is unclassified, is to assemble principles, concepts and definitions pertinent to ROE in one location; they need not be repeated in every ROE document. A list of numbered ROE issuable to joint force or contingent commanders is found in the second volume, which remains classified.

The CF's attempts to standardize the understanding of principles, concepts and definitions relating to ROE and to assemble a library of ROE for commanders should help to prevent confusion about the ROE and their application for CF members being deployed abroad. As we have observed, the soldiers in Somalia, except for a few, were unclear or confused at all levels about the requirements of the ROE. We urge the CF not to become complacent regarding further work to clarify ROE for members. While we do not advocate that the CF adopt, without reflection, any other country's doctrine or practices regarding the ROE, there may be worthwhile lessons to learn from other countries which could help improve Canadian ROE. For example, in a statement of the Australian Defence Forces' policies and responsibilities for ROE, the operational aspects of ROE and the Australian ROE system impressed us as remarkably succinct and clear.⁸⁶

Recommendations

To clarify the development of, training for, and application of rules of engagement, and to lend greater certainty to them.

- **We recommend that:**
 - 22.1 The Chief of the Defence Staff create a general framework for the development of rules of engagement to establish the policies and protocols governing the production of such rules.**
 - 22.2 The Chief of the Defence Staff develop and promulgate generic rules of engagement based on international and domestic law, including the Law of Armed Conflict, domestic foreign policy, and operational considerations.**
 - 22.3 The Chief of the Defence Staff establish and implement policies for the timely development of mission-specific rules of engagement and ensure that a verification and testing process for the rules of engagement is incorporated in the process for declaring a unit operationally ready for deployment.**
 - 22.4 The Chief of the Defence Staff ensure that the Canadian Forces maintain a data bank of rules of engagement from other countries, as well as rules of engagement and after-action reports from previous Canadian missions, as a basis for devising and evaluating future rules of engagement.**
 - 22.5 The Chief of the Defence Staff develop standards for scenario-based, context-informed training on rules of engagement, both before a mission and in theatre, with provision for additional training whenever there is confusion or misunderstanding.**
 - 22.6 The Chief of the Defence Staff develop and put in place a system for**

monitoring the transmission, interpretation and application of the rules of engagement, to ensure that all ranks understand them, and develop an adjustment mechanism to permit quick changes that are monitored to comply with the intent of the Chief of the Defence Staff.

22.7 The Chief of the Defence Staff ensure that any change in the rules of engagement, once disseminated, result in further training.

NOTES

1. Exhibit P-280, Document book 52; Exhibit P-280.1, Document book 52A.
2. Exhibit P-276, Document book 43; Exhibit P-276.1, Document book 43A.
3. Exhibits P-274 to P-274.30, Document books 38 to 38AC.
4. Exhibit P-69, Document book 20, tab 5.
5. Testimony of LGen P.G. Addy, Transcripts vol. 48, p. 9565.
6. Testimony of Mr. Robert Fowler, Transcripts vol. 51, pp. 10212, 10230.
7. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10089; Exhibit P-70, Document book 21, tab 8.
8. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10078.
9. Testimony of Mr. Fowler, Transcripts vol. 51, p. 10256.
10. Board of Inquiry (CARBG), Phase I, vol. 11, Exhibit P-20.11, p. A-4/33.
11. Exhibit P-SO, Document book 3, tab 8.
12. DND, "Brief for the Commission of Inquiry into the Deployment of the Canadian Forces to Somalia: The Use of Force and Rules of Engagement" (1995), pp. 14/15.
13. DND, "Brief for the Inquiry", pp. 13/15.
14. DND, "Brief for the Inquiry", pp. 14/15.
15. General Court Martial of LCol J.C.A. Mathieu, vol. 4, pp. 723-724.
16. Exhibit P-68, Document book 19, tab 29 (includes two documents: "Operation RESTORE HOPE Serial One ROE", December 4, 1992; and "Peacetime Rules of Engagement (ROE)" October 25, 1989).
17. See, for example, the detailed Australian planning process for the development of ROE: Australian Defence Force Publication, vol. 3, August 25, 1992, issued by the Chief of Defence Force.
18. Testimony of LCol (ret) Mathieu, Transcripts vol. 173, p. 35709.
19. Testimony of Maj Mansfield, Transcripts vol. 103, p. 20293; MCpl Klick, Transcripts vol. 124, pp. 24920-24921; MCpl M. Favasoli, Transcripts vol. 130, p. 26401. By contrast, see the testimony of Cpl King, Transcripts vol. 127, pp. 25586-25587. Specific ROE should have been available for the training in Operation Cordon, but none were. The soldiers were trained on the ROE

- promulgated for operations in the former Yugoslavia (testimony of Maj Pommet, Transcripts vol. 107, p. 21324).
20. Testimony of CWO (ret) C.L. Jardine, Transcripts vol. 105, pp. 21032-21034.
 21. Testimony of Capt (N) McMillan, Transcripts vol. 11, pp. 2014-2017. According to Gen de Chastelain, a unit deploying customarily prepared its own aides-mémoire, although NDHQ vetted them subsequently to confirm that they accorded with the ROE he had approved (Transcripts vol. 50, p. 10128).
 22. Exhibit P-70, Document book 21, tab 16. Better copies of this card are found in Exhibit P-34.7, General Court Martial of LCol J.C.A. Mathieu, vol. 7, pp. 1206-1207; Exhibit P-93 (card format); and Exhibit P-203.1, Document book 53A, tab 8.
 23. Testimony of Capt (N) McMillan, Transcripts vol. 11, pp. 2024, 2031; Exhibit p. 7 1, Document book 22, tab 12; Exhibit P-72, Document book 23, tab 12. The English version of the card is Exhibit P-70.1 and Exhibit P-203, Document book 53, tab 4. The French version is Exhibit P-203, Document book 53, tab 4, and Exhibit P-267.
 24. Exhibit P-203.2, Document book 53B, tab 3,
 25. Testimony of CWO (ret) C.L. Jardine, Transcripts vol. 105, pp. 21032-21034.
 26. Exhibit P-72, Document book 23, tab 12; Exhibit P-73, Document book 24, tab 6. The advance party had no French version at their departure for Somalia from December 13, 1992 on; only English texts of the ROE and the first version of the aide-mémoire existed at that time.
 27. Testimony of Maj J.G. Mansfield, Transcripts vol. 103, p. 20285.
 28. Exhibit P-70, Document book 21, tab 16.
 29. Exhibit P-203, Document book 53, tab 4; Exhibit P-203.2, Document book 53B, tab 3.
 30. Testimony of MWO Amaral, Transcripts vol. 104, p. 20642.
 31. Testimony of Maj Pommet, Transcripts vol. 107, p. 21359.
 32. Testimony of Maj Pommet, Transcripts vol. 107, p. 21353. When the de Faye Board of Inquiry (CARBG) visited Somalia in the spring of 1993, Maj Pommet's familiarity with the ROE reportedly impressed the Board's members favourably (Exhibit P-242.29, Document book 48AB, tab 1).
 33. Testimony of Maj Pommet, Transcripts vol. 107, p. 21359.
 34. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34728.
 35. Headquarters, United States Department of the Army, Peace Operations (December 1994), Annex D, Sample Rules of Engagement: Rules of Engagement for Operation Restore Hope, pp. 90, 92.
 36. Exhibit P-3 1.2, General Court Martial of Capt Rainville; testimony of Capt (N) McMillan, Transcripts vol. 11, p. 2133.
 37. Testimony of Capt (N) McMillan, Transcripts vol. 11, pp. 2100, . 2132-2133.

38. Testimony of LCol Labbé, Transcripts vol. 164, p. 33368.
39. Exhibit P-203.1, Document book 53A, tab 4.
40. Testimony of Maj Mansfield, Transcripts vol. 114, pp. 22976-22977.
41. Testimony of Maj Kampman, Transcripts vol. 28, pp. 5299-5300.
42. See the testimony of Maj Pommet in this regard, Transcripts vol. 107, pp. 21326-21329.
43. Testimony of Sgt Groves, Transcripts vol. 112, pp. 22460-22462.
44. Exhibit P-203.1, Document book 53A, tab 4, DND 287752.
45. Testimony of Capt (N) McMillan, Transcripts vol. 11, pp. 2039-2040.
46. Testimony of LCol (ret) Mathieu, Transcripts vol. 170, pp. 35033-35034.
47. Exhibit P-242.4, Document book 48A, tab 6, DND 014618.
48. Exhibit P-203.1, Document book 53A, tab 4, DND 287749.
49. Indeed, throughout the month of February, Somalis who attempted to breach the wire were regularly shot at. This even resulted in a dangerous exchange of friendly fire when soldiers in Service Commando shot at a thief and the bullet passed through the lines of 1 Commando (testimony of Maj Pommet, Transcripts vol. 107, pp. 21405-21407).
50. Testimony of Capt Hope, Transcripts vol. 102, pp. 20042-20043.
51. Testimony of Capt Hope, Transcripts vol. 102, p. 20043; Maj Kyle, Transcripts vol. 115, pp. 23202, 23207; and MWO Amaral, Transcripts vol. 104, pp. 20624-20626.
52. DND, "Brief for the Inquiry", pp. 9/15-15/15.
53. Exhibit P-203.1, Document book 53A, tab 4, DND 287754.
54. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, pp. 10093-10094.
55. Testimony of Maj Pommet, Transcripts vol. 107, p. 21424. See also letter, Maj Seward to his wife, expressing concern that soldiers were being asked to shoot at children, Document book 53A, tab 26, DND 015255.
56. Testimony of Capt Hope, Transcripts vol. 102, p. 20059.
57. Testimony of MWO O'Connor, Transcripts vol. 109, p. 21802.
58. Testimony of MWO Amaral, Transcripts vol. 104, p. 20767.
59. Testimony of Maj Pommet, Transcripts vol. 108, p. 21643.
60. Testimony of Maj Kyle, Transcripts vol. 115, pp. 23207-23208.
61. Testimony of LCol (ret) Mathieu, Transcripts vol. 170, p. 34985.
62. General Court Martial of LCol J.C.A. Mathieu, Exhibit P-34.2, vol. 2, pp. 373, 390-392.
63. Testimony of Maj Mansfield, Transcripts vol. 114, p. 22756.
64. Testimony of Maj Mansfield, Transcripts vol. 114, p. 22756.
65. Testimony of Maj Mansfield, p. 103, p. 20401.

66. Testimony of WO Ashman, Transcripts vol. 122, pp. 24697-24698.
67. Testimony of MWO Amaral, Transcripts vol. 104, pp. 20693-20695.
68. Testimony of Cpl Chabot, Transcripts vol. 120, p. 24185.
69. Testimony of LGen Addy, Transcripts vol. 48, p. 9568.
70. Testimony of LCol Labbé, Transcripts vol. 164, p. 33368.
71. Testimony of Capt (ret) Rainville, Transcripts vol. 144, p. 29343.
72. Testimony of Sgt Plante, Transcripts vol. 134, pp. 27072-27076, and vol. 135, p. 27365.
73. Testimony of MCpl Leclerc, Transcripts vol. 140, pp. 28432-28434.
74. Testimony of VAdm Murray, Transcripts vol. 152, p. 31045.
75. Exhibit P-242.29, Document book 48AB, tab 1.
76. Exhibit P-242.29, Document book 48AB, tab 2.
77. Exhibit P-242.29, Document book 48AB, tab 1.
78. Exhibit P-242.29, Document book 48AB, tab 1.
79. Exhibit P-242.29, Document book 48AB, tab 1.
80. Copy of LCol Mathieu's field notes, Document book 48X, tab 1, DND 298719, and Document book 48V, tab 3, DND 295998. The electronic transcription is inaccurate, and the wording has been verified from the original.
81. Letter, MGen de Faye to Chief of the Defence Staff and Deputy Chief of the Defence Staff, Exhibit P-242.29, Document book 48AB, tab 1.
82. Letter, MGen de Faye to CDS and DCDS.
83. Exhibit P-242.29, Document book 48AB, tab 1.
84. DND 447282 (unfiled document).
85. DND, Use of Force in CF Joint and Combined Operations (B-GGOOS-004/AF-005, 2 volumes, 1995, unfiled document).
86. Australian Defence Force Publication, vol. 3 (August 25, 1992).

OPERATIONAL READINESS

The true measure of the state of well-being of the Canadian Forces (CF) is the readiness of the units and elements for employment in their assigned roles, tasks, and missions. Operational readiness, therefore, is a defining military concept. It is as vital to understanding the health of the armed forces as taking a pulse is to assessing the well-being of the human body.

The Chief of the Defence Staff (CDS) and subordinate commanders are responsible and accountable for the operational readiness of the CF. This responsibility is particularly significant whenever units or elements of the CF are about to be committed to operations that are potentially dangerous, unusual, or of special importance to the national interest. Therefore, it is incumbent on officers in the chain of command to maintain an accurate picture of the state of the armed forces at all times and to assess the operational readiness

of CF units and elements for employment in assigned missions before they can be deployed on active service or international security missions.

READINESS: AN ASPECT OF OPERATIONAL PLANNING

Assessments and declarations of operational readiness are part of the military operational planning process and cannot be viewed separately from it. The statement of the mission issued in operational orders (or defence plans) begins the planning process. A declaration by a commander that a unit is operationally ready indicates that the planning process is complete and that the unit is prepared to undertake its assigned mission. At every level of the chain of command, the declaration of operational readiness closes the loop of planning responsibility when the officer tasked to carry out a mission reports the readiness of units to the officer who ordered the mission.

Operational readiness is defined as "the state of preparedness of a unit...to perform the missions for which it is organized or designed."¹ In the army, readiness is closely associated with operational effectiveness, that is, with "the degree to which operational forces are capable of performing their assigned missions in relation to known enemy capabilities."² These definitions highlight two critical considerations implicit in the idea of operational readiness. First, readiness is relevant and measurable only in relation to the unit's assigned mission. Obviously, if a unit has no mission, then there is nothing against which to assess readiness. If a unit has a very general mission, measurements of its standard of readiness can only be general. However, as the mission becomes more specific, so too does the assessment of readiness.

Second, assessing and determining operational readiness is a function of command and was confirmed as such by the CDS in 1992.³ Because commanding officers at all levels are responsible and accountable for the accomplishment of missions assigned to them and for missions they assign to their subordinate units, they are also accountable for the operational readiness of units to accomplish those missions. As MGen Dallaire described to us, "the military leader has undivided responsibility for subordinates; for all that they do or fail to do and a personal responsibility that they accomplish the assigned mission."⁴

According to the Army Doctrine and Tactics Board,⁵ operational effectiveness is "essentially qualitative but must include the quantitative aspect as well. Strategic and tactical doctrine, leadership, and morale are all factors contributing to operational effectiveness and are part of the equation" as much as numbers of personnel and equipment.⁶ Senior officers, and especially commanding officers, are required to define operational readiness in terms that can be translated into training objectives and that can be used for subsequent assessments. Although the assignment of a mission is the *sine qua non* for assessing operational readiness, the mission statement alone is rarely a sufficient indication of the standard of readiness expected of units unless units are repeating the most basic of operations or well-understood and practised missions. In all other cases, senior commanders and commanding officers must clearly define for their subordinates the skills and functions that must be mastered and the standards by which those skills and functions will be measured in relation to specific missions.

MAIN ELEMENTS OF OPERATIONAL READINESS

Although there do not appear to be standards or criteria for measuring operational readiness in CF units, certain elements of operations provide categories that reasonable commanders would check to ensure that units under their command were ready for operations. An operational-ready unit would have:

- a clearly defined mission;
- a well-defined concept of operations appropriate to the mission;
- well-trained and experienced officers and junior leaders;
- a unit organization appropriate to the mission;
- weapons and equipment appropriate to the mission;
- adequate training of all ranks in tactics, procedures, operations of weapons and equipment, and command and control appropriate to the mission;
- a well-organized and practised system for the command and control of the unit in operations;
- logistics and administrative support appropriate to the mission; and
- good morale, strict and fair discipline, and a strong sense of cohesion and internal loyalty.

ASSESSING OPERATIONAL READINESS

Operational missions are usually too complex for a commander to make a valid assessment without measuring detailed objective standards and without the aid of competent staff officers. The nature of the mission and the experience of the unit members will greatly influence the detail of the commander's operational evaluations. If, for example, the mission is routine and the unit has a proven ability to accomplish it, then readiness inspections might be cursory. On the other hand, if the mission is in any major respect unusual, or if the unit or the commander is inexperienced in the type of mission or in the circumstances in which it will be undertaken, then the assessment of readiness must be meticulous. Therefore, before commanders assign a mission to a unit, they must know the criteria for accomplishing the mission and the standards of readiness necessary to achieve it. They must then communicate these criteria and standards to their subordinates and establish means to ensure that they have been met before the mission is launched.

In army doctrine and custom, the criteria for defining classical military missions are well understood. Army officers easily comprehend typical tactical missions, for example, '*to capture Hill 220*' or '*to defend the bridge at River X*'. However, when missions arise that are outside doctrine and experience, it is necessary to define precisely what 'mission accomplished' means, and to specify the means and methods to achieve that goal. These important techniques are taught at CF command and staff colleges.

Officers are taught that a mission analysis is a function of command and a key part of the planning process. It is undertaken:

...to ensure a full understanding of the mission, the essential tasks to accomplish that mission, and the underlying purpose of those tasks.

To fully understand this mission, the commander must have a thorough appreciation of the purpose of his mission, the essential conditions or tasks which must be achieved to successfully accomplish the mission and the desired outcome or end state of the mission in the context of future operations. The commander must, therefore, know the intent (purpose, concept of operations, and end state) of his immediate superior commander and the commander two levels higher. This will provide the commander with the overarching framework to determine what must be accomplished and in what sequence to trigger the necessary chain of events to achieve the mission within the overall operational plan.

Mission analysis is a dynamic process, which allows the mission to be continuously evaluated in the context of the current situation. The superior commander's intent has primacy over the assigned mission. In the face of an unforeseen, fundamental change in the operational situation, the commander must determine [from his superior commander] if the original mission is still valid. If not, he must be prepared to act as he would expect his superior commander to direct were he aware of the situation.⁷

A commander, however, may not change the intent of his superior commander's orders without reference to that commander if it is possible to alert him to the new situation.

THE SPECIAL PROBLEM OF OPERATIONAL READINESS FOR PEACE SUPPORT OPERATIONS

Peace support operations have been difficult to define as a class of military missions. Operations within peace support missions have become increasingly untidy, and experience in one theatre and in one type of mission might not be relevant to another theatre or mission. According to MGen MacKenzie, the types of UN traditional peacekeeping missions in which the CF had taken part over more than 32 years, in Cyprus for instance, "caused little concern in the senior headquarters that the unit going there was ready."⁸ There was always adequate training time and the mission was in most senses routine. However, in MGen MacKenzie's opinion, "the world changed at the end of the Cold War.... The Cambodian, the Rwandan, Croatian, Bosnian, Somalian [sic] missions were all very, very, different" from anything the CF had experienced on previous peacekeeping missions.⁹

Among other things, peace support operations are often complicated by political situations that make it hard for soldiers to determine one protagonist from another and combatants from non-combatants. How rules of engagements are to be applied in such circumstances may be uncertain. Whereas in open warfare soldiers may not need to know a great deal about the cultural situation they face, in peace support operations knowledge of the cultural situation might be the most critical factor. In peace support operations, discretion and the consequences of error at the most junior level of command may be of paramount importance, where normally they would be of little consequence. For these

and other reasons, the readiness of soldiers and units about to be deployed on peace support operations must be assessed differently than in conventional operational terms.

The mission of the Canadian Joint Force Somalia (CJFS) was in every aspect outside Canada's previous experience. The objective assumed by Col Labbé in his operation order, for example, was "to conduct enforcement operations in Somalia to establish a secure environment for humanitarian relief operations." However, there was, at the time, no CF or army doctrine for "enforcement operations." Moreover; Col Labbé took his mission from orders issued to United States armed forces and, according to the Board of Inquiry, Col Labbé's initiative "in this area, in most cases, was well ahead of [Canadian] policy."¹⁰

Similarly, although many witnesses testified that Operation Deliverance was a Chapter VII UN mission and not a usual Chapter VI mission, there is no evidence that any officer or planner considered the effect of this change in emphasis on the CJFS or issued instructions to prepare the CF for it. A unit prepared for a Chapter VI mission is not automatically operationally ready for a Chapter VII mission, or vice versa. The situation the CJFS faced on arriving in Somalia was unlike the situation commanders in Canada had assumed in their plan. This possibility should have been anticipated before the deployment, and Col Labbé should have been given orders confirming what the CJFS was to accomplish in such circumstances.

THE CF OPERATIONAL READINESS AND EFFECTIVENESS SYSTEM

The CF had an overall reporting system called the Operational Readiness and Effectiveness System (ORES) in place at the time that Operation Cordon and Operation Deliverance were planned. The ORES required commanders of commands to report to the CDS on the level of readiness of commands to meet missions and tasks assigned by the CDS.

As early as 1984, the Auditor General of Canada criticized the fundamental unreliability of the ORES, and the same finding was essentially repeated in 1994.¹¹ His 1994 observations are important not only because of the source, but also because they were "agreed" to by the CDS and Deputy Minister of DND.¹² However, we were amazed to find that even in 1992, the CF had no objective method to determine the operational readiness of units or formations.

The Auditor General of Canada reported that each command in the CF had its own method of reporting within the ORES process and that entire command reports could be adjusted by senior officers in NDHQ if they had a different perspective from that of the subordinate reporting commander. The result, according to the Auditor General, was that "instead of being primarily an objective and quantitative assessment of current readiness, ORES [was] mainly subjective."¹³

The Auditor General found that he could not duplicate the results reported by commands nor assess the reliability of the data in the ORES.¹⁴ It is important to note that the ORES process provided no checks on the chain of command and, therefore, commanders essentially audited their own operational readiness. The ORES was largely a quantitative measuring system and problems were identified by the rule of exception where

"commanders reported only negative exceptions that [appeared] *significant to them*."¹⁵ In fact, the system reports were of a global nature and required additional judgements by officers in the chain of command before the final reports were submitted to the CDS.

The Auditor General found the general problems of the ORES were replicated in Land Force Command (LFC). He reported that "until 1994, LFC did not have standards to use in assessing units. Collective training provides some information on readiness, but LFC staff did not regard existing field exercises as adequate assessments."¹⁶ In other words, even though this serious problem had been brought to the attention of commanders years earlier, in 1992 the CF still did not have valid army exercises designed to assess the operational readiness of army units, elements, or commanders.

Internal Criticism of the ORES

External reports of deficiencies in the operational assessment process were supported by internal criticisms of operational evaluations by successive commanders of LFC. In a July 1991 letter to the Deputy Chief of the Defence Staff (DCDS), VAdm George, LGen Gervais wrote that "my predecessors had serious misgivings which I share concerning the ORES system. In my view, the ORES does not meet its stated purposes, its methodology oversimplifies a very complex situation, and it is not a true statement of the operational readiness of my command." He continued, "in its present guise, ORES is not acceptable as it fails to achieve many useful purposes, its mechanics are flawed, and it does not take into account future uncertainties."¹⁷

Officers in NDHQ at about the same time had apparently already come to much the same conclusion. At a meeting chaired by Col R.S. Elrick, officers "suggested that there is no single central policy covering operational readiness, and readiness and sustainment [in the CF]. There is also no common focus for readiness matters in NDHQ.... Finally, there is no commonly recognized single source of direction for readiness matters."¹⁸

In August 1991, the DCDS acknowledged LGen Gervais' "frank and useful comments" and promised to raise the issue at the Defence Management Committee (DMC).¹⁹ Yet in March 1992, the CDS and the Deputy Minister reported "that further improvements [in the ORES] are essential."²⁰ They, subsequently issued direction on August 26, 1992 to refine the ORES process. The CDS and Deputy Minister acknowledged the criticisms of both the Auditor General and CF commanders, and stressed that the ORES was intended to close "the loop of responsibility for operational readiness by reporting back to the CDS on directed tasks." They confirmed also that the "ORES is a chain of command responsibility and...must continue to be managed at a senior level."²¹

Therefore, in 1991 and late 1992, the operational readiness reporting system in the CF and especially in LFC, was regarded to be unsatisfactory and unreliable, even as a global information system. Certainly, the Commander LFC had no confidence in the system. Adm Anderson, who was Vice Chief of the Defence Staff (VCDS) in 1992 and then CDS afterwards, wrote in his affidavit supporting LGen Addy that the development of the ORES system had "a long tortuous history in the Canadian Forces and the Department of National Defence", and required further development, implying that the system was unreliable.²² Unfortunately, the ORES was the only central operational readiness

reporting system available to the CDS and NDHQ staff officers before and during the planning for the deployment to Somalia.

Commanders and staff officers did form their own opinions regarding the readiness of units. However, these personal assessments, regardless of the technical competence of the observer, could not be relied upon as sound objective bases for measuring readiness over time because they were not tested against agreed criteria or controlled in any systematic way even within commands. The CDS does not have the time to inspect every unit in the CF personally and he, therefore, depended almost exclusively on the ORES or reports from his subordinate commanders. But there is no evidence of any meetings among the commanders to assess the state of operational readiness of LFC generally or the CAR and CARBG specifically at any time during the planning phase or before the deployment to Somalia.

ISSUES RELATED TO OPERATIONAL READINESS FOR SOMALIA

The CAR received the warning order for Operation Cordon in September 1992 and trained throughout the autumn of 1992 for that mission. The Regiment was declared operationally ready by the Commander Special Service Force on November 13, 1992. Subsequently, the CAR, regrouped into the CARBG, was warned for Operation Deliverance on December 5, 1992. It was declared operationally ready on December 16, 1992, after the deployment of the CARBG advance party.

Until the CARBG was tasked for Operation Deliverance, every activity, training event, decision, and operational and logistical plan at every level of command was aimed at preparing the CAR for operations near Bossasso where it would secure the local area for humanitarian relief operations.²³ The Commanding Officer and a large party of other officers completed a detailed reconnaissance of the region in mid-October 1992. Preparations for the operation were progressing according to the directions of BGen Beno during the autumn of 1992, but the lack of a firm deployment date tended to perplex the planning process. However, several serious problems in the CAR undermined the entire training and preparatory phase and hence, in our view, the state of unit readiness.

The Problems of Reorganization

The CAR was attempting to adjust to a LFC-imposed reorganization and reduction in strength throughout the summer of 1992. Besides reducing the CAR strength, these changes affected other aspects of the unit's system for command and control, its rank structure, and methods of operation. Moreover, during this period the Commanding Officer, Col Holmes, was replaced by LCol Morneault, and in a matter of months LCol Morneault was replaced by LCol Mathieu. Also, many experienced soldiers left the CAR on annual rotation to home units. Between the warning and the declaration of readiness for Operation Cordon, several new personnel, including commanders at many levels, joined the now reduced Regiment.²⁴

During the preparatory period, several reserve force personnel who had no experience with the CAR were attached to the unit, presumably for duty in Somalia. They were not

specifically requested by the Commanding Officer and their position in the unit remained unsettled as a result. As late as October 6, 1992, BGen Beno complained to LCol Morneault that he was very concerned with the placement of the reserve soldiers in the CAR and with the relationship of those soldiers with regular members of the CF.²⁵

Adaptation to Motorized Operations

As the mission and concept of operations for the CF in Somalia evolved during 1992, it became evident that the bare-bones CAR would have to be reinforced for the operation. Two commandos, therefore, were issued the Grizzly version of the CF Armoured Vehicle General Purpose (AVGP) to allow them to conduct motorized operations. This decision required a change in the concept of operations for the selected commandos. The addition of these vehicles added to the pre-deployment training burden, and introduced a new and unfamiliar factor to the unit's operations and logistical planning procedures.

First, the decision to add AVGPs to the unit was taken so late that little time was available for training drivers and commanders. Second, there were never enough vehicles to allow the Regiment to train in motorized operations as tactical sub-units, and very little tactical training of any type was conducted before Exercise Stalwart Providence. Maj Kyle, the CAR operations officer, testified that

for the subunit training, [the 16 available AVGPs were] not sufficient because there was only enough for one subunit to train at a time and then [they] had to be handed over, those groups of vehicles had to be handed over from commando to commando to the support platoons which added a huge time factor, an administrative factor, to our training and reduced the amount of hours the commandos could spend with the vehicles.

He testified also that the vehicles were almost impossible to use for training or operations. "We received some that weren't even operational at the time. We had to do maintenance to actually get them working."²⁶

Third, following the evaluation exercise, most members of the CAR were sent on embarkation leave and, therefore, were not available for AVGP training. Finally, the hasty assembly of AVGPs from across Canada and the demands of the loading and transportation plan for the deployment meant that few members of the unit worked with the actual vehicles they would use in Somalia until they arrived in theatre.²⁷

Following Stalwart Providence, the exercise director; LCol MacDonald, reported to BGen Beno that

it is critical that time be dedicated to mounted operations and specifically convoy operations. Drivers and crew commanders are not yet proficient with the AVGP and indeed in some cases there is still a hazard to themselves and others. The battalion was only briefly exposed to the complexities of convoy operations during the exercise and now they require practice and more practice.²⁸

The adaptation of the CAR to a motorized role was, therefore, neither complete nor adequate in the circumstances.

The Readiness of Leaders

The readiness for operations of unit leaders, both officers and non-commissioned officers, is a critical measure of a unit's state of readiness. Unit leaders, and especially officers, are expected to understand the unit's mission and to plan training and operations based on a clear concept of operations. They must set and enforce mission-specific operational standards for their troops and efficiently direct training towards these ends. Leaders, and especially noncommissioned officers, must set standards for discipline and enforce them rigorously. Finally, unit leaders must develop and maintain a high level of unit morale and work together to build unit cohesion. The readiness of leaders at all levels, therefore, is the key to unit cohesion, operational effectiveness, internal administration, and discipline.²⁹

Many officers and non-commissioned officers in the CAR were conscientious and effective leaders. However the CAR had serious problems before it went to Somalia that can only be attributed to the failures of a significant number of key leaders in the chain of command. At CFB Petawawa, and in Somalia later, officers and non-commissioned officers in the Regiment failed to ensure proper training of their troops and to control aggression; failed to ensure proper passage of information to soldiers; failed to enforce discipline; failed to maintain effective relationships with subordinate leaders; and failed to take remedial action to correct lapses in discipline in the regiment and the commandos.

Several witnesses testified that members of the CAR were undisciplined and, among other things, misused pyrotechnics, ammunition, and weapons; engaged in antisocial activities, such as the so-called Lepine party; and abused Red Cross workers in CFB Petawawa. However, the most serious and alarming event was the burning of the unit orderly sergeant's car by members of the CAR, an act that was plainly an attack on the authority of their superiors.

Commanders and leaders were not only unable to maintain good order and discipline in the CAR, but they were also unable to resolve these problems satisfactorily before the CAR departed for Somalia. Even as late as October 19, 1992, BGen Beno complained to MGen MacKenzie that "the battalion has significant unresolved leadership and discipline problems which I believe challenge the leadership of the unit."³⁰ However, no effective action was taken by any officer in the chain of command to root out this disruptive informal leadership in the ranks.

Problems were evident at all levels. LCol Morneau appeared distant from his troops and preparation for the mission. CWO Jardine, the Regimental Sergeant-Major, testified that LCol Morneau was overly concerned with administrative details and visited training only occasionally.³¹ He and LCol Morneau argued about the readiness of the unit and the Regimental Sergeant-Major openly contradicted the Commanding Officer in front of the warrant officers and sergeants.³²

LCol Morneau was not the only officer whose ability as a leader was questioned by senior officers and others. Senior officers and some senior noncommissioned officers did not trust Maj Seward nor consider him fit for duty in Somalia.³³ BGen Beno remarked that he "would fire Seward based on [his] observations and what [he] heard from [LCol] MacDonald", the director of Exercise Stalwart Providence, but nothing was done.³⁴

Other officers who held important positions in the Regiment were of concern also. Capt Rainville, commanding the CAR Reconnaissance Platoon, was another problem officer. Capt Rainville had a record of poor judgement and misconduct before his posting to the CAR, a situation known by both LCol Morneau and LCol Mathieu prior to the deployment of the CAR to Somalia. As well, Maj Mackay was perceived as a weak Deputy Commanding Officer by BGen Beno and CWO Jardine.³⁵

Officers were not the only ones described as poor leaders in the CAR. In 2 Commando, in particular, many non-commissioned officers were young and inexperienced: two were found unsuitable and were returned to their parent units six months after they were posted to the CAR. A third noncommissioned officer failed to report a soldier he knew was involved in an unlawful activity. Two privates were invited by NCOs not to co-operate with a military police investigation of the October incidents. The Regimental Sergeant-Major, according to the evidence, was not trusted by some soldiers, non-commissioned officers, and officers.

Indeed, leadership problems were so great that in late 1992 BGen Beno identified as risks the Deputy Commanding Officer; the Officer Commanding 2 Commando and the Officer Commanding the Reconnaissance Platoon.³⁶ Further, he suggested that as many as 12 non-commissioned officers among 25 soldiers be moved internally before the Regiment went to Somalia.³⁷ Thus during the pre-deployment period, the CAR was known to have significant leadership problems in the Commanding Officer, in 2 Commando, and in the regimental Reconnaissance Platoon. Therefore, by the army's own criteria for assessing the leadership aspects of operational readiness, the CAR and two of its main elements, 2 Commando and the Reconnaissance Platoon, were not operationally ready.³⁸

In his letter of October 19, 1992 recommending LCol Morneau's replacement, BGen Beno wrote that LCol Morneau must be replaced "forthwith" because "for many reasons the CAR is not a steady unit at this time" mainly because of leadership problems. Furthermore, BGen Beno declared that he was "not prepared to declare the CAR operationally ready as long as LCol Morneau remains its commanding officer".³⁹ On October 21, 1992, LCol Morneau was relieved of command of the CAR. This action was taken by superior officers, including BGen Beno, MGen MacKenzie, and LGen Gervais. It is clear to us, however, that the problems of leadership in the CAR in the autumn of 1992 were common throughout the Regiment and were not centred exclusively on LCol Morneau.

Training Readiness

Once the warning order for Operation Cordon was issued, the CAR dedicated itself to mission-specific training. In the weeks that followed, however, it became increasingly obvious to commanders and other officers that training was not progressing well or according to a clear plan. These problems arose in part from the failures of leaders and also from the confusion surrounding the mission and the deployment date.⁴⁰

The Commander LFC, LGen Gervais, was informed in mid-September 1992 that training in the CAR was slipping.⁴¹ By the end of September, according to BGen Beno, the general level of training was low and several specific tactics and skills had not yet been reviewed within the commandos.⁴² Officers noted that battle group training was

incomplete, had not been conducted under the direction of the commanding officer, and had not been successful in ensuring that "individual commandos were conducting tasks and operations in similar fashions and to similar standards".⁴³

Training standards and plans in the CAR were often incoherent and not always productive. The CAR training plans and the activities of the soldiers in the field were often disorganized and conducted without reference to a specific mission or operating procedures. The Commanding Officer was criticized by BGen Beno who wrote that LCol Morneault did not understand the "drills that might be necessary in the performance of task specific operations...nor did he fully understand...how he might best prepare his battalion for these [UN] missions".⁴⁴ LCol Morneault was also worried about the state of training and twice cautioned Maj Seward about the activities of 2 Commando.

These concerns were partly substantiated in mid-October during the CAR test exercise, Stalwart Providence. The exercise was intended to confirm the readiness of the CAR for Operation Cordon by subjecting the unit and its members to realistic situations drawn from the mission-specific tasks. During the exercise, the CAR experienced several difficulties related to its proposed mission. The exercise after-action report prepared by LCol MacDonald highlighted serious problems in the CAR. For example, LCol MacDonald raised "key concerns" about the unit's inability to pass information along the chain of command, lack of cohesion, insufficient vehicle training, and weak tactical skills. He also mentioned certain leadership problems in the chain of command, especially regarding Maj Seward.⁴⁵

At the end of the exercise, according to his testimony, BGen Beno stated "that the battalion was not trained prior to exercise Stalwart Providence to the manner in which LCol Morneault and [he] had agreed it would be trained."⁴⁶ Yet we found that no effective action was taken to correct these training failures and to retest the CAR or the newly formed battle group. BGen Beno testified that it was too late in October 1992 to start retraining the commandos and the unit because the deployment date was fast approaching.⁴⁷ Nevertheless, he concluded on October 18, 1992 that the "unit is marginally prepared for its operational task but internal problems of leadership, command and control, and cohesiveness continue",⁴⁸ and he declared the unit operationally ready despite these serious misgivings.

The rules of engagement (ROE) were a critical part of the concept of operations for the CAR in Somalia, and we discuss them in detail in Chapter 22. Unfortunately, the ROE for the operation remained unsettled until after the majority of the unit and the CARBG for Operation Deliverance had arrived in theatre. As a result, there was no actual training on the ROE before the unit's departure for Somalia. Indeed, the advance party only received its copy of the ROE aide-mémoire on boarding a bus at CFB Petawawa.⁴⁹ Nevertheless, LGen Gervais testified that he declared the unit operationally ready, although "the issue of rules of engagement did not come to my attention at Land Force Command Headquarters".⁵⁰

Unit Discipline and Cohesion

Unit cohesion is the product of leadership, training, and high morale and gives members of a unit the feeling that they can depend implicitly on their comrades. A strongly cohesive unit tends to act together and respond predictably to the direction of its formal leaders. That sense of predictability gives a unit its strength, especially in times of stress. On the other hand, a unit lacking in cohesion tends to act unpredictably, often at the direction of informal leaders, again, most notably when the unit is under stress. Therefore, fostering unit cohesion is a cardinal responsibility of leaders, and the degree of unit cohesion is a key measure of operational readiness.

Leaders encourage and build unit cohesion continuously, especially during training exercises. Cohesion is built and maintained by emphasizing group loyalty and identification through ceremonies, common traditions, unique uniforms, and distinct practices. When a unit is warned for an operation, a commanding officer must make an extra effort to bring the unit together by providing a clear purpose for the unit's mission and by reinforcing, in training, unified and unifying procedures, orders, tactics, and other operating methods. It is critical during this period to demonstrate and exercise the formal leadership system or chain of command to establish confidence in the leaders and to eliminate questions about who is directing the unit in the field.⁵¹

Any experienced officer asked to measure the cohesion of a unit would, therefore, look for evidence that members of the unit at all levels understand the unit's mission and perform their tasks according to agreed standing operating procedures; and that orders and directions are flowing through the unit from top to bottom in an efficient and effective manner. In a phrase, one would expect to see the unit acting predictably as a unit. According to BGen Beno, "the criteria which [he] used to declare the Canadian Airborne operationally ready were essentially training...leadership, morale, and administrative preparations...were they operating as a regiment? [I am] talking cohesion, training, leadership and morale".⁵²

But by these criteria, unit cohesion was obviously weak in the CAR. The CAR, and especially 2 Commando, had, in the words of the Commander Special Service Force (SSF), "significant unresolved...discipline problems which I believe challenge the leadership of the unit".⁵³ There is no more telling symptom of lack of discipline in any military unit than challenges to its leaders from the rank and file. In such units there can be no confidence in the likely response of soldiers to orders issued by their officers and noncommissioned officers, especially when the unit is under stress.

The instances of indiscipline in the CAR were numerous and widespread. Prior to the deployment of the Regiment to Somalia, Canadian Airborne soldiers were implicated in an unusually high rate of service offences ranging from simple assault and drunkenness to arson. There is evidence that members of the unit had committed weapons-related offences, ranging from the possession of restricted weapons to the discharging of pyrotechnics stolen from the CF. Members of the unit also showed a lack of self-discipline and aggressiveness towards officers and individuals from outside the CAR. For example, the unit embarrassed itself and the SSF when several soldiers refused to provide blood samples and acted rudely toward Red Cross workers.⁵⁴

Since its inception, the CAR was organized around concepts that detracted from its cohesion as a regiment. It was established in three distinct commandos based on the three parent infantry units of the regular force. This idea emphasized the commandos at the expense of the regiment and weakened somewhat the authority and prestige of the commanding officer and his staff in the eyes of the soldiers in the commandos. The notion that the Regiment would be used primarily in independent commando operations further weakened the regimental concept in the CAR and discouraged the development of regimental operating procedures and unity of command. When the CAR was reorganized in 1991-92, these problems were carried essentially unchanged into the new Airborne unit.

During the preparatory phase of Operation Cordon, the unit continued to act and train as separate commandos and not according to a strongly directed unit plan or as part of a cohesive regiment. Indeed, this was a major criticism of the CAR and it was a situation that continued in Somalia. The continuation of the separation of the commandos from each others -- and in some respects from the regimental headquarters -- while the unit was preparing for a common mission, had a strongly detrimental effect on the state of leadership, discipline and morale in the Regiment.⁵⁵

By mid-October, following Exercise Stalwart Providence, the exercise director, LCol MacDonald, reported that the CAR was still not functioning as a unit.⁵⁶ His remarks were supported by BGen Beno who complained that the commandos were operating "independently"; that there were few standardized drills for operational situations; that the chain of command was "extremely poor"; and that serious "internal problems of leadership, command and control, and cohesiveness continue".⁵⁷ By BGen Beno's own standards, therefore, the elements needed to build unit cohesion in the CAR were very frail and the state of cohesion, not surprisingly, was low. Yet BGen Beno declared the Regiment operationally ready for deployment less than a month later.

Evidence of low unit cohesion in the CAR immediately before its deployment to Somalia was presented to our Inquiry by other witnesses as well. Besides other indicators of poor relations and cohesion within the CAR, they described a significant degree of tension and distrust between some officers and non-commissioned members. For example, the company sergeant-majors lacked respect for the Regimental Sergeant-Major, CWO Jardine. Maj Seward, almost from the day he arrived to command 2 Commando, was in conflict with CWO Jardine, MWO Mills, and Capt Kyle. It was reported that many senior noncommissioned officers in 2 Commando argued repeatedly with MWO Mills and would not follow his directions.

Generally, the officers and NCOs were divided between loyalty to the CAR and their own commandos, but even in some commandos rivalries and personal conflicts worked against cohesion at that level. For example, WO Murphy testified that distrust in the leadership in the Regiment was "causing dissension amongst the NCOs."⁵⁸

Administrative Readiness

Operation Cordon in itself would have been a complex operation, requiring considerable adjustment to the CAR and the marshalling of CF resources from across Canada to support the unit in the field. While the CAR was completing its training for the mission,

other headquarters and units were responding to the needs of the operation. Commanders in the SSF and the CAR were not particularly concerned with the personal readiness of the soldiers who were going to Somalia because the members of the CAR were checked through an established personnel readiness system and, for the most part, this activity had been completed successfully by early November 1992.

The CF, however, experienced certain difficulties in providing quickly some resources requested by the CAR. On October 20, 1992, MGen MacKenzie was informed that, except for individual training for some soldiers augmenting the force from outside the CAR, training for Operation Cordon was complete. He accepted, without assessing for himself, that the CAR could now be employed as part of United Nations Operation in Somalia (UNOSOM). But, as the evidence before us shows, the CAR was not prepared administratively because of shortfalls related to personnel, equipment, and vehicles.⁵⁹ On November 10, 1992, BGen Beno confirmed this fact when he told MGen MacKenzie that he was "not yet prepared to declare the CAR ready for deployment as part of UNOSOM" because of administrative deficiencies in the unit or plan. Among other things, the unit had not loaded transportation sea containers, did not have certain engineer vehicles, and some units were still short of personnel.⁶⁰ Despite the seriousness of these shortfalls -- and they would become clearly evident in theatre -- no action was taken to delay the deployment until these matters could be rectified.

DECLARATION OF OPERATIONAL READINESS: OPERATION CORDON

According to the LFC Contingency Plan for Operation Cordon⁶¹ and as confirmed by LFC operations order of November 26, 1992,⁶² the Commander LFCA, MGen MacKenzie, was ordered by the Commander LFC, LGen Gervais, to declare "in writing" the CAR operationally ready for Operation Cordon at his discretion. MGen MacKenzie delegated this responsibility to the commander SSF, BGen Beno, on November 5, 1992.⁶³ In his orders, LGen Gervais defined operational readiness as "the capability of a unit/formation, ship, weapon system or equipment to perform the missions or functions for which it is organized or designed. [The term] may be used in a general sense or to express a level or degree of readiness."⁶⁴ BGen Beno repeated this definition in his orders of November 26, 1992.⁶⁵

The determination of the operational readiness of the CAR rested mainly on BGen Beno's personal assessment of the unit. In his testimony, BGen Beno stated that, in his experience, there was no CF checklist or criteria by which to assess a unit's operational readiness. He testified, however, that "cohesion, training, leadership and morale" were the key measures he used to decide the operational readiness of the CAR.⁶⁶

The Commander SSF evaluated the CAR throughout the pre-deployment period and seemed eager to make a declaration of readiness. On October 20th he informed MGen MacKenzie that "[training] for Op Cordon is complete less [individual training] for some external augmentees...[and therefore] the Cdn AB Regt battle group could now be [employed] as part of UNOSOM" even though "the battle [group] is not [administratively] ready to deploy".⁶⁷ On November 10th in response to a query from

LFCAs asking for a declaration of operational readiness for Operation Cordon, BGen Beno replied that he was "not yet prepared to declare the CDN AB Regt op ready for [deployment]".⁶⁸ He was still concerned about certain administrative shortages but again he declared that he was prepared to send the CAR to Somalia even though the unit "may have to deploy without all the [equipment] it has [requested]".⁶⁹

Three days later, on November 13, 1992, again without resolution of the outstanding administrative problems, BGen Beno declared the CAR Battle Group "[operationally] ready to conduct [assigned] tasks as part of UNOSOM". MGen MacKenzie at LFCAs and LGen Gervais at LFC concurred in this assessment without comment on November 16th and November 19th respectively.⁷⁰

From the evidence before us, BGen Beno's assessments of operational readiness, especially in later October 1992, are surprisingly inconsistent. His declaration of October 20th that the CAR could be employed as part of UNOSOM is clearly inconsistent with the fact that on October 19th he wrote to MGen MacKenzie requesting in very strong tones the replacement of LCol Morneault "forthwith" because the CAR was not ready. BGen Beno supported his request for LCol Morneault's dismissal by noting that

the battalion has not been adequately trained as a general purpose infantry battalion;

the companies have not been trained and assessed by the commanding officer prior to beginning a battalion exercise;

operational matters directly applicable to the task at hand (Cp Cordon -- UNOSOM Somalia) have not been developed to the standard possible, expected and required;

the battalion has significant unresolved leadership and discipline problems which I believe challenge the leadership of the unit; and

the unit has major internal problems in regards to command and control; cohesion, standardization, administration and efficiency.⁷¹

The CAR, according to BGen Beno, "is clearly not 'operational' and will not be so until the aforementioned problems are resolved". BGen Beno concluded, nevertheless, that "there is potential to turn things around quickly in the Canadian Airborne Regiment if there is good leadership at the top".

Furthermore, after making this declaration on October 20th, BGen Beno wrote, in an aide-mémoire dated October 21, 1992, "Assessment: The Cdn AB Regt is not ready for OP Cordon."⁷² Then, on October 22, 1992, BGen Beno wrote to MGen MacKenzie emphasizing that "the [CAR] was not trained sufficiently to deal with task specific missions. The unit is marginally prepared for its operational task but internal problems of leadership, command and control, and cohesiveness continue."⁷³

Even if faith in "good leadership" were affirmed as the cure for the ills of the CAR, it does not justify a declaration of operational readiness before the cure has been demonstrated. Without such a demonstration, commanders along the chain of command had to base their assessments and decisions concerning the CAR on the double assumption that LCol Morneault's replacement, LCol Mathieu, was a good leader in the situation and that his arrival in CFB Petawawa would spontaneously rectify the problems that BGen Beno had observed. We do not believe that these were reasonable assumptions in the circumstances.

To what degree was LCol Mathieu a better leader than LCol Morneault? This question was never answered in testimony and might be unanswerable in fact. Although LCol Mathieu was an experienced Airborne officer, he had no experience as a battalion commander, and no officer who recommended him for command vouched for his ability to turn an unsteady unit around within days. When LGen Gervais was asked whether LCol Mathieu "was chosen as the best candidate to specifically deal with the situation at the Canadian Airborne at the time in October of 1992" he implied that the requirement was not the main criterion for LCol Mathieu's selection as commanding officer. LGen Gervais testified that LCol Mathieu "was the best candidate because of his experience, having been a deputy commander of the Airborne... [and] because, in my estimation, I didn't want to have somebody who was brand new to the unit's method of operation...LCol Mathieu on recommendation to me appeared to fit those requirements."⁷⁴

In effect, the decision to place LCol Mathieu in command of the CAR was based on the assumption that his good record as a subordinate officer in the CAR was sufficient indication that he could handle the new and challenging position of commanding officer.⁷⁵ In fact, LCol Mathieu was selected to command the CAR by some of the same officers who had only months before selected LCol Morneault to command the CAR using essentially the same criteria. Moreover; LCol Mathieu's selection was influenced greatly by the appeal of MGen Roy from the Royal 22^e Régiment to allow a regimental officer to redress the apparent embarrassment caused to the Royal 22^e Régiment by LCol Morneault's dismissal.⁷⁶

In addition, political considerations, as perceived by senior commanders, pertaining to the referendum in Quebec and the need to have a Francophone as commanding officer of the CAR had a significant influence on the selection process.⁷⁷ Finally, the availability of an officer and the anticipated effect of this unexpected posting on that officer's career were critical criteria for selecting a new commanding officer.⁷⁸ Thus, rather than the needs of the unit and the mission, it was extraneous issues and the careerist attitude of senior commanders and staff officers that were the paramount considerations in the appointment of an officer to replace LCol Morneault.⁷⁹

There is little evidence that commanders and staff officers made a special effort to confirm that LCol Mathieu was the good leader BGen Beno needed to "turn things around quickly in the Canadian Airborne Regiment."⁸⁰ Indeed, LGen Gervais' testimony suggests that he was only vaguely aware of the serious disciplinary problems that BGen Beno listed as one of the main reasons for relieving LCol Morneault of command.⁸¹ MGen MacKenzie confirmed that the underlying training and disciplinary problems in

the CAR were not given any special consideration when he and other senior officers accepted LCol Mathieu over other contenders to command the CAR in the autumn of 1992.⁸² When MGen MacKenzie was asked if any of his superiors directed him to find out specifically whether existing discipline problems had been resolved, he answered "no." He added that he put "a fair amount of faith" in BGen Beno's assurances that the problems were being addressed by moving people to different positions in the CAR.⁸³

MGen MacKenzie, according to his testimony, seemed at the time more preoccupied with the optics of regimental infighting and suspicions than with making a clear, objective analysis of the abilities of the contenders to solve the actual problems that existed in the CAR at the time.⁸⁴

Senior officers assumed that LCol Mathieu would be briefed by BGen Beno about the problems in the CAR after LCol Mathieu had taken command of the CAR. Consideration of the problems in the unit and the relative abilities of the commanding officer candidates to solve those problems were not part of the selection criteria.⁸⁵ In other words, commanders assumed that LCol Mathieu was a strong leader and that his characteristic alone would enable him to overcome serious, embedded problems in the Regiment. BGen Beno reinforced this assumption after LCol Mathieu took command by reporting that he "saw tremendous leadership in LCol Mathieu during the time that I was there. The unit ran extremely well. There were no problems that weren't dealt with in the traditional manner, swiftly, clearly, professionally and the unit pulled itself together quickly under Colonel Mathieu."⁸⁶

Thus, one must conclude, from BGen Beno's testimony, that in the 18 days between LCol Mathieu's assumption of command on October 26, 1992 and the declaration of operational readiness by BGen Beno on November 13, 1992, every outstanding training, leadership, unit cohesion, and discipline problem that BGen Beno cited as reasons not to declare the CAR operationally ready on October 19, 1992 had been resolved. One must keep in mind that LCol Mathieu did not even see the Regiment as a whole until November 9, 1992 and that the transformation of the CAR from an unfit unit to a fit unit, therefore, would have occurred in only four days.⁸⁷ According to Maj Seward, LCol Mathieu had no opportunity to conduct any meaningful training because most equipment had already been packed for shipment. Maj Seward considered the training that took place under LCol Mathieu's direction as simply "of a filler nature", training to fill time until the deployment began.⁸⁸

What decisions and actions, other than LCol Mathieu's talent as a leader, might account for this remarkable transformation? BGen Beno could cite only three isolated facts that demonstrated LCol Mathieu's effect in solving the unit's many problems. According to BGen Beno, staff work in the CAR improved, LCol Mathieu organized platoon level competitions to build unit cohesion, and demonstrations for visitors were well conducted. However, because most of the unit was on embarkation leave until mid-November, no unit level training was conducted under the new Commanding Officer.⁸⁹

Was BGen Beno under pressure from NDHQ or officers in the chain of command to declare the CAR ready before it was in fact ready? Certainly, someone in NDHQ was especially concerned about the readiness of the unit on November 13, 1992. On that day, Col O'Brien and Cmdre Cogdon, senior operations staff officers at NDHQ, bypassed the

chain of command and specifically asked BGen Beno about the state of readiness of the CAR for that mission. According to BGen Beno they stated that "they needed to know right away: Is the regiment operationally ready or not?" BGen Beno testified that "based on my judgment that [the CAR] would be [ready] within a few days, I declared them operationally ready on that day".⁹⁰ Nevertheless, BGen Beno testified that he did not see anything unusual in this procedure nor did he admit to being under pressure to make a positive declaration.⁹¹ However, he did admit in testimony that if he had not been able to declare the unit ready at the time, "it most definitely would" have reflected adversely on his leadership and command.⁹²

OPERATION DELIVERANCE

Operation Cordon was cancelled by NDHQ and a warning order for Operation Deliverance was issued to LFC on December 5, 1992. The commanders of LFCA and SSF were immediately warned by LFC of the impending new operation.⁹³ In effect, the warning order for Operation Deliverance negated a large portion of the planning, decisions, and actions that had been taken in preparation for Operation Cordon. According to Cmdre Cogdon, Canadian Operations Staff Branch (J3) Plans at NDHQ, when the change was announced, it occurred "so quickly that we...were not given the appropriate time to do the appropriate estimate, recce, [and to take a] real look at the forces required...".⁹⁴ While the staff could and did struggle to make do and to adjust their plans for the new operation, commanders appeared unconcerned about the effect of the changes and the abbreviated planning time on the actual state of readiness of the newly formed CARBG.

Although there were similarities between Operation Cordon and Operation Deliverance, there were enough critical differences between them to raise the question of whether the operational readiness declaration made for Operation Cordon was valid for Operation Deliverance. As explained elsewhere in our report, Operation Deliverance involved a deployment of the CF on an uncertain mission, in a different region of Somalia, under new command arrangements, and with a completely changed force structure. Moreover, the CAR had just completed a stressful change of command and was still plagued with problems of leadership, unit cohesion, and discipline.

Perhaps the most significant change in plans, next to the replacement of LCol Morneault, was the regrouping of SSF units to form the CARBG under LCol Mathieu. LFC ordered the commander SSF to build the CARBG by adding a Cougar squadron, A Squadron, the Royal Canadian Dragoons (A Sqn, RCD), a mortar platoon from 1st Battalion, The Royal Canadian Regiment (1 RCR), an engineer field squadron from 2 Canadian Engineer Regiment, and by making other minor changes to the CAR order of battle.

This reorganization alone should have provided ample reason and motive for commanders to reassess the readiness of the newly formed CARBG. First, the new sub-units had not been warned, trained, or tested for a mission outside Canada. According to Maj Kampman, OC A Squadron, RCD, his unit had considerable difficulty in preparing men and equipment for the deployment. Maj Kampman testified that when he received the order to go to Somalia out of the 18 Cougars in A Squadron, only about six or seven were operationally ready for deployment.⁹⁵ Second, the CAR had not trained with an

armoured unit as part of its pre-deployment training and thus the CAR and A Squadron, RCD were not well known to each other.

The CARBG lacked cohesion at the moment of deployment because it had been in existence for less than a month and had never trained as a group. Maj Kampman testified that he was only warned for Operation Deliverance on December 3, 1992 and placed under command of the CAR on or about December 7th.⁹⁶ He had never worked with LCol Mathieu in the field; in fact he did not know him at all. He met his new Battle Group Commander on December 7th and it was only from that time that they began to make joint plans. A Squadron, RCD, however, never completed any "collective training with the rest of the Battle Group prior to deployment".⁹⁷ Therefore, there was no opportunity to build positive relationships between A Squadron, RCD and the CAR, nor was there any opportunity for soldiers in either unit to practise operational procedures as a battle group.⁹⁸

Maj Kampman was particularly concerned about his command relationship with the CAR because, as he testified, "I had never had an opportunity to work with the Airborne Regiment and I had not had an opportunity to build up that knowledge and trust that you would like to have between commanders within a battle group."⁹⁹ Indeed, Maj Kampman felt he was under considerable stress, not only because he had only had 10 or 12 days to prepare for deployment, but also because he did not understand the mission, had no clear explanation of the command arrangements in Somalia, and was provided with the barest of intelligence reports of the likely area of operations.¹⁰⁰

A Squadron, RCD also faced considerable administrative problems prior to deployment which Maj Kampman described as "controlled chaos".¹⁰¹ Maj Kampman testified that his vehicles were in a bad state of repair because before the warning order was issued "there was no plan [in the SSF] to take the Cougar into operations".¹⁰² The Squadron had to be reorganized just before deployment to meet the manning limitations imposed on the CARBG by NDHQ. Incredibly, the personnel selection in the Squadron "became very much driven by the fact that we had to downsize the squadron to go on operations. The number of positions that I was allowed within the order of battle of the Battle Group was about 20 fewer positions than what I [Maj Kampman] actually had in peacetime."¹⁰³ Maj Kampman reported, as well, that "I had to cut a lot of my support logistics personnel that I would normally have taken as an integral part of the squadron."¹⁰⁴ This decision caused further disruption in the squadron and may have hampered operations in Somalia.

None of the problems Maj Kampman reported were caused by his own decisions or actions but were imposed on him as he tried to prepare his squadron for what he thought would be a combat mission in a distant land. Moreover, none of the problems Maj Kampman described were unique to his squadron. His CO, LCol MacDonald, knew the state of the armoured vehicles general purpose (AVGPs) in the squadron. Maj Kampman informed LCol Mathieu of the state of his squadron and they discussed problems associated with the hasty organization and lack of training in the Battle Group and especially the "problem" they were going to have with the rules of engagement because Maj Kampman's soldiers had not been trained on any rules whatsoever.¹⁰⁵

DECLARATION OF OPERATIONAL READINESS: OPERATION DELIVERANCE

The NDHQ operation order for Operation Cordon asked for a specific declaration of readiness from commanders. Officers at NDHQ, as already noted, were particularly concerned with the state of readiness of the CAR in November 1992. This attention was in sharp contrast to their attitude towards a readiness declaration for Operation Deliverance. The operation order from NDHQ did not ask for a declaration of operational readiness for Operation Deliverance, and no officer inquired of anyone to check the state of the unit until just before the advance party was deployed.¹⁰⁶

Despite the absence of a request for a declaration of operational readiness from the CDS, the Commander LFC confirmed in his operation order of December 9, 1992 his previous order to MGen MacKenzie to declare the CARBG "op ready for deployment".¹⁰⁷ His order was unmistakable: MGen MacKenzie was to make a personal assessment of operational readiness of the CARBG before he made any declaration to LGen Gervais. It is unclear whether MGen MacKenzie gave a similar written or verbal order to BGen Beno. In any case, responsible and experienced commanders would realize that this order and the declaration itself were matters requiring their personal attention.

MGen MacKenzie stated before us that he was not aware of any order to declare units ready for Operation Deliverance -- "the penny didn't drop at the time".¹⁰⁸ BGen Beno, in his testimony, stated that he "was never asked" to make a declaration of operational readiness for Operation Deliverance CARBG.¹⁰⁹ However, BGen Beno, in his own warning order to the commanding Officer of the CARBG, ordered LCol Mathieu to "inform the Comd SSF when the main body [is operationally] ready".¹¹⁰ Moreover; BGen Beno must have been aware of LGen Gervais' order to MGen MacKenzie to declare the CARBG operationally ready because he was an "info" addressee. He also referred to the LFC order in his own confirmatory orders to LCol Mathieu on December 10, 1992, but he did not repeat there his earlier order to LCol Mathieu that the Commanding Officer must inform him when the main body was ready.

Even though MGen MacKenzie had been specifically ordered by the Commander LFC to "prepare the Operation Deliverance Battle Group and declare them operationally ready to deploy", we have no evidence that any direct action to comply with this order was ever taken. During his testimony, MGen MacKenzie admitted "in hindsight" that the November 13, 1992 declaration of operational readiness for Operation Cordon "might have been premature".¹¹¹ Even though he admitted in testimony that the change in unit structure was significant, he left to BGen Beno all responsibility to assess and report on the operational readiness of the CARBG. In his opinion, if there were any problems in the SSF or the CARBG, then "by exception General Beno would certainly be on to me on that. I mean, the CDS and I were up there a week or two before they deployed, and if they weren't operationally ready we'd certainly know about it."¹¹²

Thus, despite significant changes to the orders, area of deployment, organization, and other plans for the mission, while in the midst of obviously truncated planning procedures, and without personally making a comprehensive review of the measures taken to redress the disciplinary, training, and administrative problems that plagued the

CAR throughout the preparatory phase, there is no evidence that MGen MacKenzie asked BGen Beno before the deployment began if his units were ready for the mission to Somalia. Notwithstanding direct orders from his commander to make a declaration of readiness, MGen MacKenzie did not make a detailed assessment of the readiness of the CARBG, depending instead on the assumption that if something was amiss, then someone would tell him of that fact.

MGen MacKenzie testified that he issued no written declaration after November 13th and that he could not recall ever receiving a declaration from BGen Beno.¹¹³ However, notwithstanding the testimony of MGen MacKenzie and BGen Beno, the facts of the declaration of readiness for Operation Deliverance remain confused. NDHQ did ask for a confirmation of operational readiness by message to LFC Headquarters and SSF Headquarters on December 10, 1992.¹¹⁴ BGen Beno's headquarters did issue a declaration on December 16, 1992.¹¹⁵ LFCA Headquarters, in turn, issued a declaration to the same effect within 24 hours¹¹⁶ and the Commander LFC forwarded a declaration to NDHQ on December 18, 1992.¹¹⁷ Therefore, either MGen MacKenzie and BGen Beno were confused in their recollection of this cardinal act of command or the declarations were composed and sent by subordinate staff officers in their absence or without their knowledge. In either case, the evidence strongly suggests that no useful assessments of the operational readiness of the units were made.

LGen Gervais realized when Operation Deliverance was announced that a new declaration of readiness would be necessary and issued orders to that effect. However, he accepted the declaration from MGen MacKenzie without confirming precisely that the serious problems leading to LCol Morneault's dismissal had been corrected. LGen Gervais stated in his testimony that he relied on the declarations of BGen Beno and MGen MacKenzie and issued his own declaration of readiness for the Battle Group in mid-December 1992 after the CARBG advance party had departed.¹¹⁸ He stated that, although he believed that the declaration "came up a little late, but never too late...and it gave an indication that this battle group was ready to be committed for deployment".¹¹⁹

The question of who declares units or elements of the CF destined for deployment overseas operationally ready and by what criteria is best summarized in an exchange between BGen Beno and MGen de Faye, President of the board of inquiry on the deployment to Somalia. MGen de Faye asked BGen Beno, "I'd just like to get on the record because we've asked a number of witnesses who have been unable to give us the specific information. And what I'd particularly like to know is, what the required readiness states are in operational terms as specified by LFC, to LFCA, to yourself in terms of the response for the Canadian Airborne Regiment." BGen Beno replied that he could not relate any "specific information" concerning readiness states or standards for the CAR.¹²⁰

FINDINGS

Criticisms of the process for operational readiness and effective assessments in the CF are directly relevant to two major issues before us -- adequacy of operational planning within DND and the CF, and the suitability of the CAR and the CARBG for operations in Somalia.

- *It is reasonable to conclude that because the Operational Readiness and Effectiveness System was known to be unreliable in 1991 and still under fundamental review in August 1992, all assessments of operational readiness of Land Force Command (LFC) or units in LFC based on the ORES in late 1992 were also unreliable. The only credible measure of operational readiness could have come from the direct inspection of units by officers in the chain of command. The most important criterion for judging the adequacy of the actions and decisions of commanders regarding assessments of the operational readiness of Somalia-bound units, therefore, is the effort commanders took to inspect units and commanders nominated for the Somalia operation. Did they adequately define an objective measure of readiness for the Somalia mission, clarify the mission statement, assign criteria for readiness testing, inspect the units, and oversee corrective actions?*
- *Clearly it was impossible for the Chief of the Defence Staff and his commanders at LFC and LFCA to know the state of any unit without some reliable method for checking operational readiness. But the extant system was unreliable, and little effort was made to install a dependable process before the assessments for deployment commenced. Therefore, because they could not and did not know the 'start-state' of any unit in 1992, they could not reliably determine what training or other activities, including resupply of defective equipment, would be necessary to bring any unit to an operationally ready 'end-state' without a detailed inspection at unit level.
Moreover, because the specific mission for Operation Deliverance was not known in detail until after the Canadian Joint Force Somalia arrived in theatre, no specific assessment of mission-operational readiness and no assessment of operational effectiveness could be made before the force was deployed.*
- *These critical flaws in the planning process imply that the staff assessments and 'estimations' that were completed at all levels of command, and especially those prepared for the CDS at NDHQ which he used to advise the government on whether to commit the CF to Somalia, were essentially subjective and unreliable. Furthermore, these flaws and the lack of command and staff effort to verify the exact situation of units suggest strongly that subsequent planning and the decisions and actions of senior officers and officials were likewise arbitrary and unreliable.*
- *There is a fundamental confusion in NDHQ and the CF officer corps about the important distinction between a unit that is ready to be deployed and one that is ready to be employed on a military mission. The question that seems not to have been asked by any commander assessing unit readiness was "ready for what?" The failure to make specific findings of mission readiness and the confusion between readiness to deploy and readiness for operations are major problems in the CF.*
- *Obviously, during the pre-deployment period there was a serious breakdown of command in the CF and the LFC with respect to the assessment and declaration of the operational readiness of CF destined for operational duty in Somalia. The roots of this failure of command lie in the neglect of operational readiness*

generally by every officer in the chain of command.

First, the commanders did not establish clear standards of operational readiness for the CF, for LFC, for the UN peacekeeping standby unit, and for units tasked for Operation Deliverance in particular. This omission became most evident when the CF and, eventually, the CARBG were placed under the stress of a complex and, in some respects, unusual mission. There was no agreement or common understanding on the part of officers as to the meaning of the term "operational readiness". Therefore, because the term had no precise meaning in doctrine or policy, it came to mean whatever officers and commanders wanted it to mean at the time. In other words, any officer could declare a unit to be operationally ready without fear of contradiction because there were no standards against which to measure the declaration.

A second contributing factor to this failure of command stems from the notion held by officers in the chain of command that operational readiness is simply a subjective measurement and solely the responsibility of the commander on the spot. Commanders at all levels seemed content to accept on faith the declarations of their subordinates that the CAR and the CARBG were ready without seeking any concrete evidence that their readiness had been tested in a realistic scenario. MGen MacKenzie testified before us that "funny enough [readiness is] not a term we use...within the Army; historically, it is a commander's responsibility to evaluate [readiness]" according to his own standards.¹²¹ LGen Gervais concurred with this view when he described his own experience with declarations of readiness. He stated to us that "commanders are obviously responsible for these particular [declarations] pieces of paper...you don't necessarily always have to have a piece of paper, it can be done verbally, but it can also be done later on by the commander on the ground."¹²²

- *Although Exercise Stalwart Providence, which was a type of tactical evaluation for Operation Cordon, revealed significant problems, no substantive effort was made to organize comprehensive training to correct these problems during the exercise or to test the results of remedial training after the exercise. Furthermore, no tactical evaluation was made for Operation Deliverance even though most important aspects of the mission, concept of operations and unit organization were different from those of Operation Cordon.*
- *Commanders were satisfied to attribute all failures of readiness to LCol Morneault's "poor leadership", even though other serious problems in the unit and in its preparations were evident. It is conceivable that a unit might not be ready in one instance but made ready in the next simply by changing the commanding officer. This, of course, is what was assumed to have happened in the CAR. While such a sequence might be possible when, for example, a commanding officer is found to be unfit and no other readiness problems exist, this was not the case in the CAR. Clearly, leaders failed to carry out a rigorous assessment in the field of all aspects of mission readiness of the CAR, and then the CARBG, after they issued orders to the unit. Leaders failed, therefore, in their primary duty as commanders.*

- The lack of objective standards and evaluations, an unquestioning and unprofessional 'can-do attitude' among senior officers, combined with other pressures -- such as a perception that superiors want to hurry the deployment -- can bring significant pressure on commanders to make a readiness declaration that might not be made otherwise. There is enough evidence to suggest that this occurred during the preparation for Operation Deliverance. For instance, Cmdre Cogdon testified before the de Faye board of inquiry that in his opinion "we were reacting to a political imperative to make [Operation Deliverance] happen as quickly as we can, to jump on the bandwagon and to get in there...to get in there almost at the same time as the Americans could."¹²³ The only obstacle to such pressures and the dangers they carry is command integrity and, in this case, command integrity, especially at SSF, LFCA, and NDHQ was, in our view, fatally weak.*
- In terms of organization, the CAR had two major defects that impaired its operational readiness. First, the unit was in the midst of a fundamental reorganization and change in concept of operation. This factor was aggravated by a higher than normal turnover of personnel during the annual CF "active posting season" of 1992 and the late decision to add militia soldiers to the CAR. Second, in late 1992 the CAR was directed to re-equip itself with a fleet of armoured vehicles general purpose and to adept to motorized tactics with inadequate resources and a bare minimum of training time. The CAR was assumed to be suitable for immediate operations in a hostile environment before it had completed the LFCdirected changes and before the Commanding Officer had an opportunity to test the new structure in the field under his command. The AVGPs were brought into the unit seemingly without careful consideration of the effect that action would have on the readiness of the unit. Even if the CAR had been operationally ready before it received the AVGPs, it could not have been so afterwards until these vehicles had been incorporated in all respects into the unit's plans and standing operating procedures. For these reasons alone, officers in the chain of command ought to have been especially alert to signs that the CAR was under stresses that might undermine its operational readiness. Clearly, the commanders of the SSF, LFCA, and LFC ought to have been aware of the state of the Cougar fleet, the fact that the AVGP (in any variant) was not "a combat vehicle"¹²⁴ and that logistical support for the Squadron would need to be carefully monitored. In other words, there was no reason for them to believe that a CF armoured squadron at a peacetime garrison status could be made operationally ready for a combat mission in a few days.*
- If unit leaders do not understand their unit's mission or are unable or unwilling to plan and execute operationally relevant training programs, then the unit cannot become operationally ready for any mission. If unit leaders are unable or unwilling to set appropriate standards for operations and discipline, then the unit would be aimless and probably uncontrollable. Finally, if unit leaders do not lead their units, then the state of unit cohesion and morale will depend on the haphazard influences of circumstances and informal leaders. We are convinced that the measure of a unit's leaders provides a strong indication of the unit itself.*

It is difficult to conclude, therefore, that a unit with serious internal problems of leadership and discipline and which had not been trained effectively as a battle group nor had time to train on a central element of its concept of operations -- namely the rules of engagement -- was operationally ready prior to deployment. Rather, the significant changes in the mission and the force to be deployed to Somalia should have alerted commanders to the need to reassess the readiness of the CAR and the more complex CARBG for service in Somalia.

- *There were enough significant differences between the deployment plan for Operation Cordon and Operation Deliverance to alert prudent commanders to the need for a specific assessment and declaration of operational readiness of the CARBG to meet the demands of the new plan. BGen Beno admitted as much in his testimony. When asked "If you have a very tight time line; that is, in early December these two units, The Royal Canadian Regiment (RCR) and the Royal Canadian Dragoons (RCD), are being told they are now going to be part of the battle group and they have literally days in which to prepare, is that not a situation where a superior officer like yourself should be deciding about operational readiness of the whole configuration, whether the whole unit can work together?" He answered "yes, it is."¹²⁵ Officers at LFC also understood the need to check the operational readiness of the CARBG, and in his orders, LGen Gervais ordered MGen MacKenzie to "identify, assemble and prepare the Operation Deliverance battle group and declare them ready for deployment".¹²⁶ Thus, immediately before deployment, commanders at all levels of the SSF, LFCA, LFC, and NDHQ had ample reason to check the operational readiness of the CARBG and few reasons to assume that it was operationally ready for the mission in Somalia. However, no effective actions were taken by any commander in the chain of command to make such an assessment or to respond to orders to do so.*
- *There are few more fundamental acts and responsibilities of command than preparing troops for operational missions in dangerous places . The declaration of operational readiness is the final hurdle troops must overcome before they confront their mission. That hurdle must be built and guarded by commanders. In preparing troops and units for Operation Deliverance, CF commanders in the chain of command failed in their responsibility to their superiors and to their troops. Leaders failed their superiors (including the people and Government of Canada) by not diligently checking the state of units as was their irreducible responsibility. They failed their soldiers and subordinate officers because they did not allow them the time to prepare properly for their mission and because they allowed them to venture onto a battlefield for which they were unfit. Whenever troops and units fail in the field because they are not fit and ready, then it is because leaders fail, and these leaders must be held accountable for the result.*

The problems evident in CARBG during its tour in Somalia occurred in conditions far more peaceful than were anticipated prior to departure. If our soldiers had encountered heavy armed resistance in Somalia, CARBG's lack of operational readiness might well have resulted in large-scale tragedy rather than a series of isolated disasters and mishaps, damaging as these were.

Recommendations

We recommend that:

23.1 The Chief of the Defence Staff ensure that standards for evaluating individuals, units and elements of the Canadian Forces for operational tasks call for the assessment of two necessary elements, operational effectiveness and operational preparedness, and that both criteria be satisfied before a unit is declared operationally ready for any mission.

23.2 To avoid confusion between readiness for employment and readiness for deployment on a particular mission, the Chief of the Defence Staff adopt and ensure adherence to the following definitions throughout the Canadian Forces: *Operational effectiveness* is a measure of the capability of a force to carry out its assigned mission. *Operational preparedness* is a measure of the degree to which a unit is ready to begin that mission. Operational readiness of any unit or element, therefore, should be defined as the sum of its operational effectiveness and preparedness.

23.3 Contrary to the experience of the Somalia mission, the Chief of the Defence Staff ensure, before any Canadian Forces unit or element of any significant size is deployed on active service or international operations, that a formal declaration is made to the government regarding the readiness of that unit to undertake the mission effectively.

23.4 The Chief of the Defence Staff establish a staff, under CDS authority, to conduct no-notice tests and evaluations of the operational effectiveness and preparedness of selected commands, units and sub-units of the Canadian Forces.

23.5 The Chief of the Defence Staff order that national and command operational orders issued to Canadian Forces units tasked for active service or international operations state precisely the standards and degrees of operational effectiveness and operational preparedness demanded of individuals, sub-units, units, and commanders.

23.6 The Chief of the Defence Staff standardize format, information, and directions concerning declarations of operational readiness and require such declarations to be signed by commanders.

23.7 The Chief of the Defence Staff establish clear, workable and standard measurements of operational effectiveness and preparedness for individuals, sub-units, units, and commanders in units and formations of the Canadian Forces.

23.8 The Chief of the Defence Staff replace the Operational Readiness Evaluation System with a more reliable and efficient process aimed at collecting information about the effectiveness and preparedness of major units of the Canadian Forces for assigned operational missions.

23.9 The new readiness reporting system be capable of giving the Chief of the Defence Staff, senior commanders and staff officers a real-time picture of the effectiveness and preparedness of major operational units of the Canadian Forces for their assigned tasks.

23.10 The new operational readiness reporting system identify operational units as being in certain degrees of effectiveness and preparedness, such as high, medium, and low and in certain states of readiness, such as standby-ready and deployment-ready.

NOTES

1. Land Force Command, Operational Staff Procedures LFC, *Staff Duties in the Field*, Supplement 3, Army Glossary, p. 0-9.
2. Army Glossary, p. 0-8.
3. NDHQ, "DM and CDS Direction on Operational Readiness and Effectiveness System (ORES) (26 August 1992)", p. 2/3 DND 311739.
4. Policy hearings transcripts vol. 3P, pp. 490P-491P.
5. The Army Doctrine and Tactics Board was established to study, propose, and monitor doctrine and tactics taught and practised in the army (Standing Operating Procedure, September 1992, p. 1-1).
6. Army Glossary, p. 0-8.
7. Canadian Land Force Command Staff College (CLFCSC), *Course Brief*, November 8, 1995, p. 4-3/11.
8. Transcripts vol. 43, p. 8438.
9. Transcripts vol. 43, p. 8439.
10. Board of Inquiry (CARBG), vol. XI, Annex G, paragraph 4, p. G-2/5.
11. Report of the Auditor General of Canada to the House of Commons (1994), vol. 15, Chapter 24, p. 24.
12. Report of the Auditor General, vol. 15, pp. 24-26.
13. Report of the Auditor General, vol. 15, p. 24.
14. Report of the Auditor General, vol. 15, p. 24.
15. Report of the Auditor General, vol. 15, p. 24 (emphasis added).
16. Report of the Auditor General, vol. 15, p. 25.
17. Letter, LGen Gervais to VAdm George, "Mobile Command - ORES", July 12, 1991, DND 311760.
18. NDHQ, "Record of Decision -- Readiness discussion 7 Feb 91", 3000-15 (D Force S), February 11, 1991, DND 311754.
19. NDHQ, "Operational Readiness and Effectiveness System (ORES)", August 29, 1991, DND 311758.
20. As quoted in NDHQ, "Operational Readiness And Effectiveness System".
21. NDHQ, "DM and CDS Direction on Operational Readiness and Effectiveness System (ORES) (26 August 1992)".
22. Affidavit of Ambassador Anderson, Brussels, Belgium, March 10, 1997.
23. Document book 28, tab 12.

24. For testimony on the policy decision and problems associated with the change in the structure of the CAR, see testimony of LGen (ret) Foster, Transcripts vol. 3, pp. 431-433; LGen Reay, Transcripts vol. 45, pp. 8950-8955; LGen (ret) Gervais, Transcripts vol. 47, pp. 9387-9391; and Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9897-9902.
25. Letters between BGen Beno and LCOL Morneault, October 6, 1992 and October 9, 1992 "Integration of Reserve Personnel -- OP Cordon", DND 032194 and 032191.
26. Testimony of Maj Kyle, Transcripts vol. 21, p. 3794.
27. Testimony of Capt Walsh, Transcripts vol. 13, pp. 2304-2322.
28. Document book 29, tab 6.
29. In testimony before this Inquiry, the critical importance of such qualities in officers was emphasized by many witnesses, including MGen Dallaire, Policy hearings transcripts vol. 3P, pp. 478P-481P; LGen Reay, Transcripts vol. 46, p. 9029; and BGen Beno, Transcripts vol. 42, p. 8256.
30. Testimony of BGen Beno, Transcripts vol. 41, p. 8063.
31. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4575.
32. Board of Inquiry (CARBG), vol. V, pp. 1474-1475, and vol. IV, p. 856.
33. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4579.
34. Testimony of BGen Beno, Transcripts vol. 41, p. 7998.
35. Testimony of BGen Beno, Transcripts vol. 41, pp. 7805,7996; CWO (ret) Jardine, Transcripts vol. 25, p. 4797; and Maj Seward, Transcripts vol. 30, p. 5672.
36. Testimony of BGen Beno, Transcripts vol. 41, p. 7996.
37. Testimony of BGen Beno, Transcripts vol. 41, p. 7940.
38. See testimony of BGen Beno, Transcripts vol. 41, pp. 7947, 8059-8062.
39. Letter, BGen Beno to MGen MacKenzie, October 19, 1992, Board of Inquiry (CARBG), vol. VIII, tab 37.
40. Testimony of LCol Turner, Transcripts vol. 20, p. 3621.
41. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9719.
42. Testimony of BGen Beno, Transcripts vol. 40, pp. 7764, 8022-8027.
43. Testimony of LCol Turner, Transcripts vol. 20, p. 3623.
44. BGen Beno, "Commander SSF Comments: CAR Preparations and Activities Related To Op Cordon", Board of Inquiry (CARBG), vol. X, tab 93.
45. Testimony of Col MacDonald, Transcripts vol. 27, p. 5052; and evidence to Board of Inquiry (CARBG), vol. IV, pp. 974-976.
46. Testimony of BGen Beno, Transcripts vol. 42, p. 8151.
47. Testimony of BGen Beno, Transcripts vol. 40, p. 7801.
48. BGen Beno, "Commander SSF Comments: CAR Preparations and Activities Related To Op Cordon".

49. For a description of the problems created by the lack of specific ROE for Operation Cordon, see testimony of BGen Beno, Transcripts vol. 40, pp. 7817-7977.
50. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9657.
51. Testimony of MGen Dallaire, Policy hearings transcripts, June 9, 1995, DND NS 194345.
52. Testimony of BGen Beno, Transcripts vol. 41, p. 7963.
53. Document book 15, tab 18.
54. See testimony of LCol Morneault, Transcripts vol. 37, p. 7195; letter, LCol Rodgman, Brigade Surgeon, to LCol Morneault, October 18, 1992, DND 201753; and notes, Capt Power, October 21, 1992, DND 2017554.
55. BGen Beno, "Commander SSF Comments: CAR Preparations and Activities Related To Op Cordon".
56. Testimony of Col MacDonald, Transcripts vol. 27, pp. 5015-5052.
57. BGen Beno, "Commander SSF Comments: CAR Preparations and Activities Related To Op Cordon".
58. Testimony of WO Murphy, Transcripts vol. 34, p. 6586.
59. Message, HQ SSF to HQ LFCA, 1903 Ops, October 20, 1992.
60. Message, HQ SSF, message 2021, November 10, 1992, Board of Inquiry (CARBG), vol. VIII.
61. "FMC Contingency Plan -- Op Cordon -- Plan Summary", 3450-2-6 (DCOS Ops) 3 September 1992, DND 000042, Board of Inquiry (CARBG), vol. VI, Exhibit 6, p. 6/8.
62. "LFC Op. 001, Op Cordon CCUNOSOM", 3450-2-5 (DCOS Ops), November 19, 1992, p. 8/11.
63. "LFCA G3 Ops 381", OS 1900z November 1992, Board of Inquiry (CARBG), vol. 8, Exhibit 19.
64. "FMC Contingency Plan", Board of Inquiry (CARBG), vol. VI, tab 6, p. B1/2.
65. "SSF Op. 001, 3350-OC (G3)", November 26, 1992, Board of Inquiry (CARBG), Exhibit 23.
66. Testimony of BGen Beno, Transcripts vol. 41, p. 7963.
67. "OP Cordon -- Op Readiness", HQ SSF, Ops 1903 of 201400Z October 1992, Document book 15, tab 20.
68. Document book 16, tab 23.
69. Document book 16, tab 23.
70. In testimony, when LGen (ret) Gervais was asked specifically whether he was satisfied that the CAR "was in fact ready to deploy" for Operation Cordon, he replied, "Yes" (Transcripts vol. 48, p. 9657).
71. Letter, BGen Beno to MGen MacKenzie, October 1992, Document book 15, tab 18, pp. 1/2-2/2.

72. Document book 15, tab 22.
73. Document book 15, tab 27.
74. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9736.
75. See testimony of LGen (ret) Gervais, Transcripts vol. 47, pp. 9462-9483.
76. Testimony of LGen Reay, Transcripts vol. 46, p. 9061, and vol. 47, p. 9467; and MGen (ret) MacKenzie, Transcripts vol. 43, p. 8393.
77. Evidence of BGen Beno to Board of Inquiry (CARBG), Phase I, vol. IV, pp. 1014-1043. The Chairman of the Board of Inquiry appeared to concur in this assessment.
78. Testimony of Major Priestman, Transcripts vol. 15, p. 2725.
79. Evidence of BGen Beno to Board of Inquiry (CARBG), Phase I, vol. IV, pp. 1014-1043.
80. Letter, BGen Beno to MGen MacKenzie, October 19, 1992.
81. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9738.
82. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8404.
83. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8418.
84. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8392.
85. Testimony of LGen Reay, Transcripts vol. 46, pp. 9151-9153; and MGen (ret) MacKenzie, Transcripts vol. 43, p. 8404.
86. Testimony of BGen Beno, Transcripts vol. 42, p. 8258.
87. Testimony of BGen Beno, Transcripts vol. 41, pp. 8118-8119.
88. Testimony of Maj Seward, Transcripts vol. 30, p. 5818.
89. Testimony of Maj Seward, Transcripts vol. 30, p. 5820.
90. Testimony of BGen Beno, Transcripts vol. 41, p. 7970.
91. Testimony of BGen Beno, Transcripts vol. 41, pp. 7970-7971.
92. Testimony of BGen Beno, Transcripts vol. 42, p. 8244.
93. See "Op Cordon cancellation", Document book 20, tab 3; Document book 20, tab 5; and Document book 20, tab 2.
94. Evidence of Cmdre Cogdon to Board of Inquiry (CARBG), vol. IV, pp. 947-948.
95. Testimony of Maj Kampman, Transcripts vol. 27, p. 5229.
96. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5215-5216.
97. Testimony of Maj Kampman, Transcripts vol. 27, p. 5238.
98. Testimony of Maj Kampman, Transcripts vol. 27, p. 5238.
99. Testimony of Maj Kampman, Transcripts vol. 27, p. 5242.
100. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5243-5247.
101. Testimony of Maj Kampman, Transcripts vol. 27, p. 5221.
102. Testimony of Maj Kampman, Transcripts vol. 27, p. 5222.

103. Testimony of Maj Kampman, Transcripts vol. 27, p. 5223.
104. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5223-5239.
105. Testimony of Maj Kampman, Transcripts vol. 27, p. 5300.
106. Document book 20, tab 29.
107. Document book 20, tab 32.
108. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8416.
109. See BGen Beno's repeated assertions that he was not asked to make a declaration of operational readiness for Operation Deliverance: Transcripts vol. 41, pp. 7969, 7973, 8117.
110. SSF, 3350-OP (G3), "Warning Order -- #02", December 9, 1992.
111. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8420.
112. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8419.
113. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8418.
114. NDHQ, 3350-1 (Op Deliverance), of 102312Z December 1992, DND 026433.
115. HQ SSF Petawawa, Ops 2137, of 161 159Z December 1992, DND 094982.
116. HQ LFCA, G3 Ops, of 171655Z December 1992, DND 072066.
117. HQ LFCA, Comd 207, of 181500Z December 1992, DND 072036.
118. Testimony of LGen (ret) Gervais, Transcripts vol. 48, pp. 9655-9657. See declarations of readiness: SSF Ops 2137 of 161159Z December 1992; LFCA G3 Ops 436 of 171655Z December 1992; and LFC Comd 207 of 181500Z December 1992. The declaration for CJFS headquarters was issued under 1 Cdn Div HQ G3 3407 of 171611Z December 1992.
119. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9656.
120. Board of Inquiry (CARBG), vol. XI, Annex G.
121. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8419.
122. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9656; and BGen Beno, Transcripts vol. 41, p. 8015.
123. Board of Inquiry (CARBG), vol. IV, pp. 947-948.
124. See the 1996 report of the Auditor General of Canada for remarks about the inappropriateness of using the AVGP family of vehicles in a combat environment.
125. Testimony of BGen Beno, Transcripts vol. 41, p. 7973.
126. LFC "Op Deliverance -- Wng 0 #02" of 090440Z December 1992, paragraph 3C(1)(H).

NOTE TO READERS

Military Ranks and Titles

In recounting events and reporting on testimony received, this report refers to many members of the Canadian Forces by name, rank and, sometimes, title or position held. Generally, we have used the rank and title in place at the time of the Somalia deployment or at the time an individual testified before this Commission of Inquiry, as appropriate. Thus, for example, the ranks mentioned in text recounting the events of 1992-93 are those held by individuals just before and during the deployment to Somalia, while ranks mentioned in endnotes are those held by individuals at the time of their testimony before the Inquiry.

Since then, many of these individuals will have changed rank or retired or left the Canadian Forces for other reasons. We have made every effort to check the accuracy of ranks and titles, but we recognize the possibility of inadvertent errors, and we apologize to the individuals involved for any inaccuracies that might remain.

Source Material

This report is documented in endnotes presented at the conclusion of each chapter. Among the sources referred to, readers will find mention of testimony given at the Inquiry's policy and evidentiary hearings; documents filed with the Inquiry by government departments as a result of orders for the production of documents; briefs and submissions to the Inquiry; research studies conducted under the Inquiry's commissioned research program; and documents issued by the Inquiry over the course of its work.

Testimony: Testimony before the Commission of Inquiry is cited by reference to transcripts of the Inquiry's policy and evidentiary hearings, which are contained in 193 volumes and will also be preserved on CD-ROM after the Inquiry completes its work. For example: Testimony of LCol Nordick, Transcripts vol. 2, pp. 269-270. Evidence given at the policy hearings is denoted by the letter 'P'. For example: Testimony of MGen Dallaire, Policy hearings transcripts vol. 3P, p. 477P.

Transcripts of testimony are available in the language in which testimony was given; in some cases, therefore, testimony quoted in the report has been translated from the language in which it was given.

Documents and Exhibits: Quotations from some documents and other material (charts, maps) filed with the Inquiry are cited with a document book number and a tab number or an exhibit number. These refer to binders of documents assembled for Commissioners' use at the Inquiry's hearings. See Volume 5, Chapter 40 for a description of how we managed and catalogued the tens of thousands of documents we received in evidence.

Some of the references contain DND (Department of National Defence) identification numbers in lieu of or in addition to page numbers. These were numbers assigned at DND and stamped on each page as documents were being scanned for transmission to the Inquiry in electronic format. Many other references are to DND publications, manuals, policies and guidelines. Also quoted extensively are the National Defence Act (NDA), Canadian Forces Organization Orders (CFOO), Canadian Forces Administrative Orders

(CFAO), and the Queen's Regulations and Orders for the Canadian Forces (which we refer to as the Queen's Regulations and Orders, or QR&O). Our general practice was to provide the full name of documents on first mention in the notes to a chapter, with shortened titles or abbreviations after that.

Research Studies: The Commission of Inquiry commissioned 10 research studies, which were published at various points during the life of the Inquiry. Endnotes citing studies not yet published during final preparation of this report may contain references to or quotations from unedited manuscripts.

Published research and the Inquiry's report will be available in Canada through local booksellers and by mail from Canada Communication Group Publishing, Ottawa, Ontario, K1A 0S9. All other material pertaining to the Inquiry's work will be housed in the National Archives of Canada at the conclusion of our work.

Acronyms and Abbreviations

This report contains many acronyms and abbreviations for government departments and programs and Canadian Forces elements, systems, equipment, and other terms. Generally, these names and terms are spelled out in full with their abbreviation or acronym at their first occurrence in each chapter; the abbreviation or acronym is used after that. For ranks and titles, we adopted the abbreviations in use in the Canadian Forces and at the Department of National Defence. A list of the acronyms and abbreviations used most often, including abbreviations for military ranks, is presented in Appendix 8, at the end of Volume 5.

INTRODUCTION

Our examination of the manner in which Canada's participation in operations in Somalia was planned is central to our report. In our mandate we were asked to inquire into and report on the "operations, actions and decisions of the Canadian Forces and the actions and decisions of the Department of National Defence in respect of the Canadian Forces deployment to Somalia" and, in relation to the pre-deployment phase, to examine "the mission and tasks assigned to the Canadian Airborne Regiment Battle Group (CARBG)" and the "effectiveness of the decisions and actions taken by Canadian Forces leadership at all levels to ensure that the CARBG was operationally ready, trained, manned and equipped for its mission and tasks in Somalia".¹ To meet this objective we began from the earliest indications that Canada might become involved in United Nations activities in Somalia and followed the political, diplomatic, and military planning that led eventually to the arrival of members of the Canadian Forces in Somalia.

Tracing this story comprehensively was a complex aspect of our Inquiry. The process is technical and demands first a basic understanding of how Canada responds to requests for assistance from the international community, principally from the United Nations (UN). Then we were required to study the policies and guidelines that direct public servants and military officers who prepare advice in such matters for governments. Finally, we were required to delve into the process by which Canadian Forces officers consider, assess, organize, plan, and mount military operations.

What we might have considered an appropriate response was not an issue at this stage of our deliberations. Rather, we began by placing laws and regulations, government policies, departmental norms and standards, and military doctrine, principles, and orders beside the actual actions and decisions of officers and officials. Thus we were able to assess whether these actions conformed to the norms set for officers and officials by governments and professional practice. From this point, it was possible to draw conclusions, about what occurred relative to what was required.

However, we were not restricted in our deliberations to this pattern of investigation alone. Where we discovered that no norms, policies, concepts, or doctrine guided actions, we remarked on this and drew conclusions. Moreover, where decisions and actions by senior officers and officials charged with planning Canada's activities in international affairs were found wanting, we also drew appropriate conclusions.

The result, therefore, is a well-documented explanation of how Canada plans and commits the Canadian Forces to international operations. It is mainly a report of how this activity was conducted by officers and officials in relation to the commitment to Somalia between late 1991 and 1993. The conclusions are significant, however, not only for Canadians' understanding of the planning of that mission and its impact on subsequent events, but also for how Canada might plan peace support operations for the Canadian Forces in the future. ('Peace support operations' is the generic term used in this report to describe the full range of mechanisms for conflict resolution and management, from preventative diplomacy to peace enforcement.)

MISSION PLANNING: THE POLITICAL ASPECTS

Political decisions lead military activities. Governments decide when and under what circumstances the Canadian Forces (CF) will be employed. Normally decision making involves two closely related planning stages: a political process to assess the national interest and a military feasibility process. The government decides the political objective, allocates resources, arranges foreign aspects of the deployment where necessary, and assesses and assumes any risk to Canada. The Chief of the Defence Staff (CDS), as the military adviser to the government and head of the armed forces, assesses, in conjunction with the Deputy Minister of the Department of National Defence, the proposed operation in light of defence policy; assesses the resources needed; determines whether the operation is within the capability of the CF; develops a concept of the operation and plan within the government's guide-lines or direction; then advises whether the CF can accomplish the mission.

Aspects of military planning can be undertaken concurrently with political decision making, but they must not pre-empt it. Nevertheless, the CDS is the government's sole military adviser, the principal professional expert who directly controls the military planning process and occupies a position of trust in the machinery of government. Governments can act without the advice of the CDS if they choose, but they open themselves to criticism if they do, especially if the mission fails. Any decision to employ

the CF is in practice a responsibility shared between the government of the day and the CDS and for which the government is accountable.

CF deployments on international missions usually pass through independent, though concurrent, stages. First comes international diplomatic recognition of a problem demanding the use of armed forces. Interested or involved states attempt to define the problem, to develop consensus concerning how it might be addressed, and to build a coalition that will bring political and, if necessary, military force to bear. Interested parties may negotiate the resources and the resolve to confront the problem, and through multilateral or international organizational auspices, states can indicate how and where they will contribute to an international mission or operation.

Second and concurrently, Canadian political leaders, officials, and military officers may assist and join the diplomatic initiative to advise diplomats and the government, clarify issues, and assess situations before Canada makes any firm commitments. Officers and officials brief the Minister of Foreign Affairs and the Minister of National Defence about the risks involved, the cost of the mission in resources and people, its duration, the terms of troop employment, and other technical information and may offer recommendations. Advice would be framed by policy established by governments before a crisis develops or a request for use of the CF is made.

Parliament usually debates questions of war and peace and may pass resolutions supporting the government's actions. Recently, governments have followed this practice whenever the CF have been deployed abroad on peace support operations.

Third and finally, the government instructs supporting departments and agencies and orders the Chief of the Defence Staff to deploy the Canadian Forces.

MISSION PLANNING: THE MILITARY ASPECTS

Typically, the CDS anticipates a government's order to employ the CF and orders officers to plan, draft orders, concentrate units and resources, and train personnel at the same time as diplomats and governments prepare their part of the deployment. The CF has doctrine to guide officers through this process, and although officers need not follow the doctrine slavishly, each step in the process must be considered carefully. Where lack of time or other unavoidable circumstances preclude an adequate and prudent application of doctrine to a situation, other compensating measures must be adopted.

Effective staff work and supervision by senior officers ensure that the right unit, with proper orders, sufficiently supported, will arrive at the right place in time to complete the mission. However, if staff work is incomplete and commanders careless, missions are at risk and soldiers are put in danger. The final stage is the deployment itself, which can be complex and expensive.

THE INQUIRY'S APPROACH

The question we consider is whether the Canadian Forces were deployed with due consideration for all aspects of the mission to Somalia, and whether soldiers and officers in units were given a fair chance to do their duty within the norms of military doctrine and practice.

This chapter reports comprehensively on all aspects of mission planning in relation to Canada's commitment to Somalia. It begins with a detailed review of the government structure for advising on international commitments and for preparing plans in the diplomatic and the military field. This is followed by an investigation of the decision to participate in the first United Nations Operation in Somalia (UNOSOM), and later in the UN-authorized but U.S.-led mission known as the Unified Task Force (UNITAF). In this opening section the focus is on the key factors that encouraged the government to accept a mission for the Canadian Forces and that ultimately shaped the military plan.

We then go on to review and explain the CF system, process, and procedures for planning operations. The CF has an established doctrine for operational planning, developed from warfare. This doctrine provides the basis for training, especially in staff colleges, and for staff organizations, and is applicable at all levels of command. A fundamental concept underpinning the planning system is the notion that commanders are responsible for establishing the mission for operations and for every facet of planning. In other words, according to doctrine and custom, the military plan for any operation is the commander's plan.

Then we examine the development of the operational plan for the Somalia deployment. This review begins with plans and orders issued in 1991 for Operation Python, the Canadian contribution to the UN mission for the referendum in Western Sahara (MINURSO) and follows the changes in that plan to create plans for Operation Cordon and then Operation Deliverance. This history is important, because the final plan resulted from an unsteady manipulation of operational concepts and partly prepared plans for earlier operations.

The military planning process and the actions and decisions of leaders are then traced through National Defence Headquarters (NDHQ), to Land Force Command (LFC), Land Force Central Area (LFCA), the Special Service Force (SSF), and finally to the Canadian Airborne Regiment (CAR). Here we can see plainly the confusion of aims and concepts, the misapplied or outdated doctrine, the professional compromises, and the command inattention that led to a wholly inadequate operational plan for the deployment and employment of the Canadian Forces in Somalia.

Military planning should identify the most appropriate units for the mission at hand. It should also reveal where units need to be reinforced with troops, weapons, and other resources. In the section on force structure we examine the critical decisions made by the CDS and commanders relating to the strength of the force that would be deployed. Here we concentrate on the issue of the so-called manning ceiling, an arbitrarily imposed limit on the commitment. In the remaining sections we review and analyze planning decisions concerning military intelligence and logistical support. Finally we consider one aspect of

the early deployment of the CARBG in Somalia, the decision respecting the layout of the camp.

KEY FINDINGS

Findings are presented throughout the text in this volume, while recommendations are located at the end of each chapter. Significant key findings are outlined here as a guide to readers as they consider the text.

We reviewed the decision-making process in effect in 1992 and were dismayed by the lack of explicit doctrine articulating the process at NDHQ for responding to requests for Canadian Forces involvement in peace support operations. While defence policy required that certain criteria be taken into account in decisions, no formal process was in place to give effect to such policy. Thus when we traced the negotiations about and preparations for UNOSOM, the proposed United Nations-led deployment, we found that the planning process (with one exception) -- though conducted in accordance with loosely acknowledged ad hoc procedures, including a review of the mission to determine CF capability -- was concluded without adequate reference to government policy. The exception pertains to the initial decision not to accede to the UN request in April 1992, which we find was taken credibly and on reasonable grounds -- that the situation and arrangements were insufficiently safe and secure to risk Canadian participation until at least that aspect of the criteria for a traditional peacekeeping operation could be met. We found further that the issue of security remained a key factor through-out the process leading to the decision to join UNOSOM.

However, with respect to Canadian participation in the Unified Task Force Somalia, the U.S.-led peace enforcement operation, we found a marked deterioration in the integrity of Canada's decision-making processes. UNITAF represented a radical escalation of the deployment in terms of mandate, mission, size, structure, authority, rules of engagement, and cost. Yet the decision to commit the CF was taken in a few days, on minimal analysis that paid no attention to even the doctrine and processes that had characterized the initial decision.

The documents we examined and witnesses we heard indicated that the decision to join hinged on the supposed readiness of the Canadian Airborne Regiment (CAR)/Canadian Airborne Regiment Battle Group (CARBG) and the fact that a Canadian ship was already en route to Somalia. The analysis had little to say about the fact that UNITAF involved our troops in potentially greater risks, under a more war-like UN Chapter VII mandate, with correspondingly enhanced rules of engagement, at costs borne by Canada rather than the UN.

Instead, we heard testimony about a focus on the readiness of the troops and a concern for how the decision would be received by the public. We believe that an attitude enunciated by the Chief of the Defence Staff, at the time, Gen John de Chastelain, was widespread during the decision-making process: "a role that was seen to be secondary would not sit well with the troops, with me, with the Government or with Canadians."²

We saw reckless haste and enthusiasm for high-risk, high-profile action undermining due process and rational decision making at the most senior levels. Doctrine, proven military processes, guidelines, and even policy were disregarded. What guidelines and checklists existed were treated with little respect. The deployment of the CF therefore, began with an uncertain mission, unknown tasks, ad hoc command arrangements, an unconsolidated relationship to U.S. command, and unclear rules of engagement. An international commitment reshaped into conceived originally in the Canadian tradition of peacekeeping was hastily reshaped into an ill-considered military operation for which the CAR/CARBG had little preparation.

NOTES

1. Commission of Inquiry, Terms of Reference, P.C. 1995-442.
2. CDS Note to file, December 7, 1992, Document book 32A, tab 9.

CANADA'S MISSION IN SOMALIA

The terms of reference for this Inquiry directed us to investigate the mission and tasks assigned to the Canadian Airborne Regiment Battle Group (CARBG), to assess the suitability of the unit for the mission, and required analysis of the operational readiness of the CARBG, the appropriateness of the training for deployment, and the leadership in preparation for the mission. Hence, a clear understanding of the mission is necessary.

In this chapter we review the decision-making process leading to Canada's agreement to participate first in the United Nations Operation in Somalia (UNOSOM), then in the Unified Task Force (UNITAF). In both instances, we focus on the role of the Department of National Defence (DND) and the Canadian Forces (CF) and evaluate the decisions in light of the policies and procedures in effect at the time. Finally we examine the mission and tasks assigned to the Canadian contingent, first in relation to Operation Cordon and then in relation to Operation Deliverance.

We begin, however, with an overview of the policies and procedures in place at National Defence Headquarters (NDHQ) and in the Department of External Affairs (DEA).¹

CANADA'S DECISION-MAKING PROCESS FOR PEACEKEEPING OPERATIONS

During the Somalia operation, there was no comprehensive doctrine for the process of examining a request from the UN. To determine NDHQ procedures at the time, we referred to a review of peacekeeping operations by NDHQ's Chief of Review Services, conducted around the time of the Somalia operation.² The study confirmed our findings that there was no overall NDHQ policy instruction covering all aspects of peacekeeping operations. The study did find some relevant instructions, governing some aspects of peacekeeping, but they were considered outdated and poorly co-ordinated. This review and witnesses' testimony are the basis for the following discussion of decision making before and during the Somalia operation.

Cabinet determines the participation and scope of Canada's presence in UN peacekeeping operations, on the basis of advice and recommendations from DEA and DND.³ The departments share the responsibility of advising Cabinet on the decision to participate, but DEA is responsible for relations with the UN as part of Canada's foreign policy and assumes the lead role in the decision-making process. In 1992, the senior DEA official immediately responsible for handling the UN request was the Assistant Deputy Minister (ADM), Political and International Security Affairs Branch. Within this Branch, the Director of International Security and Defence Relations Division, reporting through a director general, first analyzed the UN request from the perspective of Canada's foreign policy and then co-ordinated the government response.

Within NDHQ, the lead group principal for peacekeeping before a formal commitment was made was the ADM (Policy and Communications),⁴ who reported jointly to the Deputy Minister and the CDS⁵ and was primarily responsible for any decision taken by NDHQ. Once a commitment was accepted, the Deputy Chief of the Defence Staff (DCDS) assumed the lead and bore overall responsibility for the "coordination of planning, structuring, mounting, deployment, command and control, sustainment and redeployment of the force".⁶

The UN Request

Daniel Dhavernas, who was Director of DEA's International Security and Defence Relations division in 1992, testified that once the UN accepts a request for action from a member state and is considering involvement in an operation, informal discussions with member states begin -- particularly those with special expertise in the region or area or known to have appropriate military capabilities.⁷ These informal initiatives are undertaken by the UN Secretariat, specifically the Department of Peacekeeping Operations. Once the troop-contributing countries confirm their acceptance, a resolution is finalized for Security Council approval.

As division Director, Mr. Dhavernas would receive initial notification of a UN request for participation in a peacekeeping operation from Canada's permanent representative to the UN mission in New York. Thereafter, he

was responsible for co-ordinating Canada's response through discussions within DEA and with the Privy Council Office (PCO) and the UN. He would also act as liaison with DND through the Director International Policy (DI Pol), who reported to the ADM (Policy and Communications).⁸ Thus in considering a commitment, the formal avenue of communication began with Canada's representative at the UN and went through the Political and International Security Affairs Branch (IFB) at External Affairs, to the group headed by the ADM (Policy and Communications) at DND (see Figure 24.1).

Figure 24.1:

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Role of the Department of External Affairs

Mr. Dhavernas testified that on a request for commitment from the UN, the lead person at DEA would begin by notifying superiors and communicating with DI Pol at NDHQ, who was responsible for examining the request in terms of its "logistic and personnel

capacities"⁹ and co-ordinating NDHQ's mission analysis. At the same time, divisions of DEA such as the one dealing with the geographic area in question -- discussed the issue. The Privy Council office was kept informed of negotiations and discussions but was not involved formally in the process until a decision was required. Then PCO called a meeting of DEA and DND.¹⁰

In considering a request, the foremost concern for DEA was that a commitment was in keeping with Canada's foreign policy, which supports the UN in conflict resolution by multilateral means. Other factors considered included Canada's policy toward, and influence in, the country or region; refugee and aid questions; and issues pertaining to the mandate of the Canadian International Development Agency (CIDA).¹¹

Role of National Defence Headquarters

NDHQ analyzed the mission from both a policy and an operational perspective to respond to the informal UN request. In 1992, when plans were under way for UN involvement in Somalia, Canada had no single document outlining the policy and procedures for planning and conducting either traditional peacekeeping or other peace support operations. Each operation was considered unique, requiring one-time policy considerations.¹²

Col John Bremner, Director International Policy at NDHQ, during planning for the Somalia operation, testified on NDHQ's procedures with reference to the Somalia request.¹³ DI Pol was central to the planning of all peacekeeping operations and had two roles: first, the mission was analyzed for consistency with Canada's defence policy; second, DI Pol co-ordinated the information and estimates prepared by the operations staff at NDHQ, who analyzed the mission from an operational perspective. Then DI Pol prepared the response, which would go up the chain of command, through the Director General Policy and Operations, the ADM (Policy and Communications), the Chief of the Defence Staff and the Deputy Minister to the Minister of National Defence. A letter to the Minister set out options and recommendations which, when approved, went to the DEA, which would then seek Cabinet approval of the response (see Figure 24.1).

According to military doctrine, there are four levels of peacekeeping planning in the process of developing a response to a UN request: Normal Phase, Indication Phase, Negotiation Phase, and Decision Phase.¹⁴ The Negotiation Phase is most important. Frequent meetings are held at NDHQ to plan and co-ordinate departmental estimates and reports, prepare military options, and assess CF resources. A decision comes at the fourth phase. Thereafter, formal planning for the mission begins, with NDHQ responsible for the initial planning and pre-deployment. The primary agency for planning, organizing, and controlling the operation once the commitment has been made is the designated command, supported by joint staff at NDHQ for operational guidance.

NDHQ Policy Analysis

Col Bremner testified that the policy analysis had three parts. First, the mission would be examined to ensure its consistency with Canada's defence policy objectives and to ascertain the likelihood that it would meet determinants of success necessary for UN

operations.¹⁵ Second, the operation would be assessed to determine whether it was logistically supportable. Finally, the mission would be examined to ensure proper funding and availability of troops.

NDHQ was guided by two main policy documents: the 1987 White Paper on Defence,¹⁶ and the CDS Guidance to Commanders -- the Red Book.¹⁷ According to the 1987 White Paper on Defence, DND was required to consider seven criteria before participating in a peacekeeping mission:

- there must be a clear and enforceable mandate;
- the principal antagonists must agree to a cease-fire and agree to Canada's participation;
- the mandate should serve the cause of peace and have a good chance of leading to a political settlement in the long term;
- the size and composition of the force are appropriate to the mandate;
- Canadian participation will not jeopardize other commitments;
- there should be a single identifiable authority overseeing the operation; and
- participation in the mission must be equitably and logistically funded.¹⁸

DI Pol began the policy analysis by first consulting DEA, the UN (particularly the military adviser), and staff at NDHQ, members of the Crisis Action Team, including the DCDS group (who were mainly staff attached to the Directorate of Peacekeeping Operations), the personnel and logistics group, and the Judge Advocate General (JAG).¹⁹ The aim of the consultations was to develop a co-ordinated response on the nature and extent of the proposed commitment.²⁰

Theoretically, all proposed missions were to be weighed against the criteria, but the effectiveness of the process before the Somalia commitment is not clear. An evaluation by the Chief of Review Services, released in April 1992, noted a lack of clear division of responsibility between NDHQ and DEA in the application of the criteria and expressed pointed criticism about the lack of explicit policy direction and procedures.²¹ This confusion was reflected in testimony before us.

Col Bremner testified that the policy analysis clearly included a consideration of the peacekeeping guidelines, the likelihood of success being the overriding consideration.²² The testimony of both Gen (ret) de Chastelain, and Robert Fowler, the Deputy Minister of National Defence at the time, suggested a somewhat less rigorous approach.

When asked whether he would have assessed the Somalia operation against the guidelines, Gen de Chastelain stated that it was not the policy of the Department to go

down the list of criteria like a checklist, but rather to consider them in a general way. He noted that he and his staff would know what the concerns were and would discuss the operation bearing them in mind. Furthermore, he considered that the guidelines were primarily within DEA's jurisdiction, while NDHQ simply ascertained whether a particular operation was "doable".²³

Mr. Fowler also downplayed the significance of the guidelines in the decision-making process. In his view, the guidelines were taken into account only "somewhat, not in any particular detail". In fact, like Gen de Chastelain, he maintained that no one applied them like a checklist; by way of example, he noted that very few of them would have made sense if applied to Somalia,²⁴ since they were designed for traditional peacekeeping operations.²⁵ The former Deputy Minister maintained that the overarching concern in deciding whether to participate was that "1,000 to 3,000 people were dying a day and it was going to get worse". The pressing situation required the guidelines to be "significantly" flexible.²⁶ However, we observe that some of the guidelines -- for example, the requirement of a clear and enforceable mandate, equitable funding, the likelihood of success of the mission, and the relationship between this and Canada's other commitments -- would still have had significant relevance in analyzing any potential commitment. Moreover, according to a 1992 defence policy paper, at NDHQ these guidelines ought to have been considered.²⁷

Although UNITAF was the first peace enforcement operation in the post-Cold War era (the Gulf War being described more precisely as an enforcement action under current terminology²⁸), the UN and Canada had been involved in more complex, multifunctional operations since 1988. The question that arises is why no new guidelines were produced until 1994. It appears that very little analysis of the changing nature of peacekeeping had been done up to this point. Yet the lack of attention within the CF to the doctrinal developments in peacekeeping was noted as early as 1983. A 1983 DND program evaluation noted that since the 1956-1966 period, Canada had done little with respect to study and development of peacekeeping. It suggested that "if the CF are to continue to participate, there would appear to be a need for active involvement in the study of activities and developments in the field... there is no identifiable professional focus or responsible OPI for doctrine development with respect to how these operations are and should be carried out, the application of new technology, the place of peacekeeping in arms control".²⁹

Col Bremner also acknowledged in testimony that the guidelines were not meant to be etched in stone as formal criteria. He nonetheless stated that they were clearly factors to be considered in arriving at a reasoned decision in response to a request from the UN for a commitment to a planned peacekeeping operation.³⁰

In any event, the revised criteria, set out in the 1994 Defence White Paper, did go some way toward reflecting the need to adapt to the changing nature of conflict and conflict resolution:

- there must be a clear and enforceable mandate;

- there must be an identifiable and commonly accepted reporting authority;
- the national composition of the force must be appropriate to the mission and there must be an effective process of consultation among mission partners;
- in missions that involve both military and civilian resources, there must be a recognized focus of authority, a clear and efficient division of responsibilities, and agreed operating procedures;
- with the exception of enforcement actions and operations to defend NATO member states, in missions that involve Canadian personnel, Canada's participation must be accepted by all parties to the conflict;
- the size, training and equipment of the force must be appropriate to the purpose at hand and remain so over the life of the mission; and
- there must be a defined concept of operations, an effective command and control structure, and clear rules of engagement.³¹
- The application of the guidelines to Canada's commitment to UNOSOM and UNITAF is discussed later in this part.

NDHQ Operational Analysis

The role of J3 staff was to examine the mission from an operational perspective.³² DI Pol consulted with J3 staff, in particular J3 Peacekeeping,³³ to assess the mandate, size, and composition of the commitment, the CF's capability to provide the requested services, and the risk analysis. These elements gave ADM (Pol & Comm) operational data to formulate NDHQ's input to the joint Cabinet submission. Operational issues were normally assessed in written estimates or analyses, the components of which were not rigidly established, but as explained elsewhere in this chapter, were intended as a guide to rational analysis of the situation. Estimates identified the aim, assessed relevant factors, considered options, and outlined a course of action.

Along the way, DI Pol also prepared aides-mémoire -- memoranda keeping senior personnel abreast of the situation and providing options for consideration by the CDS or DM before the final Cabinet submission.³⁴ DI Pol co-ordinated preparation of both the estimates and aides-mémoire, as well as any response to senior management.

Although DEA takes the lead in the decision-making process, both DEA and DND are inextricably linked throughout the process, and both departments consulted constantly with each other, as well as with the permanent representative of Canada for the United Nations and the UN military adviser in New York. Staff at NDHQ were responsible for preparing the estimates and analyses of the situation, but senior officials were actively involved in the issue and bore the ultimate responsibility for advice and recommendations. Thus, the views of the ADM (Pol & Comm), the DCDS, the CDS and the DM all played an important role in the final briefing presented to the Minister.

This was the framework for decision making that applied to NDHQ's decision-making process for Operation Cordon and Operation Deliverance. In the next section we describe that process and discuss the factors that influenced it.

THE DECISION TO PARTICIPATE

The formal Canadian commitment to UNOSOM, designated Operation Cordon, did not occur until late August 1992, following extensive negotiations between UN and Canadian representatives in the preceding months. The formal commitment to participate in UNITAF was made on December 4, 1992. This section examines Canada's decisions to join UNOSOM, then UNITAF primarily from the perspective and involvement of NDHQ. We conclude the section by analyzing the effectiveness and appropriateness of the decision-making process, with respect to changes in the mission and Canada's decision to participate.

How Canada's Decision to Participate in UNOSOM was Made

Although UN involvement in Somalia began in early 1992, and a formal UN mission was established in April 1992, Canada's commitment to the mission was not made definitively until August. In April 1992, despite public pressure, Canada was reluctant to commit personnel to the operation without UN confirmation of adequate security for the military personnel. Since this confirmation was not originally forthcoming, Canada declined to participate. Canada agreed to participate only after the Security Council explicitly authorized the deployment of security personnel in addition to the original observer force. This section considers the decisions taken by NDHQ in the period leading to the final version of UNOSOM and examines the factors considered by NDHQ in arriving at those decisions.

Establishment of UNOSOM

During the early months of 1992, officials at DEA and NDHQ monitored the tragedy unfolding in Somalia. Following the usual practice, Canada was approached to contribute military observers to the proposed UN operation in Somalia before the UN resolution was adopted. The UN plan was to send 50 unarmed observers to monitor the cease-fire agreement signed by the rival factions in Mogadishu, supported by a security battalion. However, the factions had not agreed to the deployment of the security battalion.

According to Col Bremner, after officials considered the criteria, NDHQ recommended that Canada not participate because of significant security, safety, and support concerns. Col Bremner testified that there were significant concerns about the viability of sending 50 unarmed observers into a place like Mogadishu.³⁵

On the basis of reports received, particularly the report of the UN technical team, prepared after a visit to Somalia in March and April 1992, DI Pol submitted a briefing note for consideration by the CDS and the DM³⁶. After considering the note, the CDS and

the DM recommended to the Minister that he advise the Secretary of State for External Affairs to decline the UN's informal request.³⁷ The Minister accepted the advice. The mission failed to meet the criteria on three fronts: the mandate for UNOSOM was uncertain; the agreements obtained from the chief antagonists in Somalia were doubtful (given that one of them, General Aidid, had not formally accepted the security battalion); and, most important from NDHQ's perspective, serious safety concerns had already been acknowledged by senior personnel at the UN.³⁸

On receiving the advice from DEA and DND, the Clerk of the Privy Council, Paul Tellier, outlined the situation in a memorandum for the Prime Minister and included the reservations of DEA and DND about inadequate security arrangements.³⁹ Mr. Tellier noted that since the operation failed to meet the established criteria, and Canada's concerns had been made known to the UN, it was unlikely that Canada would be approached formally to participate in the mission.

Planning for the deployment of the military observers continued at the UN, with a target date of May 15, 1992. Though not a participant in UNOSOM, Canada continued to monitor the situation.

UNOSOM Revised

From May through early July 1992, UNOSOM was unable to establish itself effectively in Mogadishu.⁴⁰ Faced with serious humanitarian imperatives, the UN was considering authorizing a much expanded operation, outside Mogadishu, within four proposed operational zones.⁴¹ In response to a specific request from the Privy Council office to determine whether something could be done to support humanitarian assistance operations in Somalia,⁴² Gen de Chastelain directed the joint staff at NDHQ to conduct a feasibility study on July 28, 1992, to determine CF capability to provide a battalion to Somalia, should one be required.⁴³ Before he issued the direction, there was considerable discussion following the NDHQ daily executive meeting (DEM) about whether the CF should be involved at all, even at this stage. The CDS offered his reassurance by confirming that Canada would not send observers without a security battalion.⁴⁴

Members of the joint staff were directed to investigate specific issues within certain parameters and to report within 24 hours.⁴⁵ The staff provided the information the following day, and in their view, subject to certain qualifications, the CF had the capability to provide assistance to Somalia. Other than the security issue, there was no indication that peacekeeping criteria were considered at this point. Planning remained at the contingency level, since Canada had not yet made a decision and no request had been received from the UN. The following estimates and analyses were prepared:

- Aide-Mémoire on Somalia (July 28, 1992),⁴⁶ in which the ADM (Pol & Comm) recommended that DND could provide support by way of a security battalion; airlift and ground transport; or medical/surgical teams.

- Options Analysis Somalia -- Probable Tasks and Forces Available (July 29, 1992).⁴⁷ One of the documents produced by J3 Plans identified the nature of the probable tasks for the mission and assessed available forces for a security battalion to undertake them, naming three units that might be available, including the Canadian Airborne Regiment.
- Somalia Threat Assessment (July 29, 1992).⁴⁸ This document was an intelligence briefing memorandum on Somalia prepared by the intelligence group, J2 Ops.
- Option Analysis for a Security Battalion in support of UN Humanitarian Assistance Operations in Somalia (July 30, 1992).⁴⁹ Prepared by the planning staff, this analysis assessed the capability of the CF to provide a security force for UN humanitarian assistance operations in Somalia from the operational perspective. It concluded initially that the CF could provide the battalion within 60 days. The document was revised and re-submitted a day later, as it was determined that if the Government were to commit to Somalia, the CF would be unable to meet the prior commitment in Western Sahara.⁵⁰
- Report from J2 Security⁵¹ recommended additional security personnel after assessing the security situation in Somalia.
- National Chief Command Information System (CCIS) Input to the Estimate⁵² assessed the CF capability with respect to communications systems and determined that Force Mobile Command could provide in-theatre communications from within its own resources.
- Feasibility report respecting support base and logistics.⁵³
- Option Analysis Humanitarian Medical Support to displaced persons in Somalia.⁵⁴

While NDHQ was doing contingency planning, the Government agreed to participate in a humanitarian food airlift, following reports from the UN special representative for Somalia, Mohammed Sahnoun, that there was a "total disintegration of state and society with almost all the country in the hands heavily armed mobs." ⁵⁵

Following the various assessments conducted in response to the CDS directive, and anticipating that a new Security Council resolution would be adopted shortly authorizing the deployment of the security battalion, NDHQ and DEA officials met in early August to collaborate on a memorandum advising their respective ministers, and ultimately the Prime Minister, on options for a Canadian response to the crisis in Somalia.⁵⁶ Three options were presented to the ministers:

- Canada could respond incrementally to needs in Somalia as they arose, beginning with the provision of airlift support to facilitate the delivery of humanitarian aid.

- Canada could consider a request for combat troops for up to six months, in addition to the airlift support, once the technical team report was completed.
- Canada could take a more active leadership role in the issue by pledging support for the UN plan; providing military support by way of a combat unit; and lobbying other members on the issue of assessed contributions.

Interestingly, both DEA and DND opted for a cautious approach and recommended the first option, believing that the risks (assessed as medium to high at the time) were still too uncertain and that the issue needed further exploration and assessment.⁵⁷ However, PCO recommended option three.⁵⁸ On August 13, 1992, Prime Minister Mulroney wrote to the Secretary-General of the United Nations confirming Canada's support for UN efforts to bring humanitarian assistance and peace to Somalia, offered to provide a military transport aircraft for the delivery of humanitarian relief, and reiterated Canada's pledge to participate in a sanctioned operation involving the deployment of a larger security force to ensure the delivery of humanitarian aid.⁵⁹

Once the Prime Minister made the decision regarding the airlift, planning began in earnest at DEA and NDHQ. As plans for the airlift were being finalized, Canada was preparing for the anticipated military operation in Somalia.⁶⁰

UNOSOM -- The Final Version

By late August, there was significant pressure for Canada to become further involved in the UN action in Somalia. According to Col Bremner, most of the policy analyses and estimates had already been completed in anticipation of the formal UN request. Additional analysis completed at that time was only to supplement previous assessments. By that time, the focus of NDHQ planning was primarily the north-east sector, around Bossasso, the area of operation being seriously considered for Canadian troops.⁶¹

At a meeting at the Privy Council Office in late August, officials from NDHQ, DEA, and the Canadian International Development Agency (CIDA) reviewed options for Canadian involvement in an expanded operation.⁶² NDHQ officials and the CDS assured those present that the CF could respond to a UN call for troops, including engineering and logistics personnel, within weeks of the request.⁶³ As the decision to participate had effectively been made (it being more a question of working out the details of the mission once the mandate had been authorized), officials from all departments were now awaiting news of Security Council approval for the expanded operation.

Shortly thereafter, and before adoption of the final enabling resolution for UNOSOM, advance information on UNOSOM plans was forwarded to planning staff at NDHQ. Apart from the proposed concept of operations set out in the latest technical team report,⁶⁴ this was the first examination of the UN operational plan.⁶⁵ The plan was understandably tentative, since the Security Council had yet to consider the Secretary-General's report.

In response to a request from the CDS for an update on the contingency planning, LCol Froh, of J3 Plans, prepared a briefing note for the daily executive meeting of August 25,

1992. The note included a short synopsis of the operational plan.⁶⁶ LCol Froh confirmed the original estimate of available forces if the commitment to Western Sahara was withdrawn.⁶⁷ The CDS directed accelerated contingency planning for Somalia.⁶⁸

On August 25th, NDHQ received an inform request for troops from the UN that set out a general outline of the battalion that would later be requested formally. The outline included a request for up to 750 infantry (all ranks), specific weapons, and vehicles.⁶⁹ Canada's UN representative informed NDHQ that the proposed UN plan at the time was to deploy one battalion in the south-west, near Mandera, along the border with Kenya, and one in Bossasso, as originally planned. At that time, Bossasso was perceived to be the most difficult area outside Mogadishu.⁷⁰ Plans for the other two operational zones were on hold pending negotiated consent from ruling factions in the areas.

Although there were no clear deployment dates, there were general indications of when deployment was expected. The UN was considering a three phase operation: Phase One, deployment of a Pakistani battalion to Mogadishu in early September; Phase Two, deployment of two battalions to Bossasso and Mandera in mid-October; and Phase Three, deployment of two battalions in the south and north-west, once agreements had been secured with the local clans.⁷¹

After receiving the request, the Deputy Chief of the Defence Staff, MGen Addy, on the direction of the CDS, ordered Force Mobile Command (FMC) to prepare draft contingency plans to support possible relief operations in northeastern Somalia by September 3, 1992, for a briefing on September 4, 1992.⁷² At that time, the UN plan for the military component of the mission, the precise area of operations, and the location and activities of the non-governmental organizations (NGO) operating in the area were unknown.⁷³

The Decision to Join UNOSOM

By the time the official request was received, plans for a formal response to the UN request for troops were well on their way. The green light had already been given by the Prime Minister on August 21, 1992 in his letter pledging troops for an expanded UNOSOM. The CDS and the DM recommended, in a letter to the Minister of National Defence dated August 26, 1992, that the CF should undertake relief operations in Somalia as requested, subject to certain conditions. While the CF would be able to provide the battalion requested, the commitment should not exceed one year, and if the need resurfaced for the battalion previously committed for Western Sahara, Canada would have to be relieved of the latter commitment.⁷⁴ The Minister agreed and advised the Secretary of State for External Affairs.⁷⁵

Untypically, the UN's formal request for an infantry battalion was forwarded to Canada's UN representative in New York before Canada acceded to the inform request, although it was apparent that a positive response from Canada would indeed be forthcoming.⁷⁶ According to representatives at Canada's UN mission, the Assistant Secretary-General for Peacekeeping, Kofi Annan, was under pressure to ensure that the UN was seen to be responsive; and it appeared to them that matters were being dealt with in a hasty, unorthodox manner. In the official request (which was not received until September 15,

1992), Canada was informed that deployment of its battalion was expected within two or three weeks.

Canadian officials in New York acknowledged the impossibility of deploying within that time and asked NDHQ to give the UN realistic time lines that would demonstrate Canada's short-reaction capability.⁷⁷ As commitments from other contributing states for the deployment of troops to other regions and to Mogadishu were tentative,⁷⁸ the permanent representative indicated that, if Canada were able to respond quickly and decisively, it would be seen as a significant accomplishment.⁷⁹

On September 2, 1992, the CDS was briefed by FMC on plans for an operation in Somalia. The CDS conditionally approved the proposed contingency plan and organizational structure.⁸⁰ On the basis of the contingency plan, a warning order for Operation Cordon was to have been issued that day, but it was delayed until September 4, 1992.⁸¹ In the meantime, discussions continued on the timing and arrangements for the deployment, anticipated to occur within the next few weeks.⁸² The Commander of FMC decided that the Canadian Airborne Regiment would be the unit sent to Somalia, and on September 2, 1992, the Government finally issued a press release about the mission and the selection of the CAR.⁸³ On September 8th, the order in council was issued; it was tabled in the House of Commons shortly thereafter in accordance with usual practice.

The formal request from the UN was finally received on September 15, 1992.⁸⁴ An informal response from Canada acknowledged agreement with the request, subject to two conditions: the commitment was for one year only and was conditional on Canada being relieved of its commitment to the UN operation in Western Sahara.⁸⁵

The commitment was finally formalized on September 23, 1992, by a diplomatic *note verbale* in response to the formal request. This completed the agreement between Canada and the United Nations, and included Canada's agreement to provide the requested headquarters personnel.⁸⁶

Key Factors in the Decision-Making Process

Unlike Canada's decision to participate in UNITAF which occurred within days of the UN decision to authorize a U.S.-led enforcement action under Chapter VII, the decision to participate in UNOSOM was taken after several months of negotiations with UN officials and reports from two UN technical missions, one of which included Canadian officers. During this time, officials were also receiving numerous reports from NDHQ and DEA staff concerning the deteriorating situation in Somalia. Finally, time had elapsed between the initial staff check ordered by the CDS in late July 1992 and September 23, 1992, when the formal commitment to join UNOSOM was made. This allowed for the consideration of many options before a decision was reached.

Note that when an expanded mandate for the Somalia operation was being considered in July 1992, DND recommended *against* significant participation in a security battalion. Note also that this recommendation, with which the DEA agreed, was ignored by PCO. Instead, PCO suggested that the Government should provide a battalion and play a more active role in dealing with the conflict. We do not know what factors the Government considered in coming to this decision. The following discussion therefore focuses on the significant factors relating to participation that were raised consistently by DND.

Although evidence heard on the decision-making process for Operation Cordon was far from complete, it appears from testimony and documents that the key issue was security - not only security of the military observers required for the initial mission (the risk factor), but also security required for the overall operation, including protecting the delivery and distribution of humanitarian assistance. Other factors included international imperatives, specifically the desire to be seen to be responding to an urgent humanitarian situation Somalia, and the sustainability of the operation.

Security

The issue of security first surfaced when the UN made its informal request for Canada to provide five observers for UNOSOM. Reports from NDHQ clearly indicated the importance of the security issue at the time. In a briefing note to senior officials, the ADM (Pol & Comm) recommended against accepting the UN request, primarily on the grounds of inadequate security for the military observers.⁸⁷

To reject such a request was unusual, because Canada had participated in almost every UN peacekeeping mission in the previous five decades. It was clear, however, that this refusal was not final, but only a rejection of the mandate as initially framed. A memorandum to the Minister from the DM and the CDS alluded to the fact that Canada continued to support the secure and effective distribution of aid in Somalia and would thus in all likelihood review the decision once the concerns were addressed.⁸⁸

Security concerned NDHQ officials in the early stages of the decision making process and reappeared once the decision had been taken to join UNOSOM.⁸⁹ At the daily executive meeting of August 31, 1992, the CDS noted that in light of the situation in Somalia, the earlier decision not to send observers seemed justified.⁹⁰

The security issue remained the determining factor in the decision to join UNOSOM throughout the process. It was the only real consideration for Canada when the first UN request was declined and, in the final decision, the security factor played a critical role, as the decision to join was conditional on the deployment of appropriate security forces.

Humanitarian Imperatives

According to the testimony of Robert Fowler, the Deputy Minister of DND at the time, the humanitarian situation and the desire to be seen to be responding quickly were the key factors in Canada's decision to join UNOSOM.⁹¹ The humanitarian concerns and the desired public response to the situation were conveyed explicitly to the Prime Minister in a memorandum prepared by the Clerk of the Privy Council and dated August 18, 1992:

"Press attention and public interest is growing day by day. A Government statement on Canada's response to security and humanitarian needs in Somalia would be timely and well-received."⁹² Three days later Canada's commitment to the UN operation in Somalia was announced publicly.

Sustainability

Early in the planning, before any decision, concerns were raised about possible resource problems as a result of the number of CF troops engaged in UN peacekeeping operations.⁹³ Gen de Chastelain testified that he had been concerned about the ability of the CF to respond to either of the two missions being considered during the summer of 1992, Somalia and Bosnia. He had specifically asked the Commander of FMC to determine CF capability. The response was positive; the CF had the ability to maintain four operations (Croatia and Cyprus were already in place) until the fall of 1993.⁹⁴

This estimate was later revised. In a briefing to the CDS in early September,⁹⁵ Col Kennedy maintained that in light of anticipated force reductions in 1993, the CF would not be able to maintain the four missions, rotate troops to them, and still give troops sufficient time at home.⁹⁶ In addition, at the time the request for troops for UNOSOM was pending, a commitment to provide the standby battalion for the possible UN mission for the Referendum in Western Sahara (MINURSO) was also outstanding. The CDS accordingly received advice from LCol Froh on August 25, 1992 that a positive response to the UN request in August 1992 was possible only if the commitment to MINURSO was dropped. Based on this advice, the CDS told the Minister of this condition for accepting the request. While the issue of sustainability was not foremost in the decision-making process, it was considered, and concerns raised in connection with the CF capability were addressed.

The Decision to Participate in UNITAF

Events Leading to the Change in Mandate

In October and November 1992, while the UN proceeded with its plan for UNOSOM and the CF continued preparations for Operation Cordon, the security situation in Somalia continued to deteriorate.⁹⁷ Thus, while food remained available for delivery, as many as 3,000 people were said to be dying of starvation each day.

The UNOSOM mandate was to ensure the safe delivery of humanitarian assistance by deploying troops in four zones⁹⁸ But the mandate proved impossible to achieve. Since UNOSOM was authorized under a traditional peacekeeping mandate, troops could be deployed to the zones only if they had the consent of the *de facto* authorities. By the end of November, agreement had been obtained only for the Canadian deployment to the north-east zone.⁹⁹ And while Canada continued preparations for deployment in early December, the balance of the mission was effectively put on hold.

On November 24, 1992, in light of the worsening situation and the inability to carry out the mission as originally conceived, the Secretary-General, Boutros Boutros-Ghali, warned the Security Council that it might become necessary "to review the basic premises and principles of the United Nations effort in Somalia".¹⁰⁰ This reference was a clear invitation to the Security Council to consider moving toward some kind of peace enforcement action, which would allow troops to be deployed without the consent of

authorities and would allow the use of force to secure the delivery of humanitarian assistance.

On November 25, 1992, as options were being developed at the UN, the Acting Secretary of State, Lawrence Eagleburger, met with the Secretary-General to tell him that the United States was willing to lead a peace enforcement operation in Somalia, the sole object being to stabilize the situation throughout Somalia, using force if necessary, so that UNOSOM could resume and continue with its mission.¹⁰¹ The offer raised difficult questions about the role of the UN in the new operation and the relationship between the U.S.-led operation and UNOSOM.¹⁰²

Following the offer, the Secretary-General presented five options to the Security Council to address the immediate problem of creating conditions for the uninterrupted delivery of relief supplies.¹⁰³ The first two, to continue with UNOSOM and to withdraw the military elements of UNOSOM, were modeled on Chapter VI missions (that is, traditional peacekeeping under Chapter VI of the UN Charter which provides for progressively interventionist action to resolve a dispute by peaceful means). The other three options envisaged action under Chapter VII of the UN Charter (that is, peace enforcement missions which require a determination that non-military measures are not capable of achieving a resolution of the dispute) and included a show of force in Mogadishu; a country-wide peace enforcement operation authorized by the UN but under command of member state(s),¹⁰⁴ and a country-wide peace enforcement operation under the command of the UN.¹⁰⁵

Secretary-General Boutros-Ghali preferred option five, but he had doubts about its feasibility.¹⁰⁶ The most promising course therefore appeared to be option four, a country-wide peace enforcement operation led by the United States. It was widely supported, even by countries in Africa and the nonaligned movement, and provided the most viable option for an immediate response to a situation in which, as Canada's UN representative described it, Pakistan's battalion remained de *facto* hostages, aid agencies were afraid to operate, and the port of Mogadishu remained closed despite recent assurances of cooperation from leaders of the combatants.¹⁰⁷

On December 3, 1992, the Security Council endorsed option four, thereby authorizing the first peace enforcement mission under Chapter VII of the UN Charter since the end of the Cold War.¹⁰⁸ The operation was to be commanded by the United States and funded completely by member states, not by the UN.¹⁰⁹ The mandate of the operation was set out as follows: "...to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia."¹¹⁰

On December 4, 1992, U.S. President George Bush directed the execution of Operation Restore Hope, to be carried out by a multi-national coalition known as the Unified Task Force (UNITAF). On the same day, the Government of Canada announced its contribution to the U.S.-led operation. It would send one infantry battalion of 900 troops, replacing Canada's earlier commitment to UNOSOM of 750 personnel.¹¹¹

In the following sections, we examine Canada's role and interests in the changing mandate, the events leading to the Canadian commitment, and NDHQ's contribution to the decision-making process. Finally we consider the extent to which that process

followed the standard decision-making process, its effectiveness, and the appropriateness of the factors considered most important.

Canada's Interest and Involvement in the Changing Mandate

While discussions on the changing mandate were taking place at the UN, Canada's UN representative had two principal concerns. First, Canada wanted to assure its involvement in any discussions about changing the UN mandate. Second, a clarification was needed on the relationship between the U.S.-led operation and UNOSOM.

On learning of possible change in the mandate at the end of November, DEA immediately began a campaign to ensure that Canada, as a contributor to UNOSOM, would be consulted before the Security Council made any decision about a new mandate. Louise Fréchette, Canada's Permanent Representative to the UN (and now Deputy Minister of DND), contacted members of the Security Council and Mr. Boutros-Ghali, while Canadian diplomatic staff in Washington, London, and Paris contacted their counterparts in those capitals.¹¹² These informal discussions were followed by a letter from Ambassador Fréchette to the President of the Security Council on November 27, 1992 reiterating the request.¹¹³ Canada's efforts to ensure its views were heard sparked lobbying efforts by other troop-contributing countries and in the end led to the formal consultation that had been requested.¹¹⁴

There appears to have been immediate agreement at DEA that the deteriorating situation in Somalia demanded some form of forceful external intervention. However, officials identified several fundamental questions that had to be addressed before firm recommendations on Canada's position could be made to Cabinet. Officials in Ottawa seemed particularly concerned that this operation should serve the ultimate goal of political stability and reconstruction in Somalia, while at the same time meeting immediate security and humanitarian needs. They asked Ambassador Fréchette:

Will outside intervention reinforce this psychosis of invasion created by warlords and if so, how would this be dealt with? Would it require racial etc. balance in composition of enforcement troops? Who would be involved, troops already committed or others with due consideration given to "geographical" balance? What is the purpose of the intervention? to ensure delivery of humanitarian assistance or restore some kind of authority/government? How long would UN force be engaged in Somalia? What kind of civil and military actions are being contemplated? More specifically, what structures could be put in place in order to allow Somalia to govern itself once operation is terminated? What would be conditions for UN military withdrawal from Somalia? and who would pay for overall operation?¹¹⁵

Although DEA raised similar issues about how to accomplish the long-term goals of the operation a couple of days later,¹¹⁶ the issues were never resolved and continued to be a source of significant disagreement between the United Nations and the United States throughout the operation.¹¹⁷ At this time the attention of Canadian officials focused more and more on the relationship between UNOSOM and the contemplated U.S.-led intervention.

Initially, when resolving the impasse in Mogadishu was the only thing at stake, it appeared that Canada retained the option of continuing under the existing UNOSOM mandate in the Bossasso region.¹¹⁸ However, with the U.S. offer on November 25th to launch an operation covering more than just Mogadishu,¹¹⁹ the wisdom of carrying out both operations simultaneously was debated.

Canadian officials took the position, supported by the U.S. State Department, that the Canadian deployment to Bossasso could continue,¹²⁰ even though the details of the arrangement were still to be decided.¹²¹ They maintained that since UNOSOM had not been excluded explicitly by the Secretary-General in his report of November 29th, planning could continue on the current basis. This position, which became known as the 'Canadian option', was also passed on to the President of the Security Council.¹²²

Although Security Council members supported the Canadian option, Mr. Boutros-Ghali did not. He believed that an operation like UNOSOM based on a traditional peacekeeping mandate and a peace enforcement action should not take place concurrently. His fear was that the peaceful situation in Bossasso might change as a result of the peace enforcement action, rendering the traditional peacekeeping mandate inadequate and thereby jeopardizing both the troops and UN credibility.¹²³ Instead, he wanted Canada to remain available to play a role in the revived UNOSOM operation and asked that Canada not participate in the peace enforcement operation.¹²⁴ On December 2nd, at the request of the Secretary-General, the Canadian deployment to Bossasso was suspended.

Until this time, NDHQ did not appear to play a significant role in the developing situation. Although Gen de Chastelain requested, as early as November 27th, that communication be established with the Pentagon to determine U.S. intentions with respect to Somalia,¹²⁵ no serious consideration was devoted to the issue until December 1, 1992.¹²⁶ At the daily executive meeting that morning, the ADM (Pol & Comm) noted that Canada should continue to plan for the Bossasso deployment until the U.S. policy was confirmed and plans were proposed.¹²⁷

Then, on December 2nd, perhaps because UNOSOM had been suspended and the Bossasso deployment appeared increasingly unlikely, Gen de Chastelain became personally involved in the mission planning. He telephoned Gen Colin Powell, chairman of the U.S. Joint Chiefs of Staff, to ask about the U.S. position and to relate his own views. Gen de Chastelain told Gen Powell that he would shortly be presenting two options to the Government:

1. to take part in the peace enforcement operation if the UN wished Canada to do so; or
2. to continue with the original plan for deployment to Bossasso when the UN ordered it to continue.

The CDS indicated that his personal preference (not the Government's) was to continue with the deployment to Bossasso, but only if it were going to take place immediately. He emphasized the capabilities and readiness of the Canadian Airborne Regiment, and suggested that if there was going to be an open-ended delay, his preference was to join

the peace enforcement operation. Gen Powell responded that he would welcome Canadian participation in the peace enforcement action in southern Somalia, but he also saw some value in having a contingent operating from a firm base in the north.¹²⁸

Shortly after Gen de Chastelain's call to Gen Powell, President Bush contacted Prime Minister Mulroney to encourage Canadian participation in the mission.¹²⁹ On learning of this communication, Gen de Chastelain called Gen Powell again to advise him that he would initiate staff contact between NDHQ and the Pentagon to discuss the possibility of Canadian involvement in the peace enforcement operation.¹³⁰

Meanwhile, the possibility of a partial UNOSOM -- deployment the Canadian option -- was considered by the Security Council. The Secretary-General presented three options: integrate UNOSOM into the coalition; the Canadian option, with a mini-UNOSOM in the north-east and Mogadishu incorporated into the peace enforcement operation; or to freeze the UNOSOM deployment until after the peace enforcement action was terminated, Mr. Boutros-Ghali expressed his preference for the third choice.¹³¹

Canadian officials at the UN sought direction from Ottawa about whether they should seek to change the Secretary-General's mind.¹³² We have no evidence of any guidance they received in response to this query. However, a document entitled "Initial Planning Considerations" appears to be an NDHQ assessment of the advantages and disadvantages of each option.¹³³

The document provided no recommendation about which was the best option, and there is no evidence of the use, if any, to which this document was put. In any case, there do not appear to have been further efforts by Canadian officials in New York to push the Canadian option after December 2nd. There is no reference to it in written materials or the testimony.

Canada's Decision to Participate in UNITAF

Having apparently abandoned the Canadian option, in light of Mr. Boutros Ghali's resistance to the idea, NDHQ began to analyze the remaining options in preparation for a Cabinet briefing on December 4th.¹³⁴ Over December 2nd and 3rd, three analyses were prepared.

It is interesting to note that all the witnesses who were asked testified that they favoured participation in the peace enforcement operation, yet no recommendation one way or the other was offered to Cabinet. Instead, Gen de Chastelain and Mr. Fowler presented two options to the Cabinet committee: (1) immediate participation with an augmented force in a peace enforcement operation expected to last eight months, or (2) participation 9 to 12 months later in a resurrected UNOSOM for a period of one year. They projected that the incremental costs to DND would be the same for both operations and told the Cabinet committee that the Canadian Forces was equally capable of carrying out either.¹³⁵

Normally, a recommendation would have been provided to Cabinet, but in a situation like this involving two missions, either of which the CF could undertake, the CDS and the DM felt it was best to present the options to Cabinet and let it decide.¹³⁶ Furthermore, as DEA, not DND, had been designated the lead department on the issue they took the

position that the only appropriate role for NDHQ was to say whether it was capable of carrying out either option and to present the pros and cons of each operation.¹³⁷

On December 4, 1992, an Ad Hoc Committee of Ministers on Somalia¹³⁸ met. After considering the advice of DEA and the information from NDHQ that it could participate in either mission at equal cost, the committee agreed that Canada should

participate, for the duration of the UN military enforcement operation (an estimated nine months) with a properly supported battalion sized force of up to 900 troops. Canada therefore would not participate in any subsequent peacekeeping operation in Somalia.¹³⁹

The announcement of Canada's participation in the peace enforcement operation was made in a special broadcast by the Secretary of State for External Affairs, the Hon. Barbara McDougall, and the Minister of National Defence, the Hon. Marcel Masse, at noon on December 4th. The order in council placing members of the Canadian Forces on active service for the multi-national effort in Somalia was tabled in the House of Commons on December 7th. It was followed by debate and passage of a resolution affirming support for UN resolutions dealing with Somalia and for Canadian participation in the multi-national effort to establish a secure environment for humanitarian relief operations in Somalia.¹⁴⁰

As the actions and decisions of DND and CF leadership are relevant to our Inquiry, their contribution to the decision-making process is outlined and analyzed in more detail in the next section.

NDHQ's Contribution to the Decision-Making Process

Written Analyses

According to Gen de Chastelain, NDHQ began to analyze the possibility of participating in the U.S.-led mission in earnest after December 1, 1992.¹⁴¹ Analyses were based on the U.S. mission and concept of operations as gathered from a conversation the next day between officers of the J3 Plans staff and the U.S. Joint Staff.¹⁴² The mission of the multi-national coalition was recorded as the following:

- to secure seaports, airports, ground routes, and major relief centres;
- protect and assist the operations of non-governmental relief organizations;
- provide a secure environment; and
- disarm, as necessary, forces interfering with humanitarian relief operations.¹⁴³

It was assumed that the mission would take place in a 'non-permissive environment' -- meaning that the use of force might be required to accomplish the mission -- and would be carried out in four phases, beginning with securing the seaport and airport at Mogadishu, then securing two major outlying centres, first Baidoa, then Kismayu, and finally handing the operation back to UNOSOM.

Only three very cursory written assessments were done by NDHQ before Cabinet was briefed. LCol Clark, the desk officer responsible for Somalia in DI Pol, produced an aide-

mémoire dated December 2, 1992 (as he had done for Operation Cordon).¹⁴⁴ The desk officer in J3 Plans, Cdr R.K. Taylor, wrote a briefing note.¹⁴⁵ One other undated, anonymous document, entitled "Comparison of Options for Canadian Participation in Somalia", was prepared.¹⁴⁶ The contents of these three documents are described briefly below.

Aide-mémoire of December 2, 1992

In his aide-mémoire, a two-page document dated December 2, 1992, LCol Clark recommended that, given the time constraints, the possible options for Canadian participation should be based on the force configuration and support structure already developed for UNOSOM. He assumed, without analyzing the nature of the mission, that this structure might require some modification, but that it had the basic capabilities and characteristics to participate in either an "enforcement action" or "in the protection of humanitarian aid distribution". In the last two paragraphs LCol Clark considered the advantages and disadvantages of each option:

8. Option A [enforcement action]. The major advantage of this option is that the Contingent could be committed at the outset and performing a task of fairly short duration. Early In -- Early Out. Integration under a US command structure and interoperability would not present a significant operational problem since we have trained frequently with US forces. However, there are a number of concerns.

a. There is some serious doubt that the UN would fund the operation.

b. The degree of risk to Canadian troops is assessed as higher than Option B or even the current task.

c. It runs counter to the SG's expressed plan for Canadian participation.

9. Option B [protection of humanitarian aid distribution]. This option conforms to the original Government direction but simply delays the execution of the current operational plan. This will mean that some elements of the current plan would have to be reversed and then re-started. This will involve considerable additional cost, but since the commitment will be UN-funded it should not impose any significant additional burden on Canada.

The aide-mémoire contained no final recommendation about which option should be pursued.

Briefing Note of December 3, 1992

The briefing note by J3 Plans, a four-page document, was slightly more detailed. As in the aide-mémoire, the advantage of participating in an "early in-early out" operation and

the ease of operating under U.S. command were noted. In addition, Cdr Taylor pointed to the advantages flowing from the fact that the forces were already "packed and ready to go". There would be minimum disruption of the deployment plans and no change in the sealift or airlift allocation. HMCS *Preserver* was already en route with equipment for the Canadian Airborne Regiment and, once alongside Mogadishu, could be used for other activities in support of the operation. Finally, the airlift could be rerouted direct to Mogadishu, thereby decreasing the amount of time required to airlift the main body of the force.

The disadvantages or considerations mitigating against participation in the peace enforcement action were that the existing force structure, weapons, ammunition, and stores were all configured for peacekeeping, not peace enforcement, and might not be conducive to deployment by air landing or air assault, should that be necessary. The effects of these disadvantages would require some adjustments to plans. Certain capabilities, such as indirect fire support, medical services, and logistical support, would have to be provided by coalition forces, and Canada would have to add an in-theatre command and control element. As well, Cdr Taylor suggested that a new airlift plan would have to be developed, new deployment times might be required to fit into U.S. plans, and close liaison between Canadian and coalition movement and logistics personnel would be required.

Other considerations noted were that Operation Relief airlift resources might be put at risk as a result of being associated with "offensive operations" and that HMCS *Preserver* might not be required as long as originally planned and might therefore be available for other tasks.

The advantages and disadvantages of participating in a resurrected UNOSOM were listed as follows:

Advantages

- a. little or no change to role and equipment requirements;
- b. no change to airlift plan (other than timings);
- c. high degree of readiness of CAR can be maintained;
- d. less risk (more benign environment) for peacekeeping mission; and
- e. UN will pay for the mission.

Disadvantages

- a. equipment and personnel unavailable for other tasks;
- b. equipment and personnel requirements may change depending on outcome of enforcement operations;
- c. equipment has to be moved and/or stored at a financial cost;

- d. sealift contracts will have to be re-negotiated; and
- e. AOR [HMCS *Preserver*] is already en route.

Again, the note contained no recommendation about which mission Canada should participate in.

Comparison of Options

The last document, a two-page document entitled "Comparison of Options for Canadian Participation in Somalia" was simply a short comparison of the pros and cons of each mission. It appears to have been written for Mr. Fowler (it has the notation "DM" in the corner). It includes factors such as the potential impact on Canada-U.S. relations and on public opinion. These factors would be more likely to be considered by the Deputy Minister, in his role as adviser to a minister, than by the NDHQ military staff.

The perceived advantages of participating in the peace enforcement operation were said to include some of the same factors identified in the other two notes: "early in-early out"; the Canadian contingent was "ready to go", with only minor adjustments required, and could be in Somalia in 30 days; they could draw on U.S. support such as logistics, medical, and fire support; shipping was available for transport of equipment; and HMCS *Preserver* was available for initial sustainment. In addition, the author noted that the peace enforcement operation might be shorter than the subsequent peacekeeping operation; that participation would reflect "immediate and vigorous action"; and that it would have a positive effect on Canada-U.S. relations.

Under the heading "cons", the author identified eight disadvantages of participating in the mission. Two of these -- the potential cost of the mission and the greater danger it posed to the troops -- had also been identified in the other briefing notes. Four were not true disadvantages, but reflected unknown aspects of the mission that might turn advantages into disadvantages: the risk that it would be difficult to get out of Somalia and therefore that the mission would not be "early out"; the need to restructure mission requirements if U.S. support was restricted; the need for independent command, control, and communications if the Canadians were not under U.S. operational command; and the need for a national line of communication support if U.S. assistance was restricted.

The last two disadvantages referred to public perceptions of the mission. The author noted that participation might be seen as inconsistent with traditional Canadian foreign policy and that public support might erode if there were casualties.

The advantages of the peacekeeping operation were listed as lower cost, lower risk to soldiers, no change to planning required, and maintenance of the Canadian peacekeeping profile. The disadvantages included both operational and policy concerns. The operational concerns were that keeping the troops on hold at a high state of readiness might have a negative impact on other CF commitments; that HMCS *Preserver* might need to return and then be redeployed; and that the operation might extend beyond 1993 and therefore pose a sustainability problem. The policy concerns were that the "post-

enforcement phase" might be "unmanageable" and that Canada could be seen as doing nothing while others sorted out the situation in Somalia.

As with the other two written assessments, the author did not provide recommendations.

In addition to these three written assessments, Land Force Command (LFC) was also asked to contribute to the analysis. Maj McLeod, G3 Plans staff, produced a brief to the Commander LFC on December 2, 1992, entitled "Capability and Options". The aim of this brief was not to consider which operation was more feasible from LFC's perspective, but to outline the options for reconfiguring the CAR to enable it to participate in UNITAF.¹⁴⁷

These assessments were not the only basis on which the briefing to Cabinet was developed. Since time was short (they had two days, December 2nd and 3rd), and because it was assumed, incorrectly in our view, that much of the analysis for Operation Cordon applied to this operation (particularly, the background of the situation in Somalia, the tasks, whether it was in Canada's interests to participate), the standard process of analyzing a mission was not followed, and much of the work was done orally.¹⁴⁸

In the next section, the factors that figured in discussions at NDHQ between the joint staff, DI Pol staff, and senior officers (Chief of the Defence Staff, Vice Chief of the Defence Staff, Deputy Chief of the Defence Staff, and group principals) are considered. While LFC was consulted about its capacity to participate in the peace enforcement operation, it appears that no senior officer outside NDHQ, including the Commander LFC, had any significant input into or influence on the analysis of options.¹⁴⁹

Key Factors in the Decision-Making Process

Senior officials and officers in NDHQ saw their role in the decision-making process as making a presentation to Cabinet on options for possible CF Deployment to Somalia. They did not believe they had any legitimate role in recommending one option over the other. Yet despite this professed neutrality, all the witnesses testified that their preference was to participate in the U.S.-led peace enforcement operation. Moreover, Mr. Fowler acknowledged in testimony that the Minister of National Defence was aware of the Department's bias.¹⁵⁰

Some witnesses identified what they believed were the most important factors taken into account in developing the briefing to Cabinet and, in many cases, favouring participation in the U.S.-led peace enforcement mission. They included the fact that the unit was ready and anxious to go on an operation; that senior officers and officials desired a prominent military role in the mission; that some planners felt that the decision to participate in the U.S.-led mission had already been made, reducing their function to justifying the decision; that the peace enforcement mission was more sustainable given other CF commitments; and that media attention to the situation in Somalia required immediate action. As well, some raised cost and a desire to foster good relations with the United Nations and the United States as factors in the decision about whether to participate.

Alleged Readiness of the Unit

The fact that the unit was allegedly ready and anxious to go appears to have been one of the most important factors favouring participation in the U.S.-led peace enforcement operation. Every witness on this topic mentioned it, and it appeared in all the assessments. As Gen de Chastelain explained:

...we had a unit ready to go, we had ships waiting in the port of Montreal to load their vehicles and equipment, we had a supply of vessels that already I think by that time was through the Suez canal and closing in on Djibouti. We had the troops on 48 hours' notice to mount up and, therefore...I preferred to go ahead with the operation that we had planned, that we had done a reconnaissance for and we were ready to conduct.¹⁵¹

Although Col Bremner asserted in testimony that the fact that HMCS *Preserver* was en route to Bossasso would have had no impact on the decision to participate in the peace enforcement operation, Cmdre Cogdon, who was responsible for co-ordinating operational planning activity, and Gen de Chastelain both agreed that this was a prime factor.¹⁵² Certainly from the written assessments, the alleged readiness of the troops and deployment of HMCS *Preserver* appear to have been important factors in the decision.

Desire for a Prominent Military Role

The desire for a prominent military role also appears to have been a significant factor favouring participation in the U.S.-led mission. As early as mid November, LGen Addy, the Deputy Chief of the Defence Staff (Intelligence, Security and Operations), and MGen Gervais, the Commander Land Force Command, began to question the usefulness of a Canadian contingent in Bossasso. As confirmed by the reconnaissance mission to Bossasso in October 1992, the region was relatively calm and had sufficient food. In fact, the region was exporting beef to Yemen.¹⁵³ Col Bremner and Col Houghton both said that they were satisfied that although there would not be much to do in terms of protecting food aid, there would still be an important national reconciliation role to play in Bossasso.¹⁵⁴ However, LGen Addy was definitely dissatisfied with that role.¹⁵⁵

Gen de Chastelain also attached considerable importance to this and made personal efforts, even calling Gen Powell, to secure a prominent or visible role for Canada. After one conversation with Gen Powell, he explicitly noted the importance of securing a high-profile role. A "role that was seen to be secondary", he wrote, "would not sit well with the troops, with me, with the Government or with Canadians."¹⁵⁶ In his testimony he suggested that one of the reasons Canada had to secure a prominent role was to satisfy the media, which were portraying Canada as having been left out of the real action during the Gulf War in 1990-91.¹⁵⁷

The importance of securing a prominent role was impressed upon RAdm Murray (the Associate Assistant Deputy Minister, Policy and Communications), who led the liaison visit to the United States, Col Michael O'Brien (J3 Operations), the key NDHQ staff contact for Operation Deliverance, and Col Serge Labbé, Commander of the Canadian contingent.¹⁵⁸ Col Labbé testified that he wanted a meaningful role for the Canadian

contingent "so that we would be able to accomplish something significant in Somalia and actually reverse the famine and contribute to putting the country on its feet again."¹⁵⁹

Analysis Geared to a Decision Already Taken

It appears that the pressure to secure a high-profile mission played a significant role in the decision-making process, for a number of witnesses suggested that the decision to participate was small-p 'political' in the sense that there was a bias toward participating in the peace enforcement operation.¹⁶⁰ This meant that planners were asked to determine not whether one operation or the other made more sense from a policy and operational point of view, but whether participation in the U.S.-led peace enforcement operation was possible and how quickly the CF could get to Somalia. As Cmdre Cogdon explained, he received direction from the Chief of the Defence Staff, through the Deputy Chief of the Defence Staff (ISO), to make it happen and jump on the U.S. bandwagon as quickly as possible. Although this was unusual, he asserted that it was logical given the alleged readiness of the Airborne and its support. Things had to move quickly to make sure Canada became a part of the U.S. plans as early on as possible. Doing a full estimate and examining all the options would have prevented the CF from getting involved right from the beginning of the peace enforcement action.¹⁶¹

In our view, this review of the decision-making process suggests that there was pressure to focus on determining how Canada could participate in a prominent way in the U.S.-led mission, at the expense of the normal process of analyzing the merits and drawbacks, from a policy and an operational perspective, of participating in an operation. This approach deviated from standard practice. Regardless of whether senior decision makers thought the unit was ready to go, Operation Deliverance was a fundamentally different operation from Operation Cordon and, as DND and CF practice requires, it should have been assessed against the (modified) peacekeeping criteria.

Media Attention Prompting Immediate Action

The Deputy Minister suggested that the major motivating factor favouring participation in the U.S.-led peace enforcement mission was the desperate situation of people in Somalia. He said that even though the United States wanted Canada to wait and participate in UNOSOM II, the situation as portrayed on television suggested that waiting did not make much sense.¹⁶² This interpretation of the decision-making process is not wholly supported by the facts. It is true that intense media coverage of the situation in Somalia made action there a priority for the Government.¹⁶³ However, consideration of how Canada could best contribute to improving the situation was not the principal motivation for decisions. Rather, securing a high-profile mission was the top priority and, as Gen de Chastelain and Col O'Brien noted, that could be achieved only by getting in at the beginning of the U.S.-led operation.

Sustainability

In the fall of 1992, Canada had 2,279 personnel deployed abroad, with another 1,200 promised for the former Yugoslavia.¹⁶⁴ By January 1993, Canada's commitment to peace

support operations overseas amounted to 4,700 CF personnel.¹⁶⁵ At the same time, planning was geared to maintaining only 3,000 people internationally.¹⁶⁶ With the second deployment to the former Yugoslavia, that number would be exceeded. When asked whether participation in the U.S.-led Somalia operation was possible, Land Force Command responded that it could be accepted but sustained for only one year without rotation.¹⁶⁷ Conducting an operation with no allowance for rotations was something that had not been done since World War II.¹⁶⁸

Moreover, at the beginning of December 1992, the CF was, by LGen Addy's own admission in testimony before us, already above the limit of sustainability, and it was consequently having to augment with reserves.¹⁶⁹

It was assumed that Canada's international commitments would remain the same the following year and therefore that there was no particular advantage in waiting a year to participate in a resurrected UNOSOM. If anything, it was suggested that participation in the peace enforcement mission made more sense from a sustainability perspective. Military planners thought the peace enforcement mission would be quick -- a maximum of nine months. They were less certain that they could guarantee a 12-month peacekeeping operation later.

However, the evidence before us suggests that decision makers did not really examine this issue very closely. For example, within weeks after the decision was made to participate in the U.S.-led mission, Canada announced its intention to withdraw from Cyprus. It is difficult to believe that decision makers did not know of this contingency, which would have made participation in a resurrected UNOSOM more sustainable. Second, in his briefing to Cabinet, the Chief of the Defence Staff suggested that if Cabinet decided not to participate in the peace enforcement operation, its option was to consider participation in the resurrected UNOSOM operation. In other words, Canada might not participate in any Somalia operation at all. From a sustainability perspective, given the overstretch being experienced by the military in the fall of 1992, this would have been the optimal option. Yet exactly the opposite conclusion was reached.

As suggested by Cmdre Cogdon, the options were not given genuine consideration. No effort was made to determine whether no participation at all, or participation in a resurrected UNOSOM operation, would make more sense. On the basis of the evidence before us, we can only conclude that sustainability was considered from the perspective of whether participation in the U.S.-led mission was possible, not in terms of which mission could be better sustained.

Cost

The cost of the mission was mentioned by only one witness, LGen Addy, the Deputy Chief of the Defence Staff (ISO) at the time, who raised the issue not to alert us to its importance in the decision-making process but only to acknowledge that it would probably have been one of the issues presented to Cabinet.¹⁷⁰

LGen Addy's portrayal of the importance of cost appears to be accurate. As noted in the three written analyses and confirmed at the daily executive meeting of December 8, 1992 by the Assistant Deputy Minister (Finance),¹⁷¹ participation in the peace enforcement

mission was going to cost Canada more, because the mission would be nationally funded. Despite this, cost does not appear to have been a decisive factor at all.

In DND's briefing to Cabinet,¹⁷² cost was presented (at least graphically) as a neutral factor. A chart included in the briefing listed three options: the peace enforcement operation for eight months; a resurrected peacekeeping operation for 12 months beginning in August 1993; and a resurrected peacekeeping operation for 12 months beginning in November 1993. Although notes accompanying the chart included an important caveat to the effect that the estimates did not take into account either Canada's assessed contribution or revenues (estimated to be about \$40 million¹⁷³) that would be received from the UN for participation in peacekeeping, the chart showed that over a three-year period, any one of the options would cost DND \$65 million.¹⁷⁴

Four days after the briefing to Cabinet, the Assistant Deputy Minister (Finance) advised the daily executive meeting that with the change from a UN-funded operation to national funding (a fact that was confirmed on December 3, 1992), the cost for the Somalia effort had increased from \$65 million for a 12-month period as part of UNOSOM to \$75 million for an eight-month period as part of UNITAF.¹⁷⁵

It is significant that cost was presented as a neutral factor in the December 4th briefing, even though the peace enforcement operation was clearly going to be more expensive. There may not have been a conscious attempt to mislead Cabinet, but cost was not a key consideration in DND analyses and may have been downplayed because of the bias toward participating in the peace enforcement mission.

UN and U.S. Positions

The Secretary-General wanted Canada to participate in the resurrected peacekeeping mission, not the U.S.-led peace enforcement mission. Although this was acknowledged in the first briefing note prepared by LCol Clark, it does not appear to have been a significant factor in the minds of DND decision makers. Both Col Bremner, the Director of International Policy, and Col Houghton, J3 Peacekeeping, testified that they were not aware of the Secretary-General's preference, although they must have seen the messages from New York and read LCol Clark's briefing note -- especially Col Bremner, who was LCol Clark's immediate superior and must have approved the note. By contrast, Gen de Chastelain testified that he was aware that participation in the peace enforcement mission was contrary to the wishes of Mr. Boutros Ghali. However, he saw it as a consideration that the Government had to weigh in deciding whether to participate in the peace enforcement mission. It was not a matter of concern to the CDS or his staff.¹⁷⁶ Mr. Fowler agreed with Gen de Chastelain that the UN's wishes were not significant as far as DND was concerned. Like the CDS, he emphasized that the decision about whether to participate was left up to the Government and made on the basis of a recommendation from DEA, not DND. As he said in his testimony before the Inquiry, "There were no defence considerations for Canadian [national] security here at all. These were foreign policy...strictly foreign policy."¹⁷⁷

It is interesting to note that in her public announcement, the Secretary of State for External Affairs, the Hon. Barbara McDougall, Suggested that Canadian participation

was at the request of both the United Nations and the United States.¹⁷⁸ This view is not supported by the facts.

It appears that Mr. Fowler, or his staff,¹⁷⁹ was of the view that participation in the peace enforcement mission would have a positive effect on Canada's relations with the United States. Presumably, this view was based on the assumption that Washington was anxious to have Canada participate. President Bush personally asked Prime Minister Mulroney to support U.S. efforts and to join the coalition, and one can imagine that the Government's desire to assist our most important ally would figure prominently in the decision-making process.

The White House may have been eager for Canada to participate, but the Pentagon appears to have been indifferent. In both conversations between Gen de Chastelain and Gen Powell, on December 2 and 4, 1992, the Chairman of the Joint Chiefs of Staff expressed surprise that Canada was not going to continue with the UNOSOM mission in Bossaso. In fact, it was as a result of Gen Powell's indifference that Gen de Chastelain ordered his staff to make contact with U.S. planners in MacDill, Florida and Pendleton, California during the early planning stages of the mission.¹⁸⁰

The popular myth that Canada was pressured by the United Nations and the United States to participate in this mission misses the subtleties of the situation. In fact, Canada made the commitment with encouragement from the President of the United States but in the face of opposition from the UN and indifference on the part of the Pentagon.

The actual process of decision making and discussion of the factors witnesses identified as important in the process raise fundamental questions about its appropriateness and adequacy. These questions are discussed in the following section. Important deviations from the normal process and the reasons for them are examined and their impact evaluated. As well, the appropriateness of the factors considered in the process are examined.

Issues Arising from the Decision-Making Process

Perhaps the most important deviation from the usual decision-making process was the starting point of analyses. The decision was not approached neutrally. Rather, there was a bias on the part of the most senior officers in favour of participating in the U.S.-led operation and pushing for speedy involvement to ensure that a high-profile role was secured. This is evident from the testimony of NDHQ staff and from the approach in the estimates, especially that of Land Force Command, which considers only options for participation in the U.S.-led mission.

As well, the bias in favour of participation appears to have been based on two erroneous but interrelated assumptions: that the unit was "packed and ready to go", and that there were only minor differences between UNOSOM and the U.S.-led mission and therefore that the unit chosen for the previous mission was still the right unit. As Gen de Chastelain explained:

But to be accurate...I don't know that they [the guidelines] were considered, per se. I think the fact that we had accepted that the UN Chapter VI mission was doable and Canada should be involved was simply applied to this one too, once the operational assessment had been made that we could take part in it.¹⁸¹

As is apparent from the estimates, it was thought that the only real difference between the two operations was that some believed the Canadian contingent might have to neutralize armed opposition and would therefore need direct fire power and greater flexibility and mobility.

Another important deviation from the standard process is found in the approach and quality of the analysis. Given that planning did not start in earnest until December 1, 1992 and the briefing to Cabinet was delivered three days later, it is understandable that few written estimates would have been done. But the lack of time does not justify the poor quality of the estimates. They read like the authors' 'first thoughts' on the advantages and disadvantages of the missions, and none of those prepared at NDHQ identifies the aim of the estimate. Nor do they provide courses of action or indicate the preferred course open, as is standard practice in an estimate.

As described earlier, the Director of International Policy is supposed to analyze a mission from a policy perspective, considering all the relevant criteria for participation in peacekeeping operations set out in the Defence White Paper. These do not appear to have been considered systematically in the aide-mémoire provided by DI Pol on December 2nd. The likelihood of success of the mission and the requirement for a clear and enforceable mandate were not discussed at all despite the fact that at the time the note was written, there was already an awareness (evidenced in telexes from New York) of disagreements between the United States and the United Nations about the scope of the mandate. As well, while cost and sustainability, two key guidelines, were touched on in the note, they were not analyzed seriously.

According to the standard process, the estimate from J3 Plans is supposed to assess the capability of the CF to meet the needs of a mission as determined by J3 Peacekeeping. In this case, no initial analysis of the mission to be accomplished appears to have been done by anyone. If this step had not been missed, the lack of mission and its implications would have come to light. As it was, everyone assumed that Canada's role in the U.S.-led mission would be basically what it had been before, with a few minor adjustments to personnel and equipment. The analysis therefore focused primarily on determining whether Canada could meet troop and equipment requirements. But how those planning knew what the requirements would be without analyzing the mandate, without knowing what Canada's mission would be, and without knowing what the United States would be able to supply is a mystery.

The approach of staff and senior officers to the change in mandate and their relative lack of concern about the fact that Canada had no mission are especially surprising in light of their dissatisfaction with the failure of the United Nations to provide details about the specific mission and tasks of Canada in UNOSOM.

It is evident that if the standard guide lines for writing these estimates had been followed, the lack of a Canadian mission would probably have come to light. There would have

been less emphasis on departmental or governmental concerns and greater consideration of military matters, such as a clear statement of military purpose or mission and an analysis of the steps to be taken to accomplish that mission or, in military parlance, an "assessment of tasks". From that would flow a confirmation of force capability, size, composition, and organization needed to do the job; an assessment of the nature of the mission leading to the realization that specific, and new, rules of engagement (ROE) would be needed before troops were committed; the requirement to ensure all ranks had the opportunity to understand and train on the ROE; an overall and critical appreciation of the time factor, including time to address the ROE question, time for training, time for a force headquarters to be prepared, and time for the commander-designate to take command; and finally, reconfirmation of the state of readiness of the Canadian contingent before it was deployed.

It is acknowledged that the mission was defined only generally in the Security Council resolutions and that its nature, as well as the conditions likely to be confronted in Somalia, were necessarily vague at this early stage. However, these considerations ought to have led the planners to realize the critical importance of thorough military planning and to conclude that the most certain factor in the forthcoming mission was uncertainty. In turn, that conclusion should have pointed to the need for, among other things, a more balanced force with extra logistics and support capabilities and unfettered by an arbitrary limit on the number of personnel. This is not to say that these considerations would have, or should have, stopped Canadian participation, but they might have made the top decision makers aware of the need to emphasize this uncertainty in their briefing to Cabinet and to think through more carefully how they would deal with it.

The absence of an indication of a preferred course in the written estimates and the failure to alert Cabinet to the uncertainties of participating in the U.S.-led operation are also noteworthy. Both Gen de Chastelain and Mr. Fowler asserted that they presented the options neutrally, because the DEA was the lead department. Furthermore, they suggested that because there were two competing operations, it was a decision that ought to be made by the Government, not by DND. However, neither explanation addresses satisfactorily the uncertainties facing the CF in participating in a substantially changed operation for which the military mission was unknown and for which they had only a matter of days to prepare.

When Canada was asked to participate in other operations in Somalia -- one in the spring of 1992 and one in the spring of 1993 -- the CDS and DM had no difficulty advising the Government against participation.¹⁸² While it is obvious that the ultimate decision must be made by government, it is surely the responsibility of the CDS and the DM to advise the government, from their specific perspectives (which are admittedly blurred by the diarchy structure), about which mission, if any, Canada should participate in.

In the minutes of the special departmental executive meeting of December 4, 1992, there is a deliberate but impenetrable statement rationalizing the limit of DND's advice to Cabinet. It states explicitly that DND would not offer a recommendation, since it had not formally been asked for its opinion.¹⁸³ This explanation was not mentioned by any of the witnesses, raising this question: If they had not been asked for their advice, why did Gen de Chastelain and Mr. Fowler provide a briefing to Cabinet? This question is especially

pertinent considering that DND briefings to Cabinet on peacekeeping issues are uncommon. Usually, it is DEA that briefs Cabinet after having received the advice of DND.

For both the estimates and the final briefing to Cabinet, it appears to us that if DND had presented the issue in terms of courses open and a preferred course of action, this would have forced the analysts to articulate their rationale. This in turn might have brought to light the weaknesses in the major assumptions -- for example, that the unit was "packed and ready to go" -and the gaps in the analysis, such as uncertainties arising from the lack of a clear mission.

The analysis of options for participation in the Somalia mission was undertaken in an extremely short time. Recall that the Secretary-General's letter was written November 24, 1992, and analysis was begun in earnest only after the daily executive meeting of December 1, 1992. The estimates produced did not follow the standard form, were cursory, and made significant, erroneous assumptions about potential Canadian participation in the U.S.-led mission. This is not to say that the overriding inclination to participate in the peace enforcement mission was wrong, or that participation in UNOSOM II would have been more successful.¹⁸⁴ The point is that the actual decision-making process produced less than satisfactory analysis even if allowance is made for the short time period.

THE MISSION AND TASKS ASSIGNED TO THE CARBG

Mission and Tasks of Canadian Forces in UNOSOM

Although Operation Deliverance is the main focus of this Inquiry, it cannot be understood fully without reference to the planning that preceded it.

While planning for UNOSOM developed over several months, the mandate of the expanded mission, as described in the final enabling resolution adopted in late August 1992, was remarkably inexplicit.¹⁸⁵ One might reasonably have assumed that the mandate of the operation would have been clear by that time, since unlike its successor UNITAF which was mounted effectively within days of the decision, the resolution authorizing the final version of UNOSOM (including the establishment of the four operational zones or humanitarian relief sectors and an augmented security force to secure each of the new zones), evolved over several months, as the surrounding circumstances became increasingly chaotic. Moreover, the resolution followed the recommendations in the Secretary-General's report, which was based largely on information obtained during the two technical missions to Somalia in March 1992 and August 1992.

The absence of a clear statement of mission in the UN mandate and the failure to specify explicit tasks for contributing contingents is not surprising. The UN has received frequent and directed criticism about its inability to task military operations effectively and responsibly. Many critics have recommended that the UN maintain a permanent military structure to assess probable missions from a military perspective.

However, the fact that Somalia was the first humanitarian mission undertaken by the UN was an important limitation. From this perspective, the ambiguous mandate was at least somewhat understandable. Nonetheless, from Canada's perspective, the mandate of

UNOSOM and the tasks assigned to the CAR battalion group were never clarified acceptably, even though Canada had asked specifically for clarification in late October. The point became moot, however, when the peacekeeping mandate was suspended in favour of the peace enforcement mission, under the leadership of the United States.

Mission and Concept of Operations: The UN Perspective

The first articulation of the expanded mission is found in the Secretary General's report released in late August. The ensuing UN resolution,¹⁸⁶ established four additional security units, each with a strength of 750 in all ranks. One would be deployed to each operational zone. (See Figure 24.2, showing the operational zones under UNOSOM.) The main purpose of the mission was to secure the delivery and distribution of humanitarian assistance throughout the country, using a multifaceted and comprehensive approach, covering humanitarian relief and recovery, cessation of hostilities, security and national reconciliation. These activities represent the general premise of UNOSOM as of August 1992, from which roles and tasks for the various member states were later identified.

The security forces were to provide protection and security to UN personnel, equipment and supplies (initially only at Mogadishu but later in the four operational zones), including at airports, and to escort deliveries of humanitarian supplies to distribution centres. In essence, their main goal was to give UN convoys a sufficiently strong military escort to deter attack. They were authorized to fire effectively in self-defence if deterrence should not prove effective.¹⁸⁷

The preliminary statement of mission and tasks for participating contingents took the form of guidelines prepared for use by governments contributing troops to UNOSOM.¹⁸⁸ While the tasks were identified generally -- for example, securing the port and airport, securing the distribution places, patrolling -- they lacked sufficient detail. UNOSOM was the first humanitarian operation undertaken by the UN, involving numerous aid agencies in a number of areas throughout the country. There was no information on the agencies and no plan for how the escort and distribution of humanitarian assistance should be carried out.

Development of the Canadian View of the Mission and Tasks

Once the long-awaited Resolution 775 was adopted by the Security Council on August 27, 1992, plans for the mission began to evolve. However, while estimates were being developed for the contingency plan in Canada, Force Mobile Command (FMC) raised concerns about estimates set out in the UN's original request for troops.¹⁸⁹ FMC was critical of the plans forwarded by the UN, emphasizing that they were driven not by operational considerations but by financial ones. Of particular concern was the plan for the organization of the force, which failed to recognize standard cohesive fighting units.¹⁹⁰ Equality important to FMC, however, was the stipulation that only small arms be taken. Noting that the mission was one of protection, not observation, FMC stressed the importance on ensuring that Canadian soldiers had the necessary resources to undertake the mission without exposure to undue risk and recommended that the initial review

should indicate that at least automatic weapons and medium anti-armour weapons would be necessary.¹⁹¹

FMC completed the contingency plan for Operation Cordon in early September. The plan was developed primarily on the basis of information in the UN request for troops. In the plan, however, FMC aggressively promoted a force structure radically different from the one proposed by the UN. The mission identified in the plan and on which planning was broadly based was "an expanded UN mission to ensure that relief supplies can be distributed within Somalia". Probable tasks for the Canadian battalion included "port security, airfield, convoy escort duties, distribution centre security, and base camp security."¹⁹²

In a briefing in early September, the Chief of the Defence Staff was made aware of the weakness in the UN request with respect to the organizational structure. In fact, in a covering letter forwarded with the plan and sent to DEA and the DCDS (ISO) on September 3, 1992, BGen Vernon recommended that a commitment not be made at a lesser capability than that proposed, in view of the operational risks involved in the mission.

During the briefing, the CDS was advised of the "probable" mission of the CAR and the difficulties encountered in developing the plan. Specific problems noted included insufficient direction regarding the concept of operations and inadequate information about the needs of the population--for example, the number of refugees in the north-east, or the number and extent of involvement of aid agencies and other non-governmental organizations. Moreover, while it was generally accepted that the region was relatively safe and secure, there were still concerns about the potential for violence once troops began to arrive. Many issues were outstanding as of the briefing date, including the UN plan for the military component of the force, and the need for more information about the tasks, boundaries, military structure of operations, and the deployment timetable.¹⁹³

Following the briefing, the CDS approved the Operation Cordon plan and outline, including the proposed organizational structure, subject to the results of the forthcoming reconnaissance.¹⁹⁴ A warning order for Operation Cordon was issued September 4, 1992, reflecting the statement of mission and tasks known at the time.¹⁹⁵

Troop Contributors' Meeting

It was not until the first troop contributors' meeting on September 24 and 25, 1992, in New York, hosted by the UN Secretariat, that any further clarification was received about mission and tasks. The plan and structure of the mission were highlighted by LCol Morneault, who attended the meeting, as follows:

Somalia would be divided into five sectors, with each sector under the purview of a senior diplomat reporting directly to the ambassador and assuming responsibility for all operations within the sector. Each sector will have a Humanitarian coordinator and staff of 10, along with the 750 man battalion and possibly military observers. The mission and tasks were as before; the security of humanitarian assistance in all forms, although there was mention of possible

future tasks for the battalions, including observer roles, disarmament and participation in a food for arms exchange.¹⁹⁶

Another participant, Col Cox, Commander of the Canadian contingent for UNOSOM, was far less impressed with the state of organization of the UN operation and expressed concern that the mission was far from firm, pointing to the absence of commitments from member states who were contributing troops and/or support services.¹⁹⁷ He also remarked that the operations were not at all stabilized to the point of being standing operating procedures and concluded that the "developmental phase" would exist for a while yet.¹⁹⁸ Col Cox went to Somalia with the UN after returning from New York. He continued to be unimpressed with the UNOSOM organization in theatre but believed that the situation might be remedied, despite strong evidence of poor co-ordination between the political, humanitarian and security aspects of UNOSOM both in Mogadishu and in New York.¹⁹⁹

Formal Request for Clarification of the Mission

Concerns were expressed by Canadian representatives very early in negotiations about the lack of clarity in the mission statement for UNOSOM. Moreover, specific concerns related to Canada's designated operational zone, which was believed to be stable and flourishing, without need of humanitarian assistance. Canada's proposed role in the operation was perceived by some as superfluous.

It was not until the second troop contributors' meeting, in mid-October, that Canada's representative made a formal request for clarification of Canada's mission and tasks, including a list of the tasks to be performed and the UN concept of operations for the Canadian zone.²⁰⁰ No response was forthcoming at the meeting. Following up on the issue, Canada's representative at the United Nations wrote to the Under Secretary-General requesting a formal response to the questions raised.²⁰¹ Two days later a response from Marrack Goulding, the Under Secretary-General for Peacekeeping Operations, included what was described as a more refined statement of the mission for the Canadian battalion, together with a description of the tasks assigned.²⁰² The response also included a statement of the UN concept of operations.

While the response contained additional information about the general tasks, regrettably, it failed to address adequately the questions set out in the original request. The mission statement was simply a reiteration of previous statements: monitoring the cease-fire in Mogadishu; securing humanitarian aid and ensuring its safe delivery to distribution centres; and protection of UN personnel. And although possible additional tasks related to local humanitarian projects were mentioned, there was insufficient detail to assist in planning the mission.

The response was deemed unsatisfactory by Canadian officials, and the Ambassador to the UN once again requested further clarification on a number of points.²⁰³ No further clarification was received. Shortly thereafter, events led to the cancellation of UNOSOM and the establishment of UNITAF in its stead.

Issues Arising from the Development of Missions and Tasks

The Reconnaissance

Although NDHQ's initial plans contemplated an early reconnaissance in Somalia, delays at the UN prevented the departure of the reconnaissance party before October, despite continuing efforts by Canadian officials to obtain permission to proceed.²⁰⁴ The delay created serious problems, as it was difficult to clarify Canada's mission and identify tasks until the reconnaissance was completed. Typically, a mission and tasks are fine-tuned by the commanding officer during a reconnaissance. Other aspects of planning also depend on the clarification of mission and tasks. Canada considered the initial reconnaissance critical to ensure that the replenishment ship would be in position early and to give planning staff the information they urgently required to finalize plans for deployment.

Another issue arose in connection with the reconnaissance. The UN proposed that the reconnaissance be conducted as part of the advance party, thus avoiding the cost of an additional reconnaissance. The UN's refusal to finance a reconnaissance was uncharacteristic and detrimental to Canada. Canadian officials refused to waive the reconnaissance, opting for a separate excursion and appealing for the expeditious deployment of the reconnaissance party.

After considerable delay, a Pakistani advance team arrived in Somalia on September 21, 1992; deployment of other UN security forces was scheduled for mid-October.²⁰⁵ Notwithstanding this apparent breakthrough, no date was set for the Canadian reconnaissance. As of late September, no further agreements with ruling factions had been secured, and other national troop commitments were far from firm. Moreover, since no national sponsor had yet been found for the logistics or field ambulance services, the challenge for the UN -- to sort out the strategic deployment -- continued.²⁰⁶

Canada finally received the message with the news of the authorization the reconnaissance on October 6, 1992, when the Canadian Ambassador to the UN informed External Affairs that Ambassador Sahnoun had given the UN authority for Canada to proceed.²⁰⁷ On October 12, 1992, the reconnaissance party left for Somalia, where it worked from October 13th to October 18th, with the aim of confirming the details of Canada's contribution.²⁰⁸ LCol Morneault's report suggested that the reconnaissance was an overwhelming success.²⁰⁹

Although it came late in the planning process, the October reconnaissance was critical in many respects. Foremost, it clarified the mission and tasks assigned to the CAR for its deployment to Bossasso. The evidence before us reveals that the reconnaissance indicated, for the first time, a change in the nature of the implied tasks. While the UN mandate and strategy remained the same, including the three-phase approach, the tasks were somewhat altered as a result of conditions in Bossasso at the time.²¹⁰

The concept of operations included three phases: Phase I -- provision of humanitarian aid to those in need; Phase II -- fostering reconciliation through diplomacy, security, and humanitarian assistance; and Phase III -- fostering long-term rehabilitation through diplomacy, security, and humanitarian assistance. According to the Commander of UNOSOM, Gen Shaheen, north-east Somalia was already into Phase II of the mission, as the sector was considered stable and widespread famine had not been reported there. The reconnaissance report thus described the revised implied tasks for the CAR as follows:

Base Camp Security was still considered necessary, but fewer assets would be required.

Distribution Centres. There were no distribution centres or refugee centres and no apparent need to deliver food or other aid to specific areas.

Convoys. Few security convoys were needed. Reconnaissance convoys were seen as a high priority for purposes of showing the flag.

Port and Airfield Security. Although the CAR could assume these tasks after consultation with local factions, at that time, the Democratic Front for the Salvation of Somalia was handling security at both places.

While the tasks seemed minimal, the report noted the possibility of a further evolution of tasks, which might include observer tasks and/or humanitarian assistance.²¹¹

The changes in the tasks assigned to Canada in the north-east sector were of major concern, as both NDHQ and DEA wanted the Canadian Forces security battalion to be assured a major role in the delivery of humanitarian relief supplies in Somalia.²¹² The concern triggered a diplomatic exchange between DEA and the UN that became moot before it was resolved.

The Bossasso Issue

A second issue that surfaced during preparations for UNOSOM related to the proposed area of operations. Canadian officials were concerned that the designated area was sufficiently stable and healthy that there was no need for UN forces. In a meeting between Ambassador Sahnoun and Ambassador Fréchette in New York in mid-October, Ambassador Fréchette expressed Canada's desire that the CF role contribute noticeably to famine relief.²¹³ Ambassador Sahnoun saw Canada's role in Bossasso as extending far beyond the escort and distribution of food, to include the establishment of Stability and security as a first step toward rehabilitation. It was his view that potential tasks for the battalion could include restoration of water, sanitation, and health care, all of which were as important as the delivery of food. While admitting that such revised tasks might not require full battalion strength, he nonetheless emphasized that Canada's role was seen as establishing a model region in the north-east that would serve as an example for the more troubled areas in the south.

Anxious to have more details on the proposals for humanitarian aid in the area, Ambassador Fréchette sought specifics on the anticipated presence of non-governmental relief organizations in the area, as well as World Food Program plans for the region and the UN co-ordination plan for the region. Ambassador Sahnoun promised a "blueprint" of the plan within days.²¹⁴

Reports from the October reconnaissance failed to alleviate the concerns of Canadian officials about the role for Canada's security battalion in Bossasso. In a special briefing at the daily executive meeting of October 21, 1992, Col Houghton, LCol Morneau, and LCol Clark confirmed that current tasks for the CF would focus more on providing a stabilizing influence in the area than on the security and escort duties originally proposed. While concluding that the revised tasks were well within UNOSOM's mandate, LCol Clark emphasized that the situation would have to be monitored as it progressed.

The concept of operations for the Canadian battalion allowed for mounted patrols to secure aid, but with the CF presence established principally for showing the flag. Any additional personnel would be used to provide humanitarian assistance.²¹⁵

During the meeting, officials nonetheless concluded that the mission could be accomplished. They also recommended that the concept of operations proposed by the CAR be approved, despite continuing concerns about the uncertainty of the security battalion's role. During the discussion, the Assistant Deputy Minister (Policy and Communications) maintained that he was comfortable with the mandate, notwithstanding the perceived lesser role. The Deputy Minister observed, however, that if Canada's role would be merely to establish a presence, they would need to consider other options.

The Vice Chief of the Defence Staff(ISO) supported Mr. Fowler's position and advised that further clarification of the guidelines for Canada's operation would be required before accepting the task.²¹⁶

Evidence before us indicates that following the meeting, Col Bremner conveyed DND's concerns to DEA and Canada's Ambassador to the UN, with specific reference to the proposed "hearts and minds" mission for Canadian troops. While acknowledging that the nation-building role was well within the broad mandate of UNOSOM, Col Bremner observed that it might not be a particularly appropriate role for the CAR, which up to that point was preparing to provide security for the delivery of humanitarian supplies. Col Bremner suggested that a smaller reconnaissance unit might be preferable.²¹⁷ A cautionary note was included in the memorandum expressing concern about the possibility that the deployment of the CAR might be cancelled yet again.²¹⁸ Col Bremner indicated that further mission analysis would be sought from Col Cox.

In a situation report received from Col Cox on October 28, 1992, the situation in Bossasso was described as "no more acute than we have already been briefed".²¹⁹ Col Cox outlined the proposed role for the battalion as once again including humanitarian relief activity, which he interpreted to mean doing more than simply escorting food convoys. Col Cox suggested that there was considerable meaningful work within the mandate, including protection of UN agency and NGO relief work, and possibly securing an evacuation operation from Bossasso airport or port.

While the information was more encouraging, there is little evidence to indicate whether officials were persuaded that the role for Canadian troops in Bossasso, as evolved, would be suited to the CAR and/or the proposed organizational structure. Canadian officials continued to seek further clarification of the mandate from the UN, but there is no evidence that an acceptable clarification was ever received.

Issues Relating to the United Nations

From the foregoing discussion, it is apparent that many of the problems associated with the development of the mission and tasks for Canada's UNOSOM contingent related to the nature and quality of UN peacekeeping missions during that period. Problems encountered in formulating the mission plan were largely the result of shortcomings at UN headquarters. Control of plans for UNOSOM was in the hands of UN Secretariat

officials, who assumed responsibility for overall co-ordination of the mission until it was suspended in favour of the U.S.-led coalition, UNITAF

Canadian experience with the mandate for UNOSOM reflects the conclusions of a compilation of lessons learned from the UN and drawn from several evaluations of the mission.²²⁰ Evidence before us reveals that the lack of clarity in the overall mission for UNOSOM and the lack of specificity in the tasks assigned to the Canadian contingent were never remedied satisfactorily. Canada made repeated efforts to have the mandate clarified by the UN and to have the assigned tasks delineated appropriately. When a formal response to these requests was finally received, it contained little new information to assist in planning the mission.²²¹

From the start, there were serious problems with the mandate that had profound implications for the Canadian contingent. The primary goal of the mission for UNOSOM adopted in August 1992- the provision of security for the delivery of humanitarian assistance -- was vague and consequently open to a variety of interpretations.²²² Moreover, consultations with troop-contributing countries during the mandate formulation stage were determined to be inadequate, as were overall assessments of the social, political, and military situations. The result was a mandate insufficient to deal with the seriousness of the humanitarian crisis unfolding in Somalia.²²³

For DND officials, such deficiencies were apparent in the original request for troops, which recommended a force operational structure that was considered risky and inappropriate by officers of the Canadian Forces. While these officers proposed an operational structure considered more appropriate, they were unable to secure UN agreement to the changes in a timely manner, notwithstanding repeated requests.²²⁴

In addition to uncertainty surrounding the mandate, UN planning for the mission was seriously flawed; this too had profound implications for troop contributing countries. Early plans for the deployment of a security battalion to Mogadishu suffered significant delays, resulting in further delays in Canada's much needed reconnaissance. Despite repeated requests for a date for the reconnaissance, which was urgently required to assist in finalizing operational planning back in Canada, none was forthcoming until early October. Many aspects of the operational plans were dependent on the results of the reconnaissance, yet the UN refused to allow it to occur until the Pakistani battalion had arrived in Mogadishu.

Another of the lessons learned concerned the need for a co-ordinated overall plan, including "clear mission statements, command relations, rules of engagement, coordination procedures, standard operating procedures, intelligence management, and administrative and logistics policy and procedures", before the deployment of any operation.²²⁵ Clearly this was not done for UNOSOM. Officials at NDHQ received inadequate information about their tasks and the overall UN concept of operations, and were forced to request more and better information from UN officials. Moreover, although Canada was aware early on that its assignment would be at Bossaso, conflicting reports were received about the need for humanitarian aid in that region.²²⁶ Officials at NDHQ, DEA, and Canada's UN mission were reassured of the continuing need for battalion-strength troops for the north-east, to secure humanitarian aid. Yet when the reconnaissance team went to Somalia in October, they were advised by the force

Commander that the security role for the Canadian battalion was much diminished, and that the expectation was rather that Canada would assume a lead role in fostering political stability in the north, to act as an example for other regions of Somalia. These mixed messages hindered NDHQ's planning process.

Mission and Tasks of the Canadian Forces in UNITAF

The mission and tasks for the combined coalition operation were defined only vaguely in the Security Council resolutions. The United States agreed to lead the operation on the understanding that its purpose would be limited to neutralizing armed elements that were preventing distribution of food supplies and that it would be a quick operation. As noted by Canadian officials in Washington, at no time did the United States entertain larger political aims.²²⁷

At the time Canada agreed to participate in the mission, the role of the Canadian contingent had not even been contemplated by U.S. planners, let alone defined. Canadian decision makers were aware only of the general types of tasks they might be asked to do, for example, securing seaports and airports and protecting food convoys.²²⁸ They did not know the extent to which the Canadian contingent would be involved in systematic disarmament. Nor did they know where the contingent would be deployed or what specific tasks and challenges it would face on arrival. It was not until December 6, 1992 that they established through liaison officers at the U.S. Central Command in Florida, that the Canadian contingent would be responsible initially for maintaining security at Baledogle airport.²²⁹ It was not until December 19, 1992, four days after Col Labbé, Commander of Canadian Joint Force Somalia, arrived in theatre, that the Canadian contingent knew they would be responsible for securing and maintaining security in the Belet Huen Humanitarian Relief Sector, one of eight humanitarian relief sectors established under UNITAF (See Figure 24.3.)

Figure 24.3a: [UNITAF Humanitarian Relief Sectors](#)

Figure 24.3b: [UNOSOM Area map](#)

Defining the mission was left solely in the hands of Col Labbé. The CDS and NDHQ staff provided no guidance about what type of mission the CF would accept, except to urge Col Labbé to move as quickly as possible to secure a high-profile mission.²³⁰

We begin by tracing the development of the mission during the first three weeks of December. Then we consider the implications of the fact that the mission and operation were developed and mounted in such a short

The Mission and Concept of Operations for UNITAF

The overall aim of UNITAF was set out in Security Council Resolution 794 as follows: "to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia."²³¹

This political statement of the mission was translated immediately into the following military mission statement by the Commander of U.S. Central Command:

- to secure seaports, airports, ground routes, and major relief centres;
- to protect and assist NGO operations;
- to provide a secure environment; and
- to disarm, as necessary, forces interfering with humanitarian relief operations.²³²

It was assumed that the mission would take place in a "non-permissive environment" (allowing the use of force) and would be carried out in the following four phases.²³³

Phase One (Mogadishu): Seaport and airport of Mogadishu to be secured (to be completed by D + 24 days).²³⁴

Phase Two (Baidoa): Baidoa airport to be secured and secure lines of communication back to Mogadishu to be established. Once established, responsibility to be turned over to "Third World" nations (to be completed by D + 90 days).

Phase Three (Kismayu): Kismayu airport and seaport to be secured and secure lines of communication back to Mogadishu to be established. Once established, responsibility to be turned over to "Third World" nations (to be completed by D + 180 days).

Phase Four: Transfer back to UNOSOM (to be complete by D + 240 days).²³⁵

This plan, developed rapidly during November 1992, represented the initial U.S. military concept of operations for Operation Restore Hope.²³⁶ Several issues remained unsettled, however. First, although the operations plan, presumably developed at the Pentagon, was projecting a 240-day (eight-month) timetable, shorter timetables -- between six weeks and three months -- were still being discussed.²³⁷

Second, there was still uncertainty about the extent to which disarmament was part of the mission. Although disarmament appeared as part of the operations plan just described, it did not appear at all in the U.S. Central Command's statement of the mission, and in a December 9, 1992 briefing of defence attachés by the Pentagon, U.S. officials clearly stated their position that general disarmament was not part of the mission. It would be carried out incidentally if it were necessary to the accomplishment of the rest of the mission.²³⁸

Finally, beyond the references in phases Three and Four to turning over operations to "Third World" nations, no planning had yet been done to assign specific missions to other partners in the coalition.

Development of Canadian Mission Statement and Concept of Operations

It is therefore not surprising to find that, when the Government of Canada made the decision on December 4, 1992 to participate in the U.S.-led peace enforcement operation, it did not, at the same time, commit to carrying out a specific mission. Rather it agreed to provide a certain number of troops to assist in the overall mission outlined by the Security Council.

Shortly after the decision to participate, Gen de Chastelain contacted Gen Powell to gather more information on the Canadian role in the operation. He was dismayed to find that the United States was preoccupied with getting its operation off the ground and had not yet devoted time to determining a role for other nations, including Canada. Gen de Chastelain therefore immediately set in motion a plan to send a team of officers from the Canadian Forces to the U.S. Central Command at Camp MacDill, Florida, to "ensure that Canada played a helpful (read into that significant and useful) role in the operation."²³⁹ The team left for Camp MacDill on December 5, 1992.

Camp MacDill

At Camp MacDill, discussions focused on co-ordinating coalition activities and, deciding who the players would be and how they would get into the theatre.²⁴⁰ No attempts were made at this point to define or assign precise missions. By December 6, 1992, the Canadian team established an initial role for the CAR, to maintain security of the Baledogle airport after U.S. Marines secured the area on December 9, 1992. They also developed a preliminary deployment schedule. It provided that the Airborne Regimental Advance Party would arrive at Baledogle between December 13th and 19th and that the main body of the force would arrive between December 27th and 30th. Canadian Joint Force staff would arrive in Mombassa, Kenya on December 11, 1992, then proceed to Mogadishu on December 13th. The ship transporting supplies from Canada was expected to arrive January 6, 1993.²⁴¹ In the meantime, LGen Johnston, Commanding General of the First Marine Expeditionary Force, had been appointed the Commanding General of the multi-national coalition. Further planning of the deployment was completed at the Marine's headquarters at Camp Pendleton, California.

Camp Pendleton

At Camp Pendleton, it was not possible to confirm a precise Canadian role because U.S. plans were still evolving.²⁴² The main efforts of the Canadian envoys at Camp Pendleton therefore focused on determining what roles Canadians could play and how they would fit into the troop flow into the theatre. This appeared to be crucial, since LGen Johnston would not assign a specific mission until he was certain that troops would be in theatre ready to do the job.

When the CJFS advance party left on December 13, 1992, all they knew was that the CARBG would arrive at and maintain security at the Baledogle airfield. The deployment to Baledogle was not considered a mission in itself but merely a staging area from which to negotiate the eventual tasks of the CJFS.²⁴³ One can only conclude that when orders for Operation Deliverance were written and support plans were prepared at NDHQ, they were drawn up without a defined military mission.

NDHQ and CJFS Orders

Neither the initial warning order nor the initial operations order set out the mission or the concept of operations for the CF in Somalia.²⁴⁴ In the warning order, issued by the CDS on December 5, 1992, the mission is stated as follows:

To provide a Canadian joint force consisting of HQ, Battalion group based on the Canadian Airborne Regiment and HMCS *Preserver* to participate in enforcement operations in Somalia under auspices of UNSCR

[United Nations Security Council Resolution] 794.²⁴⁵

The probable tasks are described under a section entitled Execution. They include, along the lines of the U.S. concept of operations, "security of seaports/airports, protection of food convoys, security of food distribution centres and disarming of factions interfering with humanitarian relief effort."²⁴⁶

Similarly, the Chief of the Defence Staff's original operations order, dated December 9, 1992, described the mission as follows:

To provide a Cdn joint force consisting of a HQ, an inf battle gp based on the Cdn AB Regt, and HMCS *Preserver* to participate in enforcement operations in Somalia under the auspices of UNSCR 794.²⁴⁷

According to Canadian Forces staff procedures, the mission statement in an operations order should be "a precise, firm statement of the task given to the [command] issuing the order and which will be implemented by the plan embodied in the order. The verb used is always in [the] infinitive. This paragraph shall not contain [subparagraphs]."²⁴⁸ Yet in both the warning order and the operations order, the objective stated describes a deployment objective stated describes a deployment objective, or as Col Labbé described it in his testimony, "a force generation kind of statement",²⁴⁹ not the task of the force once deployed.

On December 11, 1992, Col Labbé issued his first operation order for Canadian Joint Force Somalia. On the same day, the mission statement in the operations order from NDHQ was amended. Both orders provided that the mission was to establish a secure environment for humanitarian relief operations in accordance with Security Council Resolution 794.²⁵⁰ Although this mission statement comes closer to defining the task to be undertaken in theatre, it lacks the detail that a commander would expect and require to carry out a mission. It is true, as Col Labbé emphasized in his testimony, that the mission was not a traditional military one and that it was to be conducted as a joint operation, with the United States taking the lead. That being said, the mission statement, which was designed solely to get the troops into a secure staging area in Somalia from where the actual mission could be negotiated,²⁵¹ was clearly inadequate.

It appears that initially Col Labbé was also of this opinion. In a seminar he gave in June 1996, he said he had been given no mission statement, and he appeared mystified that he had never been approached or given the opportunity to talk to the Chief of the Defence Staff, the Vice Chief of the Defence Staff or the Commander of Land Force Command before he left. However, in testimony before us, Col Labbé was of the opinion that the mission statement in the initial orders was appropriate in the circumstances.²⁵²

In Mogadishu

On December 14, 1992, Col Labbé arrived in Mogadishu. The next day he met with LGen Johnston to find out more about U.S. plans and to try to define the Canadian role

more precisely. Col Labbé had been directed by Gen de Chastelain to seek a worthwhile and high-profile mission²⁵³ and was anxious himself to raise the profile of Canadian participation.²⁵⁴ In trying to insert themselves into the U.S. decision-making process, therefore, the Canadians emphasized, at both the commander and staff levels, the capabilities of the CARBG as a highly mobile, mechanized infantry battle group.²⁵⁵

The operation advanced much more quickly than planned because UNITAF met less resistance than it had anticipated. An atmosphere of urgency was created by the fact that the media were constantly looking for advances in the operation. According to Col Labbé, had the Canadians not become involved immediately they would probably have ended up guarding the perimeter of an airfield -- an apparently unheroic and unimportant task.

To avoid this outcome, Col Labbé let it be known, in his first meeting with LGen Johnston on December 15, 1992 in Mogadishu, that the Canadians were willing and able to secure the Belet Huen Humanitarian Relief Sector. Ideally, Col Labbé wanted to have that task assigned solely to the Canadian Joint Force; however, the U.S. Army had not yet been assigned a task and were also looking for a significant mission.²⁵⁶ After the meeting, it appeared that the Canadians would be assigned, along with elements of 10 Mountain Division, a US. unit, to secure either Bardera, Baidoa or Belet Huen.²⁵⁷

On December 19, 1992, Canada's role in securing the Belet Huen Humanitarian Relief Sector was confirmed, with D-Day set for between the end of December and January 2, 1993.²⁵⁸ By December 22nd, planning for the Belet Huen operation had begun in earnest,²⁵⁹ and D-day was set for December 28th. Although planning was just beginning, the troops were already arriving. By December 23rd, slightly behind the schedule worked out at Camp MacDill, the entire advance party had arrived in Baledogle. By January 1, 1993, the entire CARBG would be in Belet Huen.²⁶⁰

The Canadian mission within the overall operation was thus identified within five days of Col Labbé's arrival in theatre. Only nine days later, execution of the mission began. This tight schedule meant that troops were arriving in theatre before they knew where they would be going or what they would be doing. There was no time to train the troops for the specific mission, to reconsider decisions that had been made about supplies, or to wait to make decisions until full information was available.²⁶¹

Once the Belet Huen Humanitarian Relief Sector was secured, the Canadian mission was the same as that given to all coalition commanders: to secure major air and seaport facilities, key installations and major relief distribution sites; to provide open and free passage for humanitarian relief supplies; and to provide security for relief convoys and relief organizations and assist in providing humanitarian relief under UN Security Council Resolution 794.

Issues Arising from Development of Mission

From this description of the development of the mission, several facts and issues emerge. To begin with, it is clear that at the time the Government decided to participate in the UN-authorized, U.S.-led peace enforcement operation in Somalia, no role for the Canadian Forces had been established. In fact, U.S. military planners were not even

aware that Canada had been invited to participate and were more or less indifferent to the news of Canada's intentions. If there was any notable reaction on the part of the U.S. military, it came from Gen Powell, who thought that Canada should continue to play a role in a peacekeeping operation in northern Somalia. Despite this uncertainty at the time troops were committed, neither the Chief of the Defence Staff nor any member of his staff played any role in determining, guiding, or adjusting the mission of the CF in theatre. In fact, the mission developed by Col Labbé was never directly confirmed by the CDS or anyone else at NDHQ.

Second, a mission was not identified until after the Canadian Commander, Col Labbé, arrived in theatre, and it was not confirmed until after a substantial number of troops had arrived. Third, it was only as a result of significant lobbying and negotiation on the part of Col Labbé and others that the Canadians obtained the high-profile mission of securing a humanitarian relief sector. In other words, the pressure to move quickly was the result of internal concerns, namely to obtain a high-profile mission.

Gen de Chastelain and Mr. Fowler would likely argue that the military was merely following the orders of Cabinet, which had made the decision to participate in UNITAF. However, that decision was made based on advice from the DM and the CDS that either mission (participation in UNITAF or participation in UNOSOM II) was equally possible. In turn, their advice was based on three main questionable assumptions:

1. As Gen de Chastelain stated in his testimony before us, he believed that the differences between a peacekeeping and a peace-enforcement operation would be negligible and that any differences that did exist could easily be compensated for by using a flexible, mobile force and by adopting less restrictive rules on the use of force. For this reason, he did not see the need to redo estimates.
2. It was assumed that any regiment that was suitable for a peacekeeping mission would also be suitable for a peace enforcement mission.
3. It was assumed that the Canadian Airborne Regiment was operationally ready.

The validity of the assumptions about operational readiness and suitability are discussed in detail elsewhere in this report (see Volume 2, Chapter 23) and so are not discussed here. From the perspective of planners, however, changing Canada's participation from UNOSOM to UNITAF should have been recognized as having significant implications because of the differences between peacekeeping and peace enforcement, and differences in the planning and organization of the two operations.

Under UNITAF the overseer of the operation was the United States, not the United Nations. The area of operations was different (the United States had plans to operate only in the south, not the north of Somalia), and the mission was different, because under a Chapter VII mandate, force was authorized to achieve the mandate. The threat would also be different, since foreign forces were now arriving in Somalia without the consent of the parties. All these factors would have had an impact on the appropriate composition and structure of the force and on the support, weapons, and training required.

Aside from generic differences between the operations, planners faced the particular problem that no mission had been defined for Canada.

That proper planning is impossible without a mission was a point made repeatedly to the UN by Canadian planners and diplomats between August and October 1992. In the absence of a precise mission, Canada insisted that a reconnaissance be undertaken before troops were deployed. Canada also repeatedly requested clarification of the mission, and right up to the cancellation of UNOSOM was never satisfied with the response received from the UN, although there was much more detail for that operation than for UNITAF. For Operation Cordon, Canadian Forces knew where they would be going and had done a reconnaissance there. They had been able to outline the expected tasks in some detail. They knew where their support base would be (HMCS *Preserver* within sight), and although they were not satisfied that it was appropriate, they knew and understood the implications of operating under a Chapter VI mandate. Still, the uncertainties of the mission in UNOSOM also made planners anxious that there was not enough time to prepare.

By contrast, for UNITAF, the only information Canada had at the time the decision was taken was the two-line statement of the mission in the Security Council resolution. Canada had no idea what its role would be in the operation, where its troops would be going, or what kind of situation they would face. The decision to participate was made December 4, 1992. Col Labbé was appointed Commander on that day and arrived in Ottawa December 5th. He was to organize his headquarters and deploy with an advance team on December 10th, five days later. The first of the troops were to arrive in theatre two weeks later, and the entire CARBG a week after that. This schedule was much tighter than what was thought reasonable for any deployment of a UN standby unit.²⁶²

Given the history of concern about the adequacy of the mission statement and time limits, as well as the significance of the change in mandate, Cabinet should have been made aware of the uncertainties flowing from an unknown mandate, and the chain of command should have made sure that there was adequate time to deal with them. This was not done, of course, because the overriding concern of senior officers was to secure a high-profile role, and that required them to move very quickly.

Concern About a High-Profile Role

Although Operation Cordon was generally better planned and evaluated more rationally, securing a high-profile role in that mission was also a concern. After the October reconnaissance to Bossasso, when it became apparent that the area was free of famine and relatively calm, concerns were raised at the daily executive meeting, because both NDHQ and DEA wanted the CF security battalion to be assured a major role in the delivery of humanitarian relief supplies.

In and of itself, the objective of securing a high-profile mission might have been reasonable if it were appropriate to the capabilities of the forces involved. One would have expected that the head of an organization would try to negotiate the most positive and appropriate contribution possible. However, it appears that the pursuit of this goal, and the unfounded belief that the Canadian Airborne Regiment was ready to go, blinded decision makers to the need to go through the standard planning process to ensure that the Canadian commitment was appropriate from a policy perspective and that the force

was operationally ready.

Lack of Consideration of Peacekeeping Guidelines

The relative importance attached to securing a high-profile mission is indicative of the lack of attention paid to the peacekeeping guidelines, which are supposed to be considered in any decision to participate in a peacekeeping operation.

While the guidelines appear to have been considered in rejecting the original request for participation in April 1992, they played a progressively less significant role in the decisions to participate in Operation Cordon and later Operation Deliverance. In the estimates and assessments made in July 1992 with respect to participation in an expanded UNOSOM, the only criterion considered was the security of the troops, and that issue arose not out of systematic analysis of the criteria but because it was an obvious problem. Recall that the July analyses were part of a feasibility study to determine CF capability to provide a battalion. As in December, these were not done with a view to deciding whether Canada should participate. If the criteria had been examined systematically, however, would problems with the mandate that came to the fore in late August have been identified at this point?

With respect to the December 1992 analysis concerning participation in UNITAF the criteria were essentially ignored. The factors that were significant in the decision-making process were the alleged readiness of the unit, the desire for a prominent role, the fact that a decision to participate had already been taken, the perception that media attention required a response, sustainability, and cost. Only two peacekeeping criteria, sustainability and cost, were considered, and in both cases they were analyzed with the object of supporting or justifying participation in UNITAF. It is clear from this evidence that, as Gen de Chastelain and Mr. Fowler testified, at best the criteria were considered merely guidelines and moreover, in the context of a Somalia operation, unsuitable. Had they been updated to reflect the changing nature of peacekeeping and accorded a more important role in decision making, analysis might have turned decision making away from irrelevant factors, such as securing a high-profile mission and ensuring a role for the CAR, but in the end it was these factors that dominated the decision.

In discussing the peacekeeping guidelines, it is important to note that criticism for failing to give the guidelines adequate consideration has been generally levelled at the Government. The Senate Standing Committee on Foreign Affairs criticized the Government for putting too much emphasis on participation in peacekeeping operations for the sake of Canada's record and reputation.²⁶³ It may well have been such concerns that prompted the Privy Council office in August 1992 to recommend a more active role in an expanded UNOSOM (i.e., provision of a security battalion), contrary to the advice of DND and DEA. This only reinforces the need for suitable guidelines and for measures to ensure they are followed.

Reactive Planning

It appears from the decision-making process that planning and analysis took place mostly on a reactive basis, and often planners were not given enough time to do an adequate job.

Although DEA was first notified of possible UN action in January 1992, and CF personnel played prominent roles in the technical team visit to the area in March and April 1992, no serious analysis of a potential Canadian role in the area or further monitoring of the situation was done (at least in writing) until July 28, 1992. It is true that in April 1992 Canada had refused to participate in the proposed operation to maintain a cease-fire in Mogadishu, so the CF had less reason to focus its efforts on the area. However, it was clear that the shape of the UN operation there was still evolving and that Canada might yet have a role to play. On July 15, 1992, Canada received an appeal to all member states from the Secretary-General for humanitarian assistance. One week later, the Secretary-General proposed an immediate airlift, which was confirmed in a resolution on July 27, 1992.

Yet it was not until July 28, 1992 -- after having been requested specifically by the Privy Council Office to determine whether something significant could be done to support humanitarian assistance operations in Somalia -- that Gen de Chastelain directed the joint staff at NDHQ to conduct a feasibility study to determine the CF capability to provide a battalion should one be required. Then, staff were given only 24 hours to produce their reports. Surely more advance work should have been done in what NDHQ terms the "negotiation" phase.

Again, with respect to the change in mission and the decision to participate in UNITAF, analysis was reactive and requested under very tight timelines. Although the Secretary-General alerted member states to the need to "review the basic premises and principles of the United Nations effort in Somalia", serious analysis in NDHQ of the implications for Canada did not begin until December 1, 1992, and staff were given only 48 hours to produce their analyses.

It is surprising that between January and December 1992, written analyses and estimates were undertaken only twice, both times under severe time pressures in reaction to events. In both cases, the fundamental question of whether Canada should participate was removed from their purview, in the first case because staff were to conduct feasibility studies only, and in the second case, because staff were under the impression that the decision to participate in UNITAF had already been made.

It could well be that NDHQ, suffering from cutbacks and being asked to do more with less, was unable to do more than react to the situation, but there is a contradiction in seeking prominent roles internationally and at the same time being unable to plan effectively.

Problems of Joint Operations

The question of Canada's participation in an operation without a specific military mission raises an important question about the functioning of joint operations. The essential question is whether Canada should offer to participate and allow the leaders of the operation to assign a role, or wait for a request to perform a particular mission before deciding whether to participate.

For example, at the time Canada decided to join UNITAF the U.S. plans were still evolving, and they did not know what specific missions and tasks would be assigned to

particular forces. The Government of Canada was well aware of this situation when it made its decision. It is clear that the Government wanted Canada to play a part in the international effort, even though no specific mission had been established and a newly formed element would have to deploy within a month. Was this a reasonable course for the military to support and for the Government to take?

Once Canada had committed to UNITAF, Col Labbé responded to the task of promptly deploying the troops and having a mission defined. As soon as Col Labbé was appointed, he visited the U.S. command centre to ensure that Canadians were not forgotten in the planning. He also made immediate contact with the U.S. Commander, LGen Johnston, as soon as he arrived in Mogadishu. Once he knew what the mission would be, he had his team work long hours to plan for it in a compressed time period. Under the circumstances, considering the limited planning carried out at NDHQ for the mission, Col Labbé acted quickly to pin down and organize a completely new mission within three weeks of his appointment. Whether the Chief of the Defence Staff should have played a more prominent role in the development of the mission is another question. He never met with Col Labbé before the latter left for Somalia and never gave him any instructions on what kind of mission to accept, except that it should be a high-profile one.

The fact that Col Labbé was able to identify a mission and organize troops to carry it out in this instance does not overrule the need to examine the issue of participation and coordination of joint operations more closely. Fortunately for Canada, the adequacy of planning and organization was never truly tested, as conditions at Belet Huen were not nearly as volatile or violent as anticipated. The issue should be analyzed further in the context of the changing nature of peacekeeping and development of joint planning doctrine.²⁶⁴

FINDINGS

The Decision-Making Process at DND in 1992

- *In 1992, apart from the 1987 White Paper on Defence and the CDS Red Book, there was no single document outlining Canadian Forces policies or procedures for planning and conducting peacekeeping operations. Each operation was considered unique, requiring specific one-time policy considerations.*

The lack of a comprehensive policy document, including an outline of factors to be considered in deciding whether to join a peacekeeping operation and procedures for determining who makes that decision, was evident in the inconsistent testimony on the issue of the applicability of criteria elicited during the Inquiry's Hearings.

- *The 1987 White Paper articulated a policy requiring DND to consider certain criteria before making a decision to participate in a traditional peacekeeping mission. During the initial phases of peacekeeping planning, a possible peacekeeping operation should be weighed against the criteria. The effectiveness of the process for applying the criteria at the time of the Somalia commitment was problematic.*

- *There was a lack of clear direction regarding the applicability of the criteria and the manner in which they should receive consideration from DND and the CF. No clear lines of responsibility existed between DND, the CF and DEA as regards assessment of the proposed operation against the criteria.*

An internal military review noted a split in responsibility between DEA and NDHQ with respect to the criteria. In the review, however, the ADM (Policy and Communications) saw no split in responsibility. The evidence at the hearings revealed ambiguity surrounding consideration and application of the guidelines. Col Bremner testified that the criteria were considered by officials at NDHQ during their initial estimates of the mission. Gen de Chastelain, however, described the treatment of criteria in different terms. Although he acknowledged the existence of the criteria or guidelines, he was vague about their applicability and NDHQ's role in assessing them. In essence, he saw the role of defence officials as primarily to assess the capability of the CF to mount an operation. Assessing a mission mandate to determine whether it was clear and enforceable, or whether it was likely to serve the cause of peace and lead to a settlement, was DEA's responsibility.

- *No procedure was in place for examining the criteria and formally documenting the results of the review and the basis for any acceptance or rejection of specific criteria.*

There was no testimony describing the process or who was involved. Testimony was limited to assertions that the criteria were considered as part of the policy analysis, that the criteria were considered in a general way, that is, that the operation would have been discussed bearing in mind those concerns and that criteria were taken into account only "somewhat".

The most recent Auditor General's report (May 1996) noted that NDHQ staff meet to assess a mission in terms of the guidelines. The assessments are not written, however, and there is accordingly no record of the factors considered and the manner in which those factors affect the outcome of the review.

- *New peacekeeping guidelines, updated to reflect the changing nature of peacekeeping, had not been developed or were not in use at the time of planning for the Somalia deployment*

In his testimony, Mr. Fowler asserted that the guidelines then in place were not applicable to Somalia. On the other hand, the CDS believed that the issue of the guidelines was primarily within the jurisdiction of the DEA. Moreover it was generally evident from the testimony that the approach of NDHQ officials to the guidelines was ad hoc and inconsistent, notwithstanding the fact that the direction in the White Paper was that use of the guidelines was imperative.

The criteria set out in the 1987 White Paper were undoubtedly inappropriate for assessing a peace enforcement operation, and it is puzzling that a military that prides itself on its record in peacekeeping had done nothing to update the guidelines since 1988 to reflect the type of operations then being undertaken.

- *At the time of planning for the Somalia deployment, there was no written doctrine or checklist relating to planning for traditional peacekeeping or peace enforcement operations, despite previous recommendations that such documents should be produced.*

The evidence revealed that, in 1992, although a generally accepted process was in place for examining a request from the UN to participate in a multi-national operation, it had not been tailored to deal with the specific challenges of traditional peacekeeping operations, let alone peace enforcement operations. Nor was the process formalized in any document.

These same problems had been noted previously in an internal military review of peacekeeping operations conducted in 1991-92. The review criticized the fragmented and unco-ordinated approach to peacekeeping operations and noted an absence of written procedures and/or checklists with respect to the handling of UN requests. It found that in determining practices and procedures, staff at NDHQ relied almost exclusively on the 'corporate memory' of the staff working under the director of International Policy.

The review found that this approach perpetuated an ad hoc staff procedure and accordingly recommended the establishment of formal directions regarding responsibilities, method of work, and procedures for peacekeeping activities. It further recommended that the ADM (Policy and Communications) establish or formalize clear and concise direction regarding responsibilities, method of work, and procedures for peacekeeping activities within the ADM (Policy and Communications) group and with respect to involvement of other group principals. ADM (Policy and Communications) did not respond to this recommendation in the review.

The Decision-Making Process in Relation to the Somalia Deployment and the Mission and Tasks

The Decision

- *Notwithstanding defence policy requiring peacekeeping guidelines to be considered in any decision about whether to participate in a peacekeeping operation, the guidelines played a negligible role at the various stages of decision making after April 1992. Instead, other irrelevant considerations dominated the decision making process.*
1. *The first response to a request in April 1992 for a commitment of military observers to participate in UNOSOM was negative. The decision was made after consideration of peacekeeping guidelines and was formally noted in documentation within DND.*
 2. *In July 1992, serious participation with a security battalion was again rejected by DND and DEA because of uncertainties in the security situation and in the mission. However, this recommendation was ignored by Privy Council Office and*

effectively overtaken by the Prime Minister's commitment to participate in an operation in a letter dated August 13, 1992.

3. *While assessments were conducted in July and August 1992, there was little, if any, evidence of a formal consideration of the peacekeeping criteria. There was no evidence that the mandate of the operation had been reviewed extensively. Nor was there adequate review of problems associated with the failure to obtain consent from the warring factions. Although the governing factions in Bossaso were apparently in agreement with Canada's presence in the north-east, General Aidid was not even made aware of the expanded operation before it was authorized by the Security Council. There was also no evidence that the likelihood of success of the mission was evaluated. The only criterion apparently considered was the impact of the commitment on other CF operations.*
4. *In December 1992, when Canada was asked to join UNITAF, there was no serious consideration of the guidelines. As Gen de Chastelain and Mr. Fowler explained, the guidelines were not designed to apply to this type of mission. They were apparently considered in a general way but never discussed one by one.*
5. *Instead, the following factors, the most important of which were the desire for a prominent role and the fact that the unit was thought to be ready to go, played the key role in the decision-making process:*
 - 5.1. *The fact that the unit was ready and anxious to go, including the fact that the HMCS Preserver was en route, appears to have been one of the most important factors favouring participation in the U.S.-led peace enforcement mission.*
 - 5.2. *The desire for a prominent military role also appears to have been a significant factor favouring participation in the U.S.-led peace enforcement mission. Gen de Chastelain attached considerable importance to this and made personal efforts, even calling Gen Powell, Chairman of the Joint Chiefs of Staff, to secure a prominent or visible role for Canada. After one of his conversations with Gen Powell, he explicitly noted the importance of securing a high-profile role. He wrote "A role that was seen to be secondary would not sit well with the troops, with me, with the Government or with Canadians."*
 - 5.3. *A number of witnesses suggested that the decision to participate was small-p political in the sense that there was a bias toward participating in the peace enforcement mission. In our view, there does appear to have been some pressure from Gen de Chastelain and Mr. Fowler to focus on determining how Canada could participate in the U.S.-led mission, at the expense of the normal process of analyzing the merits and drawbacks of participation in each mission, from a policy and operational viewpoint.*
 - 5.4. *We conclude that sustainability was viewed only from the perspective of whether participation in the U.S.-led mission was possible, rather than which mission could be better sustained.*
 - 5.5. *Canada made the commitment to participate in the face of opposition from the United Nations and indifference on the part of the Pentagon, but with some encouragement from the President of the United States.*

The 1987 Defence White Paper and the 1992 Defence Policy Statement set out the guidelines against which participation in a peacekeeping operation is to be judged. Although the published guidelines were written to apply to traditional peacekeeping operations, the principle that participation in an operation should be measured against objective criteria of likely success is a solid approach. The guidelines could have been and should have been updated to reflect the changing nature of peacekeeping.

Had an approach to dealing with peacekeeping operations been thought through and set out clearly in a doctrinal statement, decision making might have been guided by more relevant factors.

- *The uncertainties, contingencies and challenges of participating in UNITAF were not adequately highlighted in the staff analyses done or the briefing to Cabinet. This was the result, in part, of the bias of senior officers and officials at NDHQ toward participation in UNITAF and of the lack of appreciation for the difference between UNOSOM and UNITAF.*

Staff were given only two days to prepare estimates and analysis, even though it was known as early as November 24, 1992 that the operation could become a peace enforcement operation. The estimates produced did not follow the standard form, were cursory, and made significant, erroneous assumptions about potential Canadian participation in the U.S.-led mission. In particular, the estimate from J3 Plans contained no initial analysis of the mission to be accomplished.

1. *The analysis done and briefing given failed to emphasize the implications of the change in mandate from a Chapter VI to a Chapter VII operation, the change in location, and the lack of mission or to account for how these issues might be dealt with. For example, the need for different equipment, new rules of engagement, another reconnaissance, different force composition and structure, different support arrangements, additional training, and, above all, more time to deal with all these changes were not adequately taken into account. If standard and thorough estimates and assessments had been prepared, these issues and potential approaches to dealing with them may have come to light.*
2. *At the same time, it should be noted that Cabinet approved Canada's participation knowing full well that no mission had been defined and there fore that there was considerable uncertainty about Canada's role in the operation.*

Mission and Tasks

UNOSOM

- *Canada's mission within UNOSOM was unclear. Problems encountered by the Canadian Forces in formulating a mission plan were largely the result of shortcomings at UN headquarters. Control of plans for UNOSOM was in the hands of UN Secretariat officials, who assumed responsibility for overall co-ordination of the mission until it was suspended in favour of the U.S.-led coalition, UNITAF.*

By August 1992, there was still no clear UN statement of the mission for the expanded version of UNOSOM, either in the Secretary-General's report of August 24, 1992, or the Security Council resolution adopted August 27, 1992.

The main purpose of UNOSOM after August 1992, was stated to be to secure the delivery and distribution of humanitarian assistance throughout Somalia. Tasks for the security battalions deployed to the four operational zones included providing security at ports of entry and escorting convoys of food and supplies to distribution sites and providing security there.

At the UN, plans for the deployment of security personnel were constantly in flux. The UN had difficulty obtaining commitments from troop-contributing countries, both for resources or for the deployment of troops. UN negotiations with factions in other areas were not progressing, and in Mogadishu, General Aidid was having second thoughts about allowing the deployment of security personnel to Mogadishu. Canada's assignment to Bossasso appeared to be the most stable of the arrangements made to that point.

NDHQ received formal notification of the mission and tasks on September 2, 1992, when Canada received the general guidelines for troop-contributing countries. The tasks were insufficiently articulated -- there was no indication of how the humanitarian assistance would be distributed or what agencies would be working in the different sectors.

A contingency plan was prepared by Force Mobile Command, and the Chief of the Defence Staff was briefed on September 4, 1992. During the briefing, it was noted that the UN mission was still problematic, as there was still no clear concept of operations, information on the needs of the population was inadequate, and information on the possible threat in Bossasso was lacking. Outstanding issues included the UN plan for the military component of the force and insufficient information on tasks, boundaries, structure of operations, and the deployment time table.

- *The lack of clarity in the overall mission for UNOSOM and the lack of specificity in the tasks assigned to the Canadian contingent were never remedied satisfactorily. Canada made repeated efforts to have the mandate clarified by the UN and to have the assigned tasks delineated appropriately. When Canada finally received a formal response to its request, it contained little new information that could assist in the planning of the mission.*

Concerns were expressed by Canadian representatives very early in the negotiations about the lack of clarity in the mission statement for UNOSOM. Moreover, there was growing concern that Canada's role in the operation would be superfluous because the area chosen for its deployment was relatively calm. Learning of the general lack of need for humanitarian assistance in the Bossasso region, Canadian officials expressed continuing concern about Canada's role in the expanded operation.

Canada's representative at the United Nations made a formal request for clarification of the mission, a list of the tasks to be performed, and the UN concept of operations for the Canadian zone.

Two days later, the response from Marrack Goulding, Under Secretary-General for Peacekeeping Operations, included what was described as a more refined statement of the mission for the Canadian battalion, together with a description of the tasks assigned. The response also included a statement of the UN concept of operations. Although the response contained additional information about general tasks, it failed to address adequately the questions set out in the original request for clarification.

- *In addition to uncertainty about mandate, UN planning for the mission was seriously flawed. This had profound implications for troop-contributing countries.*
- *Although initial NDHQ plans contemplated early deployment of a reconnaissance team, delays at the UN prevented the departure of the reconnaissance party before October, despite continuing efforts on the part of Canadian officials to obtain permission to proceed.*
- *Delay and uncertainty in providing authorization and arrangements for a reconnaissance, which was a priority for Canada, had a significant impact on planning for Operation Cordon. The UN proposal was to have the reconnaissance done by the advance party, but this was not acceptable to Canada. Ultimately Canada refused to move any resources to Somalia until the reconnaissance was complete and plans subsequently finalized.*

Despite repeated requests for a date for the reconnaissance, which was urgently required to assist in finalizing operational planning back in Canada, none was forthcoming until early October. Canada finally received news of the authorization for a reconnaissance on October 6, 1992. On October 12th, the reconnaissance party left for Somalia and conducted the reconnaissance from October 12th to October 18th, with the aim of confirming details about Canada's contribution.

- *Although it took place late in the planning process, the October reconnaissance was critical to Canada in many respects. Foremost, it clarified the mission and tasks assigned to the Canadian Airborne Regiment for its deployment to Bossasso. The results of the reconnaissance indicated, for the first time, a change in the nature of the implied tasks, while the UN mandate and strategy remained the same, the tasks were somewhat altered as a result of conditions in Bossasso at the time. The reconnaissance report described the revised and implied tasks for the CAR. The changes were of major concern to Canada, as both DND and DEA wanted to ensure that the CF security battalion played a major role.*
- *NDHQ also decided to plan and propose its own force structure for the mission, as it was dissatisfied with the recommended force structure for battalions in the various sectors, which failed to recognize standard cohesive fighting units. There was additional concern about the UN stipulation that only small arms be taken, since the mission was one of protection, not observation.*

- *Although the deployment of the CAR to the Bossasso area was known early on in the planning process, it was not until October 15, 1992 that concerns were raised formally by Canadian officials about the appropriateness of the deployment. The specific concern noted at the daily executive meeting that day was that Bossasso was considered a stable region in relation to the other humanitarian relief sectors, so that Canada might have only a diminished role to play in that area. It was not clear whether there was even a need for relief distribution in the area, or whether relief activities were sufficient to warrant a security battalion.*

Reports from the October reconnaissance failed to alleviate the concerns of Canadian officials about the role for Canada's security battalion in Bossasso. In a special briefing at the daily executive meeting of October 21st, Col Houghton, LCol Morneau, and LCol Clark presented a detailed account of events leading to the current situation in Somalia. The briefing confirmed the fact that current tasks for the CF would focus more on providing a stabilizing influence in the area than on the security and escort duties originally proposed. While concluding that the revised tasks were well within UNOSOM's mandate, LCol Clark emphasized that the situation would have to be monitored.

- *Canadian officials were not persuaded that the role for troops in Bossasso, as evolved, would be suited to the CAR and/or Canada's proposed organizational structure. Officials continued to seek further clarification of the mandate from the UN, but an acceptable clarification was never received.*

UNITAF

- *At the time the Government of Canada decided to participate in the UN authorized U.S.-led peace enforcement operation, no role for the Canadian Forces had been established. In fact, U.S. military planners were not even aware that Canada had been invited to participate and were more or less indifferent to the news of Canada's intentions.*

At the time Canada agreed to participate, a role for the Canadian contingent had not even been contemplated by U.S. planners, let alone defined. Canadian decision makers were aware only of the general types of tasks that they might be asked to do, for example, securing seaports and airports and protecting food convoys. They did not know the extent to which the Canadian contingent would be involved in systematic disarmament. Nor did they know where the contingent would be deployed, or what specific tasks and challenges it would face upon arrival.

- *Defining the mission was left solely in the hands of Col Labbé, Commander of Canadian Joint Force Somalia. The Chief of the Defence Staff and staff at NDHQ gave Col Labbé no guidance about what type of mission the CF would accept, except to urge him to move as quickly as possible to secure a high-profile mission.*

- *A Canadian mission was not identified until after Col Labbé arrived in theatre and was not confirmed until after a substantial portion of the troops had arrived in theatre.*
- The Canadian mission in the overall operation was identified within five days of Col Labbé's arrival in theatre, and execution of the mission began just nine days later. This tight schedule meant that troops were arriving in theatre before they knew where they would be going or what they would be doing. There was no time to train the troops for the specific mission, to reconsider decisions that had been made about supplies, or to wait to make decisions until full information was available.

Once the Belet Huen Humanitarian Relief Sector was secured, the Canadian mission was the same as that given to all coalition commanders. Based on the U.S. Central Command's statement of the mission for the entire operation, it was as follows:

Mission: to secure major air and seaport facilities, key installation and major relief distribution sites, to provide open and free passage for humanitarian relief supplies and finally to provide security for relief convoys, relief organizations and assist in providing humanitarian relief under UN SCR 794.

Recommendations

We recommend that:

24.1 The Government of Canada issue new guidelines and compulsory criteria for decisions about whether to participate in a peace support operation.

24.2 The Government of Canada define clearly the respective roles and responsibilities of the Department of Foreign Affairs and International Trade (DFAIT) and the Department of National Defence (DND) in the decision-making process for peace support operations.

24.3 In briefings or advice to the Government relating to participation in a peace support operation, the Government of Canada require a comprehensive statement of how the peace support operations guidelines and criteria apply to the proposed operation.

Despite the fact that both major defence policy documents -- the 1987 White Paper and the 1992 Defence Statement -- referred to criteria to be applied when considering a UN request for participation in a peace operation, there is no indication that the criteria were applied in any reasonable or consistent manner to Canada's proposed participation in either UNOSOM or UNITAF. As is apparent in our findings, the lack of clarity in the application of the criteria was problematic, making accountability and responsibility more difficult to assess. The inquiry accordingly calls for a more co-ordinated and comprehensive approach to decision making to clarify and identify areas of responsibility with a view to establishing greater accountability, efficiency, and clarity.

To begin with, the process should apply to deployment of Canadian Forces personnel outside Canada in all peace support operations, including traditional

peacekeeping, peace enforcement and any other missions initiated by the UN or other international agency. The criteria will no doubt differ in some respects, depending on the nature of the mission, and these differences should be set out carefully. There may also be a need to identify different criteria or an abbreviated process for emergency operations.

In this process, departmental responsibilities must be clear and unambiguous. An internal military review, conducted in 1992, found that there was a division of responsibilities between DFAIT and NDHQ, albeit unclear. DFAIT's responsibilities were identified as determining whether there was a clear and enforceable mandate; whether the principal antagonists agreed; whether arrangements were likely to serve the cause of peace; and whether the size of the force would damage Canada's relations with other states. NDHQ was responsible primarily for determining whether the size of the force was appropriate to the mandate, whether CF participation would jeopardize other commitments, whether there was a single authority to support the operation, and whether participation was adequately and equitably funded and logistically supported.

The review concluded, however, that the division of responsibility required clarification. The response from ADM (Policy and Communications) was that no split in responsibility existed.

The lack of certainty in this area was clearly problematic. At the hearings, senior officials expressed differing views, and no explicit policy document or doctrinal statement appeared to direct the manner in which the guidelines were to be applied. The Government of Canada must establish a clear demarcation between DFAIT and NDHQ and establish mechanisms to hear independently the advice offered by officials at DFAIT and NDHQ.

A recent Auditor General's report noted that NDHQ staff met to assess the mission in terms of the guidelines. However, the assessments are not written, leaving no record of the factors considered and the manner in which they affected the outcome of the review.

The issue of what policy guidelines/criteria should be considered is a significant determinant of accountability within the DND and the CF. While guidelines are set out in the new Peacekeeping Operations Doctrine, no formal process for their consideration is articulated. Moreover the guidelines are now referred to as "key principles", not criteria, as they were in the 1987 White Paper.

24.4 The Chief of the Defence Staff develop Canadian Forces doctrine to guide the planning, participation, and conduct of peace support operations.

24.5 The Government of Canada establish a new and permanent advisory body or secretariat to co-ordinate peace support operations policy and decision making.

The Inquiry also calls for a separate body responsible for co-ordinating policy and decision making for peace support operations. Members could include

representatives of the CF, DND, DFAIT, the Privy Council Office, the Prime Minister's Office, Canadian International Development Agency (CIDA), and others and would be responsible for overseeing all aspects of policy and decision making for peace support operations. The changing nature of these operations underlies a need for broad-based consultation in the decision making process. An Australian parliamentary committee recommended a similar permanent co-ordinating authority based on the same need.²⁶⁵

24.6 The Government of Canada adopt the policy that Canadian participation in United Nations peace support operations is contingent upon:

- 1. completion of a detailed mission analysis by the Chief of the Defence Staff each time Canada is asked to participate in a peace support operation; and**
- 2. inclusion in the mission analysis of the following elements: a determination of troop strengths, unit configuration, resource requirements, and weapons and other capabilities.**

Under the *National Defence Act*, when a province requests armed forces, the Chief of the Defence Staff must respond, but retains control in all respects of the nature of the force to be deployed.

The need for this control at the national level is apparent from a review of events leading to both Operation Cordon and Operation Deliverance. In both instances, the Canadian Forces was far too dependent on the United Nations and the United States for information and direction in the development of the mission assigned to the CF. Consequently, the CF had to deal with vague and undefined missions and inadequate force structures.

24.7 The Government of Canada, as part of its foreign and defence policy, advocate reform within the United Nations, particularly in the following areas:

- 1. development of a process to ensure that the mandates of United Nations operations, as adopted by the United Nations Security Council, are clear, enforceable, and capable of achieving the goals of the mission; and**
- 2. development of a process to enhance the current planning structure at the United Nations to improve co-ordination of peace support operations through proper development of concepts of operations and strategic planning.**

There are continuing complaints from UN member states that mandates for UN peacekeeping operations are vague and imprecise, and accordingly are not very useful for military commanders in the field. This lack of clarity was noted in a review of lessons learned from UNOSOM, conducted for the UN, and indeed this was a factor in the planning problems experienced by the Canadian Forces during the pre-deployment phase for Operation Cordon.

At the time of the Somalia operation, UN planning procedures were in need of improvement, to assist in providing early advice on force composition and other requirements to allow for effective preparation by troop contributors. The CF was

awaiting permission to conduct a reconnaissance for weeks after the commitment to participate in UNOSOM was made. Despite numerous requests, it was unable to conduct it until mid-October, and this delay had a significant impact on the ability to plan. The delay arose mainly from poor co-ordination at UN headquarters.

NOTES

1. Now the Department of Foreign Affairs and International Trade.
2. A report prepared by NDHQ's chief of review services, "Military Review 1/90, Peacekeeping Operations Final Report", April 15, 1992 (hereafter, "Military Review 1/90"), provides an in-depth look at the policies and procedures in place in NDHQ with respect to all peacekeeping operations in effect just before the deployment to Somalia. See p. iii of the report's executive summary.
3. "Military Review 1/90", p. 14. It appears that the report refers to DND in a loose sense, encompassing all of NDHQ. Note that although there is no requirement under the *National Defence Act* (NDA) or elsewhere to debate the issue in Parliament, there is a requirement under section 31(1) of the NDA to table the order in council once members of the CF are placed in active service, and a CF commitment to UN operations is considered active service under the NDA. *National Defence Act*, R.S.C. 1985, Chapter N-5, as amended.
4. "Military Review 1/90", p. iii.
5. Testimony of Col Bremner, Transcripts vol. 8, p. 1467.
6. "Military Review 1/90", p. iii.
7. Testimony of Daniel Dhavernas, Transcripts vol. 8, p. 1579 and following.
8. See "Military Review 1/90" for a description of the responsibilities assumed during the decision-making process. During the period in 1992 leading up to the decision to commit to the mission in Somalia, the ADM (Pol & Comm) was Dr. Kenneth Calder.
9. Testimony of Daniel Dhavernas, Transcripts vol. 8, p. 1583.
10. Testimony of Daniel Dhavernas, Transcripts vol. 8, pp. 1587-1588.
11. These factors are identified in the most recent report of the Auditor General: Chapter 6, Foreign Affairs and International Trade, and Chapter 7, National Defence, p. 6-15 and following. The report of May 1996 also suggests that the following considerations should be examined before deciding to undertake a UN commitment:
 - a clear statement of the nature and extent of participation and the potential for achieving Canadian foreign policy objectives;
 - analyses of the political, humanitarian and military situation in the country or region of conflict;
 - an assessment of the physical risks to Canadian personnel and of the probable duration of involvement;

- the financial cost and other implications for Canada;
 - an assessment of whether government guidelines for participation are being followed; and
 - the different ways in which Canada could participate, and an assessment of the lessons learned from participation in previous missions.
12. See "Military Review 1/90", p. 12.
13. Testimony of Col Bremner, Transcripts vol. 8, p. 1477 and following.
14. The four phases are described in the "Military Review 1/90", p. 7, and are as follows:
1. Normal Phase
A group of NDHQ staff and representatives from commands meet every four to six weeks in periods of non-crisis to discuss potential areas for UN operations. Although not referred to specifically as the crisis action team (CAT) in the report, this is likely the same group whose responsibilities were outlined by Cmdre Cogdon in testimony (Transcripts vol. 9, p. 1658 and following). He describes the CAT as a collection of members at NDHQ, including representatives of all cells in the joint staff, who met regularly to stay in touch with all continuing activities and to inform their respective organizational groups. Cmdre Cogdon indicated that the team met weekly to review possible operations and activities, but could also meet at any time as required.
 2. Indication Phase
When there is a preliminary indication that a commitment may be requested, discussions begin to determine what might be expected and what would be feasible, given the situation as noted.
 3. Negotiation Phase
Although no formal request has been received yet, if discussions suggest a Likelihood of participation, more in-depth planning begins, with a range of military options being developed. At the same time, the DEA co-ordinates the international and political aspects of participation for presentation to Cabinet. Meetings of the CAT occur more frequently, with key members from DI Pol, J5 (Policy), the Director General Peacekeeping Operations/Department of Peacekeeping Operations (DG PO/DPKO), J3, Director of Logistics, Peacekeeping Operations, J4 (Log), the Director of Financial Services, J4 (Finance) and, when necessary, command staff. This phase ends with the Government of Canada accepting the request in principle.
 4. Decision Phase
Once the UN has a clear indication that the participants are ready to make a commitment to participation, a resolution is submitted to the Security Council. Once the resolution is approved, the formal request for participation is made and accepted.
15. Testimony of Col Bremner, Transcripts vol. 8, p. 1479. The determinants of success refer to the criteria or guidelines for UN peacekeeping operations discussed here.

16. DND, *Challenge and Commitment*, White Paper on Defence (1987),p. 24.
17. "Military Review 1/90".
18. *Challenge and Commitment*, p. 24. Although the white paper describes the considerations as "criteria" and provides that the government decision *will* be based on such criteria (our emphasis), during our hearings witnesses also referred to the criteria as "guidelines" or a "checklist". Moreover, the latest white paper, which sets out the revised criteria, no longer describes them as criteria. Instead, they are referred to as "key principles" that should be reflected in the design of all missions. See DND, *1994 White Paper*, pp. 28-29
19. The evaluation undertaken in "Military Review 1/90" describes the consultation process and criticizes the absence of written procedures or checklists to assist in the co-ordination functions undertaken by DI Pol: see p. 15 and following.
20. "Military Review 1/90", p. 15.
21. "Military Review 1/90", p. 18. Note that the ADM (Pol & Comm) response fails to see any split in responsibility in terms of the criteria and is silent on the issue of whether better and more explicit direction is needed.
22. Testimony of Col Bremner, Transcripts vol. 8, p. 1480.
23. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9925.
24. Testimony of Mr. Robert Fowler, Transcripts vol. 50, p. 10175.
25. This statement is certainly true for UNITAF but it was not necessarily the case for UNOSOM. UNOSOM began as a traditional peacekeeping mission, with a military observer force authorized for Mogadishu. Security for the delivery of humanitarian aid did not become a formal part of the mission until mid-August 1992.
26. Testimony of Robert Fowler, Transcripts vol. 50, p. 10176.
27. A policy paper published in April 1992 (DND, *Canadian Defence Policy*) acknowledged that the old guidelines did not reflect completely the changing nature of peacekeeping. It did provide, however, that "We will continue to participate in accordance with the Government's criteria, and provide troops and observers to the maximum extent possible given the structure and commitments of the Canadian Forces" (p. 34).
28. For an analysis of the distinction between an enforcement action and peace enforcement see Chapter 10.
29. Program Evaluation E1/81, "DND Policy/Capability in Support of Peacekeeping Operations" (July 1983), pp. iv, 29.
30. Testimony of Col Bremner, Transcripts vol. 8, p. 1481.
31. *1994 Defence White Paper*, pp. 28, 29.
32. For a description of role and function of the joint staff at NDHQ, see the testimony of Cmdre Cogdon, Transcripts vol. 9, p. 1658 and following; and

- Chapter 3 in Volume 1 of this report. Cmdre Cogdon described in general terms the process for operational assessments in place at the time. In his position as Chief of Staff of J3, Cmdre Cogdon usually became aware that something was about to happen through J5 (Policy) or a meeting of the CAT. Occasionally, he would receive an inquiry from his supervisor, the Deputy Chief of the Defence Staff (Intelligence, Security and Operations) (DCDS ISO), or the Assistant Deputy Minister (Policy and Communications). An initial staff check would follow, and either J3 Peacekeeping or J3 Plans would complete the initial planning estimate. The information would be gathered from all participants in the CAT and would likely extend to the functional commands. The information would be assembled in briefing note format for the DCDS, the Deputy Minister and the Chief of the Defence Staff.
33. Testimony of Col Bremner, Transcripts vol. 8, p. 1477 and following; Col Houghton, Transcripts vol. 44, p. 8683. Within the J Staff, J3 Peacekeeping had primary responsibility for traditional peacekeeping operations, i.e., those with a mandate under Chapter VI of the UN Charter, whereas J3 Operations had primary responsibility for missions authorized under Chapter VII of the UN Charter.
 34. Testimony of Col Bremner, Transcripts vol. 8, p. 1494.
 35. Testimony of Col Bremner, Transcripts vol. 8, p. 1489.
 36. See also Report on United Nations Technical Mission to Somalia, 21 March -- 3 April 1992, Document book 9, tab 11, paragraphs 39, 40.
 37. Letter, Chief of the Defence Staff (CDS) and Deputy Minister (DM) to Minister of National Defence (MND), May 1, 1992. The letter was based on a briefing note prepared for the CDS by the Associate ADM (Policy and Communications), April 29, 1992, Document book 9, tab 14, which outlined the basis for the concerns.
 38. Letter, CDS and DM to MND, May 1, 1992, Document book 9, tab 14.
 39. Memorandum, Clerk of the Privy Council (CPC) to Prime Minister (PM), May 7, 1992, Document book 2, tab 1.
 40. On the various problems, see telex, Permanent Representative to the United Nations (PRMNY) to Department of External Affairs (EXTOTT), May 6, 1992, Document book 122, tab 7; telex, Canadian High Commission, Nairobi (Nairobi) to Canadian International Development Agency (CIDA/HULL), June 16, 1992, Document book 122, tab 8; and notes, Africa and Middle East Branch (GOB), DEA, July 23, 1992, Document book 122, tab 9.
 41. Message, PRMNY to EXTOTT, July 24, 1992, Document book 9, tab 17, contained a summary of the proposed report of the Secretary-General of the United Nations (SG); a copy of the report itself was attached (Security Council, Report of the Secretary-General on the Situation in Somalia, S/24343, 22 July 1992).
 42. Record of decisions of meeting of Crisis Action Team (CAT), Capt (N) McMillan (J3 Plans), July 28, 1992, Document book 9, tab 20. Reference to this was noted in the situation summary prepared for the meeting.

43. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9920.
44. Minutes, Post-daily executive meeting (DEM) ,July 28, 1992, Document book 32.1, tab 2. The CDS suggested that Canada consider providing a security battalion to protect the observers and the CAR. However, the observers had already departed for Mogadishu.
45. Record of decisions of CAT meeting, July 28, 1992, Document book 9, tab 20. The J staff were directed to consider such factors as risk assessment, possible tasks, policy, movement, sustainment, finance, available forces, available medical support. and Land Force impact assessment.
46. Document book 9, tab 19.
47. Document book 9, tab 22.
48. Somalia Threat Assessment, July 29, 1992, Document book 9, tab 24.
49. Option Analysis for a Security Battalion in Support of UN Humanitarian Assistance Operations in Somalia, LCoI Froh (J3 Plans), July 30, 1992, Document book 9, tab 27.
50. Option Analysis, Document book 9, tab 27.
51. Document book 32C, tab 2.
52. Memorandum, J6 Operations and Plans, July 29, 1992, Document book 27, tab 12.
53. Briefing note, Feasibility of using CFB Lahr as a support base for Operation Cordon, Logistics Branch, July 29, 1992, Document book 27, tab 11.
54. Options note, DMO, August 4, 1992, Document book 11, tab 2. The report was prepared without knowledge of the nature and/or extent of the medical needs of the refugee community and was therefore intended only as a general report and conditional recommendation.
55. Telex, EXTOTT to Nairobi, August 5, 1992, Document book 27, tab20.
56. Options note, Canadian Response to the Crisis in Somalia, August 5, 1992, Document book 27, tab 21.
57. Options note, Canadian Response to the Crisis in Somalia, August 5, 1992, Document book 27, tab 21, p. 5. The report noted that with anarchy prevailing, the UN forces could encounter small-arms fire from groups attempting to raid or otherwise interfere with relief supplies. Compliance with the UN humanitarian plan by armed factions was considered unlikely at that time, yet important to the level of risk to which the UN troops might be exposed.
58. The recommendation of the Privy Council Office (PCO) was set out in a memorandum, ADM (Pol & Comm) to DM, CDS and others, August 10, 1992, Document book 27, tab 23, outlining options that had been presented to the Prime Minister and the situation at the time. See Memorandum, CPC to PM, August 5, 1996, Document book 2, tab 3.

59. The contents of the letter were made public on August 21, 1992, the date often referred to as that of formal acceptance of the UN request for a commitment to UNOSOM.
60. Briefing note, LCol Turnbull (DI Pol), August 16, 1992, Document book 11, tab 5, p. 3, raises a concern about the potential delay in response by the Government, noting that the media were already reporting that the United States would begin emergency airlifts as soon as possible.
61. Testimony of Col Bremner, Transcripts vol. 8, p. 1504.
62. There was no evidence of minutes from this meeting of officials, but reference to such a meeting was made in a memorandum, CPC to PM, August 18, 1992, Document book 2, tab 5.
63. Memorandum, CPC to PM, August 18, 1992, Document book 2, tab 5.
64. A second UN technical team was sent in August to complete plans for the expanded operations contemplated by the Security Council resolution in late July: see Document book 11, tab 6.
65. Facsimile, PRYMNY to EXTOTT and National Defence Headquarters (NDHQ), August 24, 1992, with Peacekeeping Operational Plan for Somalia attached, Document book 11, tab
66. Briefing note for the CDS, Document book 11, tab 14.
67. Briefing note for the CDS, Document book 11, tab 14, p. 2.
68. Minutes, DEM, August 25, 1992, Document book 32.1, tab 4.
69. Facsimile, BGen Baril, Military Adviser to the UN, New York, to PRMNY, August 25, 1992, with attachment, Aide-mémoire, Request for Troops to UNOSOM, Document book 27, tab 35.
70. Telex, Col Fraser, PRMNY, to EXTOTT, August 25, 1992, Document book 10, tab 5.
71. Telex, Col Fraser, PRMNY, to EXTOTT, August 25, 1992, Document book 10, tab 5. At the same time, DEA received a message from PRMNY, Document book 22, tab 35, advising of a possible request (unofficial) for the provision of a communications unit on an interim basis, notwithstanding the fact that Canada initially declined to provide one. There was also speculation that Canada could be asked to provide the security battalion in Mogadishu, since there had been a delay in Pakistan's deployment of troops to Mogadishu, which was of particular concern to the United States.
72. Tasking Order, NDHQ to MARCOMHQ, EMCHQ, AIRCOM, CFCCHQ, NDHQ Ottawa, ADM(MAT)/ADM(PER)/DCDS ISO, August 27, 1992, Document book 10, tab 12. (Translation: National Defence Headquarters to Maritime Command Headquarters, Force Mobile Command Headquarters, Air Command, NDHQ (Ottawa), the assistant deputy ministers responsible for materiel and personnel, and the Deputy Chief of the Defence Staff (Intelligence, Security and Operations).

73. Briefing note, Force Mobile Command (FMC) to CDS, September 2, 1992, Document book 32B, tab 2.
74. Letter, CDS and DM to Minister of National Defence (MND), August 26, 1992, Document book 27, tab 38.
75. Letter, MND to Secretary of State of External Affairs (SSEA), September 1, 1992, Document book 12, tab 4.
76. Telex, PRMNY to NDHQ and EXTOTI August 31, 1992, Document book 27, tab 43.
77. Document book 27, tab 43.
78. Document book 27, tab 43. There was already the delay by Pakistan, and the Secretariat feared slow reaction time from Nigeria, whose troops were to deploy during phase two of the plan. Concern about the Nigerian delay was of sufficient importance that the Secretariat was considering moving the Egyptian battalion into Mandera instead of the Nigerian battalion.
79. Document book 27, tab 43.
80. Briefing notes, FMC to CDS, Operation Cordon and Operation Dagger, September 2, 1992, Document book 28, tab 6.
81. Telex, NDHQ, situation report UN Operations Planning, September 2, 1992, Document book 28, tab 1.
82. Letter, DM and CDS to MND, September 2, 1992, Document book 28, tab 8, advising that the formal request had been received and that the Canadian Airborne Regiment (CAR) had been chosen by Force Mobile Command for the operation.
83. DND, press release, September 2, 1992, advising of Canada's commitment to UNOSOM, Document book 123, tab 13.
84. Facsimile, PRMNY to EXTOTT, September 15, 1992, Document book 3, tab 1.
85. Telex, DEA to PRMNY, September 18, 1992, Document book 122, tab 13.
86. *Note verbale*, Ambassador Fréchette, on behalf of the Government of Canada, to the Secretary-General of the UN, September 23, 1992, Document book 3, tab 2.
87. Briefing note, ADM (Pol & Comm) to CDS and DM, April 28, 1992, Document book 60, tabs 15 and 16.
88. Memorandum to MND, May 1, 1992, p. 4, Document book 9, tab 14.
89. Aide-mémoire on Somalia, ADM (Pol & Comm) to CDS and DM, July 29, 1992, Document book 9, tab 19), stated that an effective relief program was not possible without adequate protection for relief workers: "A framework for the security of humanitarian relief operations is the *sine qua non* for effective action."
90. Minutes, DEM, August 31, 1992, paragraph 2, Document book 32.1, tab 6.
91. Testimony of Mr. Robert Fowler, Transcripts vol. 50, p. 10176.
92. Memorandum, CPC to PM, August 18, 1992, Document book 2, tab 5.

93. At the post-DEM of July 28, 1992, Document book 32.1, tab 2, the Deputy Minister observed that an unachievable call on resources could result if additional troops were requested for the former Yugoslavia. In response to the observation, the Chief of the Defence Staff noted that the request could be turned down.
94. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9941 and following.
95. Briefing note, Operation Cordon and Operation Dagger, Document book 27, tab 6.
96. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9943.
97. Mogadishu remained divided between the militias of the two rival factions led by Ali Mahdi and Mohammed Farah Aidid. There was no functioning central government, and many of the *de facto* authorities were refusing to allow aid to be delivered. In-bound ships carrying relief supplies were kept from docking and were shelled on one occasion. In mid-November, Ali Mahdi threatened to shell ships unless certain demands, including a demand that UNOSOM take over the port, were met. On November 23, 1992, after extensive negotiations, he agreed to allow ships to enter port. Nevertheless, on November 24th, a World Food Program ship was shelled as it tried to dock. This brief outline of the situation in Somalia in late fall 1992 is from United Nations, Department of Public Information, *The United Nations and the Situation in Somalia* (Reference Paper, April 1995), p. 5. See also, letter, Secretary General (SG) to President of the Security Council (PSC), November 24, 1992, SC 5/24859.
98. Report of the Secretary-General on the Situation in Somalia, S/24343, 22 July 1992, paragraph 57. See map of zones attached as Appendix A.
99. Letter, SG to PSC, November 24, 1992, S/24859, p. 4. The Canadian advance party was expected to arrive between December 4th and 6th, with the main party following by the end of December.
100. Letter, SG to PSC, November 24, 1992, S/24859, p. 5.
101. Telex, Canadian Embassy, Washington, D.C., to EXTOTT, Document book 122A, tab 1; and telex, PRMNY to EXTOTT, November 28, 1992, Document book 32D, tab 6.
102. Telex, PRMNY to EXTOTT; November 28, 1992, Document book 32D, tab 6. Questions raised about the respective roles of the United Nations and the United States included the issue of an appropriate mechanism to assure UN oversight as well as how the U.S.-led mission would achieve longer-term UN aims of national reconciliation in Somalia.
103. Letter, SG to PSC, November 29, 1992, S/24868.
104. Under this option, the Secretary-General noted that the United States was ready to take the lead if this was the choice of the Security Council.
105. To authorize an action under Chapter VII of the United Nations Charter, the Security Council would have to make a determination, as the Secretary-General noted, under article 39 of the Charter, "that a threat to the peace exists, as a result

- of the repercussions of the Somali conflict on the entire region". It would also have to determine that non-military measures were not capable of achieving the Security Council's goals and decide what measures should be taken to maintain international peace and security. Letter, SG to PSC, November 29, 1992, S/24868, p. 3.
106. Although it is not mentioned in the resolution, one of the greatest obstacles to carrying out option five was the reluctance of the United States to put its forces under UN command. Telex, PRMNY to EXTOTI December 1, 1992, Document book 122A, tab 2.
107. Telex, PRMNY to EXTOTT, December 1, 1992, Document book 122A, tab 2.
108. Until the Somalia operation, the UN had authorized only three missions under Chapter VII: Korea, 1950 (more properly characterized as enforcement, in the sense of international collective action against a state aggressor); the United Nations Operation in the Congo, 1960-64 (an operation that could be characterized as peace enforcement); and the Iraq-Kuwait operation (the Gulf War, also characterized more accurately as enforcement). For further discussion of the various types of peacekeeping operations, see Chapter 10.
109. Telex, PRMNY to EXTOTI; December 3, 1992, Document book 19, tab 16.
110. Security Council Resolution 794 (1992), December 3, 1992, paragraph 10. Although this was a clear political statement of the mission, there was a lack of agreement among member states about what this mission required in practice. For example, did it require disarmament? If so, to what extent? This and other issues remained contentious throughout the operation.
111. The Canadian decision to participate was made by the Ad Hoc Committee of Ministers on Somalia. For minutes of their decision, see Document book 21, tab 17.
112. Telex, EXTOTT to Canadian embassies, Washington and Paris, and Canadian High Commission, London, November 26, 1992, Document book 32, tab 3.
113. Letter, PRMNY to PSC, November 27, 1992, referred to in telex, PRMNY to EXTOTT, December 1, 1992, Document book 29, tab 38.
114. Telex, PRMNY to EXTOTT, December 2, 1992, Document book 19, tab 12.
115. Telex, EXTOTT to PRMNY, November 26, 1992, Document book 32D, tab 3. See also EXTOTT to PRMNY, November 26, 1992, Document book 122A, tab 4.
116. Telex, EXTOTT to embassies, Washington, Paris, Islamabad, Cairo, Riyadh, Rome and Brussels, and high commission, London, December 1, 1992, Document book 30, tab 1. The telex raises questions about how national reconciliation would be promoted in the aftermath of a peace enforcement operation, who UNOSOM would negotiate with after the peace enforcement operation, whether there might be a national backlash to a perceived "invasion", whether UNOSOM would coexist with the peace enforcement operation, who had been approached to participate in the peace enforcement operation, and whether the necessary

- geographical balance could be achieved in troop composition. These questions demonstrate DEA officials' concerns about the implications of the U.S.-led mission for long-term peace and stability in Somalia.
117. In his report of December 19, 1992, the Secretary-General explicitly acknowledged the difference of opinion between the United States and the UN about the mandate of the mission. The United States, anxious to transfer authority back to UNOSOM as quickly as possible, saw UNITAF's role as limited to ensuring security in the zones they had established in the south of the country. The Secretary-General, on the other hand, tried to insist that UNITAF carry out widespread disarmament and gain control over all of Somalia before a transfer back to UNOSOM. (Report of the Secretary-General, S/24992, 19 December 1992, paragraph 23 and following). This was also apparently a source of disagreement between Canada and the United States. See Col Labbé, presentation to Operations Planning Seminar, Canadian Forces Command and Staff College (CFCSC), Toronto, March 11-15, 1996, Exhibit P-326, p. 5.
118. Telex, PRMNY to EXTOTT, November 26, 1992, Document book 32D, tab 5.
119. In fact, Operation Restore Hope did not end up covering all of Somalia but only the southern part. See map of humanitarian relief sectors.
120. Telex, Embassy, Washington, D.C., to EXTOTT November 27, 1992, Document book 122A, tab 1; and telex, PRMNY to EXTOTT, November 28, 1992, Document book 122A, tab
121. At this early stage, U.S. thinking posited a 'good cop, bad cop' scenario in which the U.S.-led operation would play the 'bad cop' role and then, once conditions were right, UNOSOM would take over as the 'good cop'. The details, such as how to avoid a vacuum of authority when the U.S.-led operation left and UNOSOM reassumed responsibility, still had to be worked out. Telex, Embassy, Washington, D.C., to EXTOTT, November 27, 1992, Document book 122A, tab 1.
122. Telex, PRMNY to EXTOTT, December 1, 1992, Document book 29, tab 38.
123. Telex, PRMNY to EXTOTT; December 2, 1992, Document book 19, tab 12.
124. It was actually the Under Secretary-General, Murrack Goulding, who asked that Canada not participate in the peace enforcement mission. Aide-mémoire, LCol Clark (DI Pol 4), December 2, 1992, tab 5. See also testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10053.
125. Minutes, DEM, November 27, 1992, Document book 18, tab 16, and Document book 32.1, tab 26.
126. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10028.
127. Minutes, DEM, December 1, 1992, Document book 32.1, tab 28.
128. CDS discussion with Gen Powell, December 2, 1992, Exhibit P-108.

- 129.CDS discussion with Gen Powell, Exhibit P-108. Canadian officials in New York were also reporting at the same time that Canada had been invited to participate. Telex, PRMNY to EXTOTI; December 2, 1992, Document book 19, tab 12.
- 130.CDS discussion with Gen Powell, Exhibit P-108.
- 131.Telex, PRMNY to EXTOTT, December 2, 1992, Document book 19, tab 12.
- 132.Telex, PRMNY to EXTOTT, December 2, 1992, Document book 19, tab 12.
- 133.Document book 32D, tab 11. Perhaps it was written as follow-up to a J3 Operations note, December 2, 1992, which appears to summarize the contents of the telex, PRMNY to EXTOTI; December 2, 1992, describing the three options the Secretary-General put forward. According to the DND document, the concerns of officers and officials at DND about the first option -- integrating the Canadian Forces into the peace enforcement operation -- included issues about force composition for a higher combat role, command and control, sustainment if the operation lasted more than six months, the impact on Operation Relief, and the adjustment of plans already made for the UNOSOM deployment. The greatest concern about the second option, the Canadian option, was its impact on command and control. As well, there was some concern about the concept of operations and sustainment. With respect to the third option, it was feared that if UNOSOM were frozen and the deployment consequently postponed, the troops would be kept in limbo. On the other hand, it was noted that if the mission were cancelled altogether this could free up troops for other missions.
- 134.Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10028 and following.
- 135.CDS briefing to Cabinet, Document book 24, tab 21. According to the briefing, both missions were expected to cost \$65 million over three years (1992-95). Only DND incremental costs were considered. Canada's assessed contributions for peacekeeping operations and UN revenues that would be received for participation in peacekeeping were not included. If the revenues had been included, as a number of the written analyses indicated, the peacekeeping option would have been the less costly option.
- 136.Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10042. (Unfortunately, despite the importance of DEA's input on the decision, we have no evidence regarding DEA's recommendation to Cabinet.)
- 137.Minutes, DND special executive meeting, December 4, 1992, Document book 32.1, tab 29. The minutes of this meeting, held before the Cabinet briefing, record that "the DM and the CDS emphasized that the role of the Department was limited to proposing a concept of operations (including options) following the Government's decision. The DM pointed out that the Department had not officially offered advice on this issue and that it had not been asked either." See also testimony of Robert Fowler, Transcripts vol. 50, p. 10183, and Gen de Chastelain, Transcripts, vol. 49, p. 9925. According to Mr. Fowler, the issue did not involve any defence issue, only foreign affairs issues.

138. Normally, this issue would have been considered by the Cabinet Committee on Foreign and Defence Policy, but for some reason the decision was delegated to an ad hoc committee of ministers. Again, because of time constraints, we were not able to hear evidence to explain this unusual procedure. For details see minutes, Ad Hoc Committee of Ministers on Somalia, December 4, 1992, Document book 31, tab 17, and memorandum, CPC to PM, December 4, 1992, Document book 2, tab 8.
139. Document book 31, tab 17.
140. Order in Council PC. 1992-2519; House of Commons, *Debates*, December 7, 1992, pp. 14736-14727. The Standing Committee on National Defence and Veterans Affairs also received a briefing on the Somalia situation from Maj Thorne and Col O'Brien on December 10, 1992.
141. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10028 and following.
142. The U.S. concept of operations was set out in a briefing note, LCdr Bambury (J3 Plans) to CDS, Document book 30, tab 9. Although this document is dated December 3, 1992, it is based on a conversation that took place on December 2, 1992. Therefore it is assumed that all analyses prepared on December 2nd and 3rd were based on this understanding of the U.S. mission and concept of operations.
143. By December 17, 1992, the U.S. mission had been changed to the following: "to secure major airports and seaports, key installations and food distribution points, to provide open and free passage of relief supplies, provide security for convoys and relief organizations and to assist United Nations and non-governmental organizations in providing humanitarian relief." Letter, Permanent Representative of the United States of America to the President of the Security Council, December 17, 1992, S/24976, Annex. The goal of disarmament is notably absent.
144. Document book 122A, tab 5.
145. Document book 30, tab 12. This briefing note also includes a summary of the analysis and recommendation of Land Force Command, the full text of which is in another briefing note for the CDS, Military Force Options in Somalia, December 2, 1992, Document book 19, tab 6.
146. Document book 25, tab 32. Only LGen Addy (DCDS ISO) and Gen (ret) de Chastelain were questioned about this document. Neither recognized it. See Transcripts vol. 48, p. 9541, and vol. 50, p. 10039. The document has a handwritten "DM" in one corner, but neither witness could say for sure what this meant.
147. Document book 19, tab 6. Land Force Command (LFC) identified three capability options: A -- commit without significant change to force structure; B -- commit with limited change; and C -- commit with significant change. They recommended option B, with a direct role in the U.S. area of operations during Phase 2 or 3.

148. Testimony of Col Bremner, Transcripts vol. 8, pp. 1527-1528; and Cmdre Cogdon, vol. 9, p. 1706; and implied in testimony of Mr. Robert Fowler, vol. 50, p. 10178 and following, and Gen (ret) de Chastelain, vol. 50, p. 10045.
149. This is interesting in light of the program evaluation, "DND Policy/Capability in Support of Peacekeeping Operations" (DND, Chief Review Services, July 1983), which noted that the planning process did not envisage adequate consultation with commands or formations, which have the knowledge to assess capability (p. iii and p. 30 and following).
150. Testimony of Mr. Robert Fowler, Transcripts vol. 50, p. 10183.
151. Transcripts vol. 50, p. 10032. Cen (ret) de Chastelain is referring here to participation in UNITAF even though he talks about a reconnaissance having already been done for the operation. In fact, the only reconnaissance was for the UNOSOM mission to Bossaso.
152. Testimony of Col Bremner, Transcripts vol. 8, p. 1530; Cmdre Cogdon, vol. 9, p. 1712; and Cen (ret) de Chastelain, vol. 50, pp. 10032, 10052. Although the Deputy Minister did not specifically mention HMCS *Preserver*, he did agree that the fact that troops and equipment were all set to go was a factor favouring immediate participation. Testimony of Mr. Robert Fowler, Transcripts vol. 50, p. 10181 and following.
153. Testimony of LGen Addy, Transcripts vol. 48, p. 9526.
154. Testimony of Col Bremner, Transcripts vol. 8, p. 1519; and Col Houghton, vol. 44, p. 8730.
155. Transcripts vol. 48, p. 9526.
156. CDS note to file, December 7, 1992, Document book 32A, tab 9.
157. Transcripts vol. 50, p. 10131.
158. In a memo to Gen de Chastelain, written after the fact and at his request, RAdm Murray noted that he and the liaison team had been dispatched to U.S. Central Command (CENTCOM) Headquarters to ensure that the military leadership at CENTCOM clearly understood "the requirement for an operationally meaningful, high profile, and early role for the Canadian Airborne Battalion (and *Preserver*)." Memorandum, RAdm Murray to CDS, December 11, 1992, Document book 1 22A, tab 6. Similarly, in testimony before this Inquiry, Transcripts vol. 161, p. 32767, Col Labbé confirmed that the desire for a prominent role had been impressed upon him by Col O'Brien and Gen de Chastelain and necessitated a quick deployment. See also Col Labbé's notes for a seminar presentation, CFCSC, Toronto, March 15, 1996, Exhibit P-326, p. 2, in which he wrote, "I am advised by NDHQ (Col Mike O'Brien J3 Operations) that there is a very great urgency to plant a Canadian flag in Somalia as soon as possible.... I sense that I have very little to say in what is going on -- things are being driven by national defence headquarter[s] with a momentum of their own." Col O'Brien confirmed the need to act quickly to secure a prominent role, Transcripts vol. 10, pp. 1907, 1951.

159. Transcripts vol. 161, p. 32782.
160. Testimony of Cmdre Cogdon, Transcripts vol. 9, p. 1716. See also brief, Maj McLeod to Commander, Land Force Command (LFC), December 2, 1992, Document book 19, tab 6, from which it is clear that LFC was asked not *which* mission LFC could contribute to but *how* LFC could contribute to the U.S.-led mission. Col Joly noted in testimony, Transcripts vol. 17, p. 3089, that as a staff person who was not directly involved in the decision making, it was his impression that a political decision had been made to participate in the mission, and it was up to the staff to make it happen.
161. Transcripts vol. 9, pp. 1712, 1714, 1732-1738, 1780.
162. Testimony of Mr. Robert Fowler, Transcripts vol. 51, p. 10181.
163. In his after-action report, Daniel Dhavernas, the key contact for DND at DEA, was critical of the fact that "priorities have been set as much by what is on the nightly news as by any empirical review of needs". See Response to SSEA's Inquiry on Lessons Learned from Yugoslavia and Somalia, September 14, 1993, Document book 62D, tab 4.
164. Allen Sens, *Somalia and the Changing Nature of Peacekeeping*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997), p. 104 and following.
165. Briefing note for MND, responsible group principal: Kenneth J. Calder, October 20, 1993, Document book 122A, tab 7.
166. Testimony of Col Joly, Transcripts vol. 15, p. 2863 and following.
167. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9942-9944.
168. Testimony of Col Joly, Transcripts vol. 15, p. 3085.
169. Transcripts vol. 48, p. 9585. On the issue of overstretch and sustainability, see the testimony of Col Joly and Gen (ret) de Chastelain. See also Sens, *Somalia and the Changing Nature of Peacekeeping*, p. 108 and following.
170. Testimony of LGen Addy, Transcripts vol. 48, pp. 9599 and 9617.
171. In the first briefing note (aide-mémoire, December 2, 1992), the author notes that stopping and restarting the peacekeeping mission might involve additional cost but that because the mission would be UN-funded, the burden would not fall on Canada. On the other hand, the author notes that the UN might not fund the peace enforcement mission, in which case it would be more expensive for Canada. By the time the other two briefing notes were written (Briefing note, J3 Plans, December 3, 1992, Document book 30, tab 12; and Comparison of Options for Canadian Participation in Somalia, Document book 25, tab 32), the fact that the UN would not cover the costs of the peace enforcement mission had been confirmed, and both notes therefore list the additional cost of the mission as a disadvantage of participating in it.

- 172.CDS briefing to Cabinet, December 4, 1992, Document book 24, tab 21.
- 173.Report on the cost implications of the proposed change of role, Document book 122A, tab 8.
- 174.The caveat is quite important, since the UN covers the incremental costs of UN peacekeeping operations. Therefore, if UN revenues had been included, the briefing would have shown, as several written analyses indicated, that the peacekeeping option was the less expensive option.
- 175.Minutes, DEM, Document book 32.1, tab 33.
- 176.Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10053.
- 177.Testimony of Mr. Robert Fowler, Transcripts vol. 50, p. 10184.
- 178."Canadians set to help Somalia", *The Globe and Mail*, December 5, 1992, pp. A-1, A-15 The article states that "Mrs. McDougall said both UN Secretary-General Boutros Boutros-Ghali and Mr. Bush wanted Canada to participate."
- 179.Assuming that the analysis, "Comparison of Options for Canadian Participation in Somalia", Document book 25, tab 32, was written by Mr. Fowler's staff.
- 180.In his notes from a conversation with Gen Powell on December 4, 1992, Document book 32A, tab 9, Gen de Chastelain writes:
- After I spoke to Colin Powell I was left with the uncomfortable feeling that the USA was very pre-occupied with their involvement in getting the Somali operation off the ground; that they did not really know what role Canada could play (Colin believed we would stay to peace-keep after the enforcement operation was over); and that we might be lumped in with a whole bunch of other nations for consideration in the enforcement phase plan "in due course" [quotation marks mine]. Such a situation would not be good for Canada, since we had put much planning into the Bossasso operation (*Preserver* was almost there, the advance party was ready to leave three days ago, the UN ships were moored off Montreal waiting to load etc.). Any further delay, or a role that was seen to be secondary would not sit well with the troops, with me, with the Government or with Canadians... we [Gen de Chastelain and Mr. Fowler] agreed that we should send a high level team immediately to either Washington or CENTCOM to make our troops availability, capability, and our wishes known.
- 181.Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10045.
- 182.See also letter, CDS and DM to Jim Judd, Assistant Secretary to the Cabinet, no date (c. March 1993), Document book 122A, tab 9; and letter, CDS and DM to CPC, Document book 122A, tab 10. In both letters the CDS and the DM "strongly" advised against continued participation in UNOSOM II.
- 183.Minutes, DEM, December 4, 1992, Document book 32.1, tab 29. That section of the minutes reads:

- The United Nations Security Council adopted UN Resolution 794 on 3 Dec 92 calling for enforcement action in Somalia under Chapter VII of the UN Charter. This special DEM meeting was called in support of the DM and the CDS appearance in front of a Cabinet committee. The capability of the CF as well as the options open in support of an operation in Somalia were discussed. The DM and the CDS emphasized that the role of the Department was limited to proposing a concept of operations (including options) following the Government's decision. The DM pointed out that the Department had not officially offered advice on this issue and that it had not been asked to either.

184. Note that Col Cox, who was the lead Canadian at UNOSOM headquarters and in Somalia throughout the fall of 1992, wrote back often about problems with organization at the UN and heartily endorsed the decision to participate in the peace enforcement mission. See CCUNSOM Sitrep 11/92, December 8, 1992, Document book 122A, tab 11.

185. UN Security Council Resolution 775, August 28, 1992, S/24497. The resolution authorizes the expanded operation only by establishing four operational zones, as recommended by the Secretary-General, and by authorizing an increase in military strength for UNOSOM, also as recommended by the Secretary-General. To ascertain the mission of UNOSOM, it is necessary to review the Secretary-General's report on the situation in Somalia, August 24, 1992, in particular the paragraphs referred to in the resolution. Moreover, as the Secretary-General pointed out in paragraph 37 of that report, much of UNOSOM's mandate was already covered under existing Security Council resolutions. Reference must be made not only to previous resolutions, but to incorporated paragraphs from previous reports from the Secretary-General.

186. Telex, PRMNY to EXTOTT, August 29, 1992, Document book 10, tab 15.

187. Resolution 775 outlined the mandate of security personnel by reference to the original concept of operations as outlined in the Secretary-General's report of April 21, 1992, paragraphs 27 to 30.

188. "Guidelines for Governments contributing troops to UNOSOM", September 2, 1992. Prepared by the UN's Department of Peacekeeping Operations, the guidelines were designed to provide basic information for military personnel before deployment. Under the heading "Tasks", the mission of UNOSOM was described as deploying UN observers to monitor the cease-fire; and deploying UN security personnel to protect its personnel and safeguard its activities in continuing to provide humanitarian and other relief assistance in and around Mogadishu. Note that in specifying only Mogadishu as the area of operations, the guidelines clearly predated Resolution 775, which called for a much enlarged security force. However, a later version of the guidelines included a specific reference to the additional role of military personnel in providing urgent humanitarian relief to the people of Somalia. The later version also included a reference to promoting the process of reconciliation and political settlement in Somalia.

189. Telex, Force Mobile Command Headquarters (FMC HQ) to NDHQ, August 31, 1992, Document book 27, tab 44.
190. FMC HQ to NDHQ, p. 2. Force Mobile Command emphasized that although the standard building blocks could be altered in size, the integral elements had to be protected.
191. FMC HQ to NDHQ, p. 2.
192. Force Mobile Command (FMC) Draft Contingency Plan, September 2, 1992, Document book 12, tab 16.
193. See briefing note, FMC to CDS, Operation Cordon and Operation Dagger, September 1992, Document book 32B, tab 2.
194. Telex, BGen Vernon, DCOS OPS, FMC, to LFCA, SQFT, LFWA, LFAA, 1 DIV. KINGSTON, 1 CBG Calgary, SSF Petawawa, 5 GBMC Valcartier, and CTC, September 4, 1992, Document book 28, tab 1. On September 8, 1992, at an FMC logistics co-ordination conference held to discuss logistical support for Operation Cordon, a three-phase deployment was proposed, beginning with a reconnaissance party of 20 personnel on September 11, 1992, an advance party of 200 personnel at W + 21, who would be responsible for building the main camp, and finally, the deployment of the main party, of approximately 550, no earlier than W + 30. The initial plans for the reconnaissance, which was to last seven days, included a meeting with UN officials in Bossasso to discuss all aspects of the deployment and operation of the battalion in the area. See memo, Lcol Hache (J3 Peacekeeping), Somalia Reconnaissance, September 10, 1992, Document book 28, tab 18.
195. Warning order (WO) for Operation Cordon, NDHQ to FMCHQ, AIRCOM, MARCOM, and CFCC, September 4, 1992, Document book 28, tab 12.
196. See visit report prepared by LCol Morneault, with covering letter dated October 6, 1992, Document book 14, tab 17
197. Memorandum, Col Cox to Commander Special Service Force (Comd SSF), September 26, 1992, Document book 14, tab 2.
198. Memorandum, Col Cox to Comd SSF, September 26, 1992, Document book 14, tab 2. The assessment of the troop contributors' meeting by officials at Canada's UN mission was less critical, although the inadequacy of the mission statement was still considered problematic.
199. Telex, PRMNY to NDHQ, October 6, 1992, Document book 122, tab 14.
200. See telex, PRMNY to NDHQ and EXTOTT October 21, 1992, Document book 122, tab 15, summarizing the troop contributors' meeting of that date.
201. On October 21, 1992, Document book 3, tab 3, the Ambassador and Permanent Representative wrote to the Under Secretary-General, Marrack Goulding, requesting clarification.
202. Document book 3, tab 3.
203. Telex, PRMNY to EXTOTT, October 26, 1992, Document book 122, tab 16.

204. The chief obstacle to deployment was the delay in deploying the Pakistani battalion and the UN's desire to settle it in Mogadishu before a show of any other force. As a result of these delays, Canada took the position that there would be no movement of Canadian resources until reconnaissance was complete and subsequent plans finalized. See telex, PRMNY to EXTOTT; September 11, 1992, attributing delays to continuing negotiations with factions, problems with potential troop contributors, and bureaucratic problems at the UN.
205. Memorandum, CPC to PM, September 21, 1992, Document book 122, tab 17.
206. Memorandum, Col Cox to Comd SSF, September 26, 1992, Document book 14, tab 2.
207. Telex, PRMNY to EXTOTT, October 6, 1992, Document book 122, tab 14.
208. Led by Col Houghton from the Department of Peacekeeping Operations, the team included LCol Morneault, Commanding Officer of the Canadian Airborne Regiment (CAR), representatives from NDHQ, and eight other members of the CAR. According to Col Houghton, Transcripts vol. 44, p. 8718, he led the reconnaissance on that occasion because personnel from several units were invoiced, requiring considerable co-ordination. Since Col Houghton had previous experience in Somalia, he was felt to be the best person to lead. He was quick to defer, however, to LCol Morneault as the command lead of the reconnaissance.
209. LCol Morneault, Reconnaissance Report, Somalia/Kenya/Djibouti, Canadian Airborne Regiment, October 27, 1992, Document book 16, tab 12, p. 1.
210. Reconnaissance Report, October 27, 1992.
211. Reconnaissance Report, October 27, 1992, p. 3.
212. Concern was expressed at the October 15, 1992 DEM in precisely those words, and action was directed to ADM (Pol & Comm) in respect of same. See Memorandum, ADM (Pol & Comm) to DM and CDS, with briefing note attached, October 16, 1992, Document book 15, tab 15.
213. Telex, PRMNY to EXTOTT; October 16, 1992, Document book 122, tab 20, p. 5.
214. Telex, PRMNY to EXTOTT, October 16, 1992, p. 4. However, the Canadian High Commission in Nairobi disputed many of Ambassador Sahnoun's comments concerning the situation in Bossaso, particularly noting inaccuracies in the number and type of relief agencies there. See telex, Nairobi to EXTOTT, October 22, 1992, Document book 122, tab 21. Further discussion regarding Canada's role was strongly recommended.
215. Minutes, DEM, October 21, 1992, Document book 15, tab 26, p. 3.
216. Minutes, DEM, October 21, 1992, Document book 15, tab 26, pp. 6-7.
217. Note, Col Bremner (DI Pol), to ADM (Pol & Comm), October 21, 1992.
218. Col Bremner raised the issue of cancellation of the Airborne's previous mission (the Western Sahara) less than a year earlier.
219. Situation report, Col Cox, October 28, 1992, Document book 29, tab 13.

220. *Comprehensive Report on Lessons Learned from United Nations Operation in Somalia*, April 1992-March 1995 (Friedrich Ebert Stiftung, Germany, Life and Peace Institute, Sweden, Norwegian Institute of International Affairs, in co-operation with the Lessons Learned Unit of the Department of Peacekeeping Operations, United Nations, December 1995). The lessons in the report are drawn from several evaluations of UN operations in Somalia, including the UN Commission of Inquiry, established pursuant to Security Council Resolution 885 (1993), an internal evaluation conducted by the UN's Department of Peacekeeping Operations, a seminar on lessons learned from UNOSOM organized by the Norwegian Institute of International Affairs in June 1995, and the Comprehensive Seminar on Lessons Learned from UNOSOM, held September 13 to 15, 1992 and attended by countries that contributed troops for UNOSOM and by non-governmental organizations operating in Somalia at the time. (It is interesting to note that Canada's military was not represented at the conference.)
221. Note that the response from Marrack Gouiding, October 23, 1992, Document book 3, tab 3, still refers to the principal mission of the Canadian battalion being to provide security coverage to the humanitarian relief convoys, whereas the reconnaissance report prepared by LCol Morneau, Document book 16, tab 12, p. 2, describes the UN mission for the Canadian battalion in the Bossasso humanitarian relief sector as one of winning "hearts and minds".
222. *Comprehensive Report on Lessons Learned*, pp. 4-5, paragraphs 10-12, notes that every evaluation of UNOSOM concluded that the mandate was "vague, changed frequently during the process and was open to myriad interpretations". Moreover, the report notes that the mandate for the mission was often revised without consultation with member states, resulting in varying perceptions of the mission. The conclusion was that a mandate should be as clear as possible to allow it to be translated into an operational plan, leaving no room for ambiguity or differing perceptions about the roles and tasks of various elements.
223. *Comprehensive Report on Lessons Learned*, p. 4, paragraph 11.
224. The proposed organizational structure was given inform approval by the Force Commander, BGen Shaheen, during the reconnaissance in October 1992. Document book 16, tab 12, Annex F, Briefing to the Vice Chief of the Defence Staff, p. 6/8.
225. *Comprehensive Report on Lessons Learned*, p. 7, paragraph 19.
226. A telex, Nairobi to EXTOTT, October 22, 1992, Document book 122, tab 21, stated that, contrary to Ambassador Sahnoun's assertion, there was a thriving market economy in food, and food deliveries appeared not to be threatened. There were apparently no reports of banditry in the area and, according to the High Commission's sources, the World Food Program never delivered food to the area, nor were there any food distribution centres that required security.
227. Telex, Embassy, Washington, D.C. (Washington) to EXTOTT (International Security and Defence Relations Division, IDS), "Somalia: UNOSOM", November

- 27, 1992, Document book 122A, tab 1. See also telex, Washington to EXTOTT IDS, "Somalia", November 28, 1992, Document book 32D, tab 6.
228. Note that these tasks were the same as those outlined for UNOSOM.
229. Facsimile, LCol Arbuckle, Document book 32, tab 21, no date, but from the context it must have been written on December 6, 1992. The contents of the fax, which describe the preliminary role at Baledogle, appear in a briefing given at NDHQ, December 7, 1992, Document book 30, tab 34.
230. Col Labbé, seminar presentation, CFCSC, Toronto, March 15, 1996, Exhibit P-326, p. 3.
231. UN Security Council Resolution 794, December 3, 1992, paragraph 10.
232. This description of the U.S. mission statement comes from a briefing note by J3 Plans, December 3, 1992, Document book 30, tab 9. The actual mission statement from U.S. Central Command did not mention disarmament. It read as follows:
- When directed by the NCA, USCINCCENT will conduct joint/combined military operations in Somalia to secure the major air and sea ports, key installations and food distribution points, to provide open and free passage of relief supplies, provide security for convoys and relief organization operations, and assist UN/NGOs in providing humanitarian relief under U.N. auspices. Upon establishing a secure environment for uninterrupted relief operations, USCINCCENT terminates and transfers relief operations to U.N. peacekeeping forces. (Kenneth Allard, *Somalia Operations: Lessons Learned* (Washington, D.C.: Institute for National Strategic Studies, National Defense University Press, 1995), p. 16.)
233. This description of the U.S. concept of operations is, according to the J3 Operations briefing, based on a telephone conversation with the U.S. Joint Staff on December 2, 1992. However, the same description appears in a memo to the Prime Minister dated December 4, 1992, Document book 2, tab 8, citing the U.S. Operational Plan as its source. As with the statement of the mission, there are discrepancies between the Canadian description of the concept of operations and that proposed by the U.S. Central Command. There is more detail in the Central Command's proposed concept of operations; the CENTCOM document cites different objectives, e.g., in Phase III to secure Kismayu and Bardera; and there appear to be miscommunications, e.g., CENTCOM talks of transfer to "third countries" while Canadian documents mention transfer to "Third World" countries. Since the U.S. Joint Task Force Operations Order and the Joint Task Force Operations Plan could not be located in Canadian Forces files, this Inquiry was not able to follow the development of the mission precisely.
234. D-Day was the day the first troops arrived in Mogadishu, scheduled for five days after the Security Council passed the resolution authorizing the operation (December 9, 1992).
235. Briefing note, J3 Plans, December 2, 1992, Document book 30, tab 9.
236. An account of the development of the Pentagon's plan is found in John L. Hirsch and Robert B. Oakley, *Somalia and Operation Restore Hope: Reflections on*

- Peacemaking and Peacekeeping* (Washington, D.C.: United States Institute of Peace Press, 1995), pp. 35-37.
237. President Bush had talked about leaving by January 20, 1993 (the date of Bill Clinton's inauguration), and Gen Powell had talked of an operation of two to three months. Memorandum, CPC to PM, December 4, 1992, Document book 2, tab 8, p. 2.
238. Report on Somalia Briefing to Defence Attachés, December 9, 1992, Document book 122A, tab 12, p. 2.
239. CDS discussion with Gen Powell, December 4, 1992, Document book 32A, tab 9, p. 1.
240. Testimony of Maj Moffat, Transcripts vol. 97, p. 18881.
241. Facsimile, LCol Arbuckle, December 6 or 7, 1992, Document book 32, tab 21. See also Operation Deliverance Briefing, Document book 30, tab 34, which restates the contents of the fax from of LCol Arbuckle. They were also able to establish preliminary command and control arrangements under which the CARBO would initially be under the operational control of the U.S. 10th Mountain Division. HMCS *Preserver* would be placed under operational command of the Commander, Canadian Joint Force Somalia as of December 13, 1992.
242. For example, the concept and location of the eight humanitarian relief sectors to be established under phases Two and Three were still being developed. See testimony of Col Labbé, Transcripts, vol. 161, p. 32790 and following, in particular the brief exchange on the development of the humanitarian relief sectors, p. 32965.
243. Col Labbé, seminar presentation, CFCSC, Toronto, March 15, 1996, Exhibit P-326, p. 2.
244. Orders are the principal means by which a commander conveys intentions and plans to subordinates. Although orders serve a number of purposes, all orders must state what is to be done, when it is to be done, how it is to be done, by whom it is to be done, and with what resources.
A warning order gives notice to formations or units, at the earliest practicable time, of an impending task. The warning order must contain all available useful information required for preparations before receipt of the operations order. At a minimum it must state the nature of the task; the location and time for the presentation of oral orders or the time of distribution of a written order; and the degree of notice for movement of the main body of the formation or unit. (Operational Staff Procedures, vol. 2, Staff Duties in the Field, May 1991, B-GL-303-002/FP-002, in force until May/June 1993, pp. 9-1, 9-12.)
An operations order gives subordinate commanders, commanding officers and staff the direction and information essential to execute the commander's plan. It is arranged in five major parts: Situation, Mission, Execution, Service Support, and Command and Signal. (Operational Staff Procedures, vol. 2, *Staff Duties in the Field*, May 1991, B-GL-303-002/FP-002, in force until May/June 1993, pp. 9-13 to 9-14.)

245. NDHQ, Operation Deliverance, Warning Order (WNG) 01, December 5, 1992, Document book 20, tab 5.
246. In this section the order goes on to describe the tasks for each component; it reads more like a 'to do' list than an order (e.g., LFC to provide battalion of 900, plan sustainment of land force commitment).
247. Operation Deliverance, Operations order (OPO) 01, Document book 20, tab 29.
248. Operational Staff Procedures, vol. 2, *Staff Duties in the Field*, May 1991, B-GL-303-002/FP-002 (interim 1), May 1991, p. 9C-2.
249. Transcripts vol. 161, p. 32840. See also p. 32835.
250. The mission statement in NDHQ, Op Order -- Amdt 1 (DND 037675, not filed) provides that the mission is "To assist in establishing, as soon as possible, a secure environment for humanitarian relief ops in Somalia under the auspices of UNSCR 794". The mission statement in Col Labbé's order, OPO 01 HQ CJFS, Document book 21, tab 14, reads as follows: "CJFS, as part of a US led coalition, will conduct enforcement operations in SOMALIA to establish a secure environment for humanitarian relief operations in accordance with UN Security Council Resolution 794."
251. Testimony of Col Labbé, Transcripts vol. 161, p. 32841. See also Col Labbé, seminar presentation, CFCSC, Toronto, March 15, 1996, Exhibit P-326, pp. 1-2.
252. Testimony of Col Labbé, Transcripts vol. 161, p. 32842.
253. Testimony of Col Labbé at Board of Inquiry, Canadian Airborne Regiment Battle Group, vol. 11, p. 353 (Exhibit P-20.11).
254. Situation report (Sitrep) 001, December 15, 1992, Document book 41, tab 1; Sitrep 002, December 16, 1992, Document book 41, tab 2; Sitrep 003, December 17, 1992, Document book 41, tab 3. In Sitrep 002 Col Labbé suggests that there might be "benefits of Cdn diplomatic presence in Somalia as means of raising profile of Cdn participation in Op Restore Hope/Deliverance". See also Transcripts vol. 162, p. 32969.
255. Col Labbé was not alone in trying to negotiate a significant role for his troops. Elements of the U.S. forces were doing the same thing: testimony of Col Labbé, Board of Inquiry, vol. 11, pp. 342-343.
256. Testimony of Col Labbé, Board of Inquiry, vol. 11, pp. 342-343. In his situation report of December 20, 1992 (Sitrep 006), Document book 41, tab 6, Col Labbé described his efforts to secure a high-profile mission for Canadian Joint Force Somalia alone. He wrote:
- Despite my attempts to make Belet Huen a singularly "Canadian" [operation] with some U.S. [support].. .and personal intervention at the highest levels with LGen Johnston, interservice rivalry is driving the [requirement] for U.S. Army to be seen to be involved in a mission ASAP. I was told, candidly, by CTF HQ staff (mostly USMC) that most would be just as happy to have [the CARBG] take Belet Huen. However, we will be given high profile tasks within the [operation] to secure Belet Huen.

257. Testimony of Col Labbé, Transcripts vol. 162, pp. 32964-32979.
258. Sitrep 006, December 20, 1992, Document book 41, tab 6.
259. CJFS Sitrep 009, December 23, 1992, Document book 41, tab 9.
260. CJFS Sitrep 019, January 2, 1993, Document book 41A, tab 4.
261. For further discussion of the lack of time to prepare properly for the mission, see Summary of Operational Readiness, later in this chapter. Recall that the troops were declared operationally ready on December 16, 1992, after the advance party had already left Canada.
262. The UN standby unit is to be able to deploy its headquarters in seven days and the follow-on unit in three weeks. Testimony of Robert Fowler, Transcripts vol. 50, p. 10172.
263. Senate, Standing Committee on Foreign Affairs, *Meeting New Challenges: Canada's Response to a New Generation of Peacekeeping* (February 1993), p. 27.
264. In 1991, joint planning doctrine [CFP(J) 5(4)] existed and was being taught at the staff college. However, the final joint planning doctrine (Joint Doctrine for Canadian Forces Joint and Combined Operations, B-GG-005-004/AF-000, 1995-04-06) was not published until after Operation Deliverance.
265. See Parliament of Australia, Joint Standing Committee on Foreign Affairs, Defence and Trade, *Australia's Participation in Peacekeeping* (Canberra, Australian Government Publishing Service, December 1994.)

THE MILITARY PLANNING SYSTEM

DOCTRINE

Operational Planning in the Canadian Forces

Officers in Canada are selected, trained, and paid to plan military operations and to command armed forces in operations. After commanding forces in action, planning military operations is an officer's most important duty. Although there are staff officers for both general and technical planning, the plan for any operation is always the commander's plan. Commanders confirm the mission or aim of the plan, give the staff their concept of operations, conduct the necessary reconnaissance, complete an 'estimate' of the situation or approve the estimate prepared by staff at their direction, prepare or approve orders, issue orders to subordinate commanders, supervise the deployment of units, and command their units in action.

During plan preparation, much depends on sound training, proven staffs, and a balanced combination of logic and experience. Without proper aids, randomness will dominate reason, and action will be haphazard. Throughout this process, however, command responsibility is never surrendered to staff. Always, it is the commanders who must provide purpose, direction, and unity for their staff officers and subordinate commanders. And it is always the commander alone who must account for the pertinence and efficacy of the plan.

The concepts of command responsibility, unity of command, the separation of command and staff authority, and completed staff work are the foundation of mission planning in the Canadian Forces (CF) and in the army in particular. Army officers are trained in battle procedure, that is, "the process by which a commander receives his orders, makes his reconnaissance and plan, prepares and issues his orders, and prepares and deploys his troops for battle."¹

Battle procedure, developed from experience, is intended to ensure that officers (especially under the stress of combat operations) logically and methodically consider all the factors and circumstances influencing pending operations. The process is intended to allow commanders to arrive at a plan that places the most suitable unit, adequately supported, in the right place at the right time, and appropriate to the mission to be completed.² A planning process that misses any of these steps, or addresses them indifferently, risks the mission and the forces under command. In circumstances where dire operational necessity requires the abbreviation of battle procedure, other compensating decisions, such as the provision of larger quantities of resources, must be substituted in place of comprehensive planning.

Operations can fail for many reasons. Honest failures may be caused by accumulated minor errors in units -- sub-units might get lost, for instance, or equipment might fail. Surprise, unanticipated conditions or enemy actions can defeat sound plans, as can the superior capabilities and skills of enemy troops and commanders. Few would blame a commander whose plan failed honestly. But a careless plan almost always leads to disaster. Commanders must therefore be held accountable for every operation, and especially for operations that fail because of inadequate, careless, or incomplete planning and poor command decisions in circumstances where, with due diligence, problems ought to have been anticipated and other decisions made.

Criteria for Adequate Mission Planning

A critique of a military plan should include a review of the following factors to determine whether they were considered appropriately during the planning process:

The Commander: Commanders of military operations must be clearly identified. They should be trained and experienced in the type of mission they are expected to plan and conduct. They must be fully aware of the objective they are being asked to accomplish. They must be available and be given sufficient time to complete their own battle procedure.

The Staff: The staff must be suitably organized in relation to the mission and must include appropriate numbers and types of general, special and technical officers and support staff officers. Moreover, staff officers must be trained in their particular function, and the staff as a whole must be trained to respond to the needs of the commander in the circumstances of the mission. The staff ought to have proven, in exercises or on other missions, its ability to meet the needs of commanders and the units under their command.

The Mission: The mission must be defined and given to commanders by their superior commander. It must be clear and identify "one task which is indispensable to the fulfilment of all the others.... The selection of the correct aim is the crux of the [plan]. There can be a single aim only, and [the] mission analysis ensures that the correct one

has been selected."³ Obviously, the mission should be within the capability of the unit and its commander. The mission, derived from the superior commander's orders, must be spelled out clearly in the plan.

The Limitations: Commanders must receive from their superior commander a clear description of the superior's purpose and concept of operations and the essential conditions and tasks that must be achieved to accomplish the mission successfully. Furthermore, commanders must understand the limits (if any) that have been set on the mission and what action they are to take if unforeseen and fundamental changes occur during planning for or execution of the mission. Finally, commanders must be aware of any limitations in resources, tactical ideas, rules of engagement, weapons, territory, or time, among other things, that the superior commander has imposed on the mission.

The Resources: The resources to be applied to a military mission are usually determined in one of two ways. The superior commander first makes an estimate of the situation, then allocates resources considered appropriate and sufficient for the subordinate commanders to accomplish the mission set out for them. Alternatively, the subordinate commanders, following their estimate of the situation, will indicate whether they have adequate and sufficient resources from within their own units (if they have any under command), and they might ask for additional resources if indicated by their estimates. No matter who prepares the estimate, it is finally always the responsibility of the superior commander to provide resources for the mission and the superior commander who is therefore accountable for any problems that occur if such resources are not available.

The Operational and Logistics Balance: An operational plan must always include a blend of tactical and logistical decisions and directions aimed at achieving the goals of the mission. Tactical factors and assessments must always govern the specific plan for the employment of forces, but decisions about logistics, because they provide the technical means to employ combat forces, may condition the scale and scope of combat operations. Therefore, an adequate mission plan must blend and balance the requirements of the operation's aim, the concept of operations, and combat forces to be employed with the logistics resources available to deploy and sustain the force in combat. Whenever these parts of the plan are unbalanced or contradictory, the plan and the likelihood that the mission will be successful are suspect.

Timeliness: An experienced commander of a well-trained unit or formation who is assisted by a strong staff can usually plan and execute missions quickly and effectively. When time is limited, commanders depend on standing operating procedures, concurrent battle procedure, and the initiative of leaders at all levels of command. Even when there is not much time for planning, commanders are encouraged to complete the whole process by abbreviating each step rather than skipping steps entirely.⁴ Operations planned haphazardly entail grave risks. Therefore, in a critique of a planning process, the time available for planning and how it is used must be carefully assessed.

The Planning Factors: In every operation there are common and particular factors that influence the achievement of the mission. Commanders are responsible to identify, consider and react to these factors. Usually, they must isolate key factors that will have an overriding influence on their mission. (These might include the enemy and the terrain.) They must then identify and consider other factors -- such as the state of their

support troops and the weather -- that may have a secondary impact on the plan. The value of such assessments depends on the information and intelligence available to commanders and on their ability to understand the significance of these to the mission. The factors are considered to draw deductions about how the operation will be conducted and to identify issues and conditions that must be accommodated if commanders are to accomplish their mission. Whenever significant factors are missed or misinterpreted, the plan is weakened, sometimes fatally.

The Reconnaissance

Officers commonly remark that time spent on reconnaissance is seldom wasted. The inference is that the more one knows about the opposing forces, terrain, climate, political situation, and other such factors affecting an operation, the more relevant and appropriate the plan for the intended mission will be.

Reconnaissance is therefore an inherent and necessary part of battle procedure at all levels of command. Ideally, just as the most senior commanders conduct a theatre-wide reconnaissance appropriate to their mission, the most junior leaders conduct a reconnaissance of the specific portion of the force objective that is their responsibility and then take their soldiers on a guided reconnaissance of that area.

The ideal procedure might not be achievable in every circumstance for many reasons; for instance, there might not be enough time to complete a detailed reconnaissance. When the lack of time or other circumstances prevents a comprehensive reconnaissance at all levels of command, alternative techniques and methods are used routinely. Doctrine suggests that senior commanders should organize battle procedure so that junior commanders can complete their reconnaissance even when senior commanders cannot. Occasionally, commanders might divide the area to be surveyed and assign positions to staff officers, or they might rely on maps and photographs to provide some types of information. However, it would be dangerous for any commander to commit troops to an operation without any reconnaissance at all.

The Estimate of the Situation

The estimate of the situation, sometimes called the 'appreciation', is at the heart of operational planning. It is defined in the CF as "a logical process of reasoning by which a commander considers all of the circumstances affecting the military situation and arrives at a decision as to the course of action to be taken in order to accomplish his mission."⁵ It is a method of analysis intended to guide a commander's thinking and so avoid the dangers that follow from working from hunches and intuition. According to Col Labbé's testimony, it is "the manner in which we teach our officers...to think."⁶

The process is not a rigid formality, but experience shows that a worthwhile estimate includes an aim, assessment of relevant factors, consideration of 'courses open' or options from both friendly and enemy perspectives, and a general outline of the recommended course of action. The plan, at least in outline, is drawn from this process of analysis. Where no detailed estimate of the situation is evident for any major operation, commanders must be able to explain how they arrived at their decisions regarding the main elements of their plan.

Estimates vary with the complexity of the mission and the commander and staff for whom it is prepared. Written estimates are usually prepared for major operations and those involving units from several commands. Tactical estimates are produced for a combat operation. Other types of estimates are also common, including intelligence estimates of the enemy and administrative estimates made to prepare an administrative plan for an operation. A complex operation might be supported by a tactical and several technical estimates.

Warning Orders

To assist subordinate commanders in planning operations and to save time through concurrent activity, commanders often issue warning orders for upcoming operations. Preliminary information is passed from each commander to subordinates to allow planning to commence. Warning orders may include, for example, information on the mission, grouping, preliminary moves, logistics arrangements, time and place for the commanders' orders, and virtually any subject on which commanders wish to provide early warning to their subordinates. Information passed through warning orders is always confirmed during subsequent orders.

Operation Orders

The plan "must be the logical outcome of the consideration of the relevant factors" exposed by the estimate of the situation or whatever other reasoning process was used to define the operation.⁷ In the CF an operation order is the commander's direction to subordinates and explains precisely how, when, under what command arrangements, and with what resources the mission is to be accomplished. Operations orders are formal orders to subordinates whether they are delivered in writing or orally.

Operation orders follow a prescribed format, mainly to ensure that they address all important matters, but also to aid in the accurate communication of orders in stressful situations. Properly formatted orders include the following paragraphs:

1. Situation -- a description of the situation of the enemy and friendly forces at the time and a notation on units or sub-units that may have been added to or detached from the formation.
2. Mission -- a clear (usually) single sentence that specifies the task to be accomplished by the unit.
3. Execution -- a paragraph describing the commander's concept of operations and allocating tasks to sub-units. It usually also includes co-ordinating instructions covering such things as timings, traffic routes, fire plans, and so on.
4. Service Support -- a paragraph describing every aspect of the logistics plan for an operation that is not covered by standing operating procedures. It would include such things as medical support, transportation arrangements, and feeding.
5. Command and Signals -- here respective commanders describe the command arrangements for the operation and detail where and how their headquarters will be deployed. This paragraph would also contain information about how communications networks would be deployed and operated.⁸

Obviously, the experience and training of members of the units and formation, and the nature of the operation greatly influence the amount and detail of information included in an operations order. When a unit or formation is inexperienced and has few standing operating procedures, or when the operation is difficult or unusual, then one would expect to see very detailed operation orders at all levels. Moreover, commanders and commanding officers in the chain of command should be particularly diligent in overseeing the preparation of orders and in checking to ensure that orders are well understood by subordinate commanders and their troops.

OPERATIONAL PLANNING AND ORDERS

The plan for Operation Deliverance evolved from two separate operations plans. Operation Python, planned in 1991 to support a UN peacekeeping mission to the Western Sahara (MINURSO), was still a possibility in 1992. Concurrently, beginning in the spring of 1992, Gen de Chastelain ordered his staff officers to begin planning for another United Nations (UN) operation in Somalia. Operation Cordon, a plan for CF operations in northeastern Somalia, incorporated many assumptions, factors, and estimates used to develop Operation Python. Both plans concluded that the Canadian Airborne Regiment (CAR) would provide the base unit for the operation, even before the missions were fully analyzed. Eventually, the Operation Python plan was rolled into Operation Cordon, and when both operations were cancelled, their essential features were carried over to Operation Deliverance, an international peace enforcement mission. But again, no fundamental review was conducted.

The three operations had different objectives and tasks, and were to be conducted under different mandates and authorities, and in vastly different political contexts. Nevertheless, as the deployment to Somalia neared, commanders and senior staff officers changed estimates and assessments in an effort to save the existing plans and to justify the selection of the CAR as the principal operational unit. Finally, Operation Deliverance emerged as a plan forced to fit a situation, rather than as an objectively prepared plan honed to the realities of the situation the CF would confront in Somalia.

Operation Python

National Defence Headquarters (NDHQ) and Forces Mobile Command (FMC) Headquarters issued planning guidance, warning orders, and operations orders for Operation Python early in the summer of 1991. These orders stated in part that FMC was to assemble and prepare an infantry battalion group, a military police platoon, and other elements for employment with MINURSO to conduct security duties at selected sites and reception centres, and to provide basic mine clearance.⁹ Although the CAR was not selected at first by FMC planners as the principal unit for this mission, it was nonetheless chosen by LGen Foster, Commander of FMC. He and other officers were concerned that the continuing failure to employ the CAR on overseas missions would further erode sagging morale in the Regiment.

BGen Crabbe, Commander Special Service Force (SSF), issued planning guidance for Operation Python to the Commander of the CAR, Col Holmes, in July 1991. Officers then anticipated that the unit would be deployed in November 1991, but the schedule changed often. Ultimately, the mission was cancelled as Canada negotiated participation

in the Somalia mission. Nevertheless, the framework of the Operation Python plan remained in the files at NDHQ and FMC Headquarters.

Several officers were critical of the process and the plan for Operation Python. Their remarks in after-action reports give an early indication that operational planning at NDHQ and in subordinate headquarters was clumsy. For example, Col Holmes remarked that the chain of command was too convoluted; too many officers at NDHQ were involved in vetting what should be routine demands; and senior staff officers at NDHQ were calling officers at every level in the CAR directly and vice versa. In his view, the procedures for obtaining information within the command system were "ludicrous by anyone's standards. The information flow up and down the [chain of command] tended to be slow and was at times full of inaccuracies."¹⁰

There was no reconnaissance of the intended deployment area in Western Sahara by the officers who would have led the mission. Col Holmes stated: "Had we deployed without a [reconnaissance] at worst we would have had a disaster on our hands, at best we would have taken much longer than necessary to become operational."¹¹

The Commander Land Force Central Area (LFCA) stated in his after-action report that, in effect, there was a failure to conduct an adequate reconnaissance. "Only one person, the Commander of the CAR, went to [UN headquarters] to be briefed on Operation Python.... Canada's inability to send a subsequent [reconnaissance] party to the Western Sahara made the preparations [for the operation] that much more difficult." LFCA recommended that in future the reconnaissance party should include "key participants from each headquarters level involved in the staff planning process."¹²

Among other things, the Commander of LFCA noted serious failures in the planning process, a poor state of early logistics preparations, and a lack of official in-theatre information and intelligence. He thought that NDHQ should have pressed the UN for the release of information vital to the success of the mission, such as unit organizations and minefield data. Intelligence planning was unsure, and the Commander suggested that in future all G2 (Intelligence) staffs must be involved in the planning process from the start, concurrent with the issuing of the warning order for an operation. Intelligence products must be made available from all relevant sources, and the intelligence staff procedure must be followed to streamline and expedite requests to avoid confusion.

The Commander of LFCA believed that the CF would have had difficulties mounting Operation Python on time. In his view, it was unlikely that the CAR would have met its loading schedule. Therefore, he recommended that all headquarters should review their procedures for establishing time lines to meet operational requirements. Planners need to identify delays that could cause major changes in the movement requirements and contingency plans during the initial planning stages for operations.

In his after-action report, Maj Desnoyers, a senior planning officer at LFCA Headquarters, remarked that "the whole question of our lack of logistic intelligence on possible areas of operation and the lack of truly qualified and dedicated experts in the utilization of local resources is a noticeable feature of all recent [operations]." He concluded that Operation Python "has been a costly and confused non-event...[exposing]

as much by its ignorance of the facts as by its observations, the confusion which is generated by our current system of deploying contingents."¹³

There was little evidence that the lessons of Operation Python were incorporated into planning for later international deployments. Rather, missions continued to be addressed as discrete events, each demanding its own planning processes and solutions. Thus in late 1991 and early 1992, planning for Operation Python ceased, and these warnings were set aside as preparations for Operation Cordon began.

UN Reconnaissance Missions to Somalia

There were two reconnaissance missions to Somalia related to Operation Cordon, although only one focused deliberately on pending CF operations. The first reconnaissance involving a CF officer was one of two technical missions, conducted under the auspices of the UN. Canada participated in March and April 1992 as part of a technical mission headed by a permanent member of the UN staff. NDHQ provided one officer, Col Michael Houghton, who headed the J3 (Peacekeeping) staff at NDHQ and acted as the Chief Operations Officer for the mission.¹⁴ A detailed report was submitted to the UN Secretary-General¹⁵ who used it to prepare a description of conditions in Somalia for the Security Council.¹⁶

Included in the Secretary-General's report were options for action and other recommendations for consideration by the Security Council.¹⁷ Both reports were reviewed by the senior planning staff at NDHQ and helped shape opinions there about the needs of the mission. As Col Bremner confirmed, the reports were "very useful [planning] documents because they represent current information from the area of potential operations."¹⁸

The UN technical team reconnaissance was conducted on the understanding that a small UN force of fewer than 600 personnel would be deployed. Generally, the team was asked to develop a plan to establish mechanisms to ensure that the recently signed cease-fire agreement was respected and to ensure unimpeded delivery of humanitarian assistance to the people of Somalia. The team report recommended that the UN objective could be accomplished through the deployment of "observers" and "security escorts", the latter drawn from a "security battalion". It noted also that several factors would impede the UN mission, whatever form it eventually took. These factors included the absence of a host government authority, antagonism among the parties, meager infrastructure, complete lack of a reliable communications network, and high rates of serious crime.¹⁹

It is in this UN report that we first encounter the term 'security battalion'. It is used by UN planners as a generic description of a military force capable of providing armed security in a region or to a UN mission. However, the term has no precise meaning in Canadian Forces doctrine or organization. Nevertheless, as we will see, the terms 'security battalion' and 'security unit' were accepted at NDHQ without question and repeated in CF estimates and plans. The use of terms that held no meaning for commanders and commanding officers outside NDHQ simply added to general confusion about the aim and operational concept of the mission.

The Secretary-General's report of April 21, 1992 clearly describes a "humanitarian assistance" mission.²⁰ The report reviews the situation in Somalia and emphasizes the

serious threat facing relief workers. The Secretary-General anticipates a short deployment period of about 90 days, but emphasizes that future conditions would dictate the terms of the UN effort. There is no mention of specific security measures or any concern about Chapter VII operations.

The reconnaissance and drafting of the technical team report and the Secretary-General's report were UN activities. Although Col Houghton assisted in the reconnaissance and prepared sections of the technical team report, he did so as a UN official. At no time during the reconnaissance were any assessments made of CF needs in the theatre, and no reports or recommendations concerning potential CF operations in Somalia were prepared by Col Houghton.²¹ Both reports were studied at NDHQ, and on May 1, 1992, the Chief of the Defence Staff (CDS) and the Deputy Minister (DM) recommended against CF participation.²²

The CF had been conducting UN-sponsored air transport operations into Somalia as part of Operation Relief, and during this time the air crews had made reconnaissance visits to several airfields. They looked at the airfield near Belet Huen to assess whether CC-130 aircraft could safely go in and out of the site to deliver humanitarian aid.²³ These reconnaissances may have provided technical data useful for planning air operations in the region, but the aircrews were not technically competent to assess land operations factors. Besides, they were never asked to investigate the area in anticipation of CF land operations there.

Operation Cordon

Operation Cordon, the Chief of the Defence Staff's plan for deployment and operation of the Canadian Forces in or near Bossasso, Somalia, was prepared for the most part according to CF planning doctrine and procedures. Commanders and staff officers working on the plan had the benefit of time, because the Security Council was typically cautious in reaching consensus on the mandate for the UN force they hoped to send to Somalia. However, the history of the plan for Operation Cordon reveals serious weaknesses in the Canadian planning process and the willingness of senior leaders to plan on the basis of untested assumptions. Although Operation Cordon was not carried out, it became the basis for Operation Deliverance, and that plan carried the deficiencies of the Operation Cordon plan to Somalia.

On July 28, 1992, at a J3 Plans (Land) staff meeting, Cmdre Cogdon, chief of staff for J3, stated that the Chief of the Defence Staff wished to respond to an "informal request" from the Privy Council Office to determine whether "something significant" could be done by the CF to support UN humanitarian assistance operations in Somalia. The CDS directed his NDHQ staff to look at a possible CF mission based on providing a "battalion-size security force" for UN operations. Capt (N) McMillan, J3 Plans, instructed his staff to prepare a "staff check" (a quick, preliminary estimate) for such an operation subject to several limitations: the battalion would be employed for a one-time six-month period under the auspices of a UN umbrella; MINURSO (the proposed Western Sahara mission) would be used as a starting point for planning; and the options analysis was to be ready by July 30, 1992. The staff was to produce a report addressing risk to the CF, possible tasks, transportation and movement factors (such as airlift and sealift capability), costs, CF available, medical support available, and the possible impact of a deployment on

domestic and other operations, including UN tasks already under way. Capt (N) McMillan noted the UN technical team report of April 19, 1992 as containing useful information about humanitarian assistance.²⁴

RAdm Murray, Associate ADM (Policy and Communications) at NDHQ, sent an aide-mémoire on the situation in Somalia to the CDS and the Deputy Minister on July 28, 1992. He advised that support could be given for operations in Somalia to provide:

1. a *security force* of up to battalion level to protect the delivery of humanitarian aid;
2. airlift to deliver adequate relief supplies; or
3. a medical-surgical team or a field hospital.

He advised that the CDS and the Deputy Minister should be prepared to structure and finance the operation either as a humanitarian mission under national command or as a peacekeeping operation as part of UNOSOM. He thought that the mission might be financed through assessed contributions, voluntary contributions, or costs borne solely by Canada.²⁵

Several critical factors were considered and recommendations were made by other NDHQ staff officers during this time. Specifically, LCol McLaren, J2 Security Operations, advised on July 29, 1992 that because the normal complement of Military Police (MP) attached to a battalion was usually only one sergeant, one master corporal and two corporals, the MP staff for the anticipated operation should be increased by at least three corporals and one senior non-commissioned member MP-qualified inspector.²⁶

LCol Johnston, working within the Directorate of Force Structure, analyzed the organizational and command and control implications of a battalion size commitment to Somalia. He advised Capt (N) McMillan on July 27, 1992 that providing a "security battalion" to Somalia presented several organizational problems involving the terms of reference for the commander of the force and the commander's relationship with NDHQ and the UN command structure.

The most effective organization, according to LCol Johnston, would be a small headquarters in theatre, under a Canadian contingent commander who had "full command" of all CF units or elements in the theatre. If this recommendation were followed, then the contingent commander must be appointed "an officer commanding a formation" of the CF. He recommended further that the contingent commander be directly subordinate to the Vice Chief of the Defence Staff (VCDS), reporting through the Deputy Chief of the Defence Staff (Intelligence, Security and Operations). To avoid ambiguities about disciplinary jurisdiction in the force, he recommended that all personnel and units transferred to the Canadian contingent in Somalia be placed under the "full command" of the Canadian contingent commander. LCol Johnson suggested that the operational commander be given all powers, jurisdiction, and staff necessary to complete the task but that administrative responsibilities unnecessary in remote areas remain with commanders in Canada.²⁷

The complexity and detail in the staff recommendations for the structure, command, and administration of the CF contingent indicate clearly that the CF had no standing plans or procedures for command and control of overseas operations. Furthermore, it was obvious

that staff officers were concerned primarily with maintaining existing peacetime bureaucratic arrangements of the CF at home, and this concern forced them to propose a tangled web of arrangements for the force that would deploy to Somalia.

Options, Analyses, and Estimates of the Situation

Between July 29 and July 31, 1992, a number of options, analyses, and estimates of the situation were prepared by staff officers at NDHQ and in FMC. The aim was to provide reasoned options for planning, and the documents were completed generally in the prescribed sequence. However, their worth was diminished by three major flaws. First, they lacked rigour and completeness. Second, they were compromised by unverified assumptions, especially as they concerned the CAR. Finally, the estimates, and therefore their conclusions, were seriously impaired by the lack of a precise definition of the aim or mission for the force to be deployed.

On July 29, 1992, the G3 Plans and Exercises staff at FMC Headquarters prepared an estimate of the situation for security operations in Somalia. Officers there seem not to have followed normal staff procedures and considered only three main topics in their estimate, which dealt only with circumstances in and near Mogadishu. They reviewed the general situation in the area, emphasizing information and ideas from the UN technical mission report, completed in April 1992, and the general security threat to the delivery of humanitarian assistance at Mogadishu. The estimate included an "Operations Concept for Security", stating that the UN force would consist of a 50-member group of military observers, deployed throughout the Central Sector (Mogadishu) and reporting to a small force headquarters, and a "security battalion". The estimate notes that the "security battalion" would be the only significant combat unit but could be the "basis of any wider plan if needed."²⁸

The estimate drew heavily on deductions made by the UN technical team, adding that the mission of the security battalion was to secure UN humanitarian aid operations in the Mogadishu region. Its tasks might include providing site security to the seaport and the unit camp; escorts for aid convoys moving between the seaport/airports and distribution points; and security for the UN area of operations at Mogadishu-area airports. The FMC estimate summarized the contribution as "initially fixed at a 500 man [security unit], with 5 companies." It concluded that "any infantry, armoured or artillery unit with second line augmentation and some engineer capacity could form an adequate organizational basis."²⁹

Although FMC was already contributing to two major international operations, staff officers suggested that FMC could support a third major unit commitment for peacekeeping operations for a short period, but not for more than 12 months. The estimate also noted that the CAR was nominated as the UN standby unit and that it was on standby for domestic operations at 14 days' notice. While suggesting that the CAR could be the basis of the Canadian response, officers observed that finding qualified drivers for armoured vehicles within the Regiment was one of the main problems with this choice. They identified other available units, including the Royal Canadian Dragoons (RCD) and the 12^e Régiment Blindé du Canada (12RBC). The estimate concluded that a response to the requirement for a "security battalion" was supportable by FMC.³⁰

This estimate did not discuss the proposed mission or analyze the concept of operations drawn from UN documents, nor did it clarify the meaning of "security battalion" in operational terms. There were suggestions that some operational doctrine on area security operations could be adapted to meet the assumed mission in Somalia, but no officer mentioned the lack of tactics or training in this role as a problem to be considered.

At that time, no CF infantry unit was organized as "a 500 man security unit, with 5 companies." The staff officers may have accepted too easily the notion that such a unit did exist, or that one could be organized quickly and effectively. They seem to have skimmed through standard staff procedures and planning practices instead of waiting for an "assessment of tasks" to be completed before assigning units to the mission. On whose estimate and authority did the staff assume that a "500-man security unit" as described by the UN, was adequate for the tasks envisioned? On the other hand, if using a unit of this size was a limiting factor placed on planners, they should have identified the limitation and the commander who set it. Furthermore, they ought to have identified the serious organizational and training implications that would follow from this change in standard CF organization and practice.

The FMC estimate was forwarded to NDHQ the same day for the use of central planning staff, who were also preparing an estimate for the CDS. On July 29, 1992, Maj Whiting, a member of the J3 Plans staff at NDHQ, prepared an "options analysis" of probable tasks and forces for a CF security battalion in support of UN humanitarian assistance in Somalia. His analysis referred to UN Resolution 751, approving in principle the sending of an armed security force to Mogadishu, and the UN Secretary-General's report of July 24, 1992, calling for Somalia to be divided into four operational zones, including the north-east, for purposes of UN operations. He identified several "probable tasks" for the force, including assisting "in the demobilization of the SNM [Somali National Movement] Army", using security forces to provide escort and protection for humanitarian aid, possibly helping to re-establish local police forces, monitoring cease-fire arrangements in parts of the country other than Mogadishu, and aiding in the unimpeded delivery of humanitarian aid.³¹ Maj Whiting summarized his estimate by stating that "Force Mobile Command concludes that the provision of a [security battalion] in Somalia is supportable."³²

On July 30, 1992 another estimate was sent by LCol Kennedy, G3 Plans at FMC Headquarters, to LCol Froh, Acting J3, at NDHQ, apparently to help NDHQ staffs develop more options as requested by Gen de Chastelain on July 28, 1992. It set out three options for the type of unit that could be deployed:

Option One: A deployment after seven days' notice that would be lightly equipped but with high strategic [international] mobility. This force would include 500 people, light vehicles, and dismounted weapons only.

Only the CAR was listed as being available within this time frame. The estimate warned that the CAR would be capable only of "static defence/security operations"; that "up to 20%" of the unit might not be ready for immediate deployment; that the operation would be "air dependent" and thus costly to sustain; and finally, and of great significance for desert operations, the CAR would have "limited tactical mobility".

Option Two: A deployment after 30 days' notice that would be a "medium force". This force would include 500 people, some armoured personnel carriers with mounted weapons, and increased first and some second line support. Three units were available for this deployment: the CAR, the 12RBC and the RCD. This option would provide a "self contained unit with some tactical mobility" that could be transported to the theatre of operations by air but it required heavy reliance on air sustainment and a high cost for deployment.

Option Three: A deployment after 60 days' notice of a "self-reliant force" of 500 people with wheeled vehicles with a "tailored task organization self-contained for most lines of support."

More units were available for deployment under this option, including the CAR, 12RBC, the RCD, and the 5^e Régiment d'Artillerie Légère du Canada (5RALC). This option provided at "lower cost, [a more] deliberate response with a more capable [general] purpose...task-tailored unit".³³

Thus, at the end of July 1992, LGen Gervais informed the Chief of the Defence Staff that his command had several units that could be prepared for the mission. Two main factors appeared to divide the options: time and "tailored task organization". If the CF was to move with little notice and little time to prepare for the mission, the CAR seemed the appropriate unit.

However, the penalty for moving quickly was deployment of a unit that might not be appropriate to the mission, as it was understood at the time. The more prudent course required a clear statement and analysis of the mission, the organization of a force appropriate to the mission, and time to allow unit commanders and troops to prepare themselves for the operation. The obvious penalty in this case would be a slower but "more deliberate response".

Here, then, was a clear instance of the need for a deliberate command decision. Commanders had to choose either to go quickly, with the risks that entailed, or to allow time for adequate planning and preparation and perhaps suffer criticism for a slower response. No intelligible and professional advice, framed around the question of time versus preparation, seems to have been offered by the chain of command. However, the critical question seems not to have been asked at NDHQ either.

Early -- perhaps too early -- in the planning process, commanders and staff officers accepted the assumption that a quick response to the Government's request for a force for Somalia was the overriding consideration in all their deliberations, despite warning signs that the CF, and certainly the CAR, might not be able to meet this challenge.³⁴

LCol Froh, at NDHQ, used the July 30th FMC analysis of options to prepare for the CDS an NDHQ staff options analysis "to assess the capability of the CF to provide a [battalion-sized] security force for UN humanitarian assistance operations."³⁵ LCol Froh's estimate reviewed the political situation in Somalia and the UN Secretary-General's second report on Somalia of July 27, 1992. He observed that a second UN technical team would be sent to Somalia in August to develop a concept of operations for a possible expanded UN plan. LCol Froh also made a brief comparison of the proposed Somalia mission with the now defunct Operation Python, hinting that the operation in Somalia

would be more demanding, with combat risks close to those being experienced by Canadian Forces deployed in Bosnia-Herzegovina.

The estimate was based on several critical assumptions. The force would be employed for a maximum of six months and would not be replaced by Canada. Funding would be made available from the government to supplement the DND budget. The force would be self-sufficient and include third line medical and logistic support. Especially relevant was LCol Froh's assumption that the estimate dealt only with "the known requirement to provide a [security battalion] to operations in Mogadishu." He emphasized that an "assessment of security needs for other zones had to await the report of the UN technical team." He apparently thought this qualification so important that he quoted Col Houghton, who had participated in the UN reconnaissance in Somalia earlier that year, and later remarked "it would be a very serious mistake to attempt to pre-empt the UN in this [deployment] matter. They should be allowed to do their job."

After a brief review of the risks and tasks, LCol Froh determined that the mission would "require the general purpose combat capability of a major arms unit." Moreover he stated that "if no other nation provides" the needed support resources, the CF contingent would require "a composite engineer troop of 50 personnel and 20 vehicles; a national support element of 100-200 personnel and 50-70 vehicles; a medical element of 70 personnel and 18 vehicles; and a medium capacity satellite communications system...as a rear [communications] link." He concluded that the "CF could provide a [security battalion] to meet the requirements for the Mogadishu operation within 60 days."

Apparently, Gen de Chastelain was not convinced that the estimate met the requirement to do "something significant" quickly. On the text of the July 30th estimate, someone added a handwritten note changing LCol Froh's statement, "three major units (RCD, 12RBC, and CAR) available on 30 to 45 days notice", to read that the CAR was available to move on seven days' notice. This assertion was repeated in handwriting in other sections of the estimate.³⁶ Later, at the request of the CDS, LCol Froh made inquiries of FMC and was informed by LCol Kennedy that the CAR could be made ready sooner. LCol Kennedy presented (on behalf of LGen Gervais) two new options. Option 1 -- "immediately to demonstrate political resolve... the CAR can be light on the ground" six days following a warning to move. Under Option 2, FMC confirmed that a medium force could be ready on "7 to 30 days' " notice to move, and that force "would include a unit other than CAR."³⁷

With this new interpretation of the FMC forces available, LCol Froh prepared a "revised" estimate on July 31, 1992. The background detail and the application of the estimate only to Mogadishu were repeated, but the assessment of the readiness of units was changed. The revised estimate stated that four major units (RCD, 12RBC, CAR and 5RALC) were available on 45 days' notice, but only the CAR was available on seven days' notice. This estimate highlighted the fact that the CAR had few qualified armoured vehicle drivers. LCol Froh concluded that sufficient "general purpose combat forces are available [in the CF] to meet the security force requirement for Mogadishu for two rotations."³⁸

The revised estimate included a changed, and more positive, conclusion as well:

The details of the situation in Somalia and the operational concept for the expanded UN involvement are unknown and therefore the capabilities needed to accomplish the tasks set out by the [Secretary-General] in his report to the [Security Council] of [July 24, 1992] cannot yet be determined. Nonetheless, the CF can provide and sustain a general purpose, combat capable force to provide security for this UN mission to provide humanitarian assistance in Somalia.³⁹

Thus, by the end of July 1992, the Chief of the Defence Staff had concluded that the Canadian Forces could provide a "security battalion" for duty in Somalia. Although no final decision on which unit should go had been made, senior officers obviously favoured selection of the CAR in planning for the mission.

The conclusion of the July 31st estimate reflects, in its illogical summary, the corruption of the planning process that was beginning to mar the development of a reasoned estimate leading to a sound plan for possible CF operations in Somalia. If the "situation in Somalia and the operational concept for the expanded UN involvement are unknown", then "the capabilities needed to accomplish the tasks...cannot be determined." The only logical and professionally acceptable conclusion should have been that no one could responsibly determine whether "the CF can provide and sustain a general purpose, combat capable force to provide security for this UN mission to provide humanitarian assistance in Somalia." Yet this is precisely the determination that was made.

A responsible course of action at this time would have been to wait for the situation to develop and the mission to become clear, or to seek clarification of the mission from the UN. Certainly, the CDS could have, and most likely would have, ordered commanders and staff to continue to prepare for some type of commitment in Somalia. However, in the absence of a definition of that mission, it is difficult to understand how a declaration could be made that the Canadian Forces had the capability to do it.

Planning for Operation Cordon in a Changing Situation

In CF doctrine and practice, an estimate of the situation should lead at least to a few "courses open" options from which a specific mission or operational aim can be selected by the commander. In this case, the CDS and the NDHQ staff -- dragging the Commander FMC and his staff with them -- were designing a plan and designating units and capabilities for an operation without a clear, achievable objective. This approach runs counter to the first principle of war and the first principle of operational planning.

The growing demand by political leaders, the public, and the media that something be done to support the United Nations in Somalia may have encouraged Gen de Chastelain and Mr. Fowler to provide a positive response to the Government's initial queries. However, the failure to establish an aim and concept for CF operations in Somalia soon forced military staffs to fabricate and patch together disconnected operations and support plans that became increasingly incoherent as the situation and apparent requirements changed. Thus, as we will see, by the time the real nature of the concept of operations was understood, several critical operational and planning decisions had already been taken, making change awkward, and other crucial questions went without answers until after the force left Canada.

Throughout August 1992, the situation in Somalia and the requirement for forces continued to change. On August 25, 1992, LCol Froh informed the CDS of the status of contingency planning within the CF on the provision of land forces to Somalia.⁴⁰ He noted that the second UN technical team had recently returned and submitted its report to the Secretary-General. The report identified the need for two self-contained infantry battalions to provide escort and protection for humanitarian aid activities and for forces to be deployed to assist distribution centres in the Bossasso and Mandera regions.

The UN staff recommended that each "security unit" be capable of escorting up to three convoys per day to distribution centres in their region and securing the distribution centres. It was also recommended that the units be capable of providing aid to the distribution centres and securing the humanitarian aid ships entering the port, storage facilities, and protecting aid convoys. Furthermore, the team suggested that these units be organized in five companies: a headquarters and logistic company to provide command, control and administration, and three rifle companies, and that each rifle company include at least one platoon equipped with armoured personnel carriers (preferably wheeled) with "standard armament". The remainder of the unit should be armed according to UN traditions.⁴¹

LCol Froh reported that Col Fraser, Canada's permanent military representative at the United Nations, suggested that Canada would be asked to provide communications, logistic and medical units for this expanded operation. "Other nations might be requested to provide infantry forces."⁴²

Col Fraser also reported that the U.S. delegate to the UN was concerned about delays in the deployment of the Pakistani battalion into Mogadishu. Col Fraser warned NDHQ that as a result there might be pressure on the UN to ask another member state to provide the "security battalion" for Mogadishu. The mission was obviously growing beyond the simpler parameters used to plan Operation Python and beyond the capabilities of an airborne regiment not equipped or trained for mobile operations.⁴³

LCol Froh informed the CDS that the resources of the combat arms units of the CF were being stretched. Although he suggested that existing missions and commitments of the CF in Canada and Yugoslavia could continue and that a new Somalia mission was possible for six months, "the UN standby battalion and the Canada-based brigade group to NATO commitments could not be met." He also advised the CDS that "a message is being written [in NDHQ] tasking [Force Mobile Command headquarters] to prepare a draft contingency [operations plan] for the provision of a self-sustained battalion sized force for security tasks in Somalia. Further, J6 [Communications] will be tasked to prepare an initial staff check for the provision of a communications unit to the expanded UNOSOM [United Nations Operation Somalia]."⁴⁴ Here again, there was an opportunity to influence the request Canada would subsequently receive from the UN and to steer Canada's commitment away from providing a scarce combat arms unit and toward a more available logistics, medical, or communications unit. But nothing was done.

On the evening of August 25, 1992, Col Fraser reported to NDHQ that the UN Secretariat had made an "informal request for Canadian participation in the United Nations operation in Somalia." Contrary to earlier information, this request was "for an infantry battalion of up to 750 personnel." The UN thinking, he said, was that Canada would be assigned the

mission in Bossasso, "the quote most difficult area unquote", where it would be responsible for security at ports of entry, escort of convoys to distribution centres, and security of the centres during distribution. Col Fraser emphasized that the battalion would have to be "self-sustained and deploy with 60 days sustainment." The mission required a unit of "three rifle companies", two of which would be mounted in armoured personnel carriers equipped with "heavy machine guns".⁴⁵

The next day, the Chief of the Defence Staff and the Deputy Minister made a joint recommendation to the Minister of National Defence. They suggested that in accepting the request, the Minister

note that in light of our major UN commitments to the Middle East, Yugoslavia, Cyprus, Cambodia and Kuwait, the potential requirement for a further 1200 man task force for Yugoslavia and a potential requirement in Mozambique should the UN decide to send in a force in support of an eventual cease fire, Canada will find it hard to maintain its NATO and domestic contingency responsibilities. In particular, we would have difficulty in simultaneously meeting: our contingency brigade group commitment; and our contingency immediate reaction capability (as currently defined) to meet both domestic and NATO requirements.⁴⁶

Nevertheless, Gen de Chastelain and Mr. Fowler recommended that the Minister also "express DND's willingness to provide a battalion of about 750 personnel to an expanded UNOSOM. We would make this acceptance conditional on the deployment's being for a maximum of one year from October 92, and on Canada's being formally released from any residual commitment to MINURSO [Western Sahara]."⁴⁷

On August 27, 1992, NDHQ instructed various commanders to prepare a draft contingency plan, Operation Cordon, for the Somalia deployment. The CDS's mission was that the "CF will prepare draft contingency plans to support possible relief operations in North-Eastern Somalia." Commanders and staff officers were instructed to plan on the assumption that there would be no requirement to maintain an earmarked unit for MINURSO or a UN standby force; that the tour of duty of the battalion was based on a one-year deployment with a six-month rotation; and that the Canadian battalion would be deployed in the north-east sector (Bossasso area) of Somalia. The CDS stated that the "probable concept of operations" would entail the CF operating as part of UN mission. He stated also that "the DCDS ISO [MGen Addy] will likely exercise control of the operation on behalf of the CDS [and that the] DCDS ISO will likely have [operational command] of the [Canadian] element. He will transfer [operational control] to the applicable UNOSOM force commander once [the] in-theatre commander has declared himself operationally ready."⁴⁸

The Commander of FMC was instructed specifically to

be prepared to assemble and provide a battalion group [for] tasks in Bossasso [to provide] security at port of entry, escort of convoy to distribution centres and security of the centres during distribution. Force to include engineer troop plus

second line [maintenance], NSE [national support element] and some third line medical support.

The CDS directed that the battalion be composed of "rifle companies [with] a mix of wheeled AVGP [armoured vehicle general purpose] and soft-skinned vehicles [armed with small arms only]."⁴⁹

It is instructive to note that whereas the United Nations had asked for a 750-member "security battalion", the CDS interpreted this to mean that "the stated 750 person strength includes NSE and NRL [national rear link (communications)] personnel [and] second and limited third line medical support".⁵⁰ In effect, the order of the CDS pre-empted the normal planning process, changed the standing composition of a field unit, and limited the actual strength of the combat arms unit by superimposing second and third line support requirements on the unit.

The CDS 's directive and the corruption of the planning process brought an immediate response from the Commander of FMC. On August 31, 1992, BGen Vernon advised Cmdre Cogdon at NDHQ that LGen Gervais was producing his own detailed estimate of the situation. In if he warned the CDS that "if would be inappropriate to rely overly on the initial UN staff check. ..as if is too narrow in scope and appears to be driven by financial rather than operational considerations." Specifically, he criticized the unbalanced mix of mechanized and static rifle companies "as professionally unsound." He rejected the estimate of 10 armoured personnel carriers (APCs) per company, noting that Canada's minimum was 14 APCs per company; pointed out the lack of a reconnaissance capability; and noted that the proposed force did not "recognize standard [CF] cohesive fighting units."

He emphasized this concern directly: "the latter point is important for we are developing a penchant to re-organize prior to operations. Our standard building blocks [companies and battalions] may be added or subtracted, but the integral elements must be protected, otherwise leadership, baffle discipline and coherence will suffer."⁵¹

The strong and appropriate message to NDHQ was clear: Tell us what the mission is, then allow the responsible commander to determine what forces will be needed to accomplish the mission according to CF operational planning doctrine and without reorganizing units to meet some NDHQ imperative. This reaction from the commander who was to provide the main force for the mission should have caused the CDS or his principal operations staff officer to rethink the direction issued by the CDS. But it did not have that effect.

The Contingency Plan

Operational planning for Operation Cordon continued. Under guidelines issued by the CDS, the Commander of FMC prepared Draft Contingency Plan 01, although his protests concerning the CDS's August 27th directive had evidently been ignored or rejected. The FMC draft plan, dated September 3, 1992, was "based on the CAR, 2 Service Battalion, 2 Field Ambulance and with the engineer resources coming from 2 Combat Engineer Regiment but with augmentation from across the [FMC] Command." The draft plan named MGen MacKenzie, Commander of Land Force Central Area, as "responsible to

prepare, assemble and train the Battalion Group and to declare it ready for deployment.
"⁵²

Planners at FMC Headquarters worked from several critical assumptions. They assumed that Canada's commitments to various other UN operations would continue; the main deployment would be by ship and air; the tour of duty would be one year, with a six-month rotation; the battalion would be assigned to the north-east sector of Somalia, with Bossaso as the centre of operations; the battalion would deploy with 60 days' sustainment and be self-contained; the rifle companies would be equipped with wheeled armoured personnel carriers; and second and limited third line medical support would be included in the national support element accepting that the total force would remain within the 750-person limit set by the CDS.⁵³

The draft operation plan prepared by FMC Headquarters in August 1992 was unusual, in that the mission and concept of operations were still not clear or defined and the essential elements of the Commander's estimate had been situated before he made his assessment of the operation. For instance, the draft plan contained more than 20 annexes addressing such things as organization, command relationships, intelligence, operations and training, and rules of engagement. Nevertheless, planners at FMC (and presumably the Commander) had continuing reservations about the integrity of the operation.

In a marginal note written on the document someone asks "how could we commit before knowing concept?"⁵⁴ Other questions are asked more formally in the body of the plan. For example, planners were concerned about "the lack of knowledge on the concept of operations for the [security battalion]. Who will it work for, the number of convoys it will escort, the location and number of distribution centres that will be operating and the boundaries of the area of the operations." They noted "equipment deficiencies such as the need for a suspension upgrade and a turret upgrade for the AVGPs, and air-conditioning for them."

The NDHQ direction to reconfigure the CAR's commandos by adding general purpose armoured vehicles had a serious effect on other units. The order caused disruptions to two units and seriously degraded the operational readiness and training potential of the donating unit, The Royal Canadian Regiment, without ensuring that the CAR would ever have time to refrain from mobile operations. The concern was that this disruption, along with the possibility that the 1993 force reduction plan might have to be deferred or cancelled, would have had severe effects in terms of rank stagnation, reduced recruiting, an aging military population, and deterioration of morale.

These concerns and others were conveyed to the CDS by the Commander of FMC, LGen Gervais, during a briefing for Gen de Chastelain by LCol Kennedy on September 4, 1992. While the mood of the briefing was positive and exemplified by a 'can do' attitude, the warnings and uncertainties were also obvious. LCol Kennedy reviewed the organization proposed by FMC, based on the CAR. He qualified the proposal by saying it was "lightly armed" and "austere". Although he stated that the unit could meet the commitment (he was, of course, acting on instructions from LGen Gervais), LCol Kennedy warned that "the battalion group will be capable of deploying and sustaining three companies and a small reserve as well as protecting its base. This must be considered as only adequate in light of the unknowns, that is, in light of the operational

risks."⁵⁵ Any optimism at NDHQ should have been tempered by the early staff assessment made at FMC Headquarters, which found the UN request "to be lean."⁵⁶

During this briefing, LCol Kennedy exposed the wider impact of the Somalia mission on the CF, particularly the army. He reported on the major effects on the army of executing Operation Dagger (a possible commitment of additional combat units to the former Yugoslavia), Operation Cordon or both:

...we must be clear that they will have a significant impact, but only in the wider context of total army commitments. The numbers...are telling. Even using only a modest percentage for non-effectives, you can see that FMC's commitments add up, in the cumulative percentage column, to more than 40% of our effective strength actively involved in operations or on operational standby. ..Over a one year period, two thirds of our field strength would be committed to UN operations [that is] about 8600 soldiers. If we took out our essential command, base, training and reserve infrastructure personnel, accounted for the [CF personnel still in Europe] and the...population on career courses, then you can see why FMC has consistently said it cannot maintain [after 1993] more than three major contingents on [peacekeeping] at one time. Yes, FMC can mount Operations Cordon and Dagger, but maintaining these forces beyond one year would cause very significant impacts over the long term, including effects on morale and a significant reduction in professional capability because of a reduction in training.⁵⁷

LCol Kennedy continued:

Clearly, with the portion of our land force that is not on peacekeeping or getting off it over the next year, our ability to generate more forces, to meet an operational commitment [in Canada or NATO] is entirely situationally dependent. Clear is the fact that we are close to the limit of force availability, and that is of course why [LGen Gervais] has dealt in these cases in the detail of unit selection. While these operations are underway, there will be no full brigade group exercises and few battalion ones not directed at a specific mission. General purpose combat capability will take a back seat in the next year to task specific [capability], which is in the long run, a dangerous situation for the army. Of course this is complicated by the force reduction process and our restructuring activities.⁵⁸

Several other unresolved issues of continuing concern about the operation were introduced by LCol Kennedy:

the logistics risks to our battalion group are substantial and just as great as the security risks and we have stressed that we need an all out effort to get our essential sustainment materiel amassed in [CFB] Petawawa and in the (ports) and then into theatre early. Otherwise we could have a contingent stranded without fuel, dry of water and notable to do its job.⁵⁹

Finally, he emphasized the continuing strain on people:

we are going to have to tighten our belts in regards to how we task the soldiers of FMC. We must, over the next year, safeguard our few and heavily committed army personnel and will need to review ways and means of doing so...[W]ith more Canadian soldiers outside of Canada on operational duty than since Korea even with the smallest army since Korea, FMC does maintain that we can execute Operation Cordon and Operation Dagger. And in doing so, we await the challenge.⁶⁰

Despite the can-do bravado of these closing remarks, the weight of the unknowns should have tipped the balance in the direction of caution and prudence. Planners were already cutting doctrinal corners to meet the limit of 750 people imposed by the CDS, rather than adding reserves to ensure a capacity to deal with surprises. Indeed, corners were being cut at all levels to meet this new commitment. The broad uncertainties about fundamental operational questions and the strain that was already showing in CF combat units ought to have resulted in a decision to decline the invitation to join a difficult, ill-defined operation in a faraway country about which Canadian officers knew little.

Orders for Operation Cordon

By the end of August, several defining decisions had been taken by the CDS that would shape his orders to commanders and troops. Specifically, he had decided that the CF could provide and sustain a combat capable battalion level force in Somalia for at least six months and probably one year. The force, including all support elements, would be no larger than 750 people and would be equipped with a "light scale" of vehicle and equipment. The commander of FMC would be the principal providing formation, and the CAR would form the base for the CF contribution. The area of operations would be Bossasso, and it would be the "firm base" for operations and logistical support to the CF in Somalia. Finally, the CF contribution would be under the national command of the CDS at NDHQ.

What was not sure was what exactly the CAR was to do in Somalia, how a "security battalion" should function, the situation in the intended area of operations, and when the deployment would take place.

There was enough information, however; to issue warning orders for Operation Cordon to subordinate commands to allow concurrent planning, training, and internal deployments of people and equipments to begin. Therefore, when the Minister of National Defence announced, on August 28, 1992, the Government's offer of 750 Canadian Forces personnel for a UN multilateral force, "battle procedure" commenced in the CF, beginning with the issuing of Warning Order -- Operation Cordon by the CDS on September 4th.⁶¹ The Commander of FMC issued his warning order the same day, and the commanders of Land Force Central Area and the Special Service Force followed suit September 5th. Other commanders, including the commanders of Maritime Command and Air Command, issued appropriate warnings to their units also. When LCol Morneault, Commanding Officer of the CAR, issued his warning order to his officers and

through them to his soldiers on September 6th, the first stage of the operational planning sequence was complete.

This standard and speedy dissemination of orders and information essentially repeated, but rarely amplified, the orders issued by Gen de Chastelain. The CDS's warning order briefly outlined the situation in Somalia as if was understood at the time and the Government's decision to contribute to the UN force. The mission was "to provide a 750 person infantry battalion for UNOSOM", and the concept of operations was stated simply as "employment begins with arrive of first personnel in theatre and ends with termination of [the] Operation Cordon mandate. Probable tasks in theatre include security of ports and airports, protection of humanitarian relief convoys and protection of distribution centres."⁶²

The warning order issued by LGen Gervais repeated the essence of the CDS's order but changed the mission statement slightly and added more co-ordinating information. He stated that the mission was to "prepare, assemble and train a 750 man contingent for secure duties in Somalia within 30 days", meaning that the force should have been ready to deploy by about October 5, 1992. LGen Gervais specifically named the Commander of Land Force Central Area "to prepare, assemble, train and declare ready for deployment the 750 man contingent."⁶³ The subsequent orders issued by the Commander of LFCA and the Commander of the Special Service Force provided considerable detail, which LCol Morneault used to begin preparing his unit for overseas operations.⁶⁴

The formal operation order from Gen de Chastelain was not issued until November 11, 1992, but in the meantime considerable additional planning and preparations had been accomplished. Throughout the period leading to the November orders, commanders and staff officers issued training directives, planning guidance, and preliminary movement orders for ships, aircraft, and people. In the Canadian Airborne Regiment, supplementary training, indoctrination, logistical preparations, and other critical activities were begun and in some cases completed.

Continuing uncertainty about the objective and considerable dislocation in units resulting from reorganizations needed to mount the operation prevented the Commander of the SSF from declaring the unit ready even late in October 1992. Nevertheless, it is fair to say that the Canadian Forces process for operational planning and the doctrine behind it were proved, at least insofar as the planning steps needed for orderly preparation for deployment were concerned. Given reasonable time, the doctrine and staff system could have worked well enough.

Although Operation Cordon was never activated, the evidence suggests that had it gone forward as planned, officers and soldiers would have begun the operation with the confidence born of completed staff work. This is not to say that the many problems that plagued Operation Deliverance would not have occurred in Bossasso, because despite efforts to launch the operation from a strong platform, several critical issues remained unresolved, and they might have crippled Operation Cordon as they later did Operation Deliverance.

Early Indications of Problems in Planning Operation Cordon

As with Operation Python, there was considerable confusion and inefficiency in the chain of command and in the flow of information between headquarters and field units. For example, the Commander of FMC issued a draft contingency plan for Operation Cordon early in September 1992 to provide detailed guidance on the preparation of the force for Operation Cordon. Two problems or complaints ensued. First, the document, or at least its main ideas, was not passed to every level of command and second, there was confusion in the chain of command, evident in testimony before the Inquiry, about what use was to be made of the document.

A copy of the draft plan was sent to LFCA and the SSF but not initially to the CAR. LCol Turner testified that SSF Headquarters received a copy of the contingency plan for Operation Cordon on the Labour Day weekend. However, he did not send a copy to LCol Morneault at that time because he thought the CAR already had a copy, or because it was not necessary for its work.⁶⁵ LCol Morneault testified that he received only part of the contingency plan (the part on guidance for training and rules of engagement) on September 8th.⁶⁶ On the other hand, LCol Turner believed that sufficient information had been given to the CAR in the warning order issued by the SSF on September 5th.⁶⁷ Whatever LCol Turner's belief may have been, we have no doubt that LCol Morneault would surely have benefited from reading the entire plan early in the preparation stage.

LGen Gervais assumed that the document would go to Land Force Central Area, other agencies with responsibilities for the plan, and NDHQ, but not directly to units. In his opinion, it was not intended to go to LCol Morneault. He expected the Commander of LFCA to adapt the document, eliminating the information about the other commands involved in the mission but still giving as complete a picture as possible to the Commander of the SSF. However, he did not reject the idea that in this case the contingency plan could have been passed on to the CO of the CAR. He stated in testimony that the plan "could have gone from the Special Service Force right to the unit without being reordered."⁶⁸

LGen Reay, Deputy Commander of Force Mobile Command at the time, explained that the document provided a general concept of operations for the battalion. The draft contingency plan was, he said, "roughly speaking, exactly what the title implies...we certainly [were] well aware that a mission is evolving here, and we wanted to try to provide as much detail to the subordinate headquarters as possible to allow them to get on with proper battle procedure and planning." He stated that MGen MacKenzie "should then have [had] a good look at the thing from the Central Area perspective and produced a similar order that would then go to the SSF."

LGen Reay also stated that he would be very surprised if a battalion commander received a copy of a contingency order originating at army headquarters. But, "on the other hand, again, you're dealing only with one unit [the CAR] and I would expect that significant amounts of this document would simply be reproduced [and passed to the unit and] that there wouldn't be a great need to redefine." According to usual practice, LGen Reay expected "that each level will put its own stamp on the contingency plan to reflect its priorities, its grouping and tasks, where it sees the bits and pieces that are going to pull together this puzzle come from."⁶⁹

In fact, neither MGen MacKenzie nor BGen Beno, the Commander of the Special Service Force, made any substantial amendments or modifications to the plan as LGen Reay expected. Superior commanders' missions were simply repeated in subordinate orders, for example, resulting in the unusual situation of the unit mission for the CAR being essentially the same as the mission statement for LFC. Thus, we can conclude, no detailed analysis of the mission was made by commanders between LGen Gervais and LCol Morneault. This might be excused if LCol Morneault was aware of the thinking behind LGen Gervais 's concept of operations and plan, but as we have seen, he was given only the training and rules of engagement annexes to the draft plan.

More serious is the observation that the mission statement at all levels, from NDHQ to the CAR, is devoid of an operational context. In other words, the mission statement in the draft plan and in the warning orders is "to mount a battalion group for security operations in Somalia within 30 days", but nowhere is there any indication of what those operations would be. At some level of command it would be usual to see a statement that the mission of the CAR was, for instance, to conduct tactical operations aimed at securing such and such an area, or words to that effect. This more precise aim would have provided the kind of direction that would in turn have allowed the CO to prepare his unit precisely for a unit-sized mission within a recognizable doctrine or concept of operations. But his superiors seemed content merely to tell LCol Morneault where he would be going, but not what he was expected to do when he got there.

The second main criticism of the draft contingency plan was that it was too detailed in scope, causing "no end of heartache" as organization and training requirements changed.⁷⁰ LGen Gervais attributed the amount of detail in the document to an "overzealous staff" used to the "old way of giving information". Staff was doing some of the work that would normally have been done at the LFCA level. LGen Gervais agreed that the plan probably had more detail than necessary.⁷¹ It is not clear from LGen Gervais' testimony whether he discovered this significant problem during or after the operation or whether he took action to correct the problem then or later.

LGen Reay noted that in the army, officers are taught "in accordance with routine battle procedure, [to] think two [command] levels down and issue orders one level down".⁷² In his view the purpose of the draft plan "was to convey to...[LFCA] and...the SSF and the [CAR] the broad parameters of an emerging mission to Somalia."⁷³ He explained national operations planning as beginning with a "document emerging from National Defence Headquarters, then we put a kind of Army level stamp on it as best we can without trying to get into too much detail and tying the hands of the commanders below us and then so on down the line." LGen Reay then admitted that "it is interesting in that here is Army Headquarters writing quite a detailed order for a single unit, but that is often the nature of UN missions when you only have a single unit deployed."⁷⁴ In conclusion he asserted, contradictorily, that because planners at FMC Headquarters "haven't got all the information yet...we wanted to try to provide as much detail to the subordinate headquarters as possible to allow them to get on with proper battle procedure and planning."⁷⁵ He expected that a follow-on document, based on the draft plan but containing new information, would be issued eventually and then the draft plan would become the operative document.

From the evidence it is obvious that either the army's doctrine of not directing orders too far down into the command system is faulty or that, in this case, it was not followed. If the doctrine is faulty, and commanders at very senior levels can embroil themselves in unit planning, then we must question the need for the various levels of command through which orders are passing, apparently for no reason. If, on the other hand, the doctrine is essentially sound, based on the assumption that in serious situations senior commanders would not have time to be involved in detailed planning at lower levels of command, then it follows that commanders violated the doctrine in this instance and confused preparations for the mission. Alternatively, it follows that if commanders and staff officers had the time to prepare numerous paper orders, they could also have spent their time with the units, supervising and assisting commanding officers preparing for a complex, unusual mission. In the end, the detailed orders, intended presumably to help field officers, did not reach the unit, and few senior officers took the time to assist LCol Morneault, an inexperienced CO, who was about to carry the full weight of Operation Cordon and the reputation of the Canadian Forces on his shoulders.

Planning in the Special Service Force and the CAR

From September until early November 1992, the Commander of the SSF and the Commanding Officer of the CAR worked together with their officers to prepare the CAR for deployment. Generally, operational and logistical planning progressed steadily (if to an uncertain mission) in the circumstances and according to normal battle-procedure.

During this period troops were undergoing mission training, usually at the commando level, to hone their individual and small-unit skills. Equipment was arriving at CFB Petawawa, and logistical staff completed loading arrangements for the transport of the force by air and sea. Routine departure assistance procedures were begun to check, among other things, the health, medical files, pay arrangements, and family situations of soldiers who would go to Somalia. Given time, the unit would have been "good to go" (ready for deployment) even if it was not trained and fit to go. However, the process was hampered by serious and fundamental problems.

Examples of the types of problems facing field level officers in planning for the deployment were suggested by LCol Turner, BGen Beno's principal operations staff officer at SSF Headquarters. During briefings held at CFB Petawawa on November 10 and again on November 13, 1992, he described several difficulties. The SSF and the unit lacked adequate information about the theatre of operations, mainly because the reconnaissance was not authorized early enough to affect planning and training.⁷⁶ Continuing confusion about deployment dates and the availability of transport ships caused considerable inefficiencies and frustrated planners and the troops. LCol Turner stated in his briefing that "deployment details are critical to accurate and efficient staff planning; i.e., it is very difficult to forecast requirements, pack stores, submit movement tables and plan training, when you don't know how you're to get there, when you're leaving, or how long the operation will be maintained".⁷⁷ In his view, training could have been "planned more efficiently had the [CAR] known exactly when [it was] going to deploy".⁷⁸

LCol Turner maintained that the chain of command was corrupted by staff officers at several headquarters. Specifically, he discovered that officers from technical branches

were acting without the prior approval of the operational chain of command. For instance, although much of the information "coming down on the engineer chain of command. . .was useful, necessary information... in some cases, because of the speed with which [the engineers in superior headquarters] were initially staffing matters, the operational chain of command may not have had all of the information that was being made available to the engineers in the Airborne Battle Group". Planning was therefore needlessly complicated.⁷⁹ Moreover, he said, senior officers were breaking the "think two down, order one down rule" and issuing orders and assigning tasks directly to the unit commanding officer.⁸⁰

Finally, and inexplicably, units in the SSF and even the CAR -- in the midst of planning for a dangerous mission -- were being hounded by staff officers at NDHQ and elsewhere, looking for troops to perform ceremonial duties. "There were a number of ceremonial duties. That is one of the disadvantages of living in Petawawa. It is extremely close to Ottawa and when national tasks come up, the SSF tends to be the first choice to provide guards of honour."⁸¹ During the preparatory period, for example, the SSF was assigned to provide troops for high-ranking foreign visitors and a 50-member guard of honour for another visit. On September 30, 1992, the SSF received an order to send a mortar group to CFB Caagetown, in New Brunswick, for a three-month employment commencing October 5, 1992.⁸² Even though not all of these tasks involved the CAR and some were subsequently cancelled, the effect was to distract from and interfere with the staff's central task of getting the CAR ready for its mission.

Standing Operating Procedures

Commanding officers usually attempt to simplify routine activities by issuing standing operating procedures (SOPs) for their units. SOPs cover tasks repeated routinely and can be issued by the CO in peacetime garrisons, for training, or in war. SOPs are very much the directions of the commanding officer, although they comply generally with directions and SOPs received from superior commanders. Such procedures are normally reviewed periodically, after a change of command and before deployment on a new operation. If they are to be of any use, however, they must be explained, demonstrated, and practised by the troops and officers to whom they apply. An SOP posted without follow-on training and practice is merely a bureaucratic encumbrance.

A review of unit SOPs and the development of SOPs specific to Operation Cordon were therefore a normal part of battle procedure and operational planning. LCol Morneault, reacting to BGen Beno 's explicit direction, ordered Capt Kyle, Operations Officer for the CAR, to prepare unit SOPs for Operation Cordon. However, preparation and development of the procedures did not progress well.⁸³

LCol Morneault's intention, apparently, was to build unit SOPs from the commandos upward and to consolidate them at the unit level. On September 14th, Capt Kyle instructed that the sub-units submit draft SOPs for Operation Cordon to CAR Headquarters by September 16th. These mission specific SOPs were to cover the use of force and rules of engagement; arrest and detention procedures; methods for protecting distribution centres and the base camp; convoy escorts; the burial of deceased refugees; crowd control; and mine protection procedures, among other things.⁸⁴ Designated officers were given two days to draft the SOPs, but as Capt Koch, the officer assigned to

consolidate the drafts, testified, he did not receive the drafts until late in September, and many of them were incomplete or inadequate.⁸⁵

Inexplicably, the CAR had no SOPs suitable for use as a basis for the drafting process, even though it was Canada's UN standby battalion and had been so for several years. Certainly, new SOPs specific to the Somalia deployment were needed, but Capt Koch and Maj Kyle testified that they had to develop SOPs from scratch. Capt Koch said that the SOP relating to food distribution centres was one they developed on their own. They could not find any documentation on the issue anywhere in the CF. When asked specifically about the preparation of the SOPs, Capt Koch said that there was no guidance or direction from SSF HQ about what was to go into the SOPs.⁸⁶

Capt Koch had hoped that there would be a data bank of SOPs for UN duty compiled by the CF, perhaps extracted from after-action reports of other UN missions, but he could find none.⁸⁷ With regard to setting up food distribution centres and creating refugee grave sites, Capt Koch thought the lack of information might be attributed to the fact that, to his knowledge, the CF had never participated in these types of activities before.⁸⁸ In the absence of useful models, then, some of the CAR's existing SOPs were used as guidance for the development of SOPs for Operation Cordon. Capt Koch requested materials from the headquarters of the Special Service Force, Land Force Central Area, and Land Force Command. However, when asked if any material was provided by these superior headquarters, Capt Koch replied, "No, not really. No."⁸⁹ In fact, for the most part, the base for developing the SOPs was "the Nordic SOPs", made available by the UN and brought back to the Regiment by LCol Morneault after his visit to UN headquarters.

With the deployment date drawing near, many officers, including Capt Kyle, were concerned that the SOPs for Operation Cordon had not been standardized and that the commandos did not have the information required to practise their procedures for general peacekeeping tasks.⁹⁰ In fact, some SOPs were ready for practice and confirmed during the training exercise, Stalwart Providence, in mid-October 1992. Although the final written SOPs were issued on November 19th, LCol Turner stated that in his view, it would have been useful to have the SOPs before Stalwart Providence, early enough so that commandos could have used the SOPs in their training, raised concerns about them where necessary, then adjusted them before confirming the SOPs during Stalwart Providence.⁹¹

It is not certain which SOPs, if any, were ready for Stalwart Providence. LCol Macdonald, exercise director, stated that he did not see any standing operating procedures for the CAR before or during Stalwart Providence, although he assumed that they might have been in draft form at this time.⁹²

The unit SOPs for Operation Cordon, such as they were, remained in effect for Operation Deliverance. Maj Kyle testified that he thought that most of the SOPs were still applicable and that "because of the lack of clarity of the situation, the lack of clarity of our mission and operations,...these SOPs could be...adjusted according to the situation in-theatre, which they were."⁹³ He also testified that "the SOPs...dealing with larger issues, such as the Rules of Engagement and use of force...we really had to leave those deliberately somewhat vague because we did not have the direction and we were hoping for more clarity [from superior headquarters] of those issues prior to deployment."⁹⁴

Capt Koch testified that the Operation Cordon SOPs remained in effect for Operation Deliverance partly because all their time was taken up preparing to send the troops to Somalia, but also because "we didn't want to make a lot of changes to the SOPs in that we wouldn't have had time to do any training with them." That decision would have caused confusion. "We knew from the onset," he stated, "from when we started [drafting] the SOPs that there was going to be some stuff that was obviously not going to be able to be within the SOPs because it would not...make itself clear until we actually arrived on the ground." Capt Koch hoped and expected that once the forces arrived in theatre, there would be time to develop new SOPs and train on them.⁹⁵ Unfortunately, there is little evidence that unit SOPs were ever properly prepared, and certainly little if anything was done to bring the operating procedures of the Canadian Airborne Regiment Battle Group (CARBG) together. Once begun on shifting ground in September 1992, planning for the Somalia deployment never found a solid base, especially as the operation evolved into an ad hoc scramble bound for Africa.

The CF Reconnaissance to Bossasso

The only reconnaissance made in specific support of the pending CAR deployment to Somalia left Canada on October 12, 1992.⁹⁶ The reconnaissance party, led by Col Houghton, included J4 (Logistics), J4 (Movements), representatives from Maritime Command, Air Command, and Force Mobile Command, and the Commanding Officer of the CAR, among others. The party gathered information for the deployment of the CAR to Bossasso in northeastern Somalia. The reconnaissance party visited various sites, concentrating its efforts on the environs of Bossasso.⁹⁷ This information provided the essence of the briefing given to the Vice Chief of the Defence Staff (VCDS) and the Deputy Minister at NDHQ on October 21, 1992 and for plans and orders prepared later at NDHQ and in the supporting headquarters.⁹⁸

The composition of the reconnaissance team was important, because it was intended to include officers who would have primary responsibility for planning and conducting the operation. The reconnaissance, therefore, was meant not only to gather information but also to make the officers familiar with the ground and facilities they would have to work with after deployment.⁹⁹

Col Houghton considered the reconnaissance effective and that LCol Morneault had done "an excellent reconnaissance."¹⁰⁰ Col Houghton maintained later that the reconnaissance was not a waste of effort, even though the units went to an entirely different part of the country. "I thought, first of all, the people that were on the reconnaissance would understand the terrain very well because that kind of terrain was literally everywhere." He also noted that the visit introduced the officers to the type of people and conditions they would have to deal with when the operation began.¹⁰¹

LCol Morneault also valued the reconnaissance. In his post-reconnaissance report he stated that "all parties achieved their aims... [and] we acquired enough information to be able to complete the Operational Estimates. The formulation of detailed plans, orders and SOPs can now be completed and/or confirmed at least for the operational phase."¹⁰² LCol Morneault's enthusiasm for the reconnaissance is reflected in the body of his report, which sets out in detail critical decisions about the location of the CAR camp, the siting of the camp's defences, and administrative requirements, among other things.

Two important results followed from the reconnaissance. First, LCol Morneau was able to begin the important task of building relations with the UNOSOM Commander, Gen Shaheen, and with officers, elders, and officials in the Bossasso area. These contacts not only gave LCol Morneau a sense of the problems he would face, but also served as the basis for the approach he intended to convey to his subordinate commanders and troops.¹⁰³ It is reasonable to suggest that if LCol Morneau had led the CAR to Bossasso, he would have had some channels to the local leadership that might have facilitated the building of good relations between the Canadian Forces and the local population.

Second, the entire support plan was predicated on the use of HMCS *Preserver* as the provider of fresh water, rations, and other essential commodities. Planners in the reconnaissance party and at NDHQ were depending on HMCS *Preserver*. The concept of support for the Canadian contingent was based on the idea that HMCS *Preserver* would be "alongside in Bossasso" and therefore close to the CAR. The central role of HMCS *Preserver* was confirmed to the VCDS and the Deputy Minister at the post-reconnaissance briefing on October 21st.¹⁰⁴

Unfortunately, the value of the reconnaissance was greatly diminished by subsequent events. Among other important changes, the deployment area in Somalia was changed, LCol Morneau was relieved of command and his replacement, LCol Mathieu, had no opportunity to conduct his own reconnaissance of the new area. Col Labbé was placed in command of Canadian Joint Force Somalia and had no time to conduct a reconnaissance, and the composition of the field force was changed to the CARBG -- and none of the new sub-unit commanders had been on the reconnaissance. This change in strategy negated the detailed plans for the base camp and especially for the concept of logistical support centred on HMCS *Preserver*. In effect, the CARBG travelled into an unknown situation under the command of leaders without local contacts, with little understanding of the local situation, and with little information on which to base operational and support decisions.

Operation Orders -- Operation Cordon

By early November 1992, the detailed framework for Canada's military commitment to UN operations in Somalia had been confirmed. As we have seen, estimates of the capability of the CF to provide a "security battalion" for the Somalia operation had been completed in late July 1992. From that point on, a type of battle procedure was set in motion based on CF and command warning orders. A reconnaissance of the Bossasso area had been completed. A Forces Mobile Command draft contingency plan, based on the assumption that the security battalion would be going to the northeastern area of Somalia, had been prepared. The results of the reconnaissance had been reported to the VCDS and the Deputy Minister. Finally, the Operation Cordon plan was approved by Gen de Chastelain on October 26, 1992.

On November 13th, Gen de Chastelain issued operation orders for Operation Cordon to the commanders of commands and to NDHQ staffs.¹⁰⁵ Force Mobile Command officially became Land Force Command on November 15, 1992. Soon afterward, November 19th, LGen Gervais issued LFC Operation Order 01, essentially repeating the CDS's orders. Operation Order 01 outlined the situation and gave the LFC mission as being "to mount a 750 man battalion group for security of humanitarian relief operations in Somalia within

assigned sector." LGen Gervais' concept of operations was described as mounting "a balanced battalion group to include infantry, engineers, signals and sufficient [combat service support] to provide sustainment in a very inhospitable environment. The battalion group will operate out of the port city of Bossasso and could be involved in the following tasks: port security, airhead security, convoy escort duties, security of distribution centres/UN facilities, base camp security, and general security tasks."¹⁰⁶

The command arrangements for the CF contingent under the Operation Cordon plan were convoluted. The CDS's orders read:

Command and Signals: Operational control of CCUNOSOM is exercised by the Force Commander UNOSOM. National command is exercised by Commander CCUNOSOM. Functional administrative control of CCUNOSOM is exercised by J3 [NDHQ] through chief of staff J3 on behalf of the VCDS. Disciplinary matters beyond the authority of Commander CCUNOSOM shall be referred to the VCDS through J3. Col J. Cox is appointed Commander CCUNOSOM effective 14 October 1992. CFCC has technical/functional control of the national [communications system]. Commander Maritime Command [will] retain operational command of HMCS *Preserver*. In theatre support to the infantry battalion group to be coordinated between Commanding Officer CAR, and Commanding Officer HMCS *Preserver*. Coordination conflicts to be resolved between J3 [at NDHQ] and Commander Maritime Command [in Halifax] as necessary.¹⁰⁷

LGen Gervais described the command arrangements differently. In his operation orders he stated that the CAR would remain under his command until it was "deployed in theatre...approximately 29 December", that LCol Mathieu would be the "deputy Canadian contingent commander", and that the Canadian contingent would be "under the operational command of the" Deputy Chief of the Defence Staff (Intelligence, Security and Operations), MGen Paul Addy and the operational control of the UN force Commander.¹⁰⁸

Written orders for Operation Cordon were subsequently issued by MGen MacKenzie to LFCA on November 26th,¹⁰⁹ by BGen Beno to SSF on the same day,¹¹⁰ and by LCol Morneault to the CAR immediately thereafter. Thus the penultimate step in battle procedure was completed on or about November 30, 1992. The final step, deployment, was expected to commence in early December, with the main body of the CF contingent arriving in theatre about December 30th.

What is striking about all these plans and orders is their lack of operational detail. They are, in effect, administrative orders concerned with assembling and transporting the force to Somalia and sustaining the units once there. LGen Gervais' order, for instance, is 11 pages long and includes 23 annexes, for about 85 pages in all. In all, orders from NDHQ to the CAR through the army chain of command totalled some 147 pages of instructions. The LFC order goes into great detail on such topics as what to do with military drivers whose licences are under suspension (lift the suspension), financial functions in the field (eight pages), employment of females ("in accordance with policy"), rights of release during the operation ("no change in policy"), passports ("required for all personnel"),

messes, sports equipment, and other issues, but there is no description of how the mission will be carried out and only seven words about the rules of engagement. The essence of the operation is absent from these orders.¹¹¹

Certainly, the CF contingent needed administrative orders and directions. It is also obvious that many of the instructions given to the CAR would have suited a larger or a smaller force. What is puzzling, however, is that the CAR -- which was Canada's UN standby force and purportedly maintained continuously on seven days' notice to depart Canada -- needed scores of pages of new instructions to move after months of preparation. This suggests that the unit had never been ready to deploy overseas, as declared by the CDS, or that its readiness standards were unreasonably low and seriously neglected.

Planning for Operation Cordon was hampered by inexperience at the command and staff levels, a ponderous public service and military bureaucracy, confusion in responsibilities within the chain of command, and, most seriously, by the lack of a clear operational aim. Despite these obstacles, however, planning for Operation Cordon followed battle procedure and military doctrine, which at least provided for an orderly development of information and the production of deployment orders. Although the reconnaissance was late and the mission did not become clear until after planning started, by good luck enough time became available between the reconnaissance and the anticipated deployment to adjust some aspects of contingency plans.

Perhaps more than any other factor, hard work by skilled, mostly middle-ranking and junior staff officers and soldiers at all levels of the Canadian Forces rescued the leaders' plan to the point that it just might have worked. However, inefficiencies in the military bureaucracy and the ineffectiveness of the chain of command could not be overcome, even by dedicated subordinates, when the system was placed under unreasonable time constraints. That very situation confronted the leaders of the Canadian Forces when, in early December 1992, the political underpinnings of the UN-directed mission to Somalia collapsed.

Operation Deliverance

On December 2, 1992, Gen de Chastelain "suspended for 48 hours" all planning and activities related to Operation Cordon, pending the Government's consideration of new UN resolutions on Somalia.¹¹² On December 3, 1992, LGen Gervais issued a "contingency planning guidance warning order" to allow for further planning "for a commitment of current Operation Cordon organization with limited changes, possibly to the evolving coalition force." Planning in LFC was simply "to augment [the] Canadian contingent for participation in the unified command".¹¹³ The CDS cancelled Operation Cordon "in its entirety" on December 5, 1992, thus setting in train planning for an entirely new mission, under the title Operation Deliverance.

Gen de Chastelain knew from experience and from conversations with U.S. military leaders that the new peace enforcement mission under U.S. leadership would be more difficult and dangerous for the CF than Operation Cordon would have been. He acknowledged this explicitly when he asked LGen Gervais to suggest how to increase the combat capabilities of the CAR for duties in Somalia in these changed circumstances.

The combination of the different political objective and the implicit decision to change the terms of reference and organization of the Canadian contingent bound for Somalia ought to have restarted the CF battle procedure automatically from a new point. The change from Operation Cordon to Operation Deliverance was not simply a case of sending a prepared unit from one location to another to perform the same duties. Rather, the CDS was about to decide to send a different contingent, under different command arrangements, to work with a different international command, in a different concept of operations, in a different part of Somalia. The leaders in the chain of command ought not to have trusted that plans made for one set of circumstances would suffice in another, especially in a situation so altered that the risk to the lives of CF members had increased substantially.

However, there was no insistence on a new plan. The planners were constrained even before comprehensive consideration had been given to the consequences of critical changes in the Somalia operation. It was also agreed the CF should join the evolving coalition and dispatch the Canadian contingent to Somalia very quickly. The Government was advised that it was possible for a reorganized and enlarged CF contingent to meet this new timetable. These two decisions dislocated the military planning process and imposed unrealistic demands on unit officers, who now had to assemble their troops rapidly for deployment overseas. The result was that many officers and soldiers were sent into a dangerous operation without fully understanding their mission and without time to train and prepare themselves for this new task.

Regrettably, no senior officer in the chain of command challenged these decisions. Regrettably, greater leadership was needed but was not shown.

Operation Deliverance was concocted in haste on the bones of Operation Cordon. Battle procedure and planning doctrine were cast aside. No estimate of the new situation was made by any commander. LGen Gervais did prepare recommendations on improving the combat capability of the CAR, but with only limited changes in the organization. His staff concluded that "the current organization of the Operation Cordon battalion group is an excellent basis on which to build an increased capability" for Operation Deliverance. This base would require an increase in capability to include a direct fire weapon (AVGP), additional mortars, possibly armoured engineer vehicles, and ammunition for offensive operations.¹¹⁴

Staff officers at Land Force Command recognized the risks in the new mission. They cautioned both LGen Gervais and MGen Reay that in a worst case scenario of 30 days of operations at minor conflict levels, 96 wounded in action and 42 killed in action could be expected in a force of 850. They also noted that the more troops and units added to the contingent, the more time would be needed to prepare and train, either in Canada or in Somalia, significant change (a battle group capable of full-scale operations that would include a squadron of Cougars), the elements of the contingent would need up to 40 days to prepare and train in Canada or, if existing elements were deployed immediately, and follow-on elements after 30 days, they would need at least 14 days of concentrated training in theatre before they could be employed safely. If the CF committed with limited change (a battalion group capable of limited self-sustainment in mobile

operations, including a squadron minus nine Cougars), deployment could begin on schedule.¹¹⁵

LFC staff concluded, "after discussion and evaluation by Commander LFC", that his

preferred option for force composition and employment would be to commit with limited change to a direct role in the U.S. [Area of Operations]. This would provide a significant role in the main effort for the CAR, even if this role was necessarily part of the U.S. Phase 2 or 3. The CAR is not dissimilar in structure and composition to possible elements of the U.S. components of the coalition and interoperability should not be a problem. Commitment to a supporting role is possible but not at all preferred. Command and control will have to be addressed in detail.¹¹⁶

There is no evidence that any consideration was given at any level of command to changing the CAR as the basic unit of the CF contingent. LGen Gervais testified that "the staff [had] made the analysis for me, [and] we had a trained and ready battalion group, at that time of 750. The staff...said: 'Sir, why should we look at other units.' Based on the threat assessment we knew...but it didn't make sense in terms of the readiness requirements [to find another unit]...we had a bird in the hand, we had to add something to it. That's the way we were looking at that particular situation at the time."¹¹⁷

Gen de Chastelain could not recall any reassessment of the fitness of the CAR for the new mission. He stated before us that if the matter was discussed at all, "it was considered *en passant* because it seemed to make a great deal of sense to go with the unit that one already had that was declared operationally ready and that, indeed, had a lot of equipment being loaded or about to be loaded...I think it would be extraordinary to change the unit at such a late date for an operation that was going to have a fairly short fuse."¹¹⁸

Thus the essential elements of the plan were determined early and, as with Operation Cordon, before the objective of the mission and the circumstances in which it would be conducted were known. In effect, staff officers at NDHQ and elsewhere along the chain of command became so hurried and harried that they abandoned common practice. Capt (N) McMillan, J3 Plans at NDHQ, agreed in testimony that there was insufficient time to do the appropriate estimates, planning and reconnaissance for Operation Deliverance, because "in the time period that was unfolding, the regular process would not have unfolded in exactly the same manner if you had the time."¹¹⁹ He noted also that NDHQ was building a new operational planning staff at the time and that documents needed for planning did not exist to give planning staff the necessary guidance through this operation. "So basically we were starting this operation without any direction, without any guidance with respect to drafting the [rules of engagement] or, indeed, the planning process."¹²⁰

Cmdre Cogdon, chief of staff, J3, at NDHQ, testified at the de Faye board of inquiry that the change from Operation Cordon to Operation Deliverance occurred

so quickly that...we in the CF, were not given the appropriate time to do the appropriate estimate, [reconnaissance], really look at the force required, the levels that were there. *We were reacting to a political imperative to make this happen as quickly as we can, to jump on the band wagon and to get in there.* And by the way, I think part of it might have been to get in there almost at the same time as the Americans could.... I think in future, clearly, we have to allow the organization, if we're going to change the mission or the mandate, to go back, do a new estimate, look at what it means, what is it going to cost and all the other issues, like, can we sustain it... That clearly has to be done.¹²¹

In his testimony before us, Cmdre Cogdon confirmed that "the shift from Chapter VI from Cordon to Deliverance was done in a very compressed time period. There is no question about that." As a result, "we did not have the time to do the types of things that we would do under normal circumstances, such as an actual reconnaissance on the ground of the area in which we anticipated our troops to go because the area had actually changed." Cmdre Cogdon explained that no estimates were done by the CDS or any other commander to consider other possible options, because "we saw it as a continuation in essence of the activity for the Airborne Regiment, recognizing that the mission had changed."¹²²

In Cmdre Cogdon's view, because the United States would lead the peace enforcement operation, NDHQ planners were left with "some unanswered questions in terms of the exact final location, should we get into this operation and things like that, that sort of activity."¹²³ He added:

if we were going to get into the enforcement operation, we were in situation of dealing with the Americans as they were developing their plans to ensure that we got, first of all, into the types of areas and operations that we specifically wanted to get involved in, which would require us to get involved early on... [T]hat made a lot of sense to all of us in the sense that the Airborne Regiment was already operationally ready and that all of the movement and training aspects had been in play and working through up to this time. So we were ready to move quickly should the government decide to go that way.... So in a sense there was not the requirement...we did not go through the process...[of]doing a full estimate, [because] looking at all brand new factors and options to deal with it...would prevent us from getting involved in at the front end of the enforcement operation.¹²⁴

Col O'Brien, J3 Operations at NDHQ, confirmed that CF planning was being led in most respects by U.S. operational planners. He testified, "we weren't clear exactly what the tasks were and, therefore, the organization that was built was built on a general capability."¹²⁵ In his view, "[Operation] Deliverance happened very quickly and it was being led not by the UN but essentially by the U.S. coalition commander and he had done his staff contingency planning in the U.S. and as he got to Somalia and found out what other nations were going to participate...he adjusted his operational plan. And as that plan changed, so did the task for the Canadian battalion group." Col O'Brien said that this was not unusual in this situation; the U.S. military "started their contingency planning ahead

of us for this operation because they obviously thought of it, so we were catching up, we were catching up to their time lines."¹²⁶

On December 5, 1992 a group of senior officers went to the United States as part of the CDS's effort to 'catch up' with the U.S. time lines. Gen de Chastelain sent RAdm Murray, Associate ADM (Policy and Communications), as his personal representative to lead a high-level team to the U.S. Central Command, where he was to make Canada's troop availability, capabilities, and wishes known to U.S. planners. RAdm Murray arranged for a Canadian mission to guard the airport at Baledogle, just north of Mogadishu, after it was secured by the U.S. Marines. The CAR would initially be under the operational control of the U.S. 10th Mountain Division and subsequently a brigade of that division.¹²⁷ Thus, by December 7th, Canada had successfully plugged into the U.S. plans and had been assigned a tentative mission at Baledogle, but it was not the type of mission the CAR had planned for under Operation Cordon.

NDHQ and command staffs wrestled with the uncertainty of just where, when, and for what purpose the Canadian contingent would go to Somalia, in the midst of a confusion of orders and counter-orders for Operation Deliverance. As a result, they were forced by Gen de Chastelain's timetable and the U.S. plan to issue orders for Operation Deliverance before they had answers to many basic questions. The CDS's warning order was issued on December 5th. The mission was somewhat imprecise, stating that die CF would "provide a Canadian joint force consisting of HQ battalion group based on the Canadian Airborne Regiment and HMCS *Preserver* to participate in enforcement operations in Somalia under Auspices of UNSCR 794." The order increased the size of the contingent to about 900 persons and created a joint force headquarters under the command of Col Labbé. NDHQ assumed even greater control of the operation, conducting or controlling all contacts with U.S. commanders and through die new, yet to be formed, force headquarters.¹²⁸

The subsequent warning order issued by LGen Gervais from LFC created a battle group made up of the CAR and the other units now attached to it to bolster its combat capability. This organizational change introduced a significant new planning factor and further dislocated the existing plans based on Operation Cordon. In other words, the CARBG was bigger and included more vehicles, some of different capabilities; it joined units that had never trained together, under a headquarters and a commander that had no earlier relationship to the force; and its organization suggested that the tactics to be used in theatre were not those especially suited to an airborne battalion. Nevertheless, officers and soldiers tried valiantly to respond to the burden their Commander and senior staffs had placed on them. Few officers in the chain of command paid much attention to the operational implications of the change in mission; they were simply too busy trying to get the force overseas.

The CDS issued one operational mission to the force on December 9th and a second on December 11th. The first mission was "to provide a Canadian joint force consisting of a HQ, an infantry battle group based on the CAR and HMCS *Preserver* to participate in enforcement operations in Somalia under the auspices of that UN security [council] resolution" in the area of Baledogle, approximately 80 kilometres north of Mogadishu.¹²⁹ The second mission was "to assist in establishing, as soon as possible, a secure

environment for humanitarian relief operations in Somalia under the auspices of UNSCR 794."¹³⁰ These orders provided the substance of the direction to the Canadian Forces and Col Labbé on the eve of the deployment to Somalia.

Operational Planning by CJFS During Pre-Deployment

Col Labbé, who was in the United Kingdom at the time, was told by telephone late on the evening of December 4th, that he was to be the Commander of Canadian Joint Force Somalia. He was also instructed to return to Canada immediately to begin preparations and to join the planning process from the headquarters of 1st Canadian Division at CFB Kingston.¹³¹ The selection of Col Labbé to command CJFS and to build a headquarters around segments of the divisional headquarters seems odd in the circumstances. Neither the Commander, 1st Canadian Division, nor his staff were usually responsible directly for troops; they merely provided training assistance to brigades and developed exercises and tests for officers and staffs.¹³² No one in any estimate or staff paper recommended Col Labbé or an ad hoc headquarters for the mission.

There were many questions about Col Labbé's qualifications to command this force in this situation. Col Labbé had previously commanded only at the battalion level and had no experience with command of a joint force.¹³³ He had no hands-on experience in command of a UN peacekeeping force and, in fact, no experience on such missions more recent than his tour in Cyprus as a junior officer in the 1970s.¹³⁴ However, Col Labbé believed that he was well qualified as a result of staff training and seminars he had attended on peacekeeping and peace support operations. He was confident also because, in his view, general purpose combat training and general purpose leadership training at the individual level are appropriate and adequate training for commanding large peacekeeping or UN missions at the unit and larger level.¹³⁵

Neither Col Labbé nor members of his staff at 1st Canadian Division Headquarters had any involvement in the planning or preparations for Operation Cordon or any other UN mission before December 1992. In the autumn of 1992, 1st Canadian Division Headquarters was, according to Col Labbé, very much Yugoslavia-oriented, and Somalia "rarely figured into our thoughts, if at all".¹³⁶ He believed, however, that the divisional headquarters was chosen to lead Operation Deliverance because it was the most appropriate headquarters to choose. Furthermore, it made sense to Col Labbé that he was chosen to command the CJFS, as he was the chief of staff of the headquarters and he knew the staff and how they worked.¹³⁷

Like Col Labbé, the headquarters staff were surprised to be placed on standby on December 3rd. When warned for the mission, the staff did not even have a map of Somalia, and they received a contingency planning document (late) that gave them just enough information to do minimal preparations.¹³⁸ Col Labbé concluded from the CDS's Operation Deliverance warning order of December 5th that everything was being arranged in a great deal of haste and under pressure to be ready to deploy by December 10th. He speculated that the reason for the haste was that the United States wanted to get as many flags on the ground as quickly as possible and that the CDS wanted to be there with Canada's flag up.¹³⁹

Upon returning to Canada on the evening of December 5th, Col Labbé was led to believe that deployment would be in early January and that the pressure was off to deploy quickly. However, following meetings between RAdm Murray and his counterparts at U.S. Central Command, the timetable changed dramatically.¹⁴⁰ On the morning of December 6th RAdm Murray told Col Labbé that he had from December 6th to December 10th to determine the mission, make a plan, and constitute a force headquarters. RAdm Murray instructed Col Labbé to get to Camp Pendleton as quickly as possible to meet his new boss.¹⁴¹

Between December 5th and 7th, Col Labbé travelled to Camp Pendleton, California and received his operational guidelines from the U.S. Commander, LGen Johnston.¹⁴² The mission was still uncertain, and LGen Johnston did not have a location for the Canadian contingent when it reached Somalia. Furthermore, neither Col Labbé, nor LCol Mathieu, also at Camp Pendleton, had any confirmed information about the aim of the Canadian mission or the state of planning at NDHQ.¹⁴³

Col Labbé and LCol Mathieu left Camp Pendleton on the evening of December 8th to continue gathering information and to try to put together a coherent plan. Still, the only mission statement they had was the one in the December 5th warning order from Land Force Command Headquarters.¹⁴⁴ From instructions given to him by RAdm Murray and in NDHQ warning orders, Col Labbé understood that the mission involved the deployment of an infantry battle group of 845 persons, based on the CAR, and a Canadian Joint Force Headquarters of 55 persons. Col Labbé knew for sure only that he and the CF contingent were going to Mogadishu and that they might have to work 200 kilometres from that base.¹⁴⁵ Yet Col Labbé agreed in testimony "that only with a good understanding of the situation that you are going in to deal with can one craft a useful helpful mission statement".¹⁴⁶

Operation Deliverance began, in effect, on December 6th when U.S. Marines went ashore in Somalia. At the time, Col Labbé and his staff officers were busy trying to prepare plans, arrange for transportation, and complete their personal affairs.¹⁴⁷ The headquarters and the Commander were ready to go on December 10th, but their departure was delayed until December 12th. In less than two weeks, Col Labbé and his ad hoc staff, drawn from 1st Canadian Division Headquarters were on their way to Somalia. The efforts they made to meet the departure deadline set by the CDS were commendable. But what were the implications of this rush to deploy?

The fact is that Col Labbé was placed in a dangerous and vulnerable position. He was not aware of the state of training, discipline, or morale of the troops under his command. Although LCol Mathieu had told Col Labbé that the "boys are good to go", Col Labbé ought to have been informed about the considerable problems in the unit.¹⁴⁸ Col Labbé testified that he did not hear until after the deployment that BGen Beno had recommended to LCol Mathieu that 25 CAR members' assignments should be changed or that they should not be sent to Somalia.¹⁴⁹ There was no formal or informal briefing of Col Labbé that gave him a picture of the CAR's recent history.¹⁵⁰ He did not know the majors commanding the commandos, except for Maj Pommet, who was from his own regiment.¹⁵¹ Col Labbé thought it was CAR's turn to go on a peace support operation and

that, from Ottawa's perspective, it was possibly a choice of sending the CAR or not participating at all.¹⁵²

Col Labbé was also confident and accepted the quick deployment timetable based on his belief that planning for Operation Cordon had been completed satisfactorily and that the CAR had been checked and declared operationally ready by officers senior to him. As he testified, "I knew the other players, General Beno, General MacKenzie and General Reay, and my confidence in them was complete as well. Therefore, any commitment to the Airborne Regiment Battle Group with their endorsement further enhanced my confidence."¹⁵³ Col Labbé was not required, nor did he ask, to make an additional formal declaration of readiness.¹⁵⁴

Col Labbé was about to go on an unusual Chapter VII mission with a unit he did not know and without an aim for the mission having been defined. Yet no senior officer took the time to outline to Col Labbé the national and CF objectives, and restrictions or constraints on the mission, or even his terms of reference. Col Labbé had no direct discussions with Gen de Chastelain or Cmdre Cogdon, the senior J3 planner at NDHQ. Nor does Col Labbé recall any discussions with MGen Addy, LGen Gervais, LGen Reay, or BGen Beno.¹⁵⁵

He testified before us that Operation Deliverance "was very unique" in that he did not have a national operational mission before going and had to make plans without the benefit of a useful reconnaissance. Col Labbé stated that CJFS had only "a mission statement that allowed us to be Abby to get to [the] theatre."¹⁵⁶ Nevertheless he saw no doctrinal or practical fault with this situation and made no complaint or even comment about the situation to his superiors:

My point is that NDHQ issued a warning order with a mission statement...which was really a force generation...type of mission statement...to provide these forces to the combined Joint Task Force in Somalia. And that, in my estimation, although it was not a mission statement from an operational perspective telling me what I was going to do in Somalia, because clearly NDHQ had no idea what it was exactly I was going to do once I was in Somalia....the force package was developed [on the basis of certain] tasks that we anticipated possibly doing.... The mission statement which guided our operations in Somalia overall from the start was the UNITAF mission statement that General Johnston had and that translated down to the various levels of command in Somalia.¹⁵⁷

In fact, neither Col Labbé nor his staff contributed directly to the operational planning process before they arrived in Somalia. They simply gathered information, made contacts with commanders, and put liaison officers in place. In Canada, Col Labbé had little discretion or influence on the mission, training, force composition, logistical support, equipment selection, or deployment timings. The CDS was the principal commander who took every critical decision concerning the mission, and his staff at NDHQ acted on his behalf to implement those directions as best they could.

When Col Labbé arrived in Mogadishu with an advance party of 12 Canadians on December 14th, he had no idea where his troops would go or what they were expected to

do. Canada had simply lent CF troops to the U.S. force Commander to do with as he liked. The CDS expected Col Labbé to make up a plan on the ground in Somalia to facilitate Gen Johnston's plan. As far as the commanders and principal staff officers were concerned, getting to Somalia was the plan.

CF Criticisms of Planning for Operation Deliverance

Not surprisingly, CF officers were not entirely satisfied with the planning for Operation Deliverance and noted their criticisms freely in staff reports and after-action reports. For example, in his report following a staff visit to Somalia in March 1993, Col O'Brien, J3 (Operations) at NDHQ, noted that the manning ceiling

became immutable and the force had to be constructed within [it]. This is seen as a major error in operational planning. This decision resulted in inadequate capability within the HQ CJFS, no security force for HQ CJFS, no national support element to support a force at the end of an 8000 mile line of communications with combat personnel deployed 360 km away at the end of a narrow difficult main supply route; and inadequate [numbers of] second line and administrative and logistics personnel to support mobile operations.

...the end of UNOSOM 1 [Operation Cordon] and beginning of Operation Deliverance precluded a reconnaissance in-theatre, [so there was] uncertainty regarding operational and logistical equipments needed.

Although Operation CORDON was planned originally as an administrative move, Operation Deliverance demanded a tactical deployment. This error resulted in some troops arriving without weapons, vehicles were not combat-loaded, and combat supplies were not available. In future operations the operational concept must be clearly defined before deployment begins.

Some shipments of essential supplies arrived in-theatre by commercial air and sea in a haphazard fashion, often without shipping advice. In some cases long delays were encountered without clear knowledge as to where a given shipment was at any given time.¹⁵⁸

Many criticisms of the planning process for Operation Deliverance were recorded in the document "Operation Deliverance: Final Report of Lessons Learned". The following small sample of criticisms illustrates the types of problems officers identified in hindsight that should have been addressed properly with foresight.

...there was insufficient time to thoroughly revisit and make all the necessary adjustments to the plan prior to deployment.... An administrative move had already been planned for Operation Cordon, but Operation Deliverance required a tactical move, [and] it was too late to pre-position all the required stores and equipment at a staging area to allow for a full tactical move.

The hasty preparation for Operation Deliverance resulted in inadequate reconnaissance and advance party representation. This aspect of the mission was even more important in the case of Somalia as the country was devoid of infrastructure and very little was known about the area of operations.

...the artificially imposed manpower ceiling...created difficulties from the outset. Attempts to stay within this limit resulted in reduced personnel and logistic support, which consequently hampered operations.

...the number of headquarters involved was excessive. The plethora of concerned parties, 'helpful' suggestions, confusing and conflicting direction from various sources and demands for information from all quarters artificially increased the difficulty of the mounting and deployment process.

...the entire process of mounting the operation was rushed. Chains of command, lines of communication, delineation of responsibilities, and most standard means established for doing business were perverted to get the mission accomplished in the limited time available. This was particularly unfortunate in light of the dangerous nature of the mission being undertaken. ...it is not proper to dispense with tried and true procedures in the interests of meeting politically expedient goals.¹⁵⁹

Some senior staff officers at NDHQ were candid in their criticism of planning for Operation Deliverance after it was completed. In after-action reports they cited several critical shortcomings, including the following:

- the failure by senior management to provide planners and commanders with an agreed mission statement;
- the tendency for staff officers to develop plans, rather than the commander who was going to execute the plan or order (the staff officers saw the CDS as responsible to develop the strategic level plan and provide strategic level guidance and direction);
- the failure of leaders to make the political aim clear to working-level planners;
- the overall failure of the planning process attributed in part to confusion in documents and instructions at NDHQ;
- the overlapping and confused relationship between J3 Operations, J3 Peacekeeping, and J3 Plans, which led to delays or duplicated responses;
- the uncritical acceptance by Canadian officers of foreign military opinions; and in future,
- insufficient examination of the consequences of changing the mission, resulting in inadequate attention to logistics and incurred risks without a full assessment of the long-term impact.¹⁶⁰

Officers from the field were as critical of the planning. Col Kennedy, Chief of Staff of 1st Canadian Division Headquarters stated (in relation to the ceiling on personnel) "any force should be based on an estimate of the situation, be it a tactical or strategic one. In the case of Operation Deliverance the speed at which the overall concept of operations evolved throughout the deployment phase precluded a detailed mission analysis and estimate. This makes the imposition of a manpower ceiling prior to launching the operation even more enigmatic."¹⁶¹

The after-action report prepared by the Commander of Land Force Command contained several observations about the disjointedness of the planning process, the lack of adequate battle procedure, and reconnaissance. The Commander was particularly critical of the ceiling on personnel imposed by NDHQ:

The whole system is wrapped around the personnel ceiling...to the point where a Command HQ is wasting...effort over the position of one soldier.... NDHQ should be cautioned in hanging any number figure to the operation until all the staffing is complete or else we will continually see ourselves in the Operation Deliverance situation where we are constantly sending in more troops in a piecemeal fashion that clearly does not work and is much more expensive in terms of resources. The solution is for NDHQ to give the mission and task to LFC... [and then] LFCHQ will... determine the structure based on previously agreed upon building block design.... If the mission changes such as it did for Operations CORDON/DELIVERANCE then the process must be started again and time given to professionally complete the estimate.... We have learned that incrementalism is very expensive.¹⁶²

The Commander of LFC and his staff were also criticized by their subordinate commanders. The Commander of Land Force Central Area commented that the detailed contingency plan issued by LFC "created no end of heartache as the organization and training changed. The contingency plan was in too much detail and [gave direction] three/four levels down from army headquarters."¹⁶³

The operations order produced by the Commander of LFC for Operation Cordon "while well done and comprehensive, was of limited value/use by the time it was received as the unit had already been declared operationally ready." Planners "immediately assumed that once the US was involved they would solve all the [CF] 'engineer' problems."¹⁶⁴ This may have been an overly optimistic description. If the mission changed, as it did for Operation Deliverance, then planners should have taken the time necessary to do another estimate to determine whether the initial assumptions were still valid.

FINDINGS

- *There is no evidence that CF doctrine and procedures for planning, mounting, and deploying operational forces are invalid or weak, so long as a reasonable amount of time is available for their use. The army's staff procedures in particular seem entirely appropriate, and the technical staff training of officers appears to be adequate.*

- *When battle procedure -- reconnaissance, estimates, plans, orders, and deployment -- is followed, the evidence suggests that the right force, appropriately equipped, will be deployed in the right place with adequate support. At least, the procedure provides for an orderly method of arriving at completed staff work and recommendations for commanders.*
- *In this instance, however, senior commanders and senior staff officers were more concerned about the political, governmental, and departmental factors affecting the operation than about the assessment of military factors, which is their obvious responsibility.*
- *Senior officers of the CF tended to focus their assessment of operations on the deployment of forces, not the employment of forces. This frame of mind had (and has) several negative effects on operational planning:*
 - *Planning for CF operations under UN mandates relies too heavily on UN and other nations' assumptions, estimates, reconnaissance, and criteria, even though in many instances these factors were in contradiction of CF doctrine, policy and plans.*
 - *Commanders and staff officers at all levels confused the idea of "ready to go" with the more complex question of whether a unit was ready for employment on the intended operation.*
 - *Senior commanders were content to pass to allied or foreign commanders responsibility for critical national command decisions affecting the CF in such matters as the aim of the operation, rules of engagement, and the conduct of CF operations. It is clear from the orders issued that, in effect, senior CF officers accepted the idea that Canada could lend troops to other nations and organizations with little regard for how those troops would be employed. This was a regrettable abdication of national command.*
- *The plans for Operation Cordon and Operation Deliverance, which emphasized their administrative, transportation, and deployment aspects but neglected the operational aspects, reflected an obvious confusion about national command responsibilities.*
- *Senior commanders did not adequately address fundamental military factors requiring their personal attention. They did not provide a clear statement of the operational mission; analyze the steps necessary to accomplish that mission; complete an adequate estimate of the situation and an assessment of tasks to determine systematically the force size, composition, and organization needed; assess the rules of engagement from a Canadian perspective; or properly estimate the time the CF and, especially, unit commanders, needed to respond to their orders. Nor did they allow sufficient time for thorough assessments of the readiness of units and to correct deficiencies discovered in assessments. These failings were particularly evident in the period between the cancellation of Operation Cordon and the deployment of the CJFS on Operation Deliverance.*

- *The rush at the higher level of command to deploy the CJFS obliterated battle procedure and planning at the lower levels of command, forcing commanding officers to take unnecessary and potentially dangerous risks.*
- *At no level in the Canadian Forces were there standing operational procedures for UN duty, or standing plans for the deployment of the CAR on UN duty, despite the fact that the CAR was the Canadian Forces standby unit for UN operations and had been such for several years.*
- *Some staff officers at Land Force Command Headquarters and at NDHQ warned their superiors that the mission was not well understood, that the deployment was rushed, and that the mission would stretch the resources of the CF, particularly the army. Their advice and warnings were largely ignored.*
- *Officers commanding Land Force Command and Land Force Central Area were particularly passive during the planning process and in framing and issuing orders to the Special Service Force and the Canadian Airborne Regiment. Although senior officers at LFC Headquarters had serious reservations about the mission, organization, and operational concept for Operation Cordon and then Operation Deliverance, their reservations were not brought to the attention of their superiors, and no serious objection was taken to these poorly conceived and prepared plans.*
- *Estimates of the situation prepared by commanders or prepared for them by senior staff officers were universally incomplete, overly dependent on untested assumptions, and lacking in basic information and professional rigour. They were undependable sources for senior decision makers but were accepted by these officers without comment.*
- *Staff officers informed the CPS that the situation in Somalia was "unknown and therefore the capabilities needed to accomplish the mission... cannot yet be determined." Yet a recommendation that the Canadian Forces could provide a unit for this unknown mission was accepted.¹⁶⁵*
- *Commanders and senior staff officers settled on the CAR, early in the planning process and uncritically, as the base unit for deployment to Somalia. No reviews or inspections were conducted to confirm the suitability or readiness of the unit after July 1992 until Exercise Stalwart Province was conducted in October 1992. By then, officers thought it too late to change the designated unit, even though BGen Beno told MGen MacKenzie in mid-October that the unit had serious problems caused by indiscipline, poor training, and weak leaders, among other things.*
- *The chain of command was repeatedly found wanting during planning for Operation Python, Operation Cordon, and Operation Deliverance.*
- *Operational planning was confused and unco-ordinated at Special Service Force Headquarters and in the CAR because they had no reliable operational information on which to base decisions.*

- *The reconnaissance conducted by LCol Morneault and other officers occurred too late and after the principal decisions concerning force composition, organization, equipment, support, deployment area, and command and control had already been made at NDHQ.*
- *Planning doctrine and norms were corrupted entirely in the rush to implement Operation Deliverance. The mission was not well understood or analyzed by commanders. No reconnaissance was conducted nor was this failure redressed by the early dispatch of an advance party to collect information with which to adjust the plan or force organization.*
- *No estimates of the situation were prepared for Operation Deliverance. The military planning process was unreasonably and dangerously compromised by 'political' considerations when there was no good reason for this to occur. There was no national operational plan for Operation Deliverance, although NDHQ did prepare deployment and administrative plans.*
- *No commander or staff conducted a pre-deployment review or rehearsal of the plans for the CF contingent before it deployed to Somalia. Even a modest staff exercise on the basic elements of the plan might have alerted senior officers to its fundamental flaws.*
- *National command and control arrangements for Operation Deliverance between the CJFS and NDHQ were confused and ad hoc. The CF did not have standing orders or arrangements for the national command of Canadian Forces on active service on international operations, despite many years of experience with peace operations.*
- *The Commander, Col Labbé, had no knowledge of the pre-deployment planning, problems, or training of the Canadian contingent. He had no national orders beyond those to deploy to Somalia. His staff, drawn from the 1st Canadian Division Headquarters, were untrained for peace operations and had never worked together with the troops that would be under command. Moreover, CJFS Headquarters was not trained as a unit and had never exercised as a headquarters unit in the configuration used in Somalia.*
- *At this point there was no reasonable chance to assess the situation and mission or to influence the operational plan for Operation Deliverance before they went to Somalia. Even after the situation became known, no objections were raised to these conditions, nor were requests made to adjust the plans.*
- *The CARBG was formed for Operation Deliverance in December 1992, and commanders did not allow time for battle group training or readiness evaluations in Canada or in Somalia. Indeed, officers commanding units and their subordinates in the newly formed CARBG were not given a reasonable amount of time to plan and prepare for Operation Deliverance. This was especially the case for units such as A Squadron, Royal Canadian Dragoons, which was warned for the deployment and given only days to prepare to go to Somalia. In that brief period, officers were required to change units' organizations, load and prepare*

- equipment, and ensure their soldiers were personally prepared for deployment. They conducted no battle group training whatsoever before they left Canada.*
- *Poor operational planning caused significant dislocations during the deployment. Wrong equipment was sent to the theatre of operations. Much of the equipment that did arrive came in the wrong order and was unfit for use. Units were ordered into operations in Somalia with insufficient ammunition, defence stores, weapons, and supplies. Much of the communications equipment issued to commands of the CJFS, intended to allow commanders to control operations, was incompatible.*
 - *The CJFS arrived in Somalia to conduct operations in a dangerous theatre in a low state of readiness, without proper orders, training, and logistical support, and with ad hoc command arrangements and under the command of an inexperienced officer.*

FORCE STRUCTURE

The force structure for a military operation flows from the mission assigned and the estimate prepared to assess what is needed to complete the mission. A comprehensive and complete estimate allows the commander not only to develop a plan, but to verify that the mission can be accomplished with the resources assigned.

For Operation Deliverance this pattern was not followed. No military estimate was completed, and no specific mission and tasks were assigned. Instead, a general task was assigned and a limit was placed on the number of personnel (referred to as the 'manning ceiling') before any significant planning was completed. Developing the force structure became a guessing game, since it was impossible to determine exactly what combination or mix of combat and logistics resources would be required. In this section we examine two major issues related to mission planning: the circumstances that led to imposition of the manning ceiling, and the impact of the manning ceiling on the composition of the Canadian Airborne Regiment Battle Group.

Manning Ceiling

Many of the difficulties encountered in Somalia were attributable to the imposition of an arbitrary 'manning ceiling' before the needs of the contingent had been properly assessed. CF operational planning doctrine contains no such concept. First, the process of determining what is required to complete a mission is not normally limited at the outset by preconditions or restrictions on resources. Second, conclusions concerning force levels and organization are usually stated in terms of unit types, not numbers of personnel. For example, after an estimate is completed a commander might conclude that one infantry battalion is needed for the mission; a commander would rarely state that 831 people are needed for a mission.

The introduction of an arbitrary limit on personnel before completion of an estimate by the commander responsible for the mission distorts doctrine, planning, tactical concepts, standing operating procedures, and, most important, unit cohesion and organization. These effects are exaggerated when they cause reorganization and retraining under stress.

We are convinced from the evidence that the establishment and enforcement of a 900-person manning ceiling was unrealistic and unfortunate, and resulted in a chain reaction

of negative consequences. Unfortunately, the evidence does not show how the restriction was arrived at and by whom. In testimony, however, Gen de Chastelain and Mr. Fowler suggested that they took the decision together to impose a ceiling on planners and commanders.

We believe that the decision was influenced by a combination of factors, including poor judgement, hasty and erroneously calculated estimates, poor communications between senior ranks at NDHQ and mission planners at Land Force Command and Land Force Central Area, concern about costs, and political expedience. The evidence also shows that the Deputy Minister was particularly influential in setting the ceiling¹⁶⁶ and that the Chief of the Defence Staff made the decision with the Deputy Minister.¹⁶⁷ There was a reluctance to change the restriction as conditions changed.

Although both the CDS and the Deputy Minister testified that the ceiling was intended only as a "guideline", it came to be seen as a planning limit, and as such it was conveyed to the senior planning ranks and the chain of command and affected many critical decisions during the pre-deployment period.

Indeed the most troubling aspect of the manning ceiling was that financial considerations in general, and personnel numbers in particular, seem to have been pre-eminent factors in mission planning. It appears that the practice of setting such limits even before a mission is known and tasks are assessed had become standard well before any prospect of a mission to Somalia. This approach may have been in response to UN attempts to balance national peacekeeping commitments. We certainly recognize that resources, including people, will always be scarce, and that using them carefully is routinely required. Nonetheless, planning for military operations cannot be expected to succeed if the size of the force is decided upon before the task is assessed. It is the extent to which departmental or bureaucratic factors outweighed the assessment of military factors that is at the centre of our concern about imposing a manning ceiling on the planning process and ultimately on the Canadian Forces contingent that went to Somalia.

The Ceiling for Operation Cordon

For Operation Cordon, the United Nations sought a battalion of up to 750 personnel.¹⁶⁸ In early August 1992, Canadian officials were looking closely at events in Somalia and the need for forces in support of an operation there. However, they were concerned -- predictably enough, at a time of budgetary restraint -- about the costs of the operation.¹⁶⁹ Nevertheless, in a letter to the Minister of National Defence on August 28, 1992, the CDS and the DM sought approval for a 750-member battalion. They recommended that the Minister also approve the assignment of not more than 15 headquarters personnel to UNOSOM and an air traffic control/airlift control element of not more than 60 personnel. Their recommendation was subject to two conditions: the UN must submit a formal request, and acceptable security arrangements were to be in force. Neither the letter nor any other known correspondence of August or September 1992 makes clear the basis for authorizing a battalion of precisely 750 personnel.

Before Operation Cordon evolved into Operation Deliverance, the personnel ceiling had already affected adversely the prospects for Canadian success. In general, Operation

Cordon was a peacekeeping mission under Chapter VI of the UN Charter, but it included something more, as its goal was to establish a secure environment for the provision of humanitarian aid.¹⁷⁰ The tasks of the CF were threefold: to provide security at the port of Bossasso as supplies were unloaded and at the base camp; to deliver supplies to the surrounding villages; and to furnish support to the deliveries, especially through reconnaissance and convoy escorts.¹⁷¹ If Operation Cordon had taken place, several factors might have helped the CARBG in discharging its tasks. A Canadian base camp would have been easier to establish at Bossasso than in the interior of Somalia: at Bossasso, there would have been no need for personnel to transport Canadian vehicles and materiel far inland. Furthermore, a reconnaissance team had visited the Bossasso vicinity, so the projected area of operation would have been somewhat familiar. That reconnaissance had determined that motorized forces, trained to work in small groups, could best discharge the tasks outside Bossasso.¹⁷²

Operation Cordon did not have, but probably required, a mortar platoon. Similarly, armoured vehicles for infantry were desirable for forces operating outside Bossasso, but they were not added. The Signals Platoon was another element that received insufficient attention in the preparations for Operation Cordon. The manning ceiling forced the CO to choose between the need for signals personnel and the need for other headquarters personnel.

Operation Deliverance

Implications of the Change in Mission

A type of ad hoc and abbreviated planning for Operation Deliverance began in early December 1992. At a meeting at Camp Pendleton Col Labbé obtained a verbal commitment from LGen Johnston, the Commanding General of the Unified Task Force (UNITAF), that the Canadians' resources would be complemented by U.S. Marine support in various areas, notably related to military police and logistics.¹⁷³ Although LGen Johnston's commitment seemed to compensate for Canadian parsimony, the offer became much more difficult to implement once the CARBG became responsible for the Belet Huen humanitarian relief sector.

The only support route connecting Belet Huen with Mogadishu was an insecure road extending hundreds of kilometres. This area of operation was less familiar than Bossasso, especially as no reconnaissance had taken place. The shift in area of operations exacerbated the consequences of the manning ceiling. Almost immediately, the lack of logistics personnel and resources became apparent as the CARBG attempted to transport materiel and vehicles into the interior and to establish Canadian facilities at Belet Huen. Since the new area of operations was significantly larger than the old, air transport became a more important means of moving supplies and personnel.¹⁷⁴

Operation Deliverance, as part of a UN Chapter VII mission, raised the spectre of armed conflict,¹⁷⁵ thus increasing the requirement for the CARBG to be prepared to disarm belligerent factions as necessary.¹⁷⁶ The CARBG's fighting function therefore came to the foreground, and combat support to the rifle commandos grew vitally important.

Nevertheless, the rifle commandos were reduced from 120 to 110 members each to meet the ceiling.

Several problems evident during the planning period set the stage for difficulties in calculating the size of the commitment. NDHQ was uncertain about how to prepare the contingent because its tasks and functions were vague. Canada had offered troops but did not know how they were to be used. Moreover, some officers were under the impression that this was to be a quick peace enforcement mission, requiring only a lean battalion with minimal secondary support.¹⁷⁷

This lack of clarity in the requirement was compounded by the fact that the CDS did not discern any great differences between conducting a peacekeeping mission and conducting a peace enforcement mission.¹⁷⁸ Consequently, a major reassessment of the types of personnel and numbers required was not undertaken. Even after Canada was reassigned to the Belet Huen Sector on December 19th (only 13 days previously Canada had been designated responsibility for security at the Baledogle airport), NDHQ planners did not consider re-evaluating the estimate, despite the rushed changes and alteration in location. By accepting the ceiling of 900 on December 4th, the mission planners acted prematurely. It would have been wiser to wait until after the mission had moved to Belet Huen and a new assessment of conditions could be undertaken before setting limitations on the operation.

Restriction or Guideline?

There was also confusion about whether the manning ceiling was meant to be a rigid cap or a flexible estimate. In testimony, witnesses used a variety of terms to describe the manning ceiling: cap, guideline, planning figure, estimate. No single definition of a 'manning ceiling' was ever given. Mr. Fowler described the 900 figure as a guideline, stating that every deployment has a manning figure attached to it and that it is common practice for that number to be exceeded.¹⁷⁹ According to Gen de Chastelain, the real figure lay between 875 and 900 but was not intended to be "conclusive".¹⁸⁰

Yet from the testimony before us, officers were under the impression that the number given repeatedly in orders was a ceiling not to be exceeded without considerable effort. In fact, Mr. Fowler started before us that he expected planners to live within the restriction. In his view, "there's no doubt that the force planners would have constructed a unit trying to live within [the ceiling]."¹⁸¹ Although both the CDS and the Deputy Minister testified that they assumed difficulties caused by the manning ceiling would be brought to their attention, no officer or official at NDHQ or in the chain of command explicitly made that assumption clear to subordinate commanders and staff officers.¹⁸²

Dividing up the 900

Almost as soon as the NDHQ warning order was issued, criticism erupted from Land Force Command that the ceiling was unduly constraining. It was pointed out, for example, that the ceiling did not appear to include staff for a joint force headquarters (JFHQ). Indeed, it was seen as incredible that headquarters staff would consist only of 11 to 24 personnel.¹⁸³ However, the priority was to maximize the number of front-end soldiers, to cut "nonmilitary-essential" positions, and to minimize support functions.¹⁸⁴

There was a call from Special Service Force Headquarters for the figure of 870 CARBG members to be revoked and a final establishment of 921 persons to replace it.¹⁸⁵ On December 5th, Warning Order 01 declared that the split would be 870 CARBG members and 30 JFHQ personnel.¹⁸⁶ There was little monitoring by NDHQ or consultation with the operational level when this composition was conceived.¹⁸⁷ Yet four days later, the second warning order showed a significant change in the configuration, to an 845 CARBG/55 JFHQ split.¹⁸⁸

Col Labbé gave little attention in his testimony to problems associated with the cap. In fact he believed the cap was realistic and emphasized that operations functioned well in theatre. His perception was that after arriving in Somalia, he would be able to conduct a new requirements assessment. Furthermore, any shortcomings were rectified by the ability of CARBG to borrow, exchange and share resources.¹⁸⁹ This contradicted his earlier testimony that he returned several times to Col O'Brien at J3 Operations asking for an augmentation before deployment. He was told that the ceiling was firm.¹⁹⁰

Indeed, even before the advance party left for Somalia, Col Labbé expressed concern about staffing for his headquarters. He claimed that he could not operate both a joint force and a joint force headquarters with the allotted 30 positions. His Chief of Staff, LCol Young, stated that even the partial solution of double-hatting eight positions was insufficient.¹⁹¹ Col Labbé's priorities were focused squarely on his headquarters needs. Pressing concerns about shortfalls in the CARBG, particularly insufficient logistics and engineering support, were disregarded. The advance party deployed without staff in all of the key areas, so some of the more serious problems did not manifest themselves until early January.¹⁹² Nonetheless, once these problems became apparent and were noted in the January 19th augmentation request, Col Labbé still believed the most serious personnel deficiency was at JFHQ.¹⁹³

The 'Can Do' Attitude

As the evidence indicates, Col Labbé was having difficulty managing with a manning ceiling of 900. If he exceeded the cap during the planning phase, LCol Young had to justify the decision to Col O'Brien.¹⁹⁴ LCol Mathieu and his officers struggled to stay within the 845-member limit. Despite these obvious problems, at every level there appeared to be a general reluctance to notify superiors of the unrealistic ceiling. This timidity is questionable, given that it is contrary to doctrine.

A leader who believes that he has insufficient resources...should first attempt to acquire additional resources from his superior commander. Failing this he should attempt to have his task modified or a new task assigned.¹⁹⁵

In fact, Col Labbé did request additional support on several occasions but was refused. Subsequently, he rationalized the manning cap, and the need for further resources beyond the JFHQ staff was underplayed.

What led commanders to accept without question the rigid ceiling on personnel? Was it adherence to that unwritten but ubiquitous norm -- the 'can do' attitude? Whatever the reasons, neither formal nor fundamental concerns were ever expressed by the Operational Commander to the Commander of Land Force Command, LGen Gervais (later LGen

Reay) or to the Deputy Chief of the Defence Staff (Intelligence, Security and Operations), MGen Addy (later RAdm Murray). These officers agreed in testimony that if anyone had presented them with a "showstopper, they would have contacted the CDS to request an increase in the ceiling.¹⁹⁶ LGen Addy did, in fact, have concerns early on about JFHQ staffing and discussed them with the CDS, who encouraged all showstoppers to be brought forward.¹⁹⁷ Mr. Fowler apparently also encouraged questioning of the ceiling if there was good reason.¹⁹⁸ The focus on "showstoppers" and "good reason" had an ominous tone.

Although the term 'showstoppers' was not defined by any of the numerous witnesses who used it, the inference is definitely one of stopping the operation. To encourage staff to bring to the attention of commanders any issue that might stop the operation is certainly not unusual. It is to be expected. What it implied, however, is that staff were cautioned to bring to the attention of the CDS only those issues considered 'showstoppers'. The Deputy Minister's "good reason" can be interpreted as having a similar meaning. Therefore no one took responsibility for bringing forward any of the many minor items -- the lack of pay clerks, postal clerks, mechanics, Military Police, logistical resources -- that together might have prompted leaders to reassess the strength of the force. While individually the issues might seem insignificant, if they had been seen together in the context of a coherent plan by experienced military planners, their collective importance might have been recognized as a 'showstopper'.

Was there a mixed message here? Was the open door policy on questioning the cap genuine? In his testimony, Mr. Fowler cited Col Labbé's initiative of January 19th as evidence that requests for additional personnel were filled.¹⁹⁹ On closer inspection it must be noted that the initial request was ignored. A February 10th J1 Operations message indicates that no decision on sending additional personnel had yet been made. The designated personnel arrived in Somalia only in early March. Gen de Chastelain stated that he heard no complaints about the manning cap and thought the requirement to stay within it had been deemed appropriate.²⁰⁰ The numbers had already been costed and the decision formalized by Cabinet. It appears that planners were free to go through the motions of requesting more personnel during the mission planning phase, but the chances were slim that requests would be granted.

The perception that the policy was "come and ask for more, if you dare" is strengthened by the testimony of the Deputy Minister, who stated that among his responsibilities was the need to keep expenditures down. Clearly passing judgement on the force planning capability of the CF, he stated:

[I]f you let the force planners have everybody that they thought they might need on a deployment, there would be nobody left at home.... I have a concern that requires me to ensure that we don't spend money unnecessarily...²⁰¹

No explanation was given for why military force planners were not trusted to make reasonable professional choices. Even more troubling and perplexing is the lack of a strong rebuttal from commanders and military planners.

Six weeks after the initial deployment, another 185 people were added to Canadian Joint Force Somalia. This shows clearly that the initial ceiling was a result of poor planning on the part of NDHQ and caused undue hardship for more than three months for personnel already in theatre. Mission requirements had not changed; we can only conclude that if 185 people were needed in March 1993, they were also needed in December 1992.

Serious Consequences

The initial decision to restrict the number of personnel to 900 would have profoundly serious and far-reaching consequences in theatre. In the November 1993 after action-report, the cap was criticized as a "seemingly arbitrary figure" and the "most controversial issue of the deployment", which "caused numerous long reaching effects on the conduct of operations." The arbitrariness of the number raises questions about whether the 900 figure was an error in judgement or was indeed intended simply as a guideline. The post-mission analysis blames the rapidity with which the mission concept evolved for the poor analysis and estimate. Whatever the cause, it is evident that the decision was ill-thought out and went largely unquestioned at the operational level. As the after-action report states: "Instead of defining which personnel were required for the mission this HQ was told what the final count would be."²⁰² The result was shortages or the absence of personnel that would be key to the mission.

Lack of Military Police

When Operation Cordon was in the planning stages, three Military Police (MPs) were to have been attached to the CAR, all at the non-commissioned officer level. This number was reduced to two MPs for Operation Deliverance.²⁰³ This reduction was problematic for several reasons.

- First, MPs were not considered 'essential military personnel' so their reduction could be rationalized. Only combat personnel could be added to the 750.
- Second, the troops were being prepared for the possibility of combat and were in a state of armed readiness. Yet little forethought was given to how detainees would be held, a function normally performed by MPs. Indeed, a minute sheet attached to the December 9th amendments included a warning of the potential risks resulting from that fact that the CARBG would have virtually no capability to handle prisoners of war and detainees.²⁰⁴
- Third, in early December, Col Labbé received a promise from BGen Zinni, Deputy Commander of the U.S. Central Command, and LGen Johnston that any resources required could be obtained from the U.S. MP battalion.²⁰⁵ A memorandum of understanding was to follow setting out the terms for borrowing, among other things, policing support. However, the final details were never negotiated. The change in area of operations also meant that the CARBG was now to be located more than 350 kilometres from the U.S. MP unit in Mogadishu.

- Finally, concerns were voiced about the lack of an MP at the officer level. There was no one to advise Col Labbé. On December 7th it was recommended that either a captain or a major be added to CJFS Headquarters and that a second line MP unit be added as part of the sustainment package.²⁰⁶ The Land Force Command MP Provost Marshal sent repeated warnings about the insufficiency of the numbers.²⁰⁷

Insufficient Engineering Personnel

The engineering squadron, originally set at 106 soldiers, was reduced to 81 on the assumption that the force must be pared down and lean. Consequently, the CARBG arrived with "extremely limited [engineering] support beyond the provision of basic combat supplies".²⁰⁸ Many of the specialized equipment technicians were left in Canada.²⁰⁹ There were also "critical shortfalls" in the number of engineers available to provide crucial systems such as power generation, water production and storage, storage of petroleum, oils, and lubricants, and refrigeration.²¹⁰ The desert climate caused equipment malfunctions, increasing the demands on the engineers. Engineer support from the UNITAF coalition was required to establish CJFS Headquarters and prepare the Belet Huen site.²¹¹ Little time could be devoted to assisting the 'hearts and minds' aspect of the mission,²¹² and there was only one J3 engineer to advise Col Labbé.²¹³ As early as January 19th, Col Labbé requested 11 more engineers.

Poor Logistical Support

A national support element (NSE) had been considered unnecessary. A makeshift NSE, in the form of the Service Commando, was included in the 845-person ceiling set for the CARBG.²¹⁴ This was before the change in location. Now there was no nearby harbour for the easy unloading of supplies. Transportation was slow over the only passable road between Mogadishu and Belet Huen. On January 19th, 21 NSE personnel were requested from NDHQ to help support personnel to unload the ships and to control the flow of personnel and materiel in and out of Mogadishu.²¹⁵

Other Personnel Shortages Affecting Operations

Interpreters are a valuable source of information on local customs and traditions and indispensable to officers who do not know the local language.²¹⁶ Yet the CJFS deployed without its own interpreters. The CARBG was dependent on borrowed U.S. military interpreters from Mogadishu.²¹⁷ The 350-kilometre distance meant that interpreters were not available immediately on site. Consequently, if anyone was apprehended at night, the Intelligence Officer had no opportunity to question them until the next day.²¹⁸

The Communications Officer required a further 14 members for the CJFS Headquarters signal troop. The radio detachment, in particular, needed more staffing and tradesmen.²¹⁹ According to Maj Dawson, CO of the Signals Support Squadron, coherence in the structure of the signals organization was ruined by the manning ceiling.²²⁰

Mogadishu was a more violent city than anticipated, and Col Labbé soon discovered that CJFS Headquarters needed a defence and security platoon of 44. The Mortar Platoon of the CARBG was employed in these tasks and was dividing its time between CJFS

Headquarters and the airport near Mogadishu. It was quickly exhausted.²²¹ Eventually, the 44 additional security personnel were sent to Somalia.

Initially, no civil affairs (J5) officer was assigned to the mission because, strangely, civilian/military co-operation was not even a point of discussion during the planning phase. Mission planners had not foreseen the extent of daily contact with non-governmental organizations.²²²

Morale was affected adversely by continuing reliance on hard rations. LCol Mathieu had reduced the number of cooks deployed by 12, leaving only a few.²²³ Poor hygiene conditions, lack of air conditioning and refrigeration, and insufficient cooks reduced the frequency of fresh meals.²²⁴ LCol Mathieu also left behind one of the CARBG's two postal clerks.²²⁵ CARBG members who went to Somalia in mid-December waited up to six weeks to receive mail. Obviously, the morale of soldiers who were living in a harsh environment and had missed most of the Christmas season with their families would have been bolstered by news from home during the early stages of the mission.²²⁶

Organization and Composition of the Canadian Contingent

Canada's soldiers have long had a strong reputation for improvising and adjusting to bad circumstances. Hard work, long hours and stubborn determination have had much to do with their ability to overcome bad planning, careless preparation, and failed leadership. But this comes at a price: reduced confidence in leadership in general and officership in particular. The issue is not whether the force achieved its objective, but rather, what dangers it faced because of poor organization and incomplete composition. It is not simply a question of whether efficiency could have been increased and misery reduced by manning to mission, instead of manning to an artificial ceiling. The question that must also be asked is what hazards Canadian service men and women might have encountered unnecessarily because of inadequate planning, resulting in an imbalanced force driven by an artificial limit on personnel.

The decision to send the CARBG in support of Operation Deliverance cannot be examined in isolation from events leading up to its deployment. As discussed elsewhere in this report, the CAR was prepared, in a variety of configurations, for several operations in 1992 and 1993. As it prepared for the various contingency roles, the CAR evolved into the CARBG; in a sense it became a formation in search of a mission.

Factors Affecting Organization

Several factors must be considered in designing a military force for use in operations. Consideration normally takes the form of an estimate of the situation, which leads in a logical fashion to deductions indicating how and in what strength the force should be composed.

Threat

Information regarding all potential dangers to the force are essential, enabling the commander to determine with accuracy the threat capabilities and potential and what

must be done to guard against them. The commander requires intelligence on potential enemy dispositions, strengths, tactics, habits and morale. Details on topography and weather are also required. This intelligence helps commanders determine whether they have sufficient resources to achieve the mission and take the necessary action if they do not.²²⁷

Mission and Tasks

Commanders receive the mission and tasks from their immediate superior in the chain of command. These have been determined through the process of the military estimate, in which superior commanders consider their own mission and tasks and, having determined a plan, reach conclusions about what is required from each subordinate. Commanders are taught to think two levels down and issue orders one level down, so when a commander receives a mission and tasks from a superior, it is with the knowledge that, in general terms, the mission is achievable in the eyes of the superior. To assist in planning through concurrent activity, 'probable tasks' are usually mentioned in a warning order and detailed in the operations order.

The CARBG received its first warning order for Operation Deliverance on December 5, 1992. The probable tasks were vague: security of sea and air ports, protection of food convoys, security of food distribution centres, and disarming of factions interfering with humanitarian relief operations.²²⁸ The CARBG received its first operations order on December 10th. It did not contain a mission for the CARBG, nor did it elaborate on the probable tasks.²²⁹ There was no evidence that an estimate had been completed.

Grouping

To conduct operations, forces must be blended into task-oriented, balanced teams with a range of capabilities. This temporary combining of organizations from various combat functions and capabilities is called 'grouping'. Grouping takes a fixed organization (for example, an infantry battalion) and attaches elements of other units to flesh out the battalion with the personnel and capabilities needed to achieve its mission and tasks. Attachments are determined when orders are received. The attachments provided to the CARBG were indicated in the initial warning order from Land Force Command.

Balance of Force

Balance is the sense of proportionality in the composition of a force. A military organization designed for operations must be capable of carrying out a wide variety of tasks. The structure must provide sufficient resources to do more than one task at a time, to avoid the need to shift resources each time a new task comes up. A well-balanced force should contain ground holding troops, manoeuvre troops, fire support troops, engineers, air support, and logistics support troops. If there are insufficient troops to do all tasks simultaneously, or when the plan must be implemented in stages, tasks are assigned priorities and the operation is conducted in phases.

Command and Control

Adequate communications facilities and infrastructure enable the commander to prepare and issue orders, communicate, monitor and supervise the implementation of orders, and advise superiors and adjoining formations of progress.

Self-Sufficiency

The operations order indicated that the CARBG was to be self-contained for 60 days.²³⁰ This is considerably longer than a unit would normally be required to be self-sufficient, so additional resources would have to be attached to the unit, including personnel to handle supplies, transportation, postal services, maintenance of vehicles, weapons and equipment, military policing, personnel support, pay support, chaplain support, and food support, as well as resources to operate and distribute them.

Reserves

No matter how thoroughly operations are planned, there is always the unexpected. To cope with the unexpected while completing the assigned mission and tasks, a reserve is required. The composition of the reserve is based on the general composition of the force and is often the equivalent of a subunit; for example, in a battle group composed of combat teams, a force the size of a combat team would be an appropriate reserve. The CARBG had no reserve.

Organization and Composition of the CARBG

Operation Cordon: A Battalion Group

The composition of the CAR battalion group as it prepared for Operation Cordon was outlined by Maj Kyle in his testimony before the de Faye board of inquiry.

Initially, the organization for Operation Cordon was a Battalion Group based on the Canadian Airborne Regiment, as the infantry battalion, as a mechanized infantry battalion...two mounted companies...one dismounted company...Headquarters/Combat Support Company which included the Regimental Headquarters for the Battalion Group Headquarters, Signals Platoon, a Mounted Reconnaissance Platoon...a Direct Fire Support Platoon...an Engineer Squadron...our Service Commando plus additional transport, medical, maintenance and supply elements.²³¹

In summary, the battalion group had a total of 750 military personnel, broken down in a headquarters commando of 132 persons, three infantry commandos of 110 persons each, an engineer squadron of 106 persons, and a service commando of 182 persons.²³²

Operation Deliverance: A Battle Group

Operation Deliverance was not merely Operation Cordon under a new name, it was something significantly different. It was not a UN mission, but a U.S.-led mission. It was not a peacekeeping mission under Chapter VI of the UN Charter but a Chapter VII mission, with the use of force authorized if necessary to carry out its aims. It was not to take place in a peaceful, stable, accessible area but in a war-torn area remote from the capital and from main sources of supply.

One of the few things that remained the same was that the CAR was the unit assigned to the mission.

With the change from Operation Cordon to Operation Deliverance, several alterations and additions were made to the composition and organization of the CAR battalion group, expanding it to a battle group. The main witness called to testify about the composition and organization of the CARBG, LCol Calvin, described a battle group as follows: "a battle group differs from a normal battalion in that it has been structured for a particular operational tasking and it's taken into consideration in its structure, the mission, the threat and the probable tasks that it will be expected to perform once it gets into theatre." He added that what characterizes a battle group is that it always has a mixture of mechanized infantry and armoured troops.²³³

The organizational changes were described by Maj Kyle at the de Faye board of inquiry.

When our mission changed to that for OP DELIVERANCE, organization changed, stayed with basically the Battalion Group, and added on some Engineers, an Armoured Squadron, AVGP Mounted Armoured Squadron, and a Mounted Mortar Platoon from 1RCR, mounted in the Bison.²³⁴

Maj Kyle's testimony concerning the Engineers is in error. As we will see, the number of engineers in fact had to be reduced to meet the ceiling of 845 service personnel. The de Faye board of inquiry explained that the armoured squadron and the mortar platoon that were added were "required as a result of the potential dangers of the mission."²³⁵

On the evening of December 8, 1992 LCol Mathieu was forced to reorganize his unit for Operation Deliverance. He was authorized to add only 95 military personnel to his unit, augmenting the number from 750 to 845.²³⁶

In summary, the CARBG, under the command of LCol Mathieu, had a total of 845 personnel: a headquarters commando of 174, three infantry commandos of 110 each, an engineer squadron of 82, a service commando of 183, and an armoured squadron of 76.²³⁷ The CARBG also included more than 40 reservists²³⁸ (see Figure 25.1).

Figure 25.1: [Canadian Airborne Regiment Battle Group Organization Chart](#)

With these changes, LCol Calvin testified, the CAR "had been restructured into what is really a doctrinal battle group prior to its mission in Somalia". To our surprise, he added that the CARBG appeared to him to be a "well balanced doctrinal organization that has been tailored to the specifics of the mission in Somalia."²³⁹

Headquarters Commando

Headquarters Commando was responsible for the day-to-day operations of the battle group and provided the necessary direction, communications, and intelligence to the CARBG's units.²⁴⁰ Headquarters Commando was composed of the battle group headquarters and the combat support platoons and detachments, although this distinction was not made in testimony before us.

Battle Group Headquarters

The battle group headquarters consisted of the command section, the command post, the liaison section, the Signals Platoon, the intelligence section, the personnel section, the MP detachment, and the public affairs cell (see Figure 25.2).

Figure 25.2: [Headquarters Commando Organization](#)

The command section included the Commanding Officer, LCol Mathieu, the Deputy CO, Maj MacKay, the Regimental Sergeant-Major, CWO Jardine, the signallers, and the drivers.²⁴¹ The applicable doctrinal volume describes their roles as follows:

The CO is responsible for the organization, fighting efficiency, discipline and administration of the battalion. The DCO assists the CO and commands in his absence. The DCO is usually responsible for all administration within the battalion... The RSM advises the CO on matters of discipline and administration affecting other ranks [non-commissioned members].²⁴²

The command post was the focal point for the planning, control and co-ordination of unit operations."²⁴³

Liaison officers' tasks included explaining concepts of particular missions up and down the chain of command, co-ordinating "portions of the battle group's missions by conducting liaison with local authorities over such issues as humanitarian relief", and other "civil affairs projects".²⁴⁴

The responsibility of the Signals Platoon was to provide communications between the battle group headquarters and the commandos and squadrons, as well as and also between the battle group headquarters and the next higher headquarters in the chain of command.²⁴⁵

The Intelligence Officer, Capt Hope, described his duties as essentially assessing "enemy capabilities and intentions":

The intelligence section basically assembles, collates, analyzes reports from the companies that are out in the field and with the aim really to determine any likely belligerent activities...and their dispositions within the battle group's area of operation. Now, in peacekeeping we have to call them information sections normally because we're not supposed to have enemies when we go on peacekeeping.²⁴⁶

The personnel section was under the command of the adjutant, "the unit staff officer responsible for personnel administration.... He also fulfils the function of personal staff officer to the CO".²⁴⁷

The MP detachment was "normally responsible for the conduct of internal unit investigations and traffic accidents and things of that nature."²⁴⁸ There were two Military Police officers with the CARBG, a sergeant and a master corporal.²⁴⁹ The MP section "is commanded by a senior NCO/WO and consists of two or three military policemen augmented, as directed by the CO, by infantry regimental policemen".²⁵⁰ No regimental police were assigned to the regular MP detachment,²⁵¹ a deficiency that was never clearly explained to us.

The public affairs detachment is the "point of contact for the media within the actual unit".²⁵²

Combat Support Platoons

The CARBG Headquarters also included three combat support platoons and detachments: Direct Fire Support Platoon (DFS Platoon), Reconnaissance Platoon (Recce Platoon), and Mortar Platoon. Combat support platoons receive their assignments directly from the CO. "It is largely with these platoons that the Commanding Officer is able to reassign forces to concentrate combat power at the main point where it's most needed."²⁵³ Unlike infantry companies, each combat support platoon is composed of "detachments aimed at manning specialized weapons systems".²⁵⁴

The Direct Fire Support Platoon consisted of 30 soldiers and was equipped with nine armoured vehicles and four long-range night observation devices.²⁵⁵ LCol Bastien told the board of inquiry that the DFS Platoon and the Reconnaissance Platoon conducted "both local security and convoy escort operations."²⁵⁶

LCol Calvin also noted that a defence and security platoon

...is necessary in some operations to protect the command post complex and the headquarters. You have to remember that due to the nature of the jobs, when you're in a command post you're inside a tent or inside a building. You're focussed on either writing orders or answering a radio, and you don't have fields of view to protect yourself against local incursions. And, in a traditional sort of war time scenario, the command post is a very valuable target and vulnerable target to enemy threats, so they have a defence and security element and they operate outside the building. They put up perimeter wire, they control access through the wire into the command post and they have routine patrols to make sure that people who are not supposed to wander in don't wander in.²⁵⁷

The Reconnaissance Platoon, made up of 32 service members, was commanded by Capt Rainville.²⁵⁸ At Belet Huen, this platoon was located in the headquarters camp and had the following tasks:²⁵⁹

...conduct longer range vehicle and foot patrols, establish either overt or clandestine observation post to monitor warring faction activity and if it's necessary, establish an area surveillance plan in support of the battalion area as a

whole. Normally the battalion snipers are located within the reconnaissance platoon should they [be] deployed on an operation.²⁶⁰

A mortar platoon provides a battalion with organic indirect fire support.²⁶¹ LCol Mathieu testified that when he reorganized the CAR battalion group into CARBG in December 1992, he had to reduce the Mortar Platoon from 55 -- the usual number -- to 44, in order to meet the manning ceiling.²⁶²

Infantry Commandos

There were 110 military personnel in each of the CARBG's three infantry commandos. This number represented a reduction of nine members from the official establishment figure of 119 authorized during the summer of 1992.²⁶³ All the members of each commando came from one parent regiment.²⁶⁴ The significance of this practice was pointed out by the military board of inquiry: "The Commanding Officer of the CAR does not have the flexibility his counterparts in other battalions enjoy to move people from one sub-unit to another to obtain a balance of experience and talent".²⁶⁵ 1 Commando and 3 Commando were mechanized (mounted in armoured vehicles), while 2 Commando was dismounted (walked or were transported in trucks) (see Figure 25.3).²⁶⁶

Figure 25.3: Infantry Commando Organization

Each commando headquarters consisted of an officer commanding (OC) (a major), the second in command (a captain), the commando sergeant-major (in the rank of master warrant officer), signallers, and "a small transport element".²⁶⁷ "The OC is responsible for everything within the actual commando, all of the planning, all of the actions that happen and for telling the commanding officer what is going on within his area of operation." The second in command handles the administration of the commando and takes over as officer commanding if the OC is on leave or dies. The commando sergeant-major is responsible for several things, among them good order and discipline within the commando and "excellent advice, normally to the commando's commander on soldier affairs, and he is the company commander's link to the soldiers."²⁶⁸

A commando is "the first level of command that operates with a degree of autonomy on peacekeeping operations."²⁶⁹ The roles and functions of the commando are as follows:

Normally, the commando is given an area of operations and it is responsible for the planning and execution of the daily, routine missions within that area in support of the battalion concept of operations as a whole. An example of commando operations could be routine patrol tasks to establish a presence within their area; in other words, to provide confidence to the local population, co-ordinate search operations to confiscate illegal weapons, and protective convoy escorts for humanitarian supplies.²⁷⁰

Each commando had three 33-member platoons. Each platoon was commanded by a platoon commander, an officer with the rank of captain or lieutenant, whose second in command was a warrant officer in a small headquarters of six personnel. In addition to their small arms, each platoon had a long range night observation device, two C6 general

purpose machine guns, one 84 mm Carl Gustav anti-tank gun, and one 60 mm mortar.

Normally, all members of the platoon work and live together during operations and they share a common bond and for the most part, platoons bear the largest burden of dangerous situations within the unit...it is the quality of performance of the platoons in sections that largely sets the image and reputation of the unit within the theatre of operation. ...Platoons must demonstrate a high level of...proficiency in weapons handling and tactics. They must have a controlled reaction to dangerous situations including live fire, and a superior standard of discipline and reaction to orders.²⁷¹

Each platoon had three sections of 10 persons each, commanded by a section commander, a sergeant whose second in command was a master corporal.²⁷²

The section is really the smallest organization within a unit that can be given a task. Typical section tasks in a peacekeeping theatre would be the conduct of a dismounted or vehicle patrol, the manning of a checkpoint on a road, or the operation of an observation post on a confrontation line.

...They operate under the harshest and most severe conditions and they bear the brunt of the casualties. It is within this section that a soldier establishes either his or her closest peer bondings as the section literally eats, lives, sleeps and works together as an unit. To a large extent, the soldier feels that it is the section group that can most be relied upon in times of danger.²⁷³

Service Commando

The command group of Service Commando included the officer commanding, the second in command, and the company sergeant major.²⁷⁴ There were 183 personnel in that commando. This represented an augmentation of 63 personnel above the official establishment figure of 120 authorized for the CAR Service Commando in the summer of 1992.²⁷⁵ The Service Commando's responsibilities include all the specialized support and administrative services needed to maintain the battalion in the field.

Within Service Commando, the Supply Platoon provided all combat supplies, "everything from combat clothing to sandbags."²⁷⁶ The Transport Platoon moved personnel and equipment, mainly using heavy trucks.²⁷⁷ The ration section stocked and distributed hard rations. The Medical Platoon looked after the sick and injured. The Medical Platoon Commander was Maj Jewer, and the unit surgeon was Maj Armstrong. The organization could provide various medical and dental services, including a two-bed intensive care unit and a battlefield emergency surgery capability. The unit Vehicle and Weapons Maintenance Platoon maintained and repaired all vehicles, weapons and equipment (see Figure 25.4).

Figure 25.4: [Service Commando Organization](#)

The welfare section's role was "morale building".²⁷⁸ The welfare program offered access to television, videos, paperbacks, some sports equipment, and, later on, a limited amount of fresh rations, which usually meant weekly unit barbecues.²⁷⁹

Two padres, one Roman Catholic and one Protestant, accompanied the CARBG; they were helped in providing spiritual and moral guidance by UNITAF chaplains.²⁸⁰ They also provided feedback to the Commanding Officer on "the status of morale within the unit and how people are feeling."²⁸¹ The pay/finance detachment was composed of one officer and two noncommissioned members.²⁸² Maj Lelièvre told the military board of inquiry that pay had been "extremely difficult to coordinate during this operation". Before departure, the pay staff was reduced to three personnel in order to stay within the manning ceiling. Seven more personnel were added in March 1993.²⁸³

At the military board of inquiry, LCol Mathieu testified that when the CARBG deployed, it had only one postal clerk instead of two, because of the manning ceiling.²⁸⁴ Maj Lelièvre gave the following information about this detachment:

...the only postal clerk in-theatre on arrival was in Belet Huen. Contrary to what was stated in the administration order put out by NDHQ, the postal detachment consisting of two personnel did not arrive until the 2nd week in January. As a result, very little mail arrived in the theatre until the fourth week in January. ...An additional postal clerk was added in March after the visit of the logistical support administration team.²⁸⁵

The mobile laundry and bath unit (MLBU) was attached to the CARBG to provide a local laundry capability for personal and military clothing. It also provided a shower facility. The MLBU was "particularly important in Somalia where there wasn't a lot of water". Soldiers were trucked to the MLBU weekly "to get a shower and do their laundry and get their clothes cleaned."²⁸⁶

Royal Canadian Dragoons Armoured Squadron

LCol Mathieu testified that when the CARBG deployed, he had to reduce the number normally found in an armoured squadron from 105 to 76 to meet the manning ceiling.²⁸⁷ Most of the reductions in this squadron were among support personnel.

The squadron consisted of four troops.²⁸⁸ While the basic building block in the infantry is the section, in an armoured squadron, it is a fighting vehicle. That vehicle was the Cougar (a general-purpose armoured vehicle), crewed by three persons and equipped with a 76 millimetre cannon and a 7.62 mm machine gun.²⁸⁹ Each troop had four Cougars, for a total of 16 in the squadron.²⁹⁰

Once in theatre, the squadron's organization was changed, after January 28, 1993, from a tank squadron to an armoured reconnaissance squadron, with a larger squadron headquarters to provide better command and control.²⁹¹

Engineers Squadron

At the military board of inquiry, LCol Mathieu testified that when he reorganized the CARBG in December 1992, he had to reduce the Engineers Squadron from 106 to 81 to meet the manning ceiling.²⁹²

The squadron's tasks included clearing minefields, approving routes for patrols, preparation of field defences and bunkers, demolition of buildings, disposal of

unexploded ordinance, supply of water, maintenance of airfield and roads, and other technical, construction, and electrical tasks.²⁹³

U.S. Army Special Forces

Accounts of the early phase of the relationship between the Special Forces and the CARBG are sketchy.²⁹⁴ On January 7, 1993, however, CJFS Headquarters acknowledged that a U.S. Special Forces alpha team would be in place within five days and requested a reconfirmation of the command relationship from UNITAF. According to testimony, the Special Forces specialized in "long-range reconnaissance and...long-range information gathering",²⁹⁵ including in border areas.²⁹⁶ The Special Forces, whose members are mostly sergeants,²⁹⁷ had interpreters²⁹⁸ with them and direct communications with UNITAF in Mogadishu through satellite telephones.²⁹⁹

Discussion on Organization and Composition

The organization and composition of the CARBG were flawed by several fundamental errors, including a poorly developed doctrinal base, an ill-defined mission, an inadequate threat assessment, and an arbitrarily imposed ceiling on the number of personnel.

The CAR might have been prepared for Operation Python, but it was not prepared for Operation Cordon. Not fully appreciated by the chain of command was the fact that a major transition was necessary to downsize the CAR from an independent airborne regiment to a regular sized infantry battalion; then a second major transition was required to change the CAR from a dismounted infantry battalion to a mechanized infantry battalion. These transitions took time.

The result was a battalion group that was untested from an organizational perspective and that failed to conform to any existing doctrine. Armoured vehicles were added to two of the three commandos and trucks were provided for the third. This meant that 1 Commando and 3 Commando were highly mobile, both on and off the roads, with a certain degree of firepower and armoured protection provided by the AVGPs. By contrast, 2 Commando required trucks to move, would be slow to respond, would be forced to stay on the roads, and had reduced firepower and no armoured protection. This difference in the capabilities of the commandos seriously reduced the flexibility of the CARBG.

The battle group could not have been "tailored to the specifics of the mission" as suggested by one witness, since there were no specifics about the mission at the time it deployed. In fact, there is no evidence that any military estimate was completed for Operation Deliverance, potentially a far more dangerous deployment than Operation Cordon. The warning order and the operations order for Operation Deliverance were essentially deployment rather than employment orders.

At the military board of inquiry, Cmdre Cogdon stated that the change from Operation Cordon to Operation Deliverance was so rapid that

...we, in the Canadian Forces, were not given the appropriate time to do the appropriate estimate, recces, really look at the force required, the levels that were

there. We were reacting to a political imperative to make this happen as quickly as we can, to jump on the band wagon and to get in there.³⁰⁰

At our hearings, Cmdre Cogdon restated this opinion.³⁰¹ Col Labbé stated that on December 10, 1992, NDHQ approved the order of battle.³⁰² This process moved so rapidly that they "had virtually no input into the overall organizational structure of the Airborne Battle Group, its deployment sequence, or its sustainment planning".³⁰³ It is also important to note that at midnight on December 15, 1992, Col Labbé placed the CARBG under the operational control of the Commander of UNITAF.³⁰⁴ The force was being fed piecemeal into operations without any verification of its capabilities.

Creation of the CARBG from the CAR increased the unit from 750 to 845 personnel. The provision for 95 additional personnel is misleading. The two organizations that were added, (the Royal Canadian Dragoons Armoured Squadron and The Royal Canadian Regiment Mortar Platoon) totalled 160 personnel (105 and 55) and were severely cut back (to 75 and 44). To make up the balance of the cuts, the commandos and the Engineers Squadron were also reduced. These cuts were made from their peace establishments, so their fighting capabilities were now considerably less than under their war establishments. The cuts are difficult to comprehend in light of the fact that the two elements were added "as a result of potential dangers of the mission".³⁰⁵

Converting the CAR, a lightly equipped force, to one with armoured vehicles, trucks and enough supplies to make it self-sufficient for 60 days would have required considerably more logistics support than was added. When the mission changed to Operation Deliverance, and the CAR became the CARBG, the organization expanded by 95 personnel and numerous vehicles and weapons, without a proportionate increase in logistics support. No additions were made to the Service Commando to compensate for the logistics burden created by the addition of the tank squadron and the Mortar Platoon. Service Commando could not supply the CARBG without a serious degradation in the standard of support.

Each commando platoon had a strength of 33 personnel, including a platoon headquarters of at least six. This left a maximum of only nine in each infantry section, as opposed to the normal 10.³⁰⁶ From this the section commander, the section second in command, and the section vehicle driver accounted for three persons. Duties, sickness, and the rest and relaxation program took away at least two more persons, on average, leaving the platoon to function with only half the established number of working soldiers and a maximum of only three or four riflemen. Considering the extra equipment each section carried (machine guns, anti-tank weapon and mortars), there was clearly more work than there were people to carry it out.

There was no explanation for why the Regiment chose not to designate selected soldiers as regimental police, to assist the two assigned Military Police, as intended by doctrine. It is customary in most units to assign four to eight soldiers to this task. This major oversight may have been a result of the manning ceiling or the incompatibility of the three commandos.

The need for a defence and security platoon was overlooked from the beginning. No such organization was part of either the CARBG or CJFS Headquarters. These personnel were

required at both locations, and until additional resources could be obtained from Canada, The Royal Canadian Regiment Mortar Platoon was mis-employed in this role. Twenty members of the Mortar Platoon were used for defence and security work in Mogadishu at the airport and at CJFS Headquarters. At the beginning of March, a 44-person defence and security platoon, from the Royal Canadian Dragoons, arrived from Canada to take over these responsibilities.³⁰⁷ The absence of a properly constituted defence and security platoon undoubtedly had a negative impact on the security of both CJFS Headquarters and the CARBG perimeter.

The support elements had been truncated to such a degree that the battle group had only a limited self-contained support capability and virtually no one to turn to for assistance. Maj Gillam explained in testimony that until the establishment of a National Support Element on March 19, 1993, there was no Canadian logistics support unit to assist the CARBG.³⁰⁸ At one point, Service Commando was responsible for 384 sea containers that were kept at Mogadishu airport, 300 kilometres from Belet Huen.³⁰⁹ As far as Maj Gillam was concerned, the "magnitude of the task was far beyond the capability of the Service Commando to do all aspects properly".³¹⁰

Poor mail service was a major issue affecting morale. Maj Lelièvre testified about the many delays.

The postal when we first arrived, the first month and a half, was in my opinion, pathetic. Soldiers were in-theatre for almost five to six weeks without mail. The mail that we sent back to Canada when we first arrived took, in some cases, almost nine weeks to arrive back home.³¹¹

All these weaknesses might have not been insurmountable if a larger land formation had been deployed. Adjustments could have been made using other resources. However, since there was going to be little or no opportunity to make adjustments once the CARBG was in Somalia, getting it organized properly in Canada before departure should have been given more importance. This could not be done as long as the force was being organized to fit a numerical ceiling rather than an operational concept. The CARBG was never forced to fight, and its operational weaknesses were never exposed. What did become evident was the strain on the CARBG by the lack of a well thought out support concept. In his briefing to the Chief of the Defence Staff at the daily executive meeting of April 2, 1993, Col Labbé stated:

The 60 day stock initially planned for was deployed in a staggered fashion which proved inadequate. The reality was that we were sometimes down to two or three days of rations in Belet Huen with no guarantee that the commercial ship off shore Mogadishu would be allowed to berth on time to off-load the rations to transship to the Canadian Airborne Regiment BG. We spent the first two and a half months living on the edge and barely making ends meet. Fortunately everything worked in our favour -- we were very lucky.

On December 11, 1992, in recommending to the Deputy Chief of the Defence Staff (Intelligence, Security and Operations) that a National Support Element be created Col

Labbé had stated that the CARBG was "deploying with very limited logistic assets -- a combat heavy force with a first line capability and small second line CSS for integral support."³¹² It took months to rectify problems that might have been overcome in days had a proper plan been developed.

In conclusion, the CARBG was deployed to Somalia without the opportunity to train as a battle group. Ordered to organize to a fixed manpower ceiling, it proceeded without complete infantry sections, without a defence and security platoon, without a reserve, without sufficient cooks, pay clerks, military police and postal clerks, without a complete second line logistics capability, and with a tank squadron, an engineers squadron, and a mortar platoon whose effectiveness had been reduced.

FINDINGS

- *The force manning ceiling was set at National Defence Headquarters before there was any clear appreciation of the roles and tasks to be undertaken.*
- *There was no formal policy analysis regarding the changes in the force estimate necessitated by the shift from Operation Cordon to Operation Deliverance. The mission concept was vague, and the conditions that would be encountered in Somalia were uncertain. This should have alerted mission planners to plan for uncertainty.*
- *From August through late November 1992, the purposes and objectives of UNOSOM were in constant evolution. Nonetheless, Canada's force manning ceiling was set at 750 in August even before a pro per estimate had been made by commanders or a reconnaissance of the northern area of Somalia had been conducted.*
- *When the mandate covering the deployment changed from Chapter VI to Chapter VII of the United Nations Charter, commanders and staff officers should have reviewed all aspects of the CF plan for the Somalia deployment. Yet the force estimate was not reviewed for its viability; the existing force was simply added to.*
- *Efficient and proven military methods of calculating the strength of units needed for Operation Deliverance were sacrificed to ad hoc estimates based on nonmilitary factors and unduly influenced by officials with no experience in military operational planning. The needs of departmental managers apparently triumphed over the needs of soldiers in the field.*
- *The manning ceiling for Operation Deliverance was set in less than three days.*
- *It was politically necessary to act quickly and to seek another role once the mission to Bossasso was deemed unnecessary. Within 11 days of the UN announcement suspending the Bossasso mission, Canadian troops were deploying to Somalia. Cabinet had approved Canada's participation regardless of the hastily assembled and erroneous force estimate.*

- *Decisions were made without seeing the Belet Huen location. The force was deployed with insufficient knowledge of the extent to which heat and dust would damage equipment and cause numerous other logistics problems. The force estimate calculated for Bossasso was simply superimposed on the mission concept for Belet Huen. Key personnel, such as engineers and maintenance technicians, were cut from the numbers, even though their presence would have been more important at Belet Huen than it would have been at Bossasso.*
- *The Canadian contingent was in Somalia less than a month before it became necessary to reassess the force estimate and request 185 additional support personnel. Some of the personnel were required urgently. Once the CARBG had finally settled in at Belet Huen, significant shortfalls in engineers, support personnel and logisticians became apparent.*
- *The force estimate reflected a mission requiring little infrastructure. The logistics required for Belet Huen were markedly different, and the new geographic site could not be compared to Bossasso.*
- *There was clearly an expectation at senior planning levels that serious gaps in personnel would be rectified in theatre. Yet no mechanism was put in place to evaluate whether the force estimate had been accurate. It fell to the initiative of senior officers in the field to analyze and then request troop augmentation.*
- *Most of the planning for the mission, including calculating the force estimate, occurred within a three-day period. Multiple levels and agencies were involved. Co-ordination and communication were poor. Mistaken assumptions and errors were made in information and assessments. NDHQ gave little feedback and gave the force estimate no more than cursory review.*
- *There was unspoken reluctance on the part of operational planners to admit the manning ceiling was not viable. The fear of appearing uncooperative or incompetent silenced many officers. Officers responsible for cutting personnel to stay under the 900 figure were hesitant to confront their superiors with the impossibility of the task. This was despite the fact that NDHQ claimed an open door policy for concerns about the manning ceiling. The 'can do' attitude prevailed.*
- *Land Force Command set out to prepare an estimate on the erroneous assumption that once the mission was better defined, the numbers could be adjusted. There was confusion about whether Canadian Joint Force Somalia Headquarters personnel were to be included in the 900. Only J3 Plans staff actually submitted a written estimate with their options analysis, but with little rationale for the number chosen. Senior leadership did not question the rationale for the estimate. Nor did they look actively for factors or problems that might, individually or collectively, have constituted 'showstoppers'.*
- *Little or no attention was paid to the level of threat being faced by the force as a factor affecting organization and composition of the force.*

- *There is no evidence to indicate that a military estimate was completed based on missions and tasks, as a foundation for establishing the organization and composition of the CARBG for Operation Deliverance.*
- *Since each part of the organization appears to have been affected adversely by the personnel ceiling, there was a general balance in the force. However, there were several serious omissions from the CARBG: a defence and security platoon and a reserve force. In addition, no personnel were assigned as regimental police, and there were shortages of cooks, pay clerks, postal clerks, and logistics personnel.*
- *Based on the assessment of Col Labbé, self-sufficiency was limited at best. Had the CARBG been assigned a prolonged operation, its self-sufficiency would have quickly collapsed.*

The CARBG had difficulty coping with the expected, let alone the unexpected. Weaknesses in almost every area -- from personnel shortages in infantry sections to shortages in regimental police, to shortages in almost every aspect of logistics support -- made day-to-day operations precarious. There was no defence and security platoon and no reserve. There were insufficient cooks and pay clerks, and incomplete second line support. The effectiveness of the Tank Squadron, Engineers Squadron, and the Mortar Platoon had been reduced. The CARBG had insufficient resources to secure their unit lines adequately, and no capacity to respond to emergencies without reassigning the entire organization. The lack of a reserve was potentially the greatest failing. If an operational emergency had arisen, it could have had catastrophic consequences for the CARBG.

MILITARY INTELLIGENCE

In this section we review intelligence planning for the Canadian Forces mission to Somalia. The function and significance of military intelligence in the decision-making process at DND was touched on in the previous chapter, in the context of Canada's decision to join UNITAF. In this section we examine intelligence planning as an essential aspect of mission planning. We summarize the concepts and terminology of military intelligence; review the role of military intelligence in peace operations; examine related military doctrine in the 1992 period; and analyze the application of that doctrine in preparation for Operation Cordon, during the pre-deployment phase for Operation Deliverance, and in theatre.

Our findings relate to deficiencies in the intelligence planning process; the lack of doctrine on intelligence for peacekeeping and peace enforcement missions; the quality of intelligence; and the lack of appropriate direction from the chain of command.

Concepts and Terminology

Intelligence in the military context is the sum of knowledge and understanding of the environment in which military activities are conducted.³¹³ It is the product of processing information about foreign nations, hostile or potentially hostile forces or elements, and areas of actual or potential operations.³¹⁴

Information is unevaluated material of every description that could be used to produce intelligence.

Military intelligence comprises strategic intelligence, combat intelligence and counter-intelligence.³¹⁵ It is essential to the preparation and execution of military policies, plans and Operations.

Intelligence gathering is the process for collecting intelligence as a component of the decision-making process to participate in a mission and as a key element in operational planning.

Intelligence cycle is the sequence of events whereby information is obtained, assembled, evaluated, converted to intelligence, and disseminated.³¹⁶

Strategic intelligence is intelligence required to formulate policy and military plans at the national and international levels.³¹⁷

Combat intelligence is intelligence about the enemy, terrain and weather required by a commander to plan and conduct combat operations.³¹⁸

The Role of Intelligence in Peace Support Operations³¹⁹

The UN prefers the term 'information' to 'intelligence' and has refrained from activities that could be interpreted as collecting military intelligence by covert means.³²⁰ The UN considers intelligence collection incompatible with its peacekeeping role, because military-style intelligence gathering can undermine two fundamental conditions for traditional peacekeeping: the impartiality of UN forces, and support to UN forces from the belligerents.³²¹ Information required by the UN for traditional peacekeeping operations is therefore gained typically through observation and conversation.³²²

This attitude might have been adequate for traditional peacekeeping operations, but in the post-Cold War era there is a need for intelligence capabilities more suited to new kinds of UN intervention.³²³ UN peacekeepers can now be involved in multifaceted operations, such as those in Somalia, where the social order has broken down and force may be used against UN troops and installations.³²⁴ To conduct peace Operations in such circumstances, both the UN and troop-contributing states need improved intelligence to make rational decisions about all aspects of a mission.

The Somalia operation made clear the need for a full range of military intelligence, to understand the social and political situation in Somalia and, particularly, to assess the potential threats to troops in theatre. At the time, however, the UN was still reluctant to acknowledge the need for intelligence gathering and had no means of co-ordinating the receipt and dissemination of such information.³²⁵ States providing troops thus had to rely heavily on their own sources for intelligence.³²⁶ Although some member states have their

own intelligence support (primarily traditional combat intelligence), many of the troop-contributing states' resources for maintaining accurate and current intelligence on different parts of the world are inadequate. Countries that do have their own intelligence support, typically for conventional military operations, do not have appropriate procedures for collecting, processing, and disseminating information for peace support operations.

CF Intelligence Gathering

At the time of the Somalia mission, the CF had no doctrine for collecting information and preparing intelligence for a peacekeeping operation. Despite all the Canadian experience in peacekeeping operations since 1945, Capt Hope, Intelligence Officer for the Canadian Airborne Regiment, testified that there was no intelligence doctrine to guide him, either for peacekeeping and humanitarian missions operations such as UNOSOM³²⁷ or for low-intensity operations such as UNITAF.

At the time, the absence of doctrine meant that intelligence staffs relied on intelligence doctrine for combat intelligence for conventional warfare, which was mostly unsuited to peace support operations,³²⁸ because this type of intelligence is concerned primarily with operational information about a designated enemy and much less with cultural and social information.

CF doctrine describes the primary objective of combat intelligence as "to provide friendly forces with timely, accurate intelligence about hostile dispositions, capabilities and intentions, geographic conditions, targets and meteorology while also denying friendly force information to an opponent"³²⁹ through tasks that include providing early indications and warnings, preparing battlefield intelligence, and situation development.³³⁰

Role and Function of Intelligence Staffs

At each command level in the CF, personnel trained in the combat intelligence function provide information on hostile forces, weather, and terrain to their operational commanders. At Land Force Command Headquarters, the G2 staff is responsible for monitoring current operations and co-ordinating the intelligence organization for the commander and for maintaining liaison with the intelligence staff of higher, adjacent and lower formations.³³¹ At the battle group level, intelligence officers perform similar tasks. As the commanding officer's adviser, the battle group intelligence officer is responsible primarily for the battle group combat intelligence system, including collecting and disseminating essential intelligence within the unit.³³²

For conventional combat operations, intelligence staff co-ordinate combat surveillance and intelligence collection, exploit captured enemy personnel and equipment, and provide imagery exploitation and counter-intelligence. In peace support operations, however, many of these tasks are inappropriate. For these operations, intelligence staff must monitor the activities of belligerent forces and other threats to assess the risks, monitor and obtain information on cease-fire and other agreements, and co-ordinate overt

intelligence gathering about belligerent forces, economic conditions, history, political developments, and social conditions. This is meant to be a careful and rational system.³³³

The Intelligence Cycle

The intelligence cycle is the sequence of events for obtaining, assembling, and evaluating information, converting it into intelligence and disseminating it. Intelligence staff and commanders at all levels operate in a sequence of four steps.

1. In the **direction phase**, commanders determine the priority intelligence requirements and communicate them to intelligence staff, who then use existing material or gather further information and request other sources and agencies to collect information.
2. In the **collection phase**, sources and agencies gather and deliver information from reconnaissance and surveillance.
3. In the **processing phase**, the intelligence staff collate, evaluate, analyze, integrate, and assess information gathered.³³⁴
4. In the **dissemination phase**, intelligence is conveyed in an appropriate form and by suitable means to those who need it, in accordance with the following principles: clarity, conciseness, standardization, urgency, distribution, regularity, and security.³³⁵ Intelligence can be disseminated orally or in written reports, typically either intelligence reports or intelligence summaries.

The Intelligence-Planning Process

The intelligence staff is responsible for conducting an initial intelligence assessment on the area of operations for the CDS. These assessments are typically completed at the same time as contingency planning begins in earnest. Planning for peace support operations begins at the intelligence branch at NDHQ, J2, then shifts to either the national or the operational headquarters. Once a force is in theatre, the function shifts to the intelligence element attached to the deployed force. Throughout the process, officers at all levels must be in constant communication with one another.

During the pre-deployment period, intelligence staff assemble and prepare the intelligence organization and staff for the mission. All relevant data bases and material must be reviewed and checked for completeness and accuracy. Usually, area handbooks, describing general conditions in the theatre, are prepared.

In addition to preparing the intelligence organization, intelligence officers at the regimental level support pre-deployment training by briefing the troops and commanders on current intelligence assessments.³³⁶

Intelligence Planning at the Joint Force Level

During the pre-deployment stage for Operation Deliverance, two distinct, but interrelated, planning processes were in effect. Initially for Operation Cordon,

intelligence planning relied on combat intelligence doctrine and focused on northeastern Somalia. When the mission changed to Operation Deliverance and a Joint Force Command was established, the joint and combined operations doctrine was applied.³³⁷ Although joint and combined doctrine now makes specific provision for peace support operations, there was no explicit doctrinal statement to that effect before the CF deployment to Somalia.

Intelligence Planning for Operation Cordon

Much of the initial pre-deployment intelligence planning was for Operation Cordon, Canada's contribution to the UN-sponsored peacekeeping operation UNOSOM. Intelligence planning for Operation Deliverance, the U.S.-led peace enforcement action, took place much more quickly (days instead of months), with different participants, an uncertain mission, and new unconfirmed tasks.

Before the Decision to Participate

Col Houghton, in his capacity as Chief Operations Officer of the UN technical mission to Somalia in March 1992, provided a detailed account of the situation in parts of Somalia. This report was the basis for the proposed concept of operations for the UN mission.³³⁸ On the basis of this report, the Assistant Deputy Minister (Policy and Communications) at NDHQ recommended against participation in the proposed peacekeeping operation, as he believed the risk to the troops was too great.³³⁹

As the situation changed, more intelligence was requested and received by NDHQ. In July 1992, the CDS directed the joint staff at NDHQ to conduct a feasibility study to determine whether the CF could provide a battalion to the Somalia mission.³⁴⁰ The threat assessment in this study identified mines and armed factions,³⁴¹ described reports of widespread indiscriminate placement of mines in northern Somalia, and concluded that mines were likely in other areas. The threat of attack was assessed as highly likely, despite the fact that factional forces were ill-disciplined and poorly armed.

In the memorandum prepared for the Government outlining options, both External Affairs and National Defence advised a cautious approach, recommending incremental responses to the UN request, because the risks (assessed as medium to high) were still too uncertain, and there was great need for further exploration and assessment. A second UN technical mission went to Somalia in mid-August.³⁴² By the end of August, NDHQ planning focused on an analysis of the north-east sector, near Bossasso, as a preliminary analysis of the overall situation in Somalia had already been completed. Much of the additional analysis considered only the viability of deploying the security battalion to the north-east sector.³⁴³

In late August, G2 staff prepared a preliminary intelligence estimate addressing factors concerning relief operations in Somalia for Air Command before it began Operation Relief, a humanitarian airlift operation.³⁴⁴ The report noted that the threat from armed factions was sufficiently high that personnel should stay within secure zones and that

sufficient Military Police would be needed to provide security for aircraft, equipment, foodstuffs, and personnel.³⁴⁵ The estimate also contained important information about the social and political situation; the climate (e.g., recommending summer clothing); the need for medical staff and a medical evacuation plan; advice on ground, air, and water transport; and identifying the need for communications systems.

During August 1992, reports from the UN confirmed the broad scope of the proposed action in Somalia and warned of an anticipated strong reaction from parts of Somali society, given the degree of intervention recommended.³⁴⁶ As planning was expedited for CF involvement in the mission, G2 at Land Force Command Headquarters prepared intelligence briefs for the Commander and staff, but provided only basic intelligence, without evaluating the information in detail.³⁴⁷

After the Decision to Participate

Once a decision was made to participate in the mission, planning shifted to the operational staffs, although NDHQ continued to provide national intelligence support to the battalion group and to arrange the necessary linkages.³⁴⁸ LFC was warned to begin preparing a task force for the mission, and this warning included developing the mission's intelligence support plan.

The plan for the operation's intelligence support was set out in Force Mobile Command's contingency plan.³⁴⁹ According to the plan, FMC Headquarters would serve as the primary command point of contact with national agencies for intelligence and/or information in support of the operation. The G2 of the Special Service Force Headquarters identified intelligence production and training requirements and coordinated intelligence and/or information requirements.³⁵⁰ The initial general intelligence requirements were outlined as follows:

The complete int[elligence] cycle is operative before and throughout OP CORDON and includes a COMD Int[elligence] Estimate and Collection Synchronization Plan. Basic Intelligence documents/studies have been produced in response to anticipated needs. Current int[elligence] is disseminated through LFCHQ Daily Intelligence Highlights (DIH) and Periodic Intelligence Digests (PID). Additional int[elligence] requirements are mission specific and will be coordinated through LFCHQ with the appropriate agency in response to identified in[telligence] gaps/requirements. This HQ will also coordinate mil geo sp [military geographic support].

The intelligence annex to the contingency plan included an updated threat assessment, assuming that the initial area of operations was Bossasso. It emphasized high threat of attack from rogue elements under no central control; threat of being targeted by armed insurgents in search of food; and threat of other banditry.

We reviewed documents (not filed as evidence for security reasons) indicating that intelligence and/or information was received by Force Mobile Command in the fall of 1992 pertaining to social and political developments in Somalia at the time. We also saw updated assessments of continuing threats to UN personnel throughout the country and within Canada's proposed area of Operations.

Our review of the activities of these components of intelligence planning consisted of review of the documents filed at the hearings, those not filed for security reasons, and testimony from witnesses who commented on aspects or consequences of the planning process. For example, Capt Hope indicated that there had been little involvement by the chain of command in the intelligence planning process at the CAR level. We also found that despite the intelligence plan, dissemination of intelligence among the commands was clearly inadequate.³⁵¹

Intelligence Planning in the CAR

We heard testimony from the regimental Intelligence Officer, Capt Hope, who outlined his involvement in the intelligence planning process, first when the CAR was preparing for Operation Cordon, and later when they prepared for Operation Deliverance.³⁵² He pointed out the inadequacies of intelligence planning doctrine at the time for low-intensity operations.³⁵³

Generally, Capt Hope planned without appropriate doctrinal guidance or adequate direction from the chain of command. He was left alone to develop an intelligence plan based on his own expertise in combat intelligence. Essentially, he was starting from scratch.³⁵⁴ His plan for the mission gave his CO all the information he could assemble from very limited sources concerning the 'enemy', the weather, and the terrain as a basis for planning and conducting operations.³⁵⁵

During the pre-deployment period, Capt Hope's primary function was to serve his CO, but he was also responsible for disseminating information to members of the CAR through regular briefings and developing materials to support cultural training for the mission. He was also involved in producing a phrase book; a Somali/English dictionary; and a soldier's handbook, including basic information on the weather, the terrain and Somali culture. He also arranged for Mr. Hassan, a Somali national, to speak to officers of the CAR about Somali culture.

Capt Hope testified that he searched out public sources of information, including encyclopaedias, articles, books, and television news reports from sources such as the Cable News Network (CNN). He contacted staff officers in the Intelligence Directorate at NDHQ, spoke with people employed by non-governmental organizations working in the area, and talked with a Somali national living in Canada who later came to brief the officers. Finally, he relied on information he obtained while on reconnaissance in Somalia in mid-October 1992.³⁵⁶ During the reconnaissance, Capt Hope recorded an hour-long video and completed a comprehensive intelligence report, which he later used to brief soldiers preparing for Operation Cordon.³⁵⁷ In short, this junior officer did the best he could to assemble useful information, acting largely on his own initiative and while under significant stress.

In addition to the background and cultural sources, Capt Hope also relied on the intelligence contained in two threat assessments received from the Director General of Intelligence at NDHQ, one in September 1992 and one in December 1992.³⁵⁸ These threat assessments were not mission-specific but identified threats in the operational zones of Somalia. According to LCol Morneau, the Regiment also received information from NDHQ in different forms on a daily basis.³⁵⁹

In the fall of 1992, Capt Hope briefed soldiers on the conditions in Bossasso, based mainly on the intelligence report following the reconnaissance. According to Capt Hope, the briefings were attended by almost all the soldiers who ultimately went to Somalia. Capt Hope considered the threat in Bossasso was "limited/low",³⁶⁰ in terms of both armed factions and other threats. One briefing focused on the factional forces in Somalia, their weapons, organization, and tactics, and the difficulties of distinguishing between them.³⁶¹ The northeast was considered the most stable area in Somalia, with the Somalia Salvation Democratic Front (SSDF) in firm control. The area was reasonably stable during the fall of 1992, although there was a possibility of periods of instability. The Commanding Officer of the CAR assumed it could operate in the area in co-operation with the SSDF as the governing faction.³⁶²

Although the CAR ultimately deployed to Belet Huen, Capt Hope believed that much of the information in his briefings to soldiers was relevant to that area as well, particularly information about the social and political situation.³⁶³

In addition to the general intelligence briefings conducted by Capt Hope and his staff, officers and senior NCOs were briefed on conditions in the Bossasso area, the people, their languages, habits, and clan structure by a Somali national, Mr. Hassan. While the briefing was generally considered helpful,³⁶⁴ it was given only to a small group of officers. Soldiers were not afforded the same opportunity, nor did they receive information from the briefing, because LCol Morneault thought it was better to wait until they had more information specific to the area assigned to the Canadian contingent.³⁶⁵ While he fully intended to have Mr. Hassan return, LCol Morneault was relieved of his command, and there never was another briefing by Mr. Hassan for the Regiment.

Later, a member of the CF Reserves who had served in a relief organization in Somalia briefed CAR officers and some SSF staff on his experiences.³⁶⁶ A later report confirmed the reliability of the briefing and included valuable information about the area near Belet Huen.³⁶⁷ There was no evidence that the information was disseminated to the soldiers in the CAR.

Intelligence Planning for Operation Deliverance

First Canadian Division Headquarters

When Operation Deliverance was ordered by the CDS in early December 1992, the CF embarked on a "war footing"³⁶⁸ as part of a UN Chapter VII operation. A light armoured squadron, a mortar platoon, and anti-tank weapons were added to the CAR. Under a Chapter VII mission, an 'enemy' is usually identified, and according to Capt Hope, the enemy was the United Somalia Congress, led by General Aidid.³⁶⁹

First Canadian Division Headquarters was chosen to provide joint force headquarters for the mission, with Col Labbé as the Commander. Neither Col Labbé nor staff at First Canadian Division Headquarters had been involved in any way in planning Operation Cordon. Col Labbé testified that throughout the fall of 1992, the division headquarters had focused on Yugoslavia, as there was a possibility that a Canadian contingent might become involved there.³⁷⁰ Headquarters staff thus monitored intelligence reports mainly

from Yugoslavia. When they were notified of the deployment to Somalia, they had to try to prepare a significant amount of intelligence in a very short time.

Despite the accelerated planning imperatives, the issue appeared not to be of major concern to Col Labbé, who testified that intelligence gathering was an "ongoing, long-term and short-term operation".³⁷¹ He believed that he could rely on the United States, which was in charge of the operation and had agreed unofficially to share intelligence though to a limited extent.³⁷² In his opinion, NDHQ did not need detailed intelligence to provide the warning order and specify the mission statement, as the only mission statement was to mount the force -- the real mission statement for the in-theatre operation came from the coalition Commander, LGen Johnston.³⁷³ Once Col Labbé accepted the assignment to Belet Huen, he then conducted the intelligence gathering and operational reconnaissance necessary to secure that objective.³⁷⁴ Weeks later, Col Labbé expressed dissatisfaction with the level of intelligence support received from UNITAF describing it as uneven and fragmentary.³⁷⁵ But in the absence of a national source, he was left to depend on this increasingly weak intelligence base.

Before they deployed, designated personnel at First Canadian Division conducted an intelligence battle procedure in preparation for deployment.³⁷⁶ Intelligence was requested from the Director General of Intelligence at NDHQ, and maps were procured from Canadian and U.S. sources. Materials were obtained from the CAR and on the basis of reports received, a briefing package and a map were prepared for Col Labbé that included a geographic breakdown of the country by political factions; an initial order of battle by political faction and clan; an intelligence estimate of the situation at that time; a synopsis of political and military activities leading to the situation in Somalia at that time; biographical notes on the political and military leaders of the major factions; and an analysis of the area of operations.

On December 11, 1992, First Canadian Division received instructions from NDHQ that intelligence support to Operation Deliverance would be arranged through the National Defence Intelligence Centre (NDIC) and that all command requirements should be co-ordinated through NDIC rather than the deployed headquarters staff. Orders confirmed also that standard intelligence procedures for a deployed force headquarters applied, as opposed to those relative to peacekeeping operations.³⁷⁷ These guidelines set the tone and outlined the substance of the general intelligence plan for the operation. Essentially, the direction was that:

- All official out-of-theatre contact with allied intelligence organizations would be through NDIC.
- All intelligence requests from CJFS Headquarters were to be addressed to NDIC, and the response would be co-ordinated by the Defence Intelligence directorate.
- CJFS Headquarters would transmit a daily intelligence summary for NDHQ, and intelligence reports would be produced as needed.
- CJFS Headquarters would be responsible for all in-theatre dissemination of intelligence from NDHQ.

- Every attempt would be made to maintain the lowest possible classification level for reports and communications.³⁷⁸

Following receipt of the guidelines, First Canadian Division Headquarters issued the operation order for Operation Deliverance, including an intelligence annex that defined the intelligence problem, summarized the threat assessments, and outlined the priority intelligence requirements and the intelligence requirements.³⁷⁹

Canadian Airborne Regiment Battle Group

When the mission was changed from Operation Cordon to Operation Deliverance, Capt Hope became increasingly alarmed by the lack of doctrine, given the complexity and seriousness of the situation confronting the soldiers.³⁸⁰ In his testimony, he questioned whether the highest echelons of government understood the situation in which they were getting involved and noted problems in the chain of command and with the flow of information. He also noted weaknesses in overall planning and intelligence staffs. In his view, the CF was not well enough prepared to deploy on this type of operation.³⁸¹

Capt Hope testified that the operation order annex dealing with intelligence was a good general summary of the extent of the intelligence available to the CF before deployment.³⁸² The material contained in the order, together with the recently acquired aerial photos of Baledogle airfield, a sketch map of the Baledogle airfield area prepared by the Americans, and the most recent threat assessment from the Director General of Intelligence made up the general range of intelligence documentation available for the mission before deployment.³⁸³ But that was hardly enough information on which to base planning for a potentially dangerous operation.

Threat Assessments before Arrival in Somalia

Capt Hope testified about what he believed were the major known threats confronting the CARBG when they arrived in Somalia. He relied primarily on threat assessments received from the Director General of Intelligence in September and December 1992,³⁸⁴ both of which predated Operation Deliverance and spoke only generally about the situation in Somalia. The assessments contained intelligence on specific areas, such as the north, but there was little information about Belet Huen. When Capt Hope received the intelligence annex as part of the operation order on December 13, 1992, there was no specific information on Belet Huen.³⁸⁵ Limited intelligence was available on the southern part of Somalia, and more detailed intelligence was available for Mogadishu, where the CJFS Headquarters was to be located.

The general known threats facing the CJFS before deployment as noted by Capt Hope include the following:

1. Threat from Armed Factions, Local Militias and Bandit Gangs

The most significant threat noted by Capt Hope before deployment was the threat of violence from armed factions.³⁸⁶ Quoting the annex to the operation orders, he emphasized the unpredictability of the security situation and the fact that, unlike the situation at Bossasso, little was known about how the armed factions would react to the

introduction of coalition forces. The major factions in Somalia, the United Somali Congress (USC) and the Somali National Front (SNF), while not positioned in the Belet Huen area, were nonetheless represented there through factional commanders and were actively engaged in fighting each other.³⁸⁷

Local militia forces, who were of the same tribe as Gen Aideed's USC forces, were perceived initially as a similar threat to the soldiers. Before deployment, the threat was assessed as high, because militia forces were in control of the area, and the CARBG would essentially be taking control away from them. The militia forces were encouraged to pull back by the local government, as it was believed beneficial to have coalition forces in the area. While in theatre, the threat was accordingly considered low.

Belet Huen turned out to be a key area for bandits, as it was located on the main route to Ethiopia, which was used for the smuggling of drugs, weapons and food from Ethiopia to Somalia. It was also near a group of USC Aideed forces to the north-east, whose lines of communication and supply ran from Mogadishu, past Belet Huen, toward the north. According to local non-governmental organizations, complete lawlessness was associated with these gangs, and it was hoped that the CF presence would bring some order to the area. The threat was considered high and largely unpredictable.³⁸⁸

2. Threat from Looters and Thieves

According to Capt Hope, the primary problem with looters and thieves was that they were expected to try to penetrate the perimeter of the camp and steal materials. There were also concerns that they might attempt to sabotage the force.

3. Threat from Political Agitators

Initially, concern focused on Islamic fundamentalists throughout Somalia. Information was received that the local groups in the Belet Huen sector were potentially dangerous, although it was later discovered that the group was not a threat.

4. Threat Resulting from Instability

Fighting among the local forces of the USC and the SNF could have broken out at any time. There was also potential for conflict between the USC and the local Hawaadle clan, or the Hawaadle clan and a coalition of a smaller group of tribes in the area. Finally, there had been threats against non-governmental organization (NGO) workers in the area.

5. Threat from Mines

Land mines were believed to be a major threat because of indiscriminate mining by the former Barre army.

In summary, the most significant threat noted was the possibility of attack from opposing factions, primarily the USC faction led by General Aideed, who was known to be anti-coalition and who had previously been responsible for attacks on UN forces. Looters and

thieves were considered a lesser and endemic problem throughout the country.

Change in Mission: Arrival in Belet Huen

Intelligence personnel from the CAR were not part of the advance party that arrived in Somalia on December 14, 1992. Capt Hope maintains that he had no idea what they were getting into until he arrived, almost two weeks after the elements that had been added to form the CARBO were largely on the ground. He arrived at Belet Huen on December 29th. From mid-December until his arrival at Belet Huen, the overall responsibility of the intelligence function shifted to the intelligence unit attached to CJFS Headquarters. It was the staff's responsibility to provide intelligence support to the CARBG. To a great extent they relied on intelligence supplied by U.S. forces.³⁸⁹

During the start-up period, things were extremely fluid. Officers did not know where they would be assigned, under whose command they would operate, or where CJFS Headquarters would be established. When Capt Hope arrived at Belet Huen, he met with the Operations Officer, Capt Kyle, and received his intelligence instructions from LCol Mathieu. After the briefing, he drew up a patrol plan and began the intelligence gathering process for the in-theatre phase.

No officer knew the Regiment was going to Belet Huen until shortly before they were ordered there. According to Capt Hope, they knew very little about the factions and activities in the Belet Huen region before deployment, because they had mainly prepared reports on the factions in the northeast region around Bossasso. Then they prepared for Baledogle, for which they received additional intelligence in the form of an intelligence summary, airfield photos, and maps. Other updates to the intelligence annex in the operation orders were received before Capt Hope's deployment in late December, many of which did not relate to Belet Huen, but related either to the central south portion of Somalia or to Baledogle.

Reports from NDHQ, in the form of operations notes, indicated that the CAR received detailed information on Belet Huen as of December 23, 1992.³⁹⁰ Under cross-examination by counsel for the Government of Canada, Capt Hope recalled that there had been some reports from an American who had recently been in Belet Huen, but no further reports to help understand the situation in Belet Huen. A report prepared by CJFS Headquarters on behalf of Col Labbé, describing the proposed insertion of the CAR advance party into Belet Huen on December 28, 1992, concludes that the quality and quantity of intelligence support for the proposed insertion were sufficient, remarking further that the threat was low. This is surprising, given that Col Labbé planned an air mobile assault to get the CAR into the area. In Capt Hope's view, this approach was indicative of a significant threat about which there was insufficient information. In his view, the threat was high at the Belet Huen airfield on December 29, 1992.

Impact of CF Intelligence Planning on the Conduct of Operations

Pre-Deployment Problems

Lack of Information from the UN

At the time of the Somalia mission, little intelligence was received from the UN, even during the early stages of planning. The UN rejected any involvement in intelligence collection at that time and had accumulated very little information about the situation in Somalia before its involvement. According to Dr. Ken Menkhous, the UN had very little information to disseminate to foreign contingents because

the UN does not have information-gathering agencies... [It] is very dependent on national governments to provide it with information. And this we found was a real weakness...because the UN officials were either beholden to national governments whose information could reflect their own interests or more generally had no information themselves to work off.... The UN had actually very little to pass on to member states who were going to be contributing troops and usually the flow of information was the other way around.³⁹¹

Lack of Appropriate Doctrine

There was a conspicuous lack of doctrine for low intensity operations, such as peace enforcement, peacekeeping and humanitarian operations. Combat intelligence doctrine -- which is founded on combat situations in the context of war -- was all that was available.

Despite the lack of doctrine, Capt Hope provided intelligence support to officers in charge of training the Regiment and to help prepare the soldiers for the situation in Somalia. Nevertheless, serious repercussions, reflecting on the accuracy, adequacy, and verification of intelligence, flowed from the lack of doctrine/guidance.

Although Capt Hope's efforts were commendable given the general lack of direction and guidance, in the light of testimony from many soldiers and officers, the adequacy of intelligence at the briefings was questionable.³⁹²

Few felt that they were sufficiently prepared for the social and political situation, while others had little recollection of the briefings. According to Maj Seward, the briefings were short and focused on concrete information about the climate and terrain, leaving little time for cultural/political issues.³⁹³ Finally, the information was disseminated mostly to officers.

Without doctrine, Capt Hope was required to develop his own plan and strategy for gathering and evaluating information, then disseminating it appropriately. According to Capt Hope, his principal source of information was a desk analyst for the Horn of Africa section at NDHQ. Apart from intelligence documents he received, the desk analyst appeared to be the key contact at NDHQ.³⁹⁴

Another consequence of the lack of doctrine identified by Capt Hope was the inadequate number of intelligence staff officers and non-commissioned members in theatre. Although the number assigned to the section was standard for the battle group establishment, it was inadequate to deal with the amount of information that had to be

processed in theatre.³⁹⁵ Had there been more guidance about how to assess the number of personnel required, according to Capt Hope, more would have been included in the CARBG. There was no shortage of intelligence personnel in the CF generally at the time.

Similarly, before deployment, commanders failed to appreciate the need for interpreters. This had a major impact on the conduct of operations both generally and from an intelligence perspective. As is common in these types of operations, much of the information Capt Hope relied on in theatre was gathered from individuals.³⁹⁶ Apart from the usual limitations of this type of intelligence, Capt Hope had the additional problem of having to rely on interpreters to obtain information from the local population. Since they had no interpreters initially, they had to use interpreters brought by the U.S. forces. When the CARBG finally hired their own, they hired unwittingly from only one tribe, and this affected both the efficacy of interpretation and the nationals' perception of Canadian Forces personnel. Although they later hired other interpreters, this time from a cross-section of tribes, they encountered other problems. They had to adjust for clan bias in interpreting information gathered by this method, and none of the interpreters would work at night, creating a serious problem during the entire operation.³⁹⁷

Thus, for example, Capt Hope was generally unable to question infiltrators detained at night and was therefore unable to gather information about their intent directly from infiltrators, who were generally released the next morning after being held overnight. They were thus unable to get a clear idea of the nature and extent of the thievery problem.³⁹⁸

A critical aspect of intelligence work in support of the operation was understanding the nature of the threat confronting the CF in theatre. A major problem facing the troops was the significant number of infiltrations. Capt Hope thought the motive behind the infiltrations was an intelligence problem, although the general feeling among the troops was that the main motive was simply theft. Capt Hope looked at them from a different perspective, trying to assess whether the threat was more significant. He was receiving intelligence reports from Mogadishu and was thus monitoring the situation from a different, more cautious perspective.³⁹⁹

According to Capt Hope, some of the problems facing the troops in theatre could have been alleviated by a requirement that intelligence personnel deploy more quickly, in advance of the troops, so that they could assemble intelligence and disseminate it before the deployment commenced.⁴⁰⁰ This is the usual CF method, but it was not followed in the Somalia deployment.

According to the testimony of Dr. Menkhaus, the Canadian humanitarian relief sector in Somalia included a very complex set of clan relations and political factors. He knew that it was extremely difficult to get accurate information because the situation was so politicized.⁴⁰¹ This situation made it crucial that the CJFS have appropriate procedures for gathering and evaluating information. It was clear that neither capacity existed.

Lack of Adequate Direction

There was little evidence of direction from the chain of command to guide the Intelligence Officer in his tasks. Capt Hope received priority intelligence requirements from his Commanding Officer, but they were for the most part a general request for

information about the factions and clans and their inter-relationships.⁴⁰² The operation order intelligence annex set out the priority intelligence requirements for Col Labbé, but these were essentially issues of concern to headquarters staff in Mogadishu and dealt with the more generalized threats to troops in that area. Lessons learned reports indicate that intelligence requirements were not identified in sufficient time or detail for the G2 branch at Land Force Command Headquarters to respond adequately. (A request for information about the status of infrastructure was not received until mid-November 1992.⁴⁰³)

Although the intelligence unit of the Special Service Force was directed to serve as the focal point in support of the operation, by identifying intelligence production and training requirements and by co-ordinating intelligence and/or information requirements,⁴⁰⁴ there is no evidence before us to indicate involvement by SSF G2 Intelligence staff in that capacity. Instead, Capt Hope appeared to be almost solely responsible for intelligence support training, and in our view he received inadequate guidance and assistance from NDHQ in developing this support. He was responsible for the instructions for preparing the Somalia handbook, which was based on information he had gleaned from his review of open sources on Somalia and from his consultations with the desk analyst at NDHQ.

Lack of Central Co-ordination and Quality Control

The CF lessons learned report identified weakness in the planning process: information was received by all intelligence branches from a variety of sources when ideally it should have been assessed by a single organization -- the G2 branch.⁴⁰⁵ The lack of co-ordination was also evident in redundant handbooks prepared by NDHQ, Land Force Central Area Headquarters, and the SSF when one agency should have been responsible for a single, comprehensive handbook.⁴⁰⁶ And despite numerous handbooks, the soldiers complained about lack of information on Somalia.

It is not clear whether the information provided in briefings by Capt Hope, Mr. Hassan, and the former reservist were subjected to the appropriate scrutiny by senior officers and, if so, by what process. Other briefing sessions were conducted after the October reconnaissance and ought to have been considered relatively reliable. However, as Dr. Menkhaus pointed out, information received from human intelligence in Somalia varied according to the clan an individual belonged to and therefore varied in accuracy.⁴⁰⁷ Ultimately, much of this information was of little value, as it pertained only to the Bossasso area.

The eclectic mix of information as a source for intelligence on Somalia led to an unhealthy reliance on media reports, particularly from CNN. Both Capt Walsh and Capt Hope used news footage to describe events in Somalia.⁴⁰⁸ Many witnesses indicated that they received all or most their information from CNN reports,⁴⁰⁹ since before the training exercises, very little other information was available. According to Col MacDonald, much of their information was coming from the networks.⁴¹⁰ Maj Kampman, who commanded the CARBG's armoured squadron, held a similar view.⁴¹¹ The relevance of information from media accounts was questionable, as much of the footage was believed to be from Mogadishu, where conditions were notably different from conditions in Bossasso.⁴¹²

While media reports had a major impact on the troops, according to Maj Pommet, Officer Commanding 1 Commando, the impact should have been mitigated by relating media reports to actual conditions in the area of operation. Although officials at NDHQ did nothing to allay the impact of media images, Maj Pommet took it upon himself to correct erroneous perceptions.⁴¹³ His efforts, however, were directed only to troops under his command, who accounted for less than a fifth of the force.

In our view, reports from the news media -- untempered by information about actual conditions in the area where they were to be deployed -- might have led some soldiers to believe that when they arrived in Somalia they would find an 'enemy' ready for battle. Commanders should have been conscious of this possibility and taken steps to counter it.

Lack of Adequate Intelligence Dissemination

One of the more compelling observations from several witnesses was the statement that the soldiers did not know what they were getting into. Few believed that they had an adequate understanding of Somalia, its culture and background. Moreover, they were confused about the nature of their duties because of the change in mission.⁴¹⁴

In-Theatre Problems

Lack of Clear Mandate

The vague nature of the UN mandate and CF orders, coupled with the lack of authority, led to enormous uncertainty about what types of actions were expected of the soldiers. For example, if a crime was committed, it was not clear under whose law perpetrators were to be held, and to whom perpetrators were to be turned over.⁴¹⁵

Unreliable Threat Assessment

The pre-deployment threat analysis proved unreliable. Although intelligence sources identified attack by armed factions as the "key threat" facing the soldiers, once in theatre, it became clear that this threat had been overstated. Instead, the most prevalent threat was from thieves. Although thievery should have been anticipated, soldiers were not sufficiently alerted to this threat by intelligence assessments or their commanders.⁴¹⁶

Only a small part of the operation required conventional combat skills. Soldiers expecting a military operation found themselves doing social work, policing, riot control, and endless negotiations in a context of intricate clan tensions. They had little training for or information on this type of work.⁴¹⁷ Many of the troops were inadequately briefed on Somali culture, leading to inappropriate behaviour on their part.⁴¹⁸ The CF Somalia handbook contained only three paragraphs on Somali culture, which were short, simplistic and so defensive that the effect would have been to poison rather than foster relations with the local population.⁴¹⁹

Canadian soldiers in Mogadishu believed that they had to treat every clan member as a potential threat, because they were unable to identify who was hostile to them. After incidents of rock throwing directed at CJFS Headquarters in early February, feelings of isolationism and frustration intensified. According to Maj Moreau, in charge of security for CJFS Headquarters, soldiers became increasingly removed and potentially more aggressive toward the local population.⁴²⁰

Consequences of Inadequate Planning for the Change in Mission

When the soldiers first became aware of the change in mission on December 5, 1992, they still had no idea where they were going or what exactly they would be doing. Capt Hope maintained that he continued to rely on the original threat assessment of December 2, 1992, along with updates received in the days that followed. He clearly identified that the Aided forces were hostile and were to be considered a threat upon landing. There were no intelligence documents specific to Belet Huen.

With the change from peacekeeping to peace enforcement, many soldiers became even more confused about what to expect in theatre. Although many were aware that they were no longer going to Bossasso, most did not know that they were assigned to the Belet Huen sector until they arrived in Mogadishu. Even before the change to Belet Huen, they were confused about what threat existed. They were aware that everyone was armed, but they did not understand clearly what that meant in terms of their security.⁴²¹

Sgt MacAuley, a section commander for 2 Commando, testified that he was told to expect anything and as a result didn't know what to expect. Although he acknowledged that there was not a great deal of time to gather intelligence on Belet Huen, more information on the town and better maps would have been extremely beneficial.⁴²²

Describing his reaction to a patrol at night, Sgt MacAuley maintained that their early concerns were about mines and booby traps. He described a nighttime patrol as being, "like walking into the twilight zone; it was nothing we had seen before."⁴²³

Although Sgt Godfrey testified that he felt prepared for the mission, much of his testimony indicated otherwise. He maintained that there were no specific briefings on Belet Huen and that the maps they were given were poorly drawn.⁴²⁴ He confirmed that instructions given before they left for Somalia were unclear, and that the troops were uncertain about what to expect when they landed. They had been told that there might be hostile forces when they got off the plane, and the original plan was to fan out once they landed at Belet Huen airport, with guns in full view.

According to Maj Pommet, the 2 Commando members loaded their rifles a few minutes before landing,⁴²⁵ but by the time they arrived, the airport had been secured by U.S. forces.⁴²⁶ The temperature was 45°C, and on the march from the airport, many were carrying more than 100 pounds of equipment for the six-hour walk. There were cases of dehydration, owing to the fact that the soldiers were not sure of the length of the march, so were unable to gauge how long their water supplies would have to last.⁴²⁷ Careful intelligence assessments beforehand might have prevented these types of command errors and oversights.

FINDINGS

We heard testimony questioning the adequacy of intelligence planning for Operation Cordon and the circumstances under which the mission changed in December 1992. The testimony of the CAR Intelligence Officer, Capt Hope, spoke of his frustration about the lack of doctrine on the topic of peace support operations. We heard from Maj Kampman, Officer Commanding the armoured squadron of the CARBG, who testified that the entire mission constituted a failure of military intelligence.⁴²⁸ Col Labbé and his Chief of Staff

disagreed. Col Labbé praised the intelligence planning process, particularly at the regimental level in theatre; but in support of his assertion, he cited only the approval of LGen Johnston for briefings produced by the regimental Intelligence Officer, Capt Hope.⁴²⁹ LCol Moffat, who was posted at CJFS Headquarters in Mogadishu, testified that the intelligence received before deployment, though not perfect, was adequate.⁴³⁰

We agree with the view of Maj Kampman and the strong criticisms expressed by the soldiers who testified before us. The entire intelligence process was flawed by serious deficiencies in direction, doctrine, co-ordination, and quality control. The consequences were far-reaching as the mission changed in nature: troops in the field did not know where they were going or what to expect when they got there, and especially how to relate to members of the local population with whom they came into contact. We find that the low value placed by officers and officials at senior levels on intelligence before, during, and after deployment was a contributing factor to the serious incidents that occurred.

More specifically we find that:

- *In 1992, there was no specific doctrine for intelligence planning for peace enforcement operations, nor was there specific doctrine for peacekeeping or humanitarian operations. Available doctrine in the area of combat intelligence, founded on combat situations in the context of war and presuming the existence of an identifiable enemy, was grossly inadequate.*
- *In 1992, there was almost no acknowledgement of the need for military intelligence for United Nations operations. It was thus the responsibility of troop-contributing countries to use their own intelligence organizations and to refrain from using covert methods to obtain intelligence*
- *At the time of the Somalia mission, there was little information from the UN even during the early stages of the planning process. The UN had rejected any involvement in intelligence collection at that time and had accumulated very little information on the situation in Somalia before its involvement.*
- *Several consequences flowed from the lack of specific doctrine for peacekeeping, peace enforcement, and humanitarian operations:*

(a) Capt Hope, the CAR Intelligence Officer, was compelled to develop an intelligence plan for the mission based on combat intelligence doctrine. No guidance was readily available to assist him in planning intelligence support for the regiment or to assist in regimental training.

(b) Commanders and senior staff officers failed to recognize the need for additional intelligence staff in theatre.

(c) Commanders and senior staff officers failed to appreciate the need for interpreters. This affected the intelligence organization in theatre and the conduct of operations generally. Although they were able to hire Somali nationals for the job, intelligence staff encountered problems with this arrangement. First, they had difficulties adjusting for

clan bias in interpreting the information. Second, none of the interpreters would work at night, which created a serious gap in intelligence operations.

(d) As a result of the problem with interpreters, intelligence staff were unable to question infiltrators detained at night and were unable to gather information about the purpose of infiltrations directly from infiltrators. They were thus unable to get a clear idea of the nature and extent of the problem of thievery.

(e) Commanders and senior staff officers failed to require that intelligence staff be sent with the advance Party, a step that could have alleviated some of the problems in theatre. They could have gathered information and formulated intelligence for the force before deployment commenced.

(f) The humanitarian relief sector assigned to Canadian forces was characterized by a very complex set of clan relations and political factors, and it was extremely difficult to get accurate information because the situation was heavily politicized. This situation made it crucial to have appropriate procedures for gathering and evaluating information. Neither capacity existed.

- Information disseminated to soldiers was totally inadequate, as evidenced by the testimony of many soldiers who felt that they received inadequate preparation for the military, social and political situation confronting them on arrival in Somalia. Although the briefings contained some information on political structures and historical background, they were too short and included erroneous information on cultural issues.*
- Canadian officials placed too great a reliance on U.S. intelligence. Despite the accelerated planning imperatives with the change in mission, Col Labbé expressed little concern about the fact that his headquarters staff had no previous involvement in or knowledge of Somalia, and he believed that considerable reliance could be placed on the Americans, who had agreed to share intelligence. Once in theatre, it became apparent to Col Labbé that U.S. intelligence was not necessarily a reliable source, as he encountered difficulties obtaining information from them in a timely and responsive manner.*
- Although intelligence sources relied on by the intelligence staff identified the threat from attack by armed factions as the key threat facing the soldiers in Somalia, once in theatre, it became clear that this threat was overstated. The threat that was most evident in theatre related to the risks associated with endemic thievery.*
- From a planning perspective there was little evidence regarding adherence to the various stages of the intelligence cycle, most significantly the direction stage. Although the intelligence unit of the Special Service Force was directed to serve as the focal point in support of the operation, by identifying intelligence production and training requirements and by co-ordinating intelligence and/or information requirements, there is no evidence before us to indicate involvement*

by SSF G2 Intelligence staff in that capacity. Instead, Capt Hope appeared to be almost solely responsible for intelligence support for regimental training.

- *We find that Capt Hope received inadequate guidance and assistance from NDHQ in developing intelligence support for training. He was responsible for developing instructions on preparation of the Somalia handbook, and this was based on information gleaned from a review of public sources of information on Somalia and from consultations with a desk analyst at NDHQ.*
- *Centralized control and co-ordination of intelligence were lacking. The lessons learned report identified a weakness in the planning process, noting that information was received by all intelligence branches from a variety of sources, when ideally information should be assessed by a single organization, the G2 branch.*
- *The eclectic mix of information sources led to an unhealthy reliance on media reports, particularly CNN. Both regimental and intelligence officers used news footage to convey events in Somalia. Many soldiers testified that they received all or most of their information from CNN news coverage.*
- *Before the training exercises, very little other information was available for soldiers. The accuracy of information from media accounts was questionable, as much of the news footage was believed to be from Mogadishu, where conditions were far different from Bossasso, where the force was originally to deploy. This led to confusion about what they could expect on arrival in theatre.*

LOGISTICS AND MATERIEL PLANNING

A successful operation begins with solid and reliable logistics and materiel support to the mission.⁴³¹ This did not happen in the case of Operation Deliverance. Usually, the first task is to establish a firm base of operations in theatre, then to bring in sufficient logistical support for troops who have just arrived on site and for those still to follow. In Operation Deliverance, a National Support Element should have been built into the manning complement of 900, but there was no space because of the number of positions required for combat personnel.⁴³² Only a small service support commando was attached to the CARBG and could not sustain massive arrivals of troops, equipment and supplies by sea and air.

Logistical problems adversely affected the conduct of Canadian Forces operations in Somalia. The shift from peacekeeping to peace enforcement, a troop augmentation from 750 to 900, and two changes in area of operations should have been sufficient reason to delay the deployment until these changes could be assimilated. Instead, little thought was given to the implications of the fact that Operation Deliverance was a totally different kind of mission from Operation Cordon. Initially envisioned as a 'lean and mean' operation, requiring a bare minimum of supplies and equipment, it was not until Operation Deliverance personnel had begun to arrive in theatre that a decision was made to establish a base camp of a similar standard to that planned for Bossasso.⁴³³ However, neither logistical support nor materiel was available to achieve this goal.

Even so, the mission was not postponed. Transporting troops and the necessary supplies to Belet Huen, 350 kilometres away from HMCS *Preserver* created confusion and expense. The higher levels of leadership forgot or sacrificed a fundamental principle of logistics: send in the first line units with a three-day supply of the essentials (hard rations, ammunition, and fuel), but build up reserves of supplies and equipment on site before the operation becomes actively engaged.⁴³⁴ Political expediency and a desire to be visible on the world stage overrode all practical logistical concerns.

Lessons Learned from Operation Python

Before NDHQ issued the warning order for Operation Cordon on September 4, 1992, Operation Python (for the Western Sahara) was the Canadian Airborne Regiment's most recent planning exercise for such a deployment.⁴³⁵ In an after-action report of July 17, 1992, Maj Desnoyers described Operation Python as "a costly and confused non-event. Much of the logistic costs could have been avoided if a more systematic approach was taken."⁴³⁶ He added that NDHQ had before it "the opportunity now to produce a workable and improved system." This opportunity was squandered when it came time to make the hasty transition between Operation Cordon and Operation Deliverance. The potentially valuable lessons learned from Operation Python were forgotten in the chaotic planning for the rushed mission to Belet Huen. The after-action reports for Operation Python revealed what was to be a recurring theme: logistics planning suffered because information about the operation, available to the planners, contained gaps or did not reach all relevant personnel. In an after-action report of June 16, 1992, LCol Prosser noted that only the CAR's Commanding Officer, Col Holmes, visited UN headquarters for a briefing about Operation Python, and that planning, preparing, and mounting operations would have proved easier if representatives of Land Force Command Headquarters, Land Force Central Area Headquarters, and Special Service Force Headquarters had accompanied Col Holmes.⁴³⁷

LCol Prosser also pointed to the lack of a Canadian reconnaissance of the Western Sahara. Normally, a detailed reconnaissance of a proposed area of operation should precede a deployment, and key participants from each party, along with experts with specialized knowledge in the use of local resources. He also identified a lack of logistics intelligence on possible areas of operation.

Inadequate logistics intelligence on areas of operation typified a broader failure to make full use of intelligence staff. LCol Prosser urged that G2 (Intelligence) staff participate in planning any operation from the warning order on.⁴³⁸

Co-operation is a fundamental tenet of logistical planning; however, the J3 Peacekeeping staff and the G4 Operations staff were not involved early in the planning process for either Operation Python or Operation Deliverance. Consequently, uninformed planning personnel led to costly mistakes and confusion. Similarly, they were unable to prepare proper estimates of supplies that would be needed, such as parts and types of petroleum, oils and lubricants.⁴³⁹ A situation report of November 12, 1992 confirmed that some equipment stocks from Operation Python helped to fill Operation Cordon's requirements.⁴⁴⁰

Information from UN Technical Team

The Canadian member of the UN technical team visiting Somalia between March 21 and April 3, 1992 was Col Houghton, Director of Peacekeeping Operations, J3 Peacekeeping. He found a situation in which the Canadian contingent of the UN mission would have to be completely self-sufficient. There was very little host support, virtually no infrastructure left in parts of Somalia, shortages of the basic commodities, and few commercial establishments providing supplies in a lawless and sometimes hostile environment. Despite this analysis, plans demonstrated naïvety. Although few businesses were operational, for example, the reconnaissance concluded that only light vehicles needed to be brought from Canada. Plans anticipated that vehicles could be rented, but the vehicles initially rented locally were in poor condition. Plans foresaw that more than 40 vehicles would be required,⁴⁴¹ but a situation report of November 6, 1992 called for up to 150.⁴⁴²

Despite rampant infectious diseases, planners expected the contingent to procure local fish and vegetables. They grossly underestimated water provisions at only three litres per day for drinking and cooking, when each member of the contingent actually required a minimum of eight litres per day.

The port at Mogadishu was intact but had no services and required security pre cautions because of the presence of two rival clans. The airport was in need of repairs. Supply vehicles had to be guarded because of extensive thievery. Diesel fuel had to be obtained from suppliers in Mombasa or Nairobi.⁴⁴³ Diesel-powered vehicles reduced the variety and volume of fuel, oils, and needed,⁴⁴⁴ but such products purchased locally were costly and often dirty or contaminated. Plans anticipated that only small arms would be required and that no ammunition would be used for training. Obviously, the changeover from peacekeeping to peace enforcement mission would greatly change the quantity and type of ammunition needed.

A second UN technical mission visited Somalia between August 4 and 17, 1992, but no CF members were included, even though the logistics and communications group visited 11 locations in Somalia, including Bossasso and Belet Huen. The key findings communicated to Canada confirmed the findings of the March-April reconnaissance.⁴⁴⁵

NDHQ's message of November 16, 1992 marked CFB Petawawa and CFB Halifax as supply bases for Operation Cordon. The major supply ship was to be HMCS *Preserver*.⁴⁴⁶ CFB Lahr, in Germany, was no longer an option. NDHQ correspondence in the autumn of 1992 suggests a clear intent to create a National Support Element.⁴⁴⁷ The intention was for the NSE to forward equipment and supplies to Canadian units upon receipt in Somalia. This second and third line support would offset CAR's loss of logistics capability from the previous summer.

Logistics Planning for Operation Cordon

The UN guidelines issued on September 11, 1992 required each contingent to carry a 60-day supply of composite rations and other goods. A UN resupply would then follow by sea and air transport.⁴⁴⁸ Some of the expectations created by these guidelines never materialized. For example, tents were to house the troops initially, with the expectation that prefabricated accommodations would follow.⁴⁴⁹ These accommodations never

arrived, and most troops lived in tents throughout the mission. These tents, intended only as an interim measure, were unsuited to the desert climate and initially contained no floors or interior lighting.

There were opportunities to obtain information. From September 23 to 25, 1992, Col Houghton, LCol Morneault, and Col Cox went to UN headquarters, where, they and representatives of other troop-contributing countries, were briefed, especially about the evolving situation in Somalia.⁴⁵⁰ From October 12 to 18, Col Houghton led a reconnaissance party of 17 to assess Somalia and Djibouti for Operation Cordon. Among the party were representatives from J3 Peacekeeping, J4 Logistics, Maritime Command Headquarters, and Air Command Headquarters, and LCol Morneault of the CAR.⁴⁵¹

On October 28, 1992, LCol Mathieu, the CAR's new Commanding Officer, submitted a report concerning the reconnaissance visit to Somalia of October 12 to 18, suggesting that Canadian logistics planners had spotted and addressed potential logistics problems.⁴⁵² Canada's national mission in Operation Cordon was to maintain security in the northeastern zone of Somalia, centred on Bossasso. Under Operation Cordon, HMCS *Preserver*, anchored off the port of Bossasso, would furnish in-theatre supply because of the meagre infrastructure in Somalia⁴⁵³ and the lack of a suitable airfield at Bossasso for delivering supplies.⁴⁵⁴ According to LCol Mathieu's report, Maritime Command representatives had verified that the port of Bossasso was too small to accept a ship the size of HMCS *Preserver*; nonetheless, the port could perhaps take a roll-on-roll-off ship.⁴⁵⁵ crossload Foreshadowings of problems with sustainment by the UN were also apparent in the report.

The concern is day 61. In discussions with the UN adm reps there was a great lack in detail on sustainment. While broad brush concepts were given there were no concrete details on rat [rations] resupply, CASEVAC [casualty evacuation] and POL [petroleum, oils, and lubricants].⁴⁵⁶

The report also stipulated that while the Canadian base camp was being built, HMCS *Preserver* would provide petroleum, oils and lubricants, water, equipment storage, and rear link communications. Ways of transporting CF members to Somalia were being contemplated: about 10 days were needed to deploy the advance party; HMCS *Preserver* could bring 50 persons as part of the advance party; and the main body would have to arrive by air and crossload onto CC-130s.⁴⁵⁷ HMCS *Preserver* would provide all the services and facilities necessary, but could provide fresh fruit and vegetables for only the first seven days of operation.⁴⁵⁸ This raised health and morale concerns.

The operation order for Operation Cordon was issued on November 13, 1992. The main area of operations was Bossasso, with headquarters in Mogadishu, and Air Command was to provide sustainment airlift support twice a month from Canada. HMCS *Preserver* would sail on November 16th carrying fuel, fresh rations, water, medical supplies, and other services for the base camp at Bossasso as agreed upon by Force Mobile Command Headquarters and Maritime Command (MARCOM), and, co-ordinated by NDHQ and J3 Peacekeeping staff.⁴⁵⁹ The advance party and equipment would depart by air, to arrive in Bossasso at the same time as HMCS *Preserver*. The main equipment would be sent on a UN-chartered ship, while troops were flown over on UN-chartered aircraft. CARBG would deploy with equipment and sufficient first and second line supplies and resources

to satisfy their immediate requirements. Commencing in January, a CC-137 would make twice monthly trips from Trenton, Ontario to bring supplies. Commercial air freight was considered another option.⁴⁶⁰ An initial 30 days of individual meal packs were required and 15 days' supply of bottled water. It was expected that fresh rations would be procured locally once reliable sources were established.⁴⁶¹

Three days later, the declaration of operational readiness would be made, despite outstanding equipment issues.⁴⁶² There had already been pressure to move quickly. On October 26, 1992, the UN had requested that Canada's advance party and infantry battalion deploy when possible.⁴⁶³ A maritime logistics detachment was added to co-ordinate logistics and engineering support from Nairobi or Mombassa and to provide and co-ordinate in-theatre sustainment by HMCS *Preserver*.⁴⁶⁴ The battalion's main body was deployable by December 20, 1992 on two conditions: the UN was to provide a roll-on roll-off ship in the port of Montreal on November 16, 1992; and the UN was to furnish the needed strategic and tactical airlift to complete the move to Bossasso.⁴⁶⁵

HMCS *Preserver* arrived off the port of Mogadishu on December 12, 1992, two days before the advance party arrived by air.

Supplies and Equipment Preparation for Operation Cordon

The urgency associated with preparations led to the deployment being marred by miscommunication, insufficient planning, poor organization, and inadequate supply accounting. For example, the weekend after the warning order for Operation Cordon, the Commanding Officer of CAR prepared a comprehensive table of organization and equipment (TO&E). Yet when Operation Deliverance began, no new TO&E appeared. Another example: a situation report dated October 2, 1992 noted that at the time, 30 armoured vehicles, 41 trucks (medium logistic vehicles wheeled), and 31 commercial utility combat vehicles had undergone departure assistance group procedures. Forces Mobile Command's warning order had limited the number of vehicles being sent to Somalia to 150.⁴⁶⁶ Since the CAR had lacked a sizeable motorized fleet, other units had to furnish the vehicles for Somalia. BGen Beno's after action report of February 2, 1993 for Operation Cordon and Operation Deliverance indicated that the First Battalion, The Royal Canadian Regiment had given up their armoured vehicles to outfit the CAR, with adverse effects on morale.⁴⁶⁷ The vehicle fleet did not reach its final composition quickly, because higher headquarters added specialized vehicles. Although the task force movement table should have been completed, it continued to undergo amendment: a 60-ton crane and other items, rejected earlier as unnecessary by the CAR, were to be added.⁴⁶⁸

Change to Operation Deliverance and the Deployment

With numbers increased from 750 to 900, supplies planned for earlier became inadequate. When the mission shifted from Baledogle to Belet Huen, the main body began deploying there on December 28, 1992, deployment continued until January 4, 1993. The problem now became how to unload material from HMCS *Preserver* and transport it to the new site. On December 19th it became apparent that CARBG would most likely assume longer-term responsibility for the humanitarian relief sector centred

on Belet Huen.⁴⁶⁹ A situation report of the following day affirmed that the CARBG, apart from its vehicles, would deploy to Belet Huen by January 2, 1993.⁴⁷⁰

In both Operation Cordon and Operation Deliverance, HMCS *Preserver* was to rest a few miles from the ports of Bossasso and Mogadishu respectively.⁴⁷¹ Various crucial items that were too large to fit into a CC-130 had to be transported by HMCS *Preserver*. Once HMCS *Preserver* reached Mogadishu, its three Sea King helicopters and two small craft moved supplies ashore.⁴⁷² Under Operation Cordon, the site of the Canadian base camp would have been only three kilometres inland;⁴⁷³ nonetheless, under Operation Deliverance logistics planners initially had to contemplate transporting supplies from HMCS *Preserver* to Baledogle, closer to 100 kilometres inland. When the location changed to Belet Huen, the only available supply route was an insecure road extending 350 kilometres from Mogadishu. Problems were compounded because no reconnaissance had been done of the proposed site.

On December 8th, three days after NDHQ's warning order, Canada concluded a memorandum of understanding with the United States on mutual support, agreeing to exert their best efforts, compatible with national priorities, in peacetime, emergency and active hostilities, to fulfill the other participant's requests for logistics support, supplies, and services.⁴⁷⁴ It remained unclear, however, precisely what logistics support the United States would provide. Canadian and U.S. officers gathered at Camp Pendleton, California, on December 14th and 15th to seek agreement on what the United States would furnish.⁴⁷⁵ According to Maj N.C. Heward's report, the Canadian battle group was to deploy self-sufficient for 60 days of operations; full echelon support would flow from in-theatre Canadian and U.S. resources as available.⁴⁷⁶ By December 18th it seemed likely that when the cargo ship reached Mogadishu, the U.S. Marine Force Service Support Group would help the CARBG move the sea containers to Baledogle.⁴⁷⁷

Operation Cordon's task force movement table was to specify how to load the ships; only small common sense changes were in consideration. The additional personnel and supplies required by Operation Deliverance would move entirely on a third ship or in combination with air transport.⁴⁷⁸ The logistics plan for Baledogle was to have in-theatre CC-130 aircraft, operating from Nairobi, ferry supplies from Mogadishu to Baledogle; after the Canadian vehicles arrived by ship, they would journey to Baledogle as well.⁴⁷⁹ By January 1, 1993, the U.S. Army force, including 10 Mountain Division Support Command and 13 Corps Support Command, would begin to arrive.

After mid-January, U.S. transport could and would handle Canadian requirements.⁴⁸⁰ A military resupply flight would continue delivering materiel unique to Canadian needs to Nairobi every two weeks, and commercial shipping, by sea or air, would supplement these deliveries.⁴⁸¹

By December 27th, Canada had tentatively arranged for a transit area for storing sea containers at the Mogadishu airfield; co-ordination with the U.S. Navy Seabees to prepare the transit area for storage had already taken place. The transit area was to be ready by January 5, 1993.⁴⁸² Between December 28 and January 4, 1993, the CARBG's main body deployed to Belet Huen. Fifty-one CC-130 flights carrying personnel, equipment and supplies from Mogadishu and Baledogle arrived in Belet Huen during this interval. A sizeable airlift control element from Nairobi sent teams to ail three airfields to

support aircraft loading and unloading. Information on arrival times was imprecise, and the contents of many loads were a surprise.⁴⁸³ The ships were approaching Somalia and were expected to offload in the port of Mogadishu from January 5th to 7th. The third ship was to reach Mogadishu between January 19th and 26th.⁴⁸⁴

Consequences of Inadequate Logistical Planning

The logistics planners and personnel did the best they could under the circumstances. It is a credit to them that supplies and equipment reached the troops to the extent they did and that staged logistic support was provided as much as humanly possible. The problems that ensued were caused largely by the hasty change in mission and area of operation, without time to assimilate changes and reconsider plans, the lack of communication among various and numerous headquarters, and the over-involvement of higher level headquarters, which failed to understand the need for a clear and simple concept of what was required. All these factors forced logistics personnel to assume a constantly reactive position.

The most serious flaws in planning logistical support resulted from pressure to launch the operation with just two weeks' notice. This left no lead time for planners to be briefed on operational intentions. No new logistical plan was conceived for Operation Deliverance; the Operation Cordon plan was simply adapted. To a certain degree, adapting the procedures, concepts, and infrastructure of Operation Cordon made sense, but superimposing one mission plan on another, without major policy analysis or revisions, did not. Good logistical planning should be pro-active. Planning for Operation Deliverance occurred over two weeks, while three months' preparation time was allotted for Operation Cordon.

Adding to the complexity caused by changes in the mission and location was the length of the communications and supply line from Canada to Belet Huen -- the longest line since the Korean War, 40 years earlier.⁴⁸⁵

The CARBG camp site was to be located over 350 kilometres from headquarters in Mogadishu. The connecting road was dangerous and the terrain hazardous. HMCS *Preserver*, the major supplier for CARBG was too far away for a quick transfer of supplies. Operation Cordon had been planned as an administrative mission, whereas Operation Deliverance was tactical. It was too late to reposition the stores and equipment for a tactical move.⁴⁸⁶

Execution of the mission was also complex because there was never a clear concept of what was required. Nothing was straightforward in communications down the chain of command. CARBG logistics planners were ignored when they suggested what equipment they would need and how it should be packed. J4 logistics staff for Operation Deliverance were not consulted or asked to formulate a logistical deployment plan. Numerous levels of headquarters overrode each other in giving orders, leading to poor supply accounting procedures, faulty equipment sent, and damaged equipment received without an adequate supply of technicians to carry out repairs. There was little co-operation among the various planning staffs. It was difficult to know who was to set

priorities. There were too many micro-managers and too little use of logistics liaison officers.

Self-sufficiency was a concern right from the outset. For UNOSOM, 60 days of essential resources had to be available. However, there was always a worry about who would provide supplies on day 61. When the mission changed to a U.S.-led operation, there had been no forecasting of what resources and supplies were needed. There was no system of continuous replenishment. Supplies and equipment had been budgeted for 750 persons, not 900. The National Support Element had been dropped from the mission because of the tight personnel ceiling. CARBG deployed without distinct second or third line logistic support; it was assumed, mistakenly, that the CAR's Service Commando could fulfil the role adequately. This later proved impossible when Service Commando was overwhelmed by the 384 sea containers sitting off the port in Mogadishu. This error in strategic planning was not corrected until the National Support Element reached Somalia in March 1993.

Rations and Water

Rations were grossly underestimated. Once Operation Deliverance replaced Op Cordon as part of the U.S.-led mission, three problems developed. First, logistics planners had made no contingency plan for day 61, expecting the UN to replenish supplies. Second, there were hard rations for 750, not 900 persons. Third, there was an understanding that shortly after deployment the troops would begin receiving fresh rations.

Resolving the problems meant creating a dependency on the U.S. force, who had brought a large reserve of hard rations. Maj Gillam purchased some of this supply to feed Canadian troops and to function as a reserve until the supply ship arrived at the end of January. The promise of fresh rations within three weeks of landing never materialized; this was to be the longest CF deployment ever on hard rations, and it clearly affected morale. A combination of factors was cited as an explanation: the configuration of the camp did not allow for daily preparation of fresh rations, there were insufficient cooks to handle the volume, there was only one cooking and feeding facility, and there was no air conditioning or adequate refrigeration to reduce food spoilage.⁴⁸⁷ Sea containers were later discovered in Mogadishu with fresh rations that had never been distributed.⁴⁸⁸ Although some meats, cheeses and fruits began arriving from Nairobi in February,⁴⁸⁹ 2 Commando did not receive its first hot meal until March 29th.⁴⁹⁰ There was some resentment among the troops concerning the lack of fresh-cooked food. In his testimony, MWO Amaral noted that CARBG members compared their situation to that of the Italian contingent, who had regular fresh food and a working kitchen.⁴⁹¹

Hard rations provided only 14 days of menus, yielding inadequate variety for a six-month tour. Some of the food was intended to meet dietary requirements in arctic conditions (the coffee was not thirst-quenching, the jerky was too salty, and chocolate bars turned to mush in the heat). The troops had to ask their families to mail more appropriate items, such as pasta supplements and dehydrated soups.⁴⁹² Storage conditions were poor, and some individual meal packets spoiled from being left on pallets in the sun. Almost 6,000 breakfast and supper packets were withdrawn after soldiers became ill from eating the spoiled contents.⁴⁹³ Of the 20 refrigeration units shipped to Somalia, 18 were in disrepair

before leaving Canada, all arrived in poor condition, and only 10 could be made operational.⁴⁹⁴

Estimates of water requirements were inaccurate. There were significant water shortages at the beginning, and water consumption was restricted because of fears of a shortage.⁴⁹⁵ On arrival at Belet Huen, uncertain about how much water they were permitted to drink and how much to save, some soldiers became dehydrated and fainted on the six-hour march to the camp site during the hot daylight hours.⁴⁹⁶ It was not until 10 days after arrival that there was sufficient water for washing.⁴⁹⁷

Again, the force depended on the U.S. force to produce clean water. Reverse osmosis water production units did not arrive from Canada until mid-January,⁴⁹⁸ and the quality of the drinking water was tasteless and difficult to swallow.⁴⁹⁹ Initially there was no way to cool the water, so soldiers drank it without refrigeration -- the warm air heating the water to a temperature of approximately 45 degrees C.⁵⁰⁰

Miscellaneous Supplies and Equipment

The absence of a clear concept for the mission was perhaps best exemplified by the inadequate amount of equipment sent to Somalia. Some items were geared to arctic conditions. The tents were too dark in colour and absorbed solar heat; they had no screens or roll-up sides for fresh air;⁵⁰¹ leaving the flaps open for ventilation allowed dust to blow through the tents. There were only arctic candles for light, which were soft and therefore burned too quickly. The arctic stoves could not be used because there was no naphtha gas.⁵⁰² Three reconnaissance missions had identified desert conditions, 50 summer-weight clothing and desert equipment should have been ordered much earlier, given the long lead time required for special order items. In his testimony, Maj Mansfield described his plans for bringing in further supplies to make the troops more comfortable, but NDHQ opposed the plan. Planners thought more in terms of immediate needs rather than developing a comprehensive six-month plan.⁵⁰³

Security was compromised by the lack of trip flares, tent lighting, and perimeter wire. Trip flares were used as a security warning signal around the camp perimeter, but once tripped they could not be used again, and replacements became a continuous problem. The stock aboard HMCS *Preserver* was rapidly depleted, necessitating constant reordering.⁵⁰⁴ During the predeployment phase, Maj Seward instructed MWO Amaral to order spotlights for perimeter lighting. In theatre, MWO Amaral continued to ask for perimeter lighting, but 2 Commando never received any.⁵⁰⁵ An important security miscalculation was the lack of sufficient perimeter wire, which had been ordered on the basis of measurements for the Bossasso camp site, where the assessed threat was lower.⁵⁰⁶

The CJFS deployed with 30 days' supply of ammunition, based on the NATO low-intensity scale, as modified by Land Force Command Headquarters and approved by NDHQ,⁵⁰⁷ but it was sent separately from the troops, who arrived ahead of their ammunition to a potentially hostile environment.⁵⁰⁸ Maj Pommet noted in a report of April 17, 1993 that when the troops arrived in Mogadishu without their ammunition,

transport personnel wanted to send them on to Belet Huen empty-handed. The situation was rectified by a platoon commander.⁵⁰⁹

Numerous other supplies were lacking for a variety of reasons. The troops were initially given steel helmets, which proved too hot for desert use and were not bulletproof.⁵¹⁰ When the Kevlar helmets arrived there were not enough for everyone. Poor advance intelligence meant there were few maps, and those given to the early patrols were poorly drawn and inaccurate.⁵¹¹ Patrols soon learned to navigate by memory.⁵¹²

Vehicles

When the Operation Cordon declaration of readiness was issued, it was noted that there were still outstanding equipment issues. This was a grave understatement. Planning for vehicles illustrates the disorganization and confusion in the transition from one mission to the other. Because the CAR had been downsized, total re-equipping of it with armoured vehicles and some restructuring of vehicles were necessary.

In his testimony, Maj Kampman described the preparations for his squadron as "controlled chaos". He expressed concern about "going bare bones" and noted that he had to guess at the quantities for ammunition, fuel, weapons, and ancillary equipment to send along with the Cougars. The Cougars had not been expected to go on operations, so staff had not designed a field equipment table for a Cougar squadron on operations.⁵¹³ Maj Kampman stated that only 30 to 40 per cent of the vehicles were completely operational before deployment. Adding to this confusion, the squadron was given only hours to identify and collate their list of equipment and supplies, which then had to be rushed to the quartermaster.⁵¹⁴ Other equipment was added late to the list. Even after the task force movement tables were submitted, higher-level headquarters insisted on adding specialized equipment at the last minute, such as the 60-ton crane that the CARBG had already decided it did not need.⁵¹⁵ This forced the CARBG to reduce its fleet to stay within the 150-vehicle limit that had been imposed. It also meant that the movement tables became inaccurate and ceased to be useful. With so many levels of headquarters involved, Special Service Force Headquarters was not kept informed of these changes.⁵¹⁶

Transport of the vehicles was not co-ordinated with deployment of the main body of troops. The vehicles arrived between January 10th and 15th, which meant that CARBG's early security patrols had to be on foot.⁵¹⁷ Because there were insufficient vehicles to transport Canadian supplies from Belet Huen airport to the camp site, trucks had to be rented locally.⁵¹⁸ When the vehicles did arrive, some had problems requiring immediate repairs, and some were unusable because of damage resulting from storms during the Atlantic crossing.⁵¹⁹

One problem exacerbated another. Constant additions to and deletions from the vehicle fleet, even after movement tables were supposed to have been finalized, meant that appropriate numbers and types of parts were not sent.⁵²⁰ This caused particular havoc for the Grizzlies, which were not suited to the dusty and uneven desert terrain and required repairs. But the wrong spare parts had been sent. Repairs that could have been completed before deployment were not done, because the regimental armourer's tool kit had been packed, and no action was taken to borrow tools from another unit. As Maj Pommet

noted, "We see the peacetime mentality -- that is, carry out repairs once you reach the scene."⁵²¹

Some of the vehicles required immediate repairs after unloading. Sgt Hobbs (maintenance supervisor, Royal Canadian Dragoons) testified that when the warning order was given on December 4th, all vehicles were assessed as "battle worthy", even though many repairs were required and could not be completed before the vehicles had to be loaded on December 18th.⁵²² In fact, the armoured vehicle fleet was in such a poor state of maintenance before the warning order, that two squadrons had to be stripped to assemble one completely operational squadron for deployment.⁵²³

Lack of spare parts and poor vehicle condition naturally affected maintenance. Heat, dust and poor road conditions caused frequent breakdowns. Over the course of the mission, 120 tires had to be replaced because of punctures caused by large thorns from local plants.⁵²⁴ Vehicles required daily repairs, but because of downsizing, the maintenance platoon was too small to handle both the continual repairs and the daily patrol missions.⁵²⁵

Logistical Disorganization and Haste

Disorganization and haste characterized preparations for Operation Deliverance. As a result, several key planning steps were ignored. The lessons learned from preparations for Operation Python were not reviewed: insufficient flow of information to the logistics planners, lack of reconnaissance of the proposed camp site, lack of logistics intelligence on the area as of operation, logistics staffs not involved in planning for deployment, and inadequate estimates for supplies. There was little communication with transportation specialists to evaluate the Mogadishu and Belet Huen air fields or inland transportation systems. Instead, the logistics flow priorities should have been established early and then updated regularly as the operation progressed.

One of the major consequences of deploying in haste was poorly documented movement tables and tables of organization and equipment. Determining the number of sea containers required was critical in determining how much shipping capacity would have to be chartered and what equipment would be packed and loaded in what order. However, the constant addition of large numbers of new items and the haste to stuff them into sea containers made it difficult to make an accurate count and ensure that loading took place in the right order.⁵²⁶ The after-action report of March 21, 1995 was critical of this approach. Although the CARBG was briefed on the importance of itemizing container contents, apparently whole containers were "stuffed with 20,000 lbs simply labelled 'military stores' "; determining the contents of the containers therefore cost time and resulted in delays in receipt of supplies. The Operation Cordon materiel list was never checked to remove supplies no longer needed once the mission moved to Belet Huen. No NDHQ staff check was carried out to assess changing requirements from Bossasso to Baledogle to Belet Huen.⁵²⁷

The issue is a lack of communication between Canadian Forces foreign traffic unit personnel and the CARBG. An after-action report of February 2, 1993 adds another dimension: when CAR members attempted to advise on how to load the ship, they were ignored by foreign traffic unit personnel.⁵²⁸

To alleviate some of the confusion caused by poor inventory, a manual locator system was initiated by the CARBG quartermaster. This proved somewhat ineffective because of time constraints in loading. Some materiel was shipped direct to Somalia without passing through the quartermaster's office and was therefore not added to the inventory. Even when these items reached their destination, there were too few supply technicians to manage supply accounting, due to the lack of a second and third line organization.⁵²⁹

Many difficulties caused by poor logistical planning could have been avoided had there been more integration and co-operation among the movement and supply staffs during the warning phase. Supplies and equipment were lost not only because manifests were inaccurate and not updated frequently, but also because of a lack of interconnecting communication at all points from loading through unloading, a loss of visibility of the materiel once it was turned over to a commercial carrier, and improperly addressed documents.⁵³⁰ This latter problem meant an extra burden of unloading and repacking for CARBG staff, who sometimes received materiel from Nairobi addressed to CJFS Headquarters in Mogadishu because these supplies had been mixed on the same pallet with items intended for the CARBG.⁵³¹ The pallets themselves were the wrong size, causing difficulties in loading from HMCS *Preserver* onto the CC-130s. Even unloading was slowed by the lack of traffic technicians or air movement personnel - casualties of the manning ceiling. Unloading was done by hand by HMCS *Preserver* personnel.⁵³²

The lack of combat service support marred the initial arrivals of both troops and supplies in Somalia. There was no one to track movements of stores and equipment or to deliver either to mission sites. The landing of the troops was so disorganized that no one had thought ahead about feeding them on arrival and before they began their first march, unacclimatized, in the hot sun. It was only through the ad hoc intervention of Maj Gillam's staff that the troops were given food and water before moving out.⁵³³

Lack of Communication and Chain of Command Confusion

Good planning necessitates early and close co-operation between operational and logistics personnel, who must understand the initial operational concept and be involved in its evolution. This fundamental principle of logistical planning was not acted upon in Operation Python, nor was it remembered in Operation Deliverance. An after-action report of March 21, 1995 recommended that every activity involving J3 Operations personnel should also include the J4 Logistics staff.⁵³⁴ There would have been better communication had there been more headquarters liaison officers to co-ordinate efforts among planners at multiple levels and throughout the chain of command. Liaison officers should have been available from the CARBG and NDHQ, J3 Operations, J4 Logistics and J4 Materiel staff during the planning, warning, and deployment phases.⁵³⁵

The lack of communication and co-ordination had serious consequences at the operational level. When HMCS *Preserver* sailed, it lacked the necessary army maps. Moreover, the army and navy teletype computers were incompatible, because of poor communication between the ship and planning staffs. There were constant conflicts in decision making between the principal units (HMCS *Preserver* and the CARBG) and the hierarchy of staffs (Land Force Command, Land Force Central Area, and Special Service

Force headquarters) involved in planning.⁵³⁶ Confusion resulted over which set of orders to follow. For example, LFCA and LFC headquarters confirmed early which stores had been identified as marked for loading on HMCS *Preserver*. These stores were to be shipped directly to Halifax, but when 5SF Headquarters later discovered that this was not possible, some stores ended up in CFB Petawawa.⁵³⁷

At other times, the judgement of the CARBG was questioned regarding its choice of deployment equipment, especially its decision to bring electrical generators.⁵³⁸ Priorities for loading cargo were constantly changing. There was little co-ordination in determining which items were high priority for HMCS *Preserver* or for air transportation. The CARBG was frequently not consulted in setting the priority list, and usually not notified about what equipment and supplies were to be downgraded.⁵³⁹ There was no National Support Element to take charge, monitor, and evaluate the tracking and loading of goods.

During the frenetic days after the warning order and before the loading of the final items, there were criticisms of confused orders, misdirection and micro-management. The vehicle maintenance unit, for example, had only seven days to repair the many poorly maintained vehicles for A Squadron, and the unit resented taking time from this urgent task to fill out detailed daily situation reports on its progress.⁵⁴⁰

Errors in Leadership

Three significant leadership shortcomings can be identified in the area of logistical planning. First, logistics planners were not sent to establish liaison with the U.S. force before deployment. Second, little logistical forethought was given to the decisions to move the area of operations from Bossasso to Baledogle to Belet Huen. Third, the need for a National Support Element to accompany the CARBG was ignored before the mission began and for three months afterward.

For Operation Cordon it was estimated that sufficient logistics support had been built in, particularly since HMCS *Preserver* could dock at Bossasso. Operation Deliverance altered all this, resulting in a heavy Canadian dependence on the U.S. contingent for supplies and logistical support (including everything from hard rations to vehicles). There was no longer a UN logistics chain to resupply the troops. A Canada-U.S. memorandum of understanding had been signed. Following a meeting between Col Labbé and LGen Johnson, a logistics team was sent to Camp Pendleton from First Canadian Division Headquarters on December 14, 1992 to work out the implementing agreement.⁵⁴¹ Col Furrie testified that there was no senior logistics officer on either of the teams sent to MacDill Air Force Base and Camp Pendleton. This was an oversight.⁵⁴²

Throughout the planning and warning phases for Operation Deliverance, there was a sense of urgency to get the mission off the ground, regardless of the state of readiness. On November Sth Col Furrie had sent a memo to the senior levels of NDHQ stating that the mission 'should be delayed because of numerous equipment shortfalls. Canadian stockpiles were geared to a European theatre rather than desert climate and terrain, so more time was required to compile items needed for Somalia.'⁵⁴³ This warning went largely unheeded as the 'can do' attitude set in. The mission was to go on as planned unless a "showstopper" was identified. Among senior logistics officers, there was the

feeling that the deployment could be slowed down only if some element that would have affected the safety and welfare of troops was entirely absent. This would have been difficult for the J4 to evaluate, since that office became aware of the change in mission only on December 4th.⁵⁴⁴ Maj Gillam detected serious problems with the mission, but he remained silent because he believed that LFCA Headquarters or NDHQ would have anticipated these problems as he had and rectified them.⁵⁴⁵

When the CARBG was scheduled to deploy to Baledogle, it was planned that they would receive logistical support from U.S. 10th Mountain Division. However, when the location shifted to Belet Huen, the logistical estimate was made at the operational level in Somalia, and NDHQ was not informed. Col Furrie testified that he found out only after the decision had been made. He believed that Col Labbé's decision to go to Belet Huen was never scrutinized by NDHQ.⁵⁴⁶ Otherwise, an alarm would have been raised over CARBG moving out of the logistical reach of 10th Mountain Division. Maj Gillam worried less about the actual physical move to Belet Huen and more about the lack of continuing second line support once in camp.⁵⁴⁷ Nonetheless, he could not provide Col Labbé with "showstoppers". Col Labbé testified that he reviewed the options and assessed Belet Huen as a viable option even without a National Support Element. He was concerned by the 350 kilometres between Mogadishu and Belet Huen, but he ensured that CARBG received "first class service" and always had adequate combat supplies.⁵⁴⁸

If it is general practice to send a single unit overseas with built-in second and third line support, why was the logistical unit severed from the CARBG? If a combat unit requires extra logistical help to make it self-sufficient, why did it take more than three months for a National Support Element to be sent to Somalia? The likely answer is that the rigid personnel ceiling of 900 meant there was little room to manoeuvre once the numbers in the combat unit and its supporting squadrons and platoons were added up.

A second flaw in the planning led to the mistaken assumption that the small Service Commando unit could assume all logistical responsibilities. Maj Gillam had suggested a National Support Element early in the planning for Operation Deliverance, but Col Labbé informed him that LCol Mathieu had assured him that Service Commando could provide adequate support.⁵⁴⁹ No one at NDHQ took the time to assess the consequences of this decision or to consider making the National Support Element a completely separate unit from the CARBG.⁵⁵⁰ When the Logistics Staff Assistance Team arrived in Somalia on February 19, 1993, LCol Carveth assessed logistics support as being in dire need of a 60 per cent augmentation in size and declared the mission in jeopardy if proper support was not sent.⁵⁵¹ Although Col Labbé had requested a national support element on January 19th, and several further requests were made in February, the unit did not arrive until March.

FINDINGS

- *We find that no policy analysis or evaluation was undertaken to assess the logistical changes required for the change of mission from Operation Cordon to Operation Deliverance.*

Deployment should have been delayed until logistically, at least, everything was in a state of preparedness, including all equipment (especially vehicles) and

supplies (especially those adapted for desert use). Supplies and equipment had been packed for 750 personnel, not the 900 personnel required for Operation Deliverance. There was no logistical reconnaissance of the Belet Huen camp site, and there was no host infrastructure on which to rely. NDHQ saw Operation Deliverance as a pared-down mission requiring a minimum of logistical support. When the decision was made to build the Belet Huen camp site, there were insufficient supplies. Senior J4 planners were not consulted in the initial planning process.

- *Significant negative logistical effects flowed from moving the mission from Bossasso to Belet Huen. A 'can do' attitude prevailed. Senior J4 officers at NDHQ were not included in the logistical evaluation of the new site. The senior J4 officer in Somalia worried about providing sufficient second line support to Belet Huen, but Col I-abbé was confident that there would be no significant problems.*

At the Bossasso site, HMCS Preserver would have docked at the port and been able to meet all major supply needs. Unloading would have been from ship to shore. Belet Huen proved more challenging, because land transportation was over 350 kilometres of rough and unsafe road between Mogadishu and Belet Huen. Consequently, most materiel had to be flown by CC-130s to the Belet Huen airfield. To complicate matters, haste in packing the sea containers in Canada resulted in poor supply accounting procedures and difficulty locating needed supplies.

- *Essential items (such as hard rations) for 60 days were prepared and packed. It was expected that from Day 61 on UN suppliers would be responsible for all future replenishments. When the mission became the U.S.-led UNITAF, the Canadian Forces scrambled to provide needed supplies. Dependence on the U.S. contingent (who were well equipped) ensued for some essential items.*
- *A national support element was not included in the 900-person ceiling imposed on Operation Deliverance. This caused a serious void in second and third line support capabilities.*

Serious concerns were voiced before deployment about not sending a national support element to accompany the CARBG. They were repeated on January 19th by Col Labbé and reiterated by senior logistics planners in Ottawa in February. However, the NSE did not arrive in Somalia until March. The CARBG's Service Commando was assigned all logistical responsibilities in theatre, even though it was drastically understaffed and overwhelmed by the scope of such tasks as unloading the 384 sea containers. The Service Commando could not meet the second and third line support requirements of the CARBG. Morale was undermined and unnecessary hardships were created by poor planning and supply choices, such as the lack of cold water, fresh food, and equipment and supplies suited to desert conditions. Fresh rations were promised to begin three weeks after

deployment, but did not actually materialize until March, almost three months later.

CAMP LAYOUT

The location and layout of a military camp are critical to the success of a mission and the security of personnel. Senior officers must decide, based on well established doctrine, how and where to build a camp, using the technical means and human resources available. While the location of the Belet Huen camp did not emerge as a significant issue at our hearings, the layout of the camp was clearly of major concern to many of the soldiers who testified. During training for Operation Cordon, the soldiers had been trained for a triangular camp layout (considered by some to be a defensive posture),⁵⁵² which was considered a standard layout for CF operations. On arrival in Belet Huen, they confronted a large, elongated camp, spread out over a mile-long area on either side of a local public highway (see Figure 25.5). Many soldiers voiced concern about the negative impact of the camp layout on the general conduct of operations. Very few expressed confidence in the arrangement.

Figure 25.5:

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Our review of the evidence led us to conclude that the decentralized camp configuration had a serious impact on the conduct of operations in theatre. The layout negatively influenced security, basic operating procedures, and troop cohesiveness; it left areas open to infiltration, contributed to materiel shortages, and increased the chances of casualties from friendly fire.

In the review that follows we first consider the manner in which decisions about camp location and layout were made, then review the impact of the layout decision on key aspects of the operation, including security risks and troop safety, materiel shortages, and morale. We end with a brief summary of findings.

Selection of Camp Location

When the troops arrived at Belet Huen on December 28, 1992, the initial plans were for a camp in the vicinity of the airport. The decision to locate the compound at the Belet Huen site instead of near the airport was based on several factors. First, the airport field was difficult to defend from military attack. Second, heavy supply trucks from Mogadishu would have to pass through the village to bring goods and equipment to a compound located at the airport site, exposing themselves to theft and violence. Third, there was evidence that the Belet Huen airfield was in a flood-exposed area. Finally, the CARBG was able to secure an alternative location with some structures already in place.⁵⁵³

According to the testimony of Maj Mansfield, no formal decision-making process was followed by the CO of the CARBG to select the camp location. There was merely an informal discussion between the Commander and his staff advisers, who generally accepted the site as suitable for the mission.⁵⁵⁴ The decision about location was supposedly based on tactical positioning rather than security. A factor that allegedly influenced the position was that the location allowed Canadian troops to control

important routes and block access to General Aidid in Mogadishu.⁵⁵⁵ Despite the lack of process, the decision about location does appear somewhat defensible (particularly if the road cutting through the centre of the camp is disregarded as a location issue). But even if the location decision was defensible, the rationale does not extend to justify the decision about the layout of the camp.

Selection of Camp Layout

According to accepted military custom, five factors are key to determining appropriate layout.

- The length of the deployment -- whether days or months -- determines whether the configuration should be temporary or permanent.
- The purpose of the camp -- whether it was necessary to assume a defensive position, to build a home base, or an administrative site.
- Available resources -- whether sufficient supplies (such as perimeter lighting and wire) were available to build a more decentralized camp than the one envisaged for Bossasso.
- The security situation -- whether the camp could be protected from sabotage, thieves, and curious passers-by.
- The need for cohesiveness -- whether cohesiveness and communications between the commandos would be jeopardized if the units were physically isolated from each other.

The layout ultimately chosen consisted of small separate sections spread out over a distance of 1.5 kilometres, a layout that left the commandos widely dispersed. (Figure 25.6 shows the length and size of the camp relative to the Belet Huen area.) A triangular layout, the one used in training, would have concentrated all of the CARBG in one secured area, with only one perimeter to defend. What factors were considered in laying out the camp in the decentralized manner, given that the troops had trained for a triangular layout?

Figure 25.6:

[Computer-generated scale diagram of the Belet relative to the surrounding area.](#)

First it was believed that the camp at Belet Huen would not be permanent, and this was critical to initial plans for the layout.

Another thing was that at the beginning -- when we were establishing the camps, I knew, or I anticipated, that the camps would not be permanent. We were not all that permanent in fact.⁵⁵⁶

The fact that there were existing structures in certain areas was another factor. The locations of the engineers and service compounds were predetermined, because an infrastructure was already available,⁵⁵⁷ and the balance of the camps were set up around these two.

Finally, initial plans contemplated setting up islands of defence, sufficiently spread out to minimize the risk of indirect fire attacks.⁵⁵⁸ The theory was that if one camp was hit, the others would still be protected, unlike a single camp, which was considered far more vulnerable to indirect fire.

A triangular layout was dismissed by LCol Mathieu (at least for the size of the battalion in Somalia) as being too big. LCol Mathieu was of the opinion that a triangular compound would not be adequate for the materiel, vehicles and 900-person contingent. Moreover, he had read documentation to the effect that the exercises in Petawawa were not conclusive, so he dismissed the idea.⁵⁵⁹

Apart from these factors, it was not clear from the evidence whether other factors were considered, such as resource availability or cohesiveness.

Once the concept of the layout had been approved, decisions about which locations fell to which Commando took place while the troops were marching down the road leading to the Strada Imperiala. Each Commando selected its own spot; it was every Commando for itself. No instructions or directions were given by the Commanding Officer.⁵⁶⁰ At first, 2 Commando was supposed to share a compound with 3 Commando, but because a locally owned piece of land intervened, they had to move west, past the engineer compound, the fuel bladders, and the helicopters.⁵⁶¹

The reasons cited for the layout of the camp may have some merit, but they fail to satisfy us that the appropriate factors were given due consideration in the decision to lay it out in the manner chosen. We believe that some critical factors, such as cohesiveness of the unit and availability of resources, were neglected or ignored and that other factors such as the security situation were not afforded the appropriate weight or were misapplied, for example, the purpose of the camp.

Numerous officers and soldiers who testified at the hearings expressed pointed criticisms of the layout from many perspectives. Most expressed concern about security, because of the much enlarged perimeter area that would have to be defended and the vulnerability inherent in having an uncontrolled public road running through the centre of the camp and beside vital installations.⁵⁶² Some were of the view that the layout should have been restricted to the plan that they came prepared to execute, specifically the plan for "one large camp."⁵⁶³

Maj Mansfield found the layout unsuitable, even though he supported the choice of location. He was under the impression, following discussions with his superior, that the camp would be a single box-shaped or rectangular unit.⁵⁶⁴ He confirmed that either a triangular or a rectangular camp would have had advantages over the dispersed layout.

A single geometric camp would have been all of those things [simplicity, security, economy of effort, cohesiveness] be it triangular or square.⁵⁶⁵

Although LCol Moffat, Col Labbé's Chief of Operations, was reluctant to offer an opinion on the issue, under questioning he declared that the layout of the camp was simply "a layout of bivouac areas along a road, but not a defended position in the definition."⁵⁶⁶

Others were more openly disdainful. MWO Amaral stated, "it's a stupid set up and it doesn't make any sense."⁵⁶⁷ Sgt Little maintained that he lost respect for the Commanding Officer primarily because of the layout of the camp, which he believed to be "just foolish. There was no military value to it. It was dangerous, in my opinion, the way he had the camp set up."⁵⁶⁸

Maj Pommet expressed criticism in his after-action report on the operation, written in April 1993. He expressed his preference for a triangular layout, as it emphasized basic principles: simplicity, security, economy of effort, cohesiveness of the regiment and perimeter defence. He questioned the reasoning behind the decision, stating that it appeared to be attributable only to the priority that certain organizations gave to comfort.⁵⁶⁹

Conclusions

For reasons set out below, which illustrate the extent to which the layout adversely affected the conduct of operations, we conclude that the camp layout was unacceptable given the alleged and anticipated threat from factions in the region and from endemic thievery. The layout failed to address security concerns, failed to support a more cohesive unit, and considerably aggravated the problems posed by limitations in available materiel and resources.

Effects on Security Operations

Not surprisingly, many of the soldiers saw the layout as insecure. Not only was the camp spread out, with individual encampments for the units, on either side of a public road, but Somali nationals and refugees lived in close proximity to many of the individual encampments. As a result of the elongated set-up, the perimeter of the camp was much longer than it would have been with a single camp, requiring considerably more wire to secure the areas and considerably more manpower to patrol. Objectively, it is difficult to imagine any other conclusion being drawn.

According to LCol Mathieu, decentralizing the compound increased security against indirect military attacks because of what he referred to as mutual support by soldiers from all sections of the compound in the event of a siege.⁵⁷⁰ He believed that a dispersed layout increased security because it covered more territory and more approach access to the camp. He stated that once a single camp is attacked and breached, the enemy is inside, whereas the way this camp was laid out, if one section went down, the whole camp would not necessarily be defeated.⁵⁷¹

This view might have been reasonable if the perceived threat was only the risk of indirect fire, but it was clearly limited given the information available about the type of activities and threats facing the troops at Belet Huen. Although there were serious problems in the intelligence received before deployment, commanders and senior officers were nonetheless aware of endemic thievery and the use of small arms. The risk of drive-by shootings on the road running through the compound should have been considered high.

Maj Pommet voiced this concern and added that the road passing through the Service Commando and Engineers camp left the site vulnerable to grenades tossed from the road. For thieves or others who intended harm to the camp, a quick escape route was available through the refugee village nearby.⁵⁷²

Moreover, the fact that each Commando was responsible for the defence of its own perimeter led to redundant defence systems and inefficient use of manpower in the circumstances. On this matter, Maj Vanderveer (the Officer Commanding Service Commando) wrote in his after-action report.

Having separate [commando] unes has increased security manpower [requirement] and also creates engagement problems. A single [regiment] camp would have reduced this problem. Because of [temporary depot for munitions] and in/out route and size of [Service Commando] six [personnel] are on security at any one time [each] night. This reduces numbers of [personnel available] to tulfili [support] functions to rifle [commandos].⁵⁷³

Maj Mansfield cited similar problems. On March 4th, he had to request assistance with security at the Engineers compound. According to him, standing guard interfered with the unit's work as engineers.⁵⁷⁴

The issue is best described by Maj Pommet in his after-action report.

The Regiment is currently spread over a distance of 1.5 km in various small camps, causing communications, supply and transport problems.. Several small camps pose additional security problems, such as guard duty and the need for redundant defence systems.... This point stems directly from the question of security. Because there are several camps, the [commandos] must provide their own perimeter security. They therefore have to use considerable manpower just for guard duty. Further, under the triangular formation, the riflemen were responsible for sentry duty, thereby ensuring that the specialists -- [medical assistants, vehicle technicians] and so on -- had the time needed to perform their primary duties, rather than standing guard duty.⁵⁷⁵

Security for the enlarged perimeter area was also affected indirectly by the shortage of wire. According to Maj Mansfield, the decentralized compound was far less secure because of a shortage of barbed wire, and soldiers were concerned about attack because they knew materiel shortages were weakening their defences. Moreover, the decision about layout was taken knowing that the threat was greater than in Bossasso.⁵⁷⁶

Col Labbé supported the layout decision, speculating that it had been made by balancing the risk of a conventional military attack against the need to deal with infiltration by looters or saboteurs.⁵⁷⁷ We found his testimony self-serving and unconvincing, his suggested rationale for the decision merely echoing the reasons expressed by LCol Mathieu.

Effects on Cohesiveness and Morale

Comraderie and cohesiveness were not fostered by the layout. The three commandos were far apart, separating the Francophones in 1 Commando from the other units. Maj Pommet testified that having the three commandos "under the same roof" would have fostered interaction.⁵⁷⁸ In his after-action report, he noted further that with a triangular layout, they could have had an officers' mess and an NCOs' mess to serve as social centres for the camp -- places to relax with peers and alleviate stress.⁵⁷⁹

None of this was available under the decentralized arrangement. According to LCol Mathieu, the decentralized layout allowed the commandos to come and go, minimizing disruption to others and enabling them to develop and live by their own schedules.⁵⁸⁰ But this was hardly conducive to promoting the interaction that fosters unit cohesiveness.

After ensuring the safety of the troops, a foremost concern should be their quality of life. Camp improvements should be made to enhance the conditions under which troops live and work. Maj Mansfield testified that he could have provided more facilities for the comfort of the troops, but that he encountered resistance to such suggestions from officers at headquarters, who maintained that this was not a long-term mission. His perception was that there was a general feeling that the Airborne soldiers were tough and did not require extra comforts.

The troops were living mainly on hard rations "to . . . minimize risk.. .from preparing food in the open."⁵⁸¹ Maj Gillam testified that the camp layout was one reason why the soldiers could get fresh-cooked meals only on a rotational basis. Fresh meals were prepared in a single insulated, air-conditioned tent to reduce the risk of food spoilage. Consequently, each group had fresh rations only once a week.

Guard duty affected both morale and effectiveness. Because more guards were needed to secure the spread-out camp, fewer soldiers were available to patrol in Belet Huen or perform other tasks. As Maj Pommet pointed out in his after action report, specialists in the Service Commando and the Medical Platoon also had guard duty, which gave them less time for their primary duties.⁵⁸² More duties meant fatigue.⁵⁸³

The Eventuality of Friendly Fire

The configuration of the camp posed a risk of friendly fire -- that is, that soldiers in one part of the camp, perhaps in the process of defending a compound from outside attack, would have to shoot toward another part of the camp, running the risk of shooting a member of their own unit or damaging facilities and materiel. As Maj Pommet stated at the time:

No orders were given relating to defence -- such as arcs of fire or arcs of responsibility -- or coordination in the event of a ground attack. Currently, the [Commandos] are defending themselves individually, with no coordinated mutual support and without even knowing what action to take if the need arises to help the [Service Commando], 3 [Commando] or the engineers.⁵⁸⁴

Although Maj Pommet had serious concerns about many aspects of the layout from the start, he never discussed them with LCol Mathieu until an incident in early March, when bullets fired from the Service Commando entered the i Commando area.⁵⁸⁵ That incident spurred Maj Pommet to action.⁵⁸⁶ The response was simply an instruction to the troops the following day to use their judgement before using their rifles.

To reduce the danger of friendly fire, LCol Mathieu's headquarters asked CJFS HQ for more shotguns to deal with the problem.⁵⁸⁷ The lack of shotguns became an important issue in the March 4th incident, when one Somali national was killed and another injured (see Volume 5, Chapter 38).

LCol Mathieu did not disagree that the chance of friendly fire was greater with a decentralized camp, but he nonetheless maintained that greater weight was given to other factors, such as proximity to the road, because supply trucks could not be driven on unsound ground.⁵⁸⁸ To deal with the risk of friendly fire, LCol Mathieu said that the soldiers could always hide in the trenches to defend themselves.⁵⁸⁹

We find the response and approach to the possibility of friendly fire both simplistic and elementary. The potential for friendly fire is of major significance to the safety of troops. A simple admonishment to watch where you are firing is insufficient to address safety concerns. The fact that a decentralized layout was more vulnerable to the risk of friendly fire than a triangular layout is apparent and ought to have been a factor in the decision about camp layout.

Effects on Materiel Shortages

The dispersed layout required far more barbed wire for perimeter security and more wire for lighting and communications than a smaller compound would have demanded. There were problems getting wire to the camp, and shortages limited the extent and effectiveness of wire defences.⁵⁹⁰ Engineers complained about the lack of barbed wire, and electrical wire caused by the increased size of the perimeter of the camp layout.

In response to these complaints, LCol Mathieu countered that they only received the materiel that had been allotted for Operation Cordon, which was to have had a non-tactical permanent compound. In his view, even with a less decentralized camp, there would not have been sufficient materiel to meet all the security needs identified.⁵⁹¹

After realizing that the new camp layout was larger than anticipated, Maj Mansfield raised a concern about the shortage in barbed wire in informal discussions with LCol Mathieu. The answer was that Canadian Forces were tapped into the U.S. contingent's supply system, and because of that, there was the potential to obtain additional wire.⁵⁹² However, no extra wire was ever obtained from this source.

The dispersed camp layout also created problems in getting electrical power to every unit. Again, when the supplies were packed in Canada, everything was measured for the dimensions of the Bossasso camp.⁵⁹³ Maj Mansfield was not sure he would have enough cable to bring power to everyone. He had to use point generation systems, meaning that each Commando had a small generator, an arrangement that was maintenance-intensive and generated fluctuating power after a few weeks.⁵⁹⁴ Although some supplies were eventually received, 2 Commando never did receive any perimeter lighting.⁵⁹⁵

Given the supplies that were available to the Engineers and their relative isolation from the other commandos, Maj Mansfield stated, the dispersed layout put a strain on his men. The problem did not appear sufficiently serious for him to tell his Commanding Officer that he was unable to perform his duties.⁵⁹⁶ The attitude was to "Do the best that you can with the resources that you have."⁵⁹⁷

Once again we find that the problem of materiel shortages was met with indifference. The significance of the issue for troops who were confronting risk in insecure conditions was not seriously acknowledged.

Loss of Confidence

Many of the soldiers and officers who testified indicated, with varying degrees of criticism, dissatisfaction with the camp layout, which they blamed for the lack of security, the need for more patrols, the shortages of barbed wire and electrical equipment, the scarcity of fresh rations, and other annoyances. This was the subject of conversation among many of the troops and had the effect of undermining the confidence of the soldiers in their leaders.

FINDINGS

- *Although the deployment of Canadian troops to Somalia was a tactical deployment under anticipated threat, the camp was configured more along the lines of an administrative site, rather than a defended position.*
- *Appropriate factors were not given due consideration in the decision to lay out the camp in the manner chosen. Some critical factors, such as cohesiveness of the unit and the availability of resources, were neglected or ignored, while other factors were not afforded the appropriate weight (the security situation) or were misapplied (the purpose of the camp).*
- *camp layout emphasizing basic principles of simplicity, security, economy of effort, the homogeneity of the Regiment, and perimeter defence would have been a more appropriate layout for this operation.*
- *The decentralized layout required increased security resources and personnel. This left the troops exhausted because of extra duties. It also left the camp more vulnerable to infiltration and terrorist attacks.*
- *The camp was so configured as to be susceptible to friendly fire. Such an incident occurred in early March 1993, when bullets from Service Commando entered the First Commando site.*

- *Supplies of barbed wire and perimeter lighting were insufficient for the decentralized layout. Materials had been calculated for the Bossasso site where the threat assessment had been lower.*
- *The decentralized layout provided inadequate facilities to cook and prepare fresh rations. As a result, fresh meals were served centrally, on a rotational basis, only once a week for each group. This affected morale.*
- *The dispersed layout of the camp isolated the commandos, particularly 2 Commando, and discouraged unit bonding and cohesiveness.*
- *The dispersed layout of the camp undermined the confidence of the soldiers in their leaders.*

Recommendations

We recommend that:

25.1 To redress the planning problems earmarked by the Somalia mission, the Chief of the Defence Staff reinforce the importance of battle procedure (the process commanders use to select, warn, organize, and deploy troops for missions) as the proper foundation for operational planning at all levels of the Canadian Forces, and that the importance of systematic planning based on battle procedure be emphasized in staff training courses.

25.2 Contrary to recent experience, the Chief of the Defence Staff enunciate the principles that apply to planning, commanding, and conducting operations by the Canadian Forces in each international operation where these differ from national principles of planning, commanding, and conducting operations.

25.3 The Chief of the Defence Staff ensure that all states of command, such as national command, full command, and operational command are defined on the basis of Canadian military standards and criteria.

25.4 For each international operation, the Chief of the Defence Staff issue clear and concrete orders and terms of reference to guide commanders of Canadian Forces units and elements deployed on those operations. These should address, among other things: the mission statement, terms of employment, command relationships, and support relationships.

25.5 The chief of the Defence Staff clarify the duties and responsibilities of the Deputy Chief of the Defence Staff and, in particular, identify precisely when the Deputy Chief of the Defence Staff is or is not in the chain of command.

25.6 In light of the Somalia experience, the Chief of the Defence Staff assert the authority of the Chief of the Defence Staff under the *National Defence Act*, to establish better "control and administration" of the Canadian Forces, taking appropriate steps to ensure that the Chief of the Defence Staff has adequate staff assistance.

25.7 The Chief of the Defence Staff provide commanders deployed on operations with precise orders and unambiguous reporting requirements and lines to ensure that Canadian laws and norms are respected.

25.8 The Chief of the Defence Staff ensure that all plans for the employment of the Canadian Forces be subject to operational evaluations at all levels before operational deployment

25.9 The Chief of the Defence Staff establish standing operating procedures for:

- (a) planning, testing, and deploying Canadian Forces in domestic or international operations; and
- (b) the conduct of operations by the Canadian Forces in domestic or international operations.

25.10 The Chief of the Defence Staff establish principles, criteria, and policies governing the selection, employment and terms of reference for commanders appointed to command Canadian Forces units or elements in domestic or international operations.

25.11 The Chief of the Defence Staff conduct training and evaluation exercises to prepare and test staff procedures, doctrine, planning, and staff officers in National Defence Headquarters and in the chain of command.

25.12 The Chief of the Defence Staff establish a uniform system for recording decisions taken by senior officers during all stages of planning for operations. The records maintained under this system should include a summary of the actions and decisions of officers and identify them by rank and position. The records should include important documents related to the history of the operation, including such things as estimates, reconnaissance reports, central discussions, orders, and casualty and incident reports.

25.13 The Chief of the Defence Staff or the Chief of the Defence Staff's designated commander identify and clarify the mission goals and objectives before commencing calculation of the force estimate.

25.14 The Chief of the Defence Staff base the force estimate for a given mission on the capacity of the Canadian Forces to fulfil the demands of the operation, as determined after a mission analysis has been completed and before recommending that Canadian Forces be committed for deployment.

25.15 The Chief of the Defence Staff develop a formal process to review force requirements once any Canadian Forces unit or element arrives in an operational theatre.

25.16 To remedy deficiencies in existing practices, before committing forces to an international operation, commanders should:

- (a) clearly establish the military mission as well as the tasks necessary to achieve the mission;
- (b) return to the practice of preparing military estimates before developing the organization and composition of forces to be employed in operational theatres;
- (c) be required to undertake a thorough reconnaissance of the specific area where the forces are to deploy; and
- (d) accept that in the interests of deploying a force that is appropriate, well balanced and durable, proper estimates of the requirements be completed before forces are committed and personnel ceilings are imposed.

25.17 The Chief of the Defence Staff develop specific doctrine outlining the intelligence-gathering process for all peace support operations, to be separate and distinct from the doctrine covering intelligence gathering for combat. This doctrine should include:

- (a) a statement confirming the purpose and principles of intelligence gathering for all peace support operations, from traditional peacekeeping to peace enforcement. Where required, a differentiation would be made between the strategic stage, the decision-making stage, and the operational planning stage of the operation;
- (b) a statement confirming the sources of information appropriate for use in the intelligence-gathering process;
- (c) a section outlining anticipated use of intelligence in peace support operations, during both the decision-making stage
- (d) a section outlining the intelligence planning process during the various stages of planning, establishing what needs to be done and by whom, including any procedures required to develop an intelligence plan for the mission or intelligence support for the training of troops; and
- (e) a section describing the dissemination process for all stages, including the manner of dissemination and the personnel involved.

25.18 The Government of Canada urge the United Nations to expand its peacekeeping planning division to include an intelligence organization within the secretariat that would serve to co-ordinate the intelligence required for peace support operations, including maintenance of an information base on unstable regions available for use by troop-contributing countries.

25.19 The Chief of the Defence Staff ensure that planning doctrine includes appropriate assessment methodology to determine sufficient numbers of intelligence personnel and intelligence support personnel (interpreters) for the operation. In accordance with existing doctrine, the presence of intelligence personnel in the advance party should be ensured.

25.20 The Chief of the Defence Staff develop guidelines and procedures for ensuring that cultural training programs are appropriately supported by the intelligence staff by

providing adequate and appropriate resources for the intelligence staff well in advance of the operation.

25.21 The Chief of the Defence Staff ensure that sufficient resources are available and adequate guidelines are in place for intelligence staff to foster self-sufficiency in the area of intelligence planning and to discourage over-reliance on other intelligence sources.

25.22 The Chief of the Defence Staff review the organization and process for intelligence planning to ensure maximum communication and efficiency in the intelligence-gathering and dissemination processes.

25.23 To remedy deficiencies in existing practices, the Chief of the Defence Staff ensure that logistical planning is finalized only after the mission concept is developed, the size and composition of the Canadian contingent is estimated, and a full reconnaissance of the area of operations has been undertaken.

25.24 The Chief of the Defence Staff provide guidelines stipulating that sufficient time be taken to assess any changes in areas of operation. Such guidelines should include the stipulation that military considerations are paramount in decisions to change the proposed mission site after materiel has been packed and logistics planning completed for the original site.

25.25 When a change in mission is contemplated, the Chief of the Defence Staff ensure that new logistical contingency plans are completed before the new mission is undertaken.

25.26 The Chief of the Defence Staff ensure that a National Support Element (that is, an integrated logistics support unit) is included as a separate unit at the commencement of every mission undertaken by the Canadian Forces.

NOTES

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3. Canadian Land Force Command and Staff College (CLFCSC), "Course Brief" (November 1995), p. 4-3/11.
4. *Land Formations in Battle*, p. 3-3-2, paragraph 5.
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6. Testimony of Col Labbé, Transcripts vol. 166, p. 33980.
7. CLFCSC, "Course Brief", p. 4-8/11.
8. *Operational Staff Procedures*, vol. 2, *Staff Duties in the Field* (June 1993), B-GL-303-002/FP-002, pp. 9-13 and 9-14. Testimony of Col Labbé, Transcripts vol. 161, pp. 32728-32734.
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11. Document book MOR2, tab 12.
12. Operation PYTHON After Action Report, LCol Prosser for Commander, Land Force Central Area Headquarters, June 16, 1992, Document book 9, tab 15.
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14. Testimony of Col Bremner, Transcripts vol. 8, p. 1483.
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23. Transcripts vol.44, p. 8703.
24. Document book 9, tab 20.
25. Document book 9, tab 19.
26. Document book 9, tab 23.
27. Document book 9, tab 18.
28. Estimate of the Situation: FMC Forces Available for Security Operations in Somalia, Version no.2, July 29, 1992, p.2/7.
29. Estimate of the Situation, p. 5/7.
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31. Memorandum, Option Analysis Somalia: Probable Tasks and Forces Available, July 29,1992, Document book 9, tab 22, p.2/S.
32. Option Analysis Somalia, p.2/5.
33. Estimate of the Situation, Document book 9, tab 25.
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35. Document book 9, tab 27.
36. Document book 9, tab 27, paragraph 17.
37. Document book 27, tab 18.
38. Document book 9, tab 28.
39. Document book 9, tab 28, p.6/6.
40. Confidential: Briefing Note for the CDS on Provision of Land Forces to Somalia, August 25, 1992, Document book 11, tab 14.

41. See Technical Team Report, August 4-17, 1992, Document book 11, tab 6.
42. Confidential: Briefing Note for the CDS on Provision of Land Forces to Somalia, p.2.
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- 231.Board of Inquiry, Canadian Airborne Regiment Battle Group, vol. III, pp. 525-526 (Exhibit P-20.3).
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254. Transcripts, vol. 1, pp. 122-123.
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256. Board of Inquiry (CARBG), vol. II, p. 207.
257. Transcripts vol. 8, pp. 1430-1431.
258. Board of Inquiry (CARBG), vol. VI, p. 2096.
259. Testimony of Capt Rainville, *Transcript of the General Court Martial of Capt Rainville*, vol. 6, p. 1042, Exhibit P-31.6.
260. Transcripts, vol. 8, p. 1431; see also vol. 1, p. 125.
261. DND, *Infantry vol. 3, Section and Platoon in Battle* (1976), p. 3-4.
262. Board of Inquiry (CARBG), vol. V, p. 1188.
263. Board of Inquiry (CARBG), vol. XI, p. 3335.
264. Transcripts vol. 1, p. 121.
265. Board of Inquiry (CARBG), vol. XI, p. 3335.
266. Board of Inquiry (CARBG), vol. VI, p. 2096.
267. Transcripts vol. 8, p. 1436; and Exhibit P-85.6, "1, 2, and 3 Commandos" (chart).
268. Transcripts vol. 8, pp. 1438-1439.
269. Transcripts vol. 1, p. 120.
270. Transcripts vol. 1, p. 120.
271. Transcripts vol. 1, pp. 115-117.
272. Transcripts vol. 1, p. 114.
273. Transcripts vol. 1, p. 115.
274. Exhibit P-85.7, "Service Commando" (chart). LCol Calvin explained at the hearings that the company quartermaster "parallels the regimental quartermaster responsible for the provision of beans and bullets to this particular commando": Transcripts vol. 8, p. 1442.
275. Board of Inquiry (CARBG), vol. XI, p. 3335.
276. Transcripts vol. 8, p. 1442. See also Pupetz, *In the Line of Duty*, p. 214.
277. Transcripts vol. 8, p. 1442. See also Pupetz, *In the Line of Duty*, p. 229.
278. Transcripts vol. 8, p. 1444.
279. Board of Inquiry (CARBG), vol. II, pp. 402-403.
280. Board of Inquiry (CARBG), vol. II, p. 402.
281. Transcripts vol. 8, p. 1445.
282. Testimony of Maj Lelievre at Board of Inquiry, vol. 2, p. 400; *Board of Inquiry*, vol. 6, p. 2096.
283. Board of Inquiry (CARBG), vol. II, pp. 399-400.

284. Board of Inquiry (CARBG), vol. V; p. 1188.
285. Board of Inquiry (CARBG), vol. II, p. 400. On the two postal clerks, see Document book 41, tab 9, p. DND 007642.
286. Transcripts vol. 8, p. 1445.
287. Board of Inquiry (CARBG), vol. V; pp. 1187-1188.
288. Exhibit P-85.8, "A SQN RCD--1 AB FD SQN" (chart).
289. Transcripts vol. 8, pp. 1448, 1449; DND, "Backgrounder - Canadian Airborne Regiment Battle Group Operation Deliverance", p. 2.
290. Board of Inquiry, vol. VI, p. 2096.
291. Transcript of General Court Martial LCol (ret) Mathieu, 2nd trial, vol. 3, p. 459 (Exhibit P-243.2).
292. Board of Inquiry (CARBG), vol. V; p. 1188.
293. Transcripts vol. 8, pp. 1450-1451.
294. Pre-Deployment Daily Executive Meetings, Document book 32.1, tab 32. See also message from LCol Arbuckle (liaison officer at U.S. Central Command), Document book 32, tab 21; HQ CJFS SITREP 009, December 23, 1992, Document book 32, tab 21; Dan Alvis, "The Other Side of Somalia -- an American View", *Defence Policy Review 14/18* (October 4, 1996), p. 2; and Document book 51, tab 2, p. DND 309549.
295. Testimony of Maj Moffat, Transcripts vol. 97, p. 19043.
296. Testimony of Capt Hope at Board of inquiry (CARBG), vol. II, p. 518.
297. Testimony of Capt Yuzichuk at Board of Inquiry (CARBG), vol. III, p. 683.
298. Testimony of Maj Kampman, Transcripts vol. 27, p. 5260. On the importance of the interpreters, see Document book 63C, tab 2.
299. Testimony of Maj Moffat, Transcripts vol. 97, pp. 19043 and 19045.
300. Board of Inquiry (CARBG), vol. IV; pp. 947-948.
301. Testimony of Cmdre Cogdon, Transcripts vol. 9, pp. 1711-1714.
302. See Col Labbé, "Overview of Comd CJFS Pre Deployment Activities for Op Deliverance", p. DND 383074.
303. Maj L.W Gillam, "Logistics Overview of Operation Deliverance", Document book 63F, tab 13, p. 2.
304. Sitrep 002, Document book 41, tab 2.
305. Board of Inquiry (CARBG), vol. XI, p. 3337.
306. Testimony of LCol Calvin, Transcripts vol. 1, p. 114.
307. Testimony of Maj Kyle at Board of Inquiry, vol. 3, p. 526. See also Pupetz, *In the Line of Duty*, pp. 89, 222 and 224.
308. Gillam, "Logistics Overview of Operation Deliverance", p. 1.
309. Gillam, "Logistics Overview of Operation Deliverance", p. 4.

310. Gillam, "Logistics Overview of Operation Deliverance", p. 8.
311. Board of Inquiry (CARBG), vol. II, p. 404; see also pp. 408-409.
312. See Col. Labbé, "Third Line Support -- Canadian Joint Force Somalia", December 11, 1992, p. 1/2.
313. DND, *Intelligence, vol. 2, Combat Intelligence*, second draft, p. 1-1, B-GL-3 15-002/ET-001.
314. *Combat Intelligence*, p. 1-1.
315. For a full description of combat intelligence doctrine, see *Combat Intelligence*, p. 1-2.
316. An in-depth description of the intelligence cycle as it relates to combat intelligence is found in *Combat Intelligence*, Chapter
317. Although this manual reflects current doctrine in the area, according to the director general (Intelligence), it also applied to the period of the CF deployment to Somalia. The manual goes into considerable detail about the intelligence cycle and combat intelligence as it pertains to conventional warfare and the responsibilities of the various levels of army organization. The application of these processes to peace support operations would be difficult (Briefing for Inquiry staff, January 15, 1997).
318. *Combat Intelligence*, p. 1-3.
319. *Combat Intelligence*, p. 1-3.
320. Peace support operation is the generic term for activities in international crises and conflict resolution and management in which the CF may be involved. They include activities conducted in support of preventive diplomacy, peace making, peacekeeping, post-conflict peace building, and peace enforcement operations
321. Mats R. Berdal, *Whither UN Peacekeeping?* Adephi Paper 281 (London: Brassy's, 1993), p. 43.
322. Robert E. Rehbein, *Informing the Blue Helmets: The United States, UN Peacekeeping Operations and the Role of Intelligence* (Kingston, Ontario: Centre for International Relations, Queen's University, 1996), p. 69.
323. *Peacekeeper's Handbook* (New York: Pergamon Press, 1984), p. 39. According to the testimony of Capt Hope, Transcripts vol. 102, p. 20117, before the Somalia deployment, intelligence officers were not allowed to refer to themselves or be identified as such, for fear of compromising the neutrality of the UN force.
324. New forms of civil unrest and upheaval have surfaced since the end of the Cold War, stemming in part from assertions of nationalism and ethnic or religious strife. The UN has thus been called to intervene in new and varied ways. For a detailed account of the characteristics of the new peacekeeping missions, see Volume 1, Chapter 10 of this report.
325. Hugh Smith, "Intelligence and UN Peacekeeping", *Survival* 36/3 (Autumn 1994), p. 174.

326. Since then, the UN has established the 24-hour Situation Centre in the Department of Peacekeeping Operations, consisting in part of the Information and Research Unit, set up to co-ordinate requests for information from their data base from field commanders or to other member state missions for assistance. See Rehbein, *Informing the Blue Helmets*, p. 30.
327. According to Dr. Menkhaus, Transcripts vol. 7, pp. 1332-1333, the UN had very little information on Somalia to disseminate to foreign contingents
328. because the UN does not have information-gathering agencies [and it . . . is very dependent on national governments to provide it with information. And this we found was a real weakness... because the UN officials were either beholden to national governments whose information could reflect their own interests or more generally had no information themselves to work off. The UN had actually very little to pass on to member states who were going to be contributing troops and usually the flow of information was the other way around.
329. Testimony of Capt Hope, Transcripts vol. 102, pp. 19928-19929.
330. Doctrine pertaining to combat intelligence at the time of the Somalia operation is found in CFP 315(2) Supplement 1 - Combat Intelligence Operations and Training. The current manual on combat intelligence doctrine, which is the source for most of the material in this section, is *Intelligence*, vol. 2, *Combat Intelligence*, second draft, p. 1-1, B-OL-315- 002/ETOOI.
331. *Combat Intelligence*, p. 2-1.
332. For a complete list of the tasks and a more detailed description of the six tasks, see *Combat Intelligence*, p. 2-1.
333. For a detailed list of G2 staff responsibilities, see *Combat Intelligence*, Annex C, Chapter 3.
334. For a detailed list of the responsibilities of the battle group intelligence officer, see *Combat Intelligence*, Annex D, Chapter 3.
335. Current doctrine sets out the responsibilities of intelligence staff and the procedures to be followed to a certain extent. See *Combat Intelligence*, pp. 20-2 to 20-6.
336. *Combat Intelligence*, pp. 5-14 to 5-18.
337. *Combat Intelligence*, pp. 5-18 to 5-19.
338. In 1992, doctrine for joint and combined operations was found in CFP(J) 5(4), Canadian Forces Joint and Combined Operations Doctrine (Interim). Current doctrine for joint and combined operations is found in B-GO-005-004/AF-000, effective April 6, 1995, and is essentially a codification of previous conventional doctrine.
339. Col Houghton, director of peacekeeping at National Defence Headquarters at the time, testified about the situation in Somalia during the period of the UN technical mission. Col Houghton confirmed reports of no government infrastructure or

- central authority, Testimony of Col Houghton, Transcripts vol. 44, p. 8676. See also the technical mission report (March-April), Document book 9, tab 11.
340. When UNOSOM was first established, only the military observers were agreed to by the ruling factions in Mogadishu. The security force was referred to only in principle. It was generally acknowledged that such an arrangement would place the observers at greater risk. See briefing note, ADM (Pol & Comm) to CDS and DM, April 28, 1992, Document book 60, tabs 16 and 17.
341. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9920
342. Somalia Threat Assessment, July 29, 1992, Document book 9, tab 24, p. 4.
343. Note on Options for a Canadian Response to the Crisis in Somalia, August 5, 1992. Document book 27, tab 21, pp. 5-6. The report noted that with anarchy prevailing, the UN forces could encounter small-arms fire from groups attempting to raid or otherwise interfere with relief supplies. Compliance by armed factions with UN humanitarian plans was seen as unlikely at that time, yet important in determining the level of risk to which the UN troops might be exposed.
344. Testimony of Col Bremner, Transcripts vol. 8, p. 1504.
345. Preliminary Intelligence Estimate, prepared by 02, August 5, 1992, Document book 65A, tab 1.
346. Preliminary Intelligence Estimate, p. 16.
347. Telex, Col Fraser, PRMNY, to EXTOTT, August 23, 1992, Document book 27, tab 33. Gen Aideed had recently agreed to the deployment of the Pakistani battalion, and only after protracted negotiations. There was legitimate concern that once he heard of the additional troops assigned to headquarters in Mogadishu, a strong reaction would follow.
348. Minutes, DEM, August 25, 1992, Document book 32.1, tab 4. See also Somalia Area Brief, August 21, 1992, prepared by 02, Document book 11, tab 13, which provided basic intelligence on Somalia, including sections on political, social, geographic and military intelligence, and information on the state of the economy and infrastructure.
349. FMC Draft Contingency Plan Op Cordon, Document book 12, tab 16, annex C, p. C-1/2.
350. FMC Draft Contingency Plan, annex C, p. C- 1/2.
351. FMC Draft Contingency Plan, annex C, p. C- 1/2.
352. DCDS, Operation Deliverance, Final Report of Lessons Learned, March 21, 1995, Document book 62E, tab 180, pp. 17, 18, 27.
353. As Intelligence Officer with the CAR, Capt Hope testified at great length about doctrine, intelligence gathering, intelligence dissemination, and the resulting problems. His testimony with respect to intelligence can be found in Transcripts vols. 102 and 103.
354. Testimony of Capt Hope, Transcripts vol. 102, p. 20113. At various points in his testimony, Capt Hope raised this issue and indicated serious concerns about the

- inadequacy of the doctrine, noting that he had yet to see the recently prepared doctrine on intelligence for low-intensity operations.
355. Testimony of Capt Hope, Transcripts vol. 102, p. 20120. When he first received notification that the CAR would be deployed to Bossasso, he spoke to someone in the intelligence corps who specialized in plans and doctrine and was advised that no doctrine was available at the time. He received some advice, however, regarding the basics of operation.
356. Testimony of Capt Hope, Transcripts vol. 102, p. 19967.
357. Testimony of Capt Hope, Transcripts vol. 102, p. 19916.
358. Testimony of Capt Hope, Transcripts vol. 102, p. 19916.
359. Testimony of Capt Hope, Transcripts vol. 102, pp. 19935-19936.
360. Testimony of LCol Morneault, Transcripts vol. 36, p. 7084.
361. See the intelligence report annex to the reconnaissance report, Document book 16, tab 12, annex D, p. 4.
362. Testimony of Capt Hope, Transcripts vol. 102, p. 19940.
363. Intelligence report annex, pp. 3-4.
364. Testimony of Capt Hope, Transcripts vol. 102, pp. 19917-19919.
365. Several officers found the briefing useful. See the testimony of Maj Mackay, Transcripts vol. 33, pp. 6397-6399. LCol Morneault found the briefing excellent and indicated that his intelligence officer was able to get a complete map of the country broken down by clan; testimony of LCol Morneault, Transcripts vol. 36, p. 7078.
366. Testimony of LCol Morneault, Transcripts vol. 36, p. 7080.
367. Testimony of Maj Kyle, Transcripts vol. 22, p. 4001.
368. Document book, LCol Momeault 2, tab 4.
369. Testimony of Capt Hope, Transcripts vol. 102, p. 19938.
370. Testimony of Capt Hope, Transcripts vol. 102, pp. 19938-19939.
371. Testimony of Col Labbé, Transcripts vol. 161, pp. 32744-32745.
372. Testimony of Col Labbé, Transcripts vol. 161, p. 32796.
373. Testimony of Col Labbé, Transcripts vol. 161, p. 32796.
374. Testimony of Col Labbé, Transcripts vol. 161, p. 32820.
375. Testimony of Col Labbé, Transcripts vol. 161, p. 32801.
376. As expressed in the CJFS headquarters war diary, February 18, 1993, Document book 51, tab 3, p. 10/19. The entry noted:
377. Reporting of the area to the northeast of Belet Huen has not been forthcoming and all efforts to obtain coverage have met with little success. As the region flanks the CDN HRS and contains the bulk of hostile combatant forces in the area it is vital to have a detailed understanding of the daily situation. We have

- indications that this information is available at UNITAF but not being disseminated to CJFS.
378. Much of the information concerning the intelligence activities of the First Canadian Division was drawn from the Operation Deliverance After Action Report on Intelligence prepared by First Canadian Division, 3350-52-27 (J 2), December 1993, but not filed with the Inquiry because of the classified nature of some of the information in it. The portions referred to in this part are noncontroversial and non-classified.
379. Intelligence Support Direction and Guidelines, BGen Doshen, Director General Intelligence, Document book 65, tab 1.
380. Document book 65, tab 1, annex A.
381. Document book 21, tab 14, annex B. But note that the direction given Col Labbé was primarily for CJFS Headquarters intelligence personnel, as the information requested focused on the Mogadishu area, not Belet Huen.
382. Testimony of Capt Hope, Transcripts vol. 102, pp. 20114-20115.
383. Testimony of Capt Hope, Transcripts vol. 102, p. 20116.
384. Testimony of Capt Hope, Transcripts vol. 102, p. 19942.
385. Testimony of Capt Hope, Transcripts vol. 102, pp. 19946-19949.
386. Testimony of Capt Hope, Transcripts vol. 102, pp. 19935-19936. Note however that the threat assessments were not filed in evidence at the Inquiry because of the classified nature of the information in them.
387. Document book 20, tab 14, p. B-1-6.
388. Testimony of Capt Hope, Transcripts vol. 102, pp. 19955-19957.
389. Testimony of Capt Hope, Transcripts vol. 102, p. 20173 and following.
390. Testimony of Capt Hope, Transcripts vol. 102, pp. 20176-20177.
391. Testimony of Capt Hope, Transcripts vol. 102, p. 19950.
392. "Ops Notes, 23 Dec, CDS Briefing Book, Cp Deliverance", Document book 23, tab 1, p. 1382. See also the exchange between Capt Hope and counsel for the government of Canada on this issue in Transcripts vol. 102, pp. 20160-20162.
393. Testimony of Dr. Menkhaus, Transcripts vol. 7, p. 1333.
394. Many of the witnesses testified about the inadequacy of pre-deployment training on the situation in Somalia.
395. Testimony of Maj Seward, Transcripts vol. 32, pp. 6093-6095.
396. Testimony of Capt Hope, Transcripts vol. 102, pp. 19930-19931.
397. Testimony of Capt Hope, Transcripts vol. 102, p. 19927.
398. Testimony of Capt Hope, Transcripts vol. 102, p. 19959.
399. Testimony of Capt Hope, Transcripts vol. 102, p. 19923.
400. See generally the discussion about this point in the testimony of Capt Hope, Transcripts vol. 102, pp. 20024-20032.

401. Testimony of Capt Hope, Transcripts vol. 102, p. 20030.
402. Testimony of Capt Hope, Transcripts vol. 102, p. 20115.
403. See, generally, testimony of Dr. Menkhaus, Transcripts vol. 7, pp. 1287-1382, especially pp. 1380-1382.
404. Testimony of Capt Hope, Transcripts vol. 102, p. 20147.
405. DCDS, Operation Deliverance, Final Report of Lessons Learned, March 21, 1995, Document book 62E, tab 180, pp. 17, 18, 27.
406. FMC Draft Contingency Plan, Document book 12, tab 16, annex C, pp. C-1/2 to C-2/2.
407. Final Report of Lessons Learned, p. 18.
408. 5SF, Operation Cordon/Deliverance After Action Report, February 2, 1993, Document book 61, tab 13H, p. A-i 1/17
409. See, generally, testimony of Dr. Menkhaus, Transcripts vol. 7, pp. 1287-1382.
410. See the testimony of Capt Walsh, Transcripts vol. 13, p. 2377-2378, regarding the use of taped newscasts for training; and Capt Hope, Transcripts vol. 102, p. 19940, regarding intelligence briefings.
411. MWO Mills testified that the soldiers kept their "eyes glued to CNN", Transcripts vol. 23, p. 4345.
412. Testimony of Col MacDonald, Transcripts vol. 26, p. 4952.
413. Testimony of Maj Kampman, Transcripts vol. 27, p. 5153.
414. According to Maj Pommet, the reports revealed mainly violence and looting in Mogadishu, where the threat was far more serious. In Bossasso, things were calm and stable: Transcripts vol. 182, p. 37522.
415. Testimony of Maj Pommet, Transcripts vol. 107, pp. 21309-21312.
416. Cpl Pumelle testified that the reality of what they faced in Somalia was a shock to them all: Transcripts vol. 35, pp. 6839-6840.
417. Testimony of Dr. Menkhaus, Transcripts vol. 7, pp. 1346-1347.
418. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5163-5164.
419. Testimony of Dr. Menkhaus, Transcripts vol. 7, pp. 1345-1346.
420. Testimony of Dr. Menkhaus, Transcripts vol. 7, pp. 1351-13522.
421. Dr. Menkhaus cited by way of example the warning in the handbook that locals with weapons must be considered dangerous. According to Dr. Menkhaus, however, almost all Somalis were carrying weapons at the time to protect their herds: Transcripts vol. 7, p. 1362.
422. Testimony of Maj Moreau, Transcripts vol. 52, pp. 10351-10353 and 10385-10387.
423. Testimony of WO Labrie, Transcripts vol. 53, pp. 10609-10612.
424. Testimony of Sgt MacAuley, Transcripts vol. 54, pp. 10744-10745.
425. Testimony of Sgt MacAuley, Transcripts vol. 54, p. 10675.

426. Testimony of Sgt Godfrey, Transcripts vol. 54, pp. 10787-10812.
427. Testimony of Maj Pommet, Transcripts vol. 107, pp. 21366-21368.
428. This was confirmed by most of the soldiers, many of whom were advised just hours before they left that there could be trouble upon their arrival in Belet e. They landed in combat gear, fully armed, and took position. See testimony of Capt Poitras, Transcripts vol. 52, pp. 10411-10412.
429. Testimony of Sgt Godfrey, Transcripts vol. 54, pp. 10788-10793.
430. Testimony of Maj Kampman, Transcripts vol. 28, pp. 5302-5303. Maj Kampmans concerns are explored later in this chapter.
431. Testimony of Col Labbé, Transcripts vol. 162, pp. 33038-33039.
432. Testimony of LCol Moffat, Transcripts vol. 97, p. 18923. Note, however, that LCol Moffat did not substantiate this assertion.
433. A glossary issued by Force Mobile Command (November 1, 1991) defines logistics as follows:
434. The science of planning and carrying out the movement and maintenance of forces. In its most comprehensive sense, those aspects of military operations which deal with:
435. a. design and development, acquisition, storage, movement, distribution, maintenance, evacuation, and disposition of materiel;
436. b. movement, evacuation, and hospitalization of personnel;
437. c. acquisition or construction, maintenance, operation, and disposition of facilities; and
438. d. acquisition or furnishing of services. (AAP-6(S))
439. (ADTB Note: In Canadian operations, the movement, evacuation, and hospitalization of personnel are not logistics functions). Land Force Command, *Operational Staff Procedures*, vol. 2, *Staff Duties in the Field*, Supplement 3, *Army Glossary* (B-GL-303-0021Jx-z03), p. L-12. Under this definition, logistics is related to but distinct from the *The Materiel Assets Lexicon* (Supply and Services Canada, 1992) defines materiel as
440. Movable property and all assets, including equipment and stores, other than money and real property. It comprises: raw materials and manufactured products, short-term consumable items, small durable items such as cameras, medium-sized items such as office equipment and furniture, and large items such as vehicles and aircraft.
441. National support element is a generic term identifying personnel who, for the duration of an operation, link Canada to the support of whatever force is being supported, independent of that force's own resources: Testimony of Col Furrrie, Transcripts vol. 99, p. 19472.
442. Testimony of Maj Mansfield, Transcripts vol. 103, p. 20352.

443. Gillam, "Logistics Overview", Document book 63F, tab 13, p. 9.
444. Testimony of LCol Turner, Transcripts vol. 18, p. 3407; and Mr. Fowler, Transcripts vol. 50, p. 10172.
445. Document book 9, tab 16, point 3d.
446. Document book 9, tab 15.
447. Document book 9, tab 15, p. 3.
448. Document book 9, tab 15, p. 6.
449. Document book 17, tab 3, p. 4.
450. Technical mission report (March-April), paragraph 5.
451. Document book 16, tab 18, p. 3/6.
452. Technical mission report (March-April), paragraph 9.
453. Report of the Technical Mission to Somalia, August 4-17, 1992, Annex 8, Logistic Evaluation for Peacekeeping Forces, Document book 11, tab 6, pp. 51-62.
454. Technical mission report (August), Annex 5, Activities of the Technical Team, pp. 32-37; Annex 8, Logistic Evaluation for Peacekeeping Forces, pp. 48-51; and Annex 9, Logistics: Accommodation, pp. 51, 55-56.
455. Document book 17, tab 8, p. DND 006857-006858.
456. Document book 28, tab 12, p. DND 111436; Document book 20, tab 16, p. DND006856.
457. Document book 15, tab 2, p. 8.
458. Document book 15, tab 2, p. 9.
459. Testimony of Col Houghton, Transcripts vol. 44, pp. 8702-8703.
460. Document book 29, tab 10, Annex A, p. DND 123602.
461. "Op Cordon ADM Recce Report", Document book 15, tab 21, p. 3.
462. Testimony of Col Bremner, Transcripts vol. 8, p. 1505.
463. Document book 16, tab 10, p. DND 001519, point 2.
464. "Op Cordon ADM Recce Report", p. 3.
465. "Op Cordon ADM Recce Report", p. 4.
466. "Op Cordon ADM Recce Report", pp. 4-5.
467. "Recce Report Somalia, 12-18 October 1992", Maritime Section, Annex C, Logistics, Document book 29, tab 1, p. C-4.
468. Document book 17, tab 7, pp. 4,7
469. Document book 17, tab 8, pp. 5, 6.
470. Document book 17, tab 8, p. 8.
471. "Op Cordon-Op Ready Declaration", Document book 17, tab 9.
472. Document book 16, tab 5, p. DND 002210, point 2.

473. "MARLANT OPORD 23/92", Appendix 2 to Annex N, DND 086440, p. N2-1.
474. Document book 16, tab 5, pp. DND 002210-002212.
475. Document book 14, tab 14, p. 3.
476. Document book 24, tab 1, Annex A, p. A-i.
477. Document book 24, tab 1, Annex A, p. A-i 4.
478. Document book 22, tab 14, pp. DND 007691, 007697.
479. Document book 22, tab 17, p. DND 007685.
480. Document book 15, tab 21; Document book 62E, tab 18.
481. Document book 22, tab 6, p. DND 006727.
482. Document book 31A, tab 30, p. DND 108339.
483. Document book 20, tab 22, p. 5, section III, paragraph 1.
484. Document book 31A, tab 25, p. DND 082643, point 1.
485. Document book 31A, tab 25, p. 1.
486. Document book 22, tab 6, pp. DND 006727-006728.
487. Document book 30, tab 22, p. DND 099155.
488. Document book 22, tab 6, p. DND 006727.
489. Document book 22, tab 6, p. DND 006728.
490. Document book 22, tab 6, p. DND 006729.
491. Document book 23, tab 19, p. DND 007543, point 3A(1).
492. Testimony of Maj Gillam at Board of Inquiry (CARBG), vol. 11, p. 414.
493. Summary of Operation Deliverance Situation Reports, Document book 23, tab 25, p. 2.
494. Gillam, "Logistics Overview", Document book 63E tab 13, p. 1.
495. Operation Deliverance, Final Report of Lessons Learned, March 21, 1995, Document book 62E, tab 18, p. 3.
496. Testimony of Maj Gillam, Transcripts vol. 100, pp. 19595-19604.
497. Testimony of Maj Pommet, Transcripts vol. 107, pp. 21471-21472.
498. Testimony of MWO Amaral, Transcripts vol. 104, p. 20599.
499. Testimony of Sgt MacAuley, Transcripts vol. 54, p. 10700.
500. Testimony of MWO Amaral, Transcripts vol. 104, pp. 2060e-20601.
501. Col Joly, "Director Infantry Post Visit Report", April 19, 1993, Document book 63F tab 11F, p. 15-17.
502. Message, date unknown, but sometime after March 23, 1993, Document book 63E, tab 14.
503. Testimony of Maj Mansfield, Transcripts vol. 103, pp. 20353-20354, 20366, 20371.
504. Testimony of WO Labrie, Transcripts vol. 53, p. 10611.

505. Testimony of Sgt Godfrey, Transcripts vol. 54, pp 10790-10793.
506. Testimony of Capt Poitras, Transcripts vol. 52, p. 10425.
507. Testimony of Maj Mansfield, Transcripts vol. 103, pp. 20374-20375.
508. Joly, "Director Infantry Post Visit Report", p. 16.
509. Testimony of Capt Poitras, Transcripts vol. 52, p. 10427.
510. Report by Maj Pommet, April 17, 1993, Document book 61A, tab 1, p. DND 013011.
511. Testimony of Sgt MacAuley, Transcripts vol. 54, pp. 10696-10697.
512. Testimony of Maj Mansfield, Transcripts vol. 103, p. 20329.
513. Testimony at General Court Martial of LCol Mathieu (First Trial), Transcripts vol. 3, p. 484.
514. Testimony of MWO Amaral, Transcripts vol. 104, pp. 20578-20581.
515. Testimony of Maj Mansfield, Transcripts vol. 103, pp. 20318-20319.
516. "Adm O Admt 3 - Op Deliverance", February 10, 1993, Document book 63D, tab 13, p. 14.
517. Operation Deliverance Final Report of Lessons Learned, March 21, 1995, Document book 62E, tab 180, p. C-29.
518. Maj Pommet, "Report, Operation Deliverance, Part 1", Document book 61A, tab 1, p. DND 013002.
519. Testimony of Sgt MacAuley, Transcripts vol. 54, pp. 10685-10686, 10717-10718.
520. Testimony of Sgt MacAuley, Transcripts vol. 54, pp. 10676-10687.
521. Testimony of Sgt Godfrey, Transcripts vol. 54, pp. 10811-10812.
522. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5221, 5240.
523. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5222, 5241.
524. SSF, After Action Report Operation Cordon/Deliverance, February 2, 1993, Annex A, Document book 61, tab H, p. A-14.
525. SSF, After Action Report, p. A-15.
526. Testimony of WO Labrie, Transcripts vol. 53, p. 10618.
527. Testimony of Capt Powell, Transcripts vol. 101, p. 19884.
528. Testimony of Capt Poitras, Transcripts vol. 52, p. 10447.
529. BGen Beno, Op Cordon/Deliverance After Action Report, February 2, 1993, Document book 24, tab 1, p. A-17.
530. Maj Pommet, "Report, operation Deliverance, Part 1", pp. DND 013008-013009.
531. Testimony of Sgt Hobbs, Transcripts vol. 55, pp. 10902.
532. LCol MacDonald, "Op Deliverance Prep, Lessons Learned", December 18, 1992, Document book 22, tab 8, p. 2.
533. Testimony of Sgt Hobbs, Transcripts vol. 55, pp. 10940-10941, 10943.

534. Maj Pommet, "Report, Operation Deliverance, Part 1", p. DND 013009.
535. Operation Deliverance, Final Report of Lessons Learned, March 21, 1995, Document book 62E, tab 18F, Annex B, pp. B-8 and B-9.
536. Operation Deliverance, Final Report of Lessons Learned, pp. C-75, C-80.
537. BGen Beno, Op Cordon/Deliverance After Action Report, February 2, 1993, Document book 24, tab 1, Annex A, p. A-16.
538. Op Deliverance After Action Report, November 4, 1993, Document book 61D, tab 1B, Appendix 4 to Annex B, p. B4-4.
539. Op Deliverance After Action Report, p. B4-4.
540. Airflow Cargo Message, February 2, 1993, Document book 63D, tab 3, p. 1.
541. Maj Gillam, "Logistics Overview", Document book 63F tab 13, p. 2.
542. Testimony of Maj Gillam, Transcripts vol. 100, pp. 19565-19566.
543. Operation Deliverance, Final Report of Lessons Learned, March 21, 1995, p. C-67.
544. Operation Deliverance, Final Report of Lessons Learned, p. C-67.
545. Marlent Headquarters, Halifax, Operation Deliverance Lessons Learned, February 19, 1993, Document book 31A, tab 42, pp. DND 087610, 087692.
546. BGen Beno, Operation Cordon/Deliverance After Action Report, February 2, 1993, Annex A, p. A-12.
547. Maj Weicker, Operation Deliverance After Action Report, February 11, 1993, Document book 61, tab K, p. A-3.
548. Maj Vanderveer, Service Commando After Action Report Deployment, February 25, 1993, Document book 61, tab 21, p. 2-3.
549. LCol Macdonald, Operation Deliverance Prep, Lessons Learned, December 18, 1992,
550. Testimony of LCol Young, Transcripts vol. 29, p. 5634.
551. Testimony of Col Furrie, Transcripts vol. 99, p. 19449.
552. Testimony of Col Furrie, Transcripts vol. 99, pp. 19424-19425.
553. Testimony of Col Furrie, Transcripts vol. 99, p. 19428.
554. Testimony of Maj Gillam, Transcripts vol. 100, p. 19584.
555. Testimony of Col Furrie, Transcripts vol. 99, pp. 19463-19465.
556. Testimony of Maj Gillam, Transcripts vol. 100, pp. 19586-19587.
557. Testimony of Col Labbé, Transcripts vol. 161, pp. 32968-32969,
558. Testimony of Maj Gillam, Transcripts vol. 100, p. 19544.
559. Testimony of Col Furrie, Transcripts vol. 99, p. 19475.
560. Maj Gillam, "Logistics Overview", Document book 63F tab 13, p. 7; and telex, LCol Carveth to LCol Furrie, February 1993, Document book 63F tab 8, p. 4.
561. Testimony of MWO Amaral, Transcripts vol. 104, p. 20568.

562. Testimony of LCol Mathieu, Transcripts vol. 169, pp. 34876, 34878.
563. See testimony of CWO Jardine, Transcripts vol. 105, p. 20890, who believed that the ground was dictating how they would set up camp; and Maj Mansfield, Transcripts vol. 103, pp. 20308, 20309, who was also supportive of the location, though critical of the final plans for the camp layout.
564. Testimony of LCol Mathieu, Transcripts vol. 169, pp. 34884, 34885.
565. Testimony of LCol Mathieu, Transcripts vol. 169, p. 34875 (translation).
566. Testimony of MWO Amaral, Transcripts vol. 104, pp. 20558-20559.
567. Testimony of LCol Mathieu, Transcripts vol. 169, p. 34878.
568. Testimony of LCol Mathieu, Transcripts vol. 169, p. 34864. Col Labbé testified that he discussed the outcome of the training with LCol Mathieu because he wanted to know whether the triangular compound could be used in Bossasso, but since the outcome of Stalwart Providence training was not conclusive, the idea of using this type of compound was abandoned: Testimony of Col Labbé, Transcripts vol. 162, p. 33053.
569. Testimony of MWQ Amaral, Transcripts vol. 104, pp. 20561, 20564.
570. Testimony of MWO Amaral, Transcripts vol. 104, pp. 20560-20562.
571. See, for example, testimony of MWQ O'Connor, Transcripts vol. 109, pp. 21781-21783; and Maj Kampman, Transcripts vol. 27, pp. 5163-5165.
572. Testimony of MWO O'Connor, Transcripts vol. 109, p. 21783.
573. Testimony of Maj Mansfield, Transcripts vol. 103, pp. 20315, 20316.
574. Testimony of Maj Mansfield, Transcripts vol. 103, p. 20333.
575. Testimony of LCol Moffat, Transcripts vol. 99, p. 19390.
576. Testimony of MWO Amaral, Transcripts vol. 104, p. 20563.
577. Testimony of Sgt Little, Transcripts vol. 110, p. 22097.
578. Maj Pommet, "Report -- Operation Deliverance -- Part I", April 17, 1993, Document book 61A, tab 1A.
579. Testimony of LCol Mathieu, Transcripts vol. 169, pp. 34847-34848.
580. Testimony of LCol Mathieu, Transcripts vol. 169, pp. 34862-34863.
581. Testimony of Maj Pommet, Transcripts vol. 107, p. 21408.
582. Document book 61, tab 24, paragraph b.
583. Testimony of Maj Mansfield, Transcripts vol. 103, pp. 20333-20334.
584. Document book 61A, Tab 1A.
585. Testimony of Maj Mansfield, Transcripts vol. 103, p. 20319.
586. Testimony of Col Labbé, Transcripts vol. 162, 20333-20334.
587. Testimony of Maj Pommet, Transcripts vol. 107, pp. 21398 21399.
588. Document Book 61A, Tab 1.
589. Testimony of LCol Mathieu, Transcripts vol. 169, p. 34849.

590. Testimony of Maj Gillam, Transcripts vol. 100, pp. 19601-19603.
591. Document book 61A, tab 1.
592. Testimony of Maj Pommet, Transcripts vol. 107, p. 21400.
593. Document book 61A, tab 1.
594. Testimony of Maj Pommet, Transcripts vol. 107, pp. 21405-21408.
595. Testimony of Maj Pommet, Transcripts vol. 107, p. 21406.
596. Testimony of Col Labbé, Transcripts vol. 162, p. 33044.
597. Testimony of LCol Mathieu, Transcripts vol. 169, p. 34859.
598. Testimony of LCol Mathieu, Transcripts vol. 169, pp. 34880-34881.
599. Testimony of Maj Mansfield, Transcripts vol. 103, p. 20322.
600. Testimony of LCol Mathieu, Transcripts vol. 169, pp. 34854-34855.
601. Testimony of Maj Mansfield, Transcripts vol. 103, p. 20322.
602. Testimony of CWO Jardine, Transcripts vol. 105, p. 20902.
603. Testimony of Maj Mansfield, Transcripts vol. 103, pp. 20327-20328.
604. Testimony of MWO Amaral, Transcripts vol. 104, p. 20578.
605. Testimony of Maj Mansfield, Transcripts vol. 103, p. 20336.
606. Testimony of Maj Mansfield, Transcripts vol. 103, p. 20322.

NOTE TO READERS

Military Ranks and Titles

In recounting events and reporting on testimony received, this report refers to many members of the Canadian Forces by name, rank and, sometimes, title or position held. Generally, we have used the rank and title in place at the time of the Somalia deployment or at the time an individual testified before this Commission of Inquiry, as appropriate. Thus, for example, the ranks mentioned in text recounting the events of 1992-93 are those held by individuals just before and during the deployment to Somalia, while ranks mentioned in endnotes are those held by individuals at the time of their testimony before the Inquiry.

Since then, many of these individuals will have changed rank or retired or left the Canadian Forces for other reasons. We have made every effort to check the accuracy of ranks and titles, but we recognize the possibility of inadvertent errors, and we apologize to the individuals involved for any inaccuracies that might remain.

Source Material

This report is documented in endnotes presented at the conclusion of each chapter. Among the sources referred to, readers will find mention of testimony given at the Inquiry's policy and evidentiary hearings; documents filed with the Inquiry by government departments as a result of orders for the production of documents; briefs and submissions to the Inquiry; research studies conducted under the Inquiry's commissioned research program; and documents issued by the Inquiry over the course of its work.

Testimony: Testimony before the Commission of Inquiry is cited by reference to transcripts of the Inquiry's policy and evidentiary hearings, which are contained in 193 volumes and will also be preserved on CD-ROM after the Inquiry completes its work. For example: Testimony of LCol Nordick, Transcripts vol.2, pp. 269-270. Evidence given at the policy hearings is denoted by the letter 'P'. For example: Testimony of MGen Dallaire, Policy hearings transcripts vol. 3P, p. 477P.

Transcripts of testimony are available in the language in which testimony was given; in some cases, therefore, testimony quoted in the report has been translated from the language in which it was given.

Documents and Exhibits: Quotations from some documents and other material (charts, maps) filed with the Inquiry are cited with a document book number and a tab number or an exhibit number. These refer to binders of documents assembled for Commissioners' use at the Inquiry's hearings. See Volume 5, Chapter 40 for a description of how we managed and catalogued the tens of thousands of documents we received in evidence.

Some of the references contain DND (Department of National Defence) identification numbers in lieu of or in addition to page numbers. These were numbers assigned at DND and stamped on each page as documents were being scanned for transmission to the Inquiry in electronic format. Many other references are to DND publications, manuals, policies and guidelines. Also quoted extensively are the National Defence Act (NDA), Canadian Forces Organization Orders (CFOO), Canadian Forces Administrative Orders

(CFAO), and the Queen's Regulations and Orders for the Canadian Forces (which we refer to as the Queen's Regulations and Orders, or QR&O). Our general practice was to provide the full name of documents on first mention in the notes to a chapter, with shortened titles or abbreviations after that.

Research Studies: The Commission of Inquiry commissioned 10 research studies, which were published at various points during the life of the Inquiry. Endnotes citing studies not yet published during final preparation of this report may contain references to or quotations from unedited manuscripts.

Published research and the Inquiry's report will be available in Canada through local booksellers and by mail from Canada Communication Group Publishing, Ottawa, Ontario, K1A 0S9. All other material pertaining to the Inquiry's work will be housed in the National Archives of Canada at the conclusion of our work.

Acronyms and Abbreviations

This report contains many acronyms and abbreviations for government departments and programs and Canadian Forces elements, systems, equipment, and other terms. Generally, these names and terms are spelled out in full with their abbreviation or acronym at their first occurrence in each chapter; the abbreviation or acronym is used after that. For ranks and titles, we adopted the abbreviations in use in the Canadian Forces and at the Department of National Defence. A list of the acronyms and abbreviations used most often, including abbreviations for military ranks, is presented in Appendix 8, at the end of Volume 5.

THE FAILURES OF SENIOR LEADERS

SHORTCOMINGS REGARDING PRE-DEPLOYMENT AND DOCUMENT DISCLOSURE

This is the only part of our report where individual conduct is considered separate from systemic or institutional activity. To be sure, group or organizational failures have merited our attention and have emerged at many points throughout this report in the detailed analysis of systemic or institutional questions. However, we have reserved this part of our report for the exclusive consideration and determination of whether individual failings or shortcomings existed in the Somalia deployment and whether individual misconduct occurred. The curtailment of our mandate has necessarily required the restriction of our analysis of individual shortcomings to the pre-deployment phase and to the Department of National Defence, Canadian Forces, and, more particularly, Directorate General of Public Affairs (DGPA)/document disclosure phase of our endeavours. We informed those responsible for the in-theatre phase that we would not make findings on individual misconduct in respect of that phase, and we withdrew the notices of serious shortcomings given to them.

The Governor in Council has made this section of our report necessary by entrusting us with a mandate that specifically obliged us to investigate individual misconduct, in addition to probing policy issues. A section on individual misconduct was also

necessitated by our being asked to inquire into and report on a great many matters that should, at least in some measure, involve an assessment of individual conduct, including the effectiveness of decisions and actions taken by leaders in relation to a variety of important matters; operational, disciplinary, and administrative problems and the effectiveness of the reporting of and response to these problems; the manner in which the mission was conducted; allegations of cover-up and destruction of evidence; the attitude of all ranks toward the lawful conduct of operations; the treatment of detainees; and the understanding, interpretation, and application of the rules of engagement.

This part of our report is entitled "The Failures of Senior Leaders". The notion of leadership failure developed here involves the application of the principles of accountability that we discussed earlier and is informed by an appreciation of the qualities of leadership that we describe in our chapter on that subject. However, one additional specific aspect of failed leadership that is of importance in this discussion is the shortcoming which occurs when an individual fails in his or her duty as a commander.

Queen's Regulations and Orders (QR&O) art. 4.20 states that a "commanding officer" is responsible for the whole of the commanding officer's base, unit, or element and that, although a commanding officer may allocate to officers who are immediately subordinate to the commanding officer all matters of routine or of minor administration, nonetheless the commanding officer must retain for himself or herself matters of general organization and policy, important matters requiring the commanding officer's personal attention and decision, and the general control and supervision of the various duties that the commanding officer has allocated to others.

Under QR&O art. 4.10, an officer commanding a command is responsible directly to the Chief of the Defence Staff (CDS) or such officer as the CDS may designate for the control or administration of all formations, bases, units, and elements allocated to the command.¹ It is our understanding that an officer commanding a command, and that all senior commanders, have, in custom and by analogy with QR&O art. 4.20, the same, or similar, responsibilities as a "commanding officer".² In other words, a commander has a duty to retain for himself or herself matters of general organization and policy, important matters requiring the commander's personal attention and decision, and the general control and supervision of the various duties that the commander has allocated to others.

The individual failures or misconduct that we describe in the following pages have been previously identified and conveyed to the individual named by means of the device referred to as a "section 13 notice". The section reference in this title is to the provision in the *Inquiries Act* which stipulates that:

13. No report shall be made against any person until reasonable notice has been given to the person of the charge of misconduct alleged against him and the person has been allowed full opportunity to be heard in person or by counsel.

Recipients of section 13 notices received their notices³ early in our process and before the witnesses testified. These notices were later amplified and clarified by written communications which, in turn, were the subject of further explanations offered in response to individual queries from notice recipients. All section 13 notice recipients

have been extended the opportunity to respond to their notices by calling witnesses and by making oral and written submissions. This was in addition to the rights they have enjoyed throughout our proceedings to fair and comprehensive disclosure, representation by counsel, and to the examination and cross-examination of witnesses.

In several cases, as a result of the evidence received and/or the submissions made on behalf of the section 13 notice recipients, we have concluded that certain allegations contained within the notices of misconduct were not properly founded or could not be sustained, and we dismissed the allegations. What remains are our findings and conclusions with regard to the individual failings of senior leaders.

A few additional words are called for concerning the portrayal of the actions of individuals that follows. The individuals whose actions are scrutinized are members of the Canadian Forces (CF) who have had careers of high achievement. Their military records, as one would expect of soldiers who have risen so high in the CF pantheon, are without blemish. The Somalia deployment thus represents for them a stain on otherwise distinguished careers. There have been justifications or excuses advanced before us which, if accepted, might modify or attenuate the conclusions that we have reached. These have ranged from "the system performed well; it was only a few bad apples" to "there will always be errors" to "I did not know" or "I was unaware" to "it was not my responsibility" and "I trusted my subordinates". We do not review these claims individually in the pages that follow, but we have carefully considered them.

Also mitigating, to a certain extent, is the fact that these individuals must be viewed as products of a system that placed great store in the "can do" attitude. The reflex to say "yes sir" rather than to question the appropriateness of a command or policy obviously runs against the grain of free and open discussion, but it is ingrained in military discipline and culture. However, leaders properly exercising command responsibility must recognize and assert not only their right but their duty to advise against improper actions, for failing to do so means that professionalism is lost.

What remains, in the cold light of day, are our unburnished and unembellished findings of individual misconduct and failure.

NOTES

1. This is confirmed by QR&O art. 3.21(1), "Command of Commands", which states: (1) Unless the Chief of the Defence Staff otherwise directs, an officer commanding a command shall exercise command over all formations, bases, units and elements allocated to the command.
 2. Although QR&Q art. 4.20 does not refer specifically to "commander", it is understood that the provisions of that article regarding the responsibilities of commanding officers is applicable to all CF commanders.
 3. The rank of the individual indicated in the titles of Chapters 27 to 37 is the one held by the individual at the time of receiving the section 13 notification.
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GENERAL JOHN DE CHASTELAIN

We advised Gen John de Chastelain that we would consider allegations that he exercised poor and inappropriate leadership by failing:

1. **To ensure that a proper policy analysis and comprehensive estimate of the situation were undertaken with respect to Operation Deliverance and, accordingly, failing to provide adequate advice to the Minister of National Defence and the Cabinet with respect to these matters;**
2. **To take steps or ensure that steps were taken to investigate and remedy the significant leadership and discipline problems of which he was aware, or ought to have been aware, within the Canadian Airborne Regiment prior to its deployment;**
3. **To properly oversee the planning and preparation of Operation Deliverance by allowing the Canadian Airborne Regiment Battle Group to deploy:**
 - 3.1. **with significant discipline and leadership problems of which he was aware, or ought to have been aware;**
 - 3.2. **without making provisions for the troops to be trained or tested on the newly developed Rules of Engagement;**
 - 3.3. **with Rules of Engagement which were confusing, inadequate, and lacking in definition;**
 - 3.4. **without an adequate Military Police contingent;**
 - 3.5. **without a specific mission;**
 - 3.6. **without adequately assessing the impact the manning ceiling of 900 land (army) personnel would have on the mission;**
4. **To put in place an adequate reporting system dealing with operational readiness and effectiveness in the Canadian Forces;**
5. **To ensure that all members of the Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict; and**
6. **In his duty as Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in military custom.**

A brief statement concerning Gen de Chastelain's responsibilities is first of all in order, since the nature of his leadership established the tone of operations for those in the chain of command under him. As Chief of the Defence Staff (CDS), Gen de Chastelain occupied the highest post in the military chain of command. He held responsibility for everything that occurred below him. This responsibility is reflected in the relevant provisions of the *National Defence Act*, which states that the CDS under the direction of the Minister is charged with the control and administration of the Canadian Forces (CF). As the senior officer in the CF the CDS has, among others, the two fundamental duties of

providing military advice to the Minister and Cabinet, and carrying out the command, control, and administration of the armed forces.

With this enormous responsibility, it is necessary to have a considerable degree of delegation. The extent to which delegation creates its own direct responsibility, in the form of control and supervision, is discussed further in a separate chapter of this report.¹ For present purposes, we note that many of the failings of the senior leadership, with the exception of specific failings relating to duties that cannot be delegated, can be characterized as inappropriate control and supervision.

Accordingly, although Gen de Chastelain is ultimately responsible for the failures that occurred below him, he is also responsible for what he did or did not do in allowing the failing to occur. In this respect, Gen de Chastelain's primary failure may be characterized as one of nonexistent control and indifferent supervision. Quite simply, at many points in his testimony, Gen (ret) de Chastelain appeared quite prepared to assume that all would have worked out if only because of the successes of his previous achievements and because of the trust he placed in the quality of those selected as his subordinates. This benign neglect, or unquestioning reliance, became so common under Gen de Chastelain's command that it became everyday practice throughout the chain of command below him.

Gen de Chastelain's non-existent control and indifferent supervision created an atmosphere that fostered more failings among his subordinates. Time and time again we heard evidence suggesting the relinquishment of active control and supervision throughout the chain of command. It seems to us that where the top commander within a command chain fails in important respects, those failures will inevitably trickle down. A weakness at the top can thereby easily find expression throughout. Moreover, inadequate control and supervision downward leads necessarily to the inability to properly inform upward: the two are closely linked and make possible a cascading effect in the multiplication of error.

- 1. Failure to ensure that a proper policy analysis and comprehensive estimate of the situation were undertaken with respect to Operation Deliverance and, accordingly, failing to provide adequate advice to the Minister of National Defence and the Cabinet with respect to these matters.**

As the CDS, Gen de Chastelain ought to have ensured that a comprehensive estimate of Operation Deliverance requirements, grounded in a thorough policy analysis, was produced and disseminated to all those properly concerned, including, primarily, the Minister of National Defence and the Cabinet. He did not do this. Rather, he directed and encouraged Canadian involvement in Operation Deliverance with little more to rely on than an assumption that equated Operation Cordon with Operation Deliverance requirements, and brief written assurances that any additional technical or logistical support of the new deployment agenda could be met. He stated:

I think the fact that we had accepted that [Operation Cordon] was doable and Canada should be involved was simply applied to [Operation Deliverance] too, once the operational assessment had been made that we could take part in it.²

He followed on this point by stating that discussions on December 4th in an ad hoc committee of Ministers transpired "on the basis that we have the troops, we can do

Chapter VI, this is not going to be that much different".³ No new estimate was done for Operation Deliverance, and analysis was limited to three cursory documents that presented inadequate assessments of troop and equipment requirements.

We fail to see, first, how such requirements could be properly ascertained without a full prior analysis of the mission mandate and tasks. Gen de Chastelain's methodology is erroneous for it amounts to putting the cart before the horse. Furthermore, the assumption that Operation Cordon analyses could be applied to Operation Deliverance was likewise in error. Operation Deliverance was not advanced as a simple humanitarian peacekeeping mission like its precursor Operation Cordon, but as a Chapter VII mission that, in one staff estimate, could involve armed conflict and attendant casualties.⁴

The CDS thus failed in his responsibility to the government and the CF by failing to ensure a full and proper analysis, especially in view of the changed nature of the mission. While clearly it was Cabinet that made the final decision to participate in Operation Deliverance, this decision was made on the options presented by the Deputy Minister and Gen de Chastelain, who ought to have been aware of problems that would arise from inadequate time, resources, and personnel to properly plan and execute a mission different in nature from Operation Cordon.

1. Failure to take steps or to ensure that steps were taken to investigate and remedy the significant leadership and disciplinary problems of which Gen de Chastelain was aware, or ought to have been aware, within the Canadian Airborne Regiment prior to its deployment.

As CDS, Gen de Chastelain shouldered ultimate responsibility for the command, control, and administration of the CF. Accordingly, he ought to have known of any significant leadership and discipline problems that may have affected deployment for Operation Deliverance. From his position of authority, he ought to have required of his subordinates that they adequately supervise units under their command, that they report to him in a timely, accurate and comprehensive manner, and that they intervene to provide advice, guidance, and remedial action when the circumstances dictated. None of this occurred.

With regard to the removal of LCol Morneault, Gen de Chastelain did not know that concerns about LCol Morneault had been expressed by some senior leaders prior to his appointment as Commanding officer (CO).⁵ He did not know that concerns about LCol Morneault had arisen during preparations for Operation Cordon until the day before LCol Morneault's removal.⁶ His only concern upon hearing of these problems was whether a change of leadership would delay the deployment of the troops to Somalia. The only advice he requested and received on this point was from LGen Gervais, who advised him that deployment would not be delayed because a new leader would be appointed who would take full command of the unit. Despite the very unusual circumstances of removing a CO some days or weeks prior to a deployment for an overseas mission, Gen de Chastelain was satisfied with LGen Gervais' simple answer that it would not cause a delay.⁷ Gen de Chastelain did not determine the nature of the leadership problem that reportedly necessitated LCol Morneault's removal.⁸ He did not require that LGen Gervais, or anyone else for that matter, provide him with details about the situation, but satisfied himself with a briefing after the fact. He concerned himself only so much as to find out if the change of command had affected the departure schedule.⁹ On the whole,

Gen de Chastelain was content to place absolute trust in his subordinates to keep him informed of an evidently serious situation.

Similarly, according to his testimony, he knew nothing of the fail 1992 discipline problems in the Canadian Airborne Regiment (CAR) until the day he was informed of the concerns expressed about LCol Morneault. He did not know of the Confederate flag being flown by 2 Commando,¹⁰ or of major disciplinary incidents such as those of October 2 and 3, 1992, or of deficiencies in the training of the CAR.¹¹ In fact, the only time he was told of disciplinary problems was on December 1, 1992 at a farewell Christmas lunch in Petawawa, when he was told that six soldiers were being left behind for disciplinary reasons, and that the problems had been resolved.¹² Gen (ret) de Chastelain reluctantly admitted that the chain of command was not working properly, in that as CDS, he would want to know of serious disciplinary problems and how they were being addressed.¹³

Gen de Chastelain simply did not know in great detail of any of the above important matters. With his limited knowledge came a failure to act, to direct, and to command. Furthermore, his minimal inquiries encouraged subordinates to copy his uncritical faith in subordinates, to remain passive in their approach to supervision and reporting, and to rely on a custom of reactive intervention.

In this, Gen de Chastelain failed to discharge his responsibilities as CDS. He could have brought to bear through his personal presence and example the considerable weight of his experience and high office in order to directly impress upon his troops the standards of discipline, conduct, and professionalism which he expected of them. He could have done so, but he did not.

- 1. Failure to properly oversee the planning and preparation of Operation Deliverance by allowing the Canadian Airborne Regiment Battle Group to deploy:**
 - 1.1.**
 - 1.2. with significant discipline and leadership problems of which he was aware, or ought to have been aware;**
 - 1.3. without making provisions for the troops to be trained or tested on the newly developed Rules of Engagement;**
 - 1.4. with Rules of Engagement which were confusing, inadequate, and lacking in definition;**
 - 1.5. without an adequate Military Police contingent;**
 - 1.6. without a specific mission; and**
 - 1.7. without adequately assessing the impact the manning ceiling of 900 land (army) personnel would have on the mission.**

Gen de Chastelain was unaware, but should have known, of the serious leadership and discipline problems plaguing the CAR up until the time of its deployment. Gen de Chastelain knew that the Rules of Engagement (ROE) were rushed to completion on

December 11th,¹⁴ and should have known that this late timing left inadequate time for proper training on the ROE, but was nonetheless unconcerned.¹⁵ He was similarly unconcerned that the Canadian troops had trained on ROE promulgated for the Yugoslavia mission, even though that mission differed in significant respects from what could be expected of Operation Deliverance.¹⁶ Gen de Chastelain had read the Operation Deliverance ROE very carefully, line by line, before approving them, and he should have known that the wording left an undesirable degree of uncertainty, especially with regard to the interpretation of "hostile intent" and the proportionate use of force in the context of property theft.¹⁷

Gen de Chastelain knew that the Canadian Airborne Regiment Battle Group (CARBG) was deployed with two Military Police and believed that this number was acceptable, but he should have known at the planning stage, especially with the prospect of significant numbers of detainees, that it was not.¹⁸ Gen de Chastelain knew the CAR was deployed without an adequate mission definition, but should have known that such a deficiency violated basic precepts of military planning. Gen de Chastelain knew of the manning ceiling and was instrumental in deciding upon it, yet took the position that the limit was satisfactory unless informed that there were "show-stoppers".¹⁹ This shows his indifference to the placing of a ceiling on the mission and its impact on the proper planning of the mission.

We find that Gen de Chastelain bore a primary responsibility to ensure that planning and preparations for Operation Deliverance were driven by military imperatives, were properly prioritized, and were carried out in a professional and competent manner. This he did not do. He allowed monetary and political considerations to motivate important decisions regarding the Canadian contingent. He did not assert his leadership to ensure that military priorities were articulated, fixed, and followed. Thus, he did not foster a critical attentiveness to things military. Rather, he allowed important aspects of the planning process, including the six elements mentioned in this subsection, to develop without serious consideration for proper military functioning and without the careful supervision required of the Commander of the CF. In this respect, Gen de Chastelain is to be held accountable for each of the above failings, for he was responsible more than anyone else for the disabling practice of command which they evidence.

1. Failure to put in place an adequate reporting system dealing with operational readiness and effectiveness in the Canadian Forces.

Gen de Chastelain should also have ensured that an adequate operational readiness reporting system was in place at the time of planning Operation Cordon and Operation Deliverance. As CDS, he did not have time to inspect every unit in the CF personally and, therefore, depended on an operational readiness reporting system or reports from his subordinate commanders. Though he knew that the system for determining operational readiness had for a long time been considered inadequate, he held no meetings with his commanders to formally assess the operational readiness of the CF or Land Force Command (LFC) at any time during the planning phase or before deployment to Somalia. Gen de Chastelain chose instead to rely passively on a flawed system. He accepted the operational readiness declaration for Operation Cordon at face value, and stated that there was no reason for him to inquire about it "unless I didn't have confidence in the

commanders to tell me what I needed to know or not unless I happened to know something that they may have missed, and neither of them was the case."²⁰ He similarly accepted the operational declaration for Operation Deliverance at face value. He should have resolved this systemic problem, which relied on declarations about operational readiness without an established standard of measurement and methods of reporting. Again, Gen de Chastelain failed to adequately ensure that subordinates at LFC would put in place effective systems to monitor operational readiness.

1. Failure to ensure that all members of the Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict.

As the CDS, Gen de Chastelain ought to have ensured that all members of the Canadian Joint Force Somalia (CJFS) were adequately trained and tested in the Law of Armed Conflict before they deployed to Somalia, and with enough time for adequate training in them. He did not do this. We know that the Canadian troops received inadequate training in the Law of Armed Conflict, that the soldiers received no written materials on the subject, and that they were generally unprepared in theatre for situations about which they ought to have been knowledgeable. We therefore find that Gen de Chastelain did not adequately ensure that direction, supervision, and instruction regarding training in the Law of Armed Conflict for peace support operations were provided, or that all members of the CJFS were adequately trained.

1. Failure in his duty as Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in military custom.

Given our findings above concerning the leadership failures of Gen de Chastelain, and in view of the importance of control and supervision within the chain of command, we conclude that Gen de Chastelain failed as a commander.

NOTES

1. See Volume 2, Chapter 16, Accountability.
2. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10045.
3. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, pp. 10045-10046.
4. The estimate suggested that a minor conflict over a 30-day period would involve 138 casualties (42 killed and 96 wounded); see Document book 19, tab 6.
5. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9957-9958.
6. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9959-9961.
7. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9984.
8. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9983; Testimony of LGen Gervais, Transcripts vol. 47, pp. 9464-9466.
9. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9960-9961.
10. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9906.
11. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9971-9972.

12. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 9987.
 13. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10110.
 14. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10091.
 15. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, pp. 10095-10096.
 16. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10098.
 17. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10089.
 18. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, p. 10112.
 19. Testimony of Gen (ret) de Chastelain, Transcripts vol. 50, pp. 10082-1083.
 20. Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, p. 10003.
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LIEUTENANT-GENERAL PAUL ADDY

We advised LGen Paul Addy that we would consider allegations that he exercised poor and inappropriate leadership in the pre-deployment phase of the Somalia mission by failing:

1. **To ensure that a proper policy analysis and comprehensive estimate of the situation were undertaken with respect to Operation Deliverance and, accordingly, failing to provide adequate advice to the Chief of the Defence Staff with respect to these matters;**
2. **To assure himself as to the readiness of the Canadian Airborne Regiment Battle Group, particularly in terms of its discipline, cohesion, and senior leadership, in order to adequately assess the suitability of this Battle Group for Operation Deliverance;**
3. **To notify his superiors of the nature and extent of the leadership and discipline problems of which he was aware, or ought to have been aware, within the Canadian Airborne Regiment prior to its deployment;**
4. **To properly plan and prepare Operation Deliverance by allowing the Canadian Airborne Regiment Battle Group to deploy:**
 - 4.1. **with significant leadership and discipline problems of which he was aware or ought to have been aware;**
 - 4.2. **without making provisions for the troops to be trained or tested on the newly developed Rules of Engagement;**
 - 4.3. **[This allegation deleted pursuant to the order dated June 17, 1997]**
 - 4.4. **[This allegation deleted pursuant to the order dated June 17, 1997]**
 - 4.5. **without a specific mission;**
 - 4.6. **[This allegation deleted pursuant to the order dated June 17, 1997 of Mr. Justice Teitelbaum of the Federal Court of Canada.]**
5. **As the Chief of the Defence Staffs principal staff officer for staff operations to advise that an adequate reporting system dealing with operational**

readiness and effectiveness in the Canadian Forces should be put in place; and

- 6. As the Chief of the Defence Staff's principal staff officer for operations to ensure that all members of the Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict.**

During the pre-deployment and part of the in-theatre phases of the Somalia mission, from June 1992 to January 29, 1993, MGen Addy was the Deputy Chief of the Defence Staff; Intelligence, Security and Operations (DCDS (ISO)). He was the principal staff officer for operations of the Canadian Forces (CF) and, additionally, for the period of deployment of the Canadian Joint Force Somalia (CJFS) to the date of relinquishing his appointment, he was the commander of a command positioned in the chain of command between the Chief of the Defence Staff (CDS) and Commander CJFS.

His responsibilities included intelligence, security, and operations. The major responsibilities of the position included advising on and promulgating operational direction to the CF and monitoring CF activity; establishing standards for and monitoring the effectiveness and efficiency of the CF intelligence, security, and operations activities; maintaining an operational readiness system on a forces-wide basis to indicate the operational effectiveness of the CF relative to approved missions and tasks; acting as a commander of a command for all peacekeeping units/formations; and developing and recommending operational training standards for all environments and services in joint operations.¹

- 1. Failure to ensure a proper policy analysis and comprehensive estimate for Operation Deliverance and, accordingly, failing to provide adequate advice to the Chief of the Defence Staff.**

MGen Addy was responsible for ensuring a thorough and timely military estimate for Operation Deliverance was produced, and to alert the CDS to the need for a military estimate that ensured due consideration of all the military implications of participating in the Unified Task Force (UNITAF). Because he failed in this responsibility, the Canadian Airborne Regiment Battle Group (CARBG) was committed without a clear mission; without an assessment of the tasks it would face, without confirmation of force composition, logistics, or extra support requirements; and without due regard to the time needed for adjusting preparations and additional training for the CARBG. Despite whatever political or bureaucratic pressures may have weighed upon him and his staff, MGen Addy ought to have ensured that a thorough and timely military estimate for Operation Deliverance was completed. A 1996 draft report on the J-Staff system within National Defence Headquarters (NDHQ) noted that poor mission definition and improper timing created significant problems for the CF and the J Staff; that CF capabilities and CF operational planning requirements did not always appear to be considered appropriately; and that a lack of specific military advice for mission definition of military operations impaired the ability of the J Staff to plan and execute military operations.² MGen Addy neglected his responsibility with the consequences listed above.

- 1. Failure to assure himself as to the readiness of the Canadian Airborne Regiment Battle Group, particularly in terms of its discipline, cohesion, and senior leadership, in order to adequately assess the suitability of this Battle Group for Operation Deliverance.**

MGen Addy was responsible for maintaining a readiness system on a forces-wide basis for the purpose of assessing the operational effectiveness of the CF relative to approved missions and tasks. However, senior officers shared the belief that the system was deficient and therefore could not serve the evaluation and reporting needs of the Somalia deployment.³ He should have taken steps to ensure through extra staff effort that an interim system was in place which, as a minimum, would have alerted his commander to the true state of the Canadian Airborne Regiment (CAR) and CARBG. It was MGen Addy's responsibility to assure himself, first, that an adequate system to evaluate operational readiness was put in place; and second, to use his critical expertise to assess the validity of readiness declarations in light of established criteria.

But MGen Addy demonstrated a passive attitude throughout. He did not obtain reports on a regular basis concerning the training being conducted and the state of discipline. For example, he first heard of the CAR's training problems when the de Faye board of inquiry reported accordingly.⁴ However, MGen Addy ought to have been informed at a point in time when remedial action could viably have been pursued. Instead, because he did not seek to know, he did not hear. Thus, even when he heard of concerns about leadership in the CAR in October 1992, he did not ask for additional details.⁵

Moreover, MGen Addy demonstrated a cavalier attitude toward the declarations of operational readiness of both the CAR and CARBG. He was unconcerned that the CAR was declared operationally ready on November 13, 1992, just a few weeks after the replacement of its Commanding Officer.⁶ He was unconcerned that readiness declarations made their way up the chain of command after the advance party had been deployed and before troops had had time to train in the Rules of Engagement (ROE).⁷ In fact, though he ought to have been more concerned at best, he spoke with Col Labbé in a minimal and cursory fashion, before the troops and Col Labbé himself were deployed.⁸ Such passivity in these exceptional circumstances is inexcusable.

Furthermore, even though it was his duty as Deputy Chief of the Defence Staff, Intelligence, Security and Operations (DCDS (ISO)) to be the eyes and ears of the CDS, he remained nonetheless uninformed and, therefore, could not and did not advise his commander in an accurate and timely fashion.

- 1. Failure to notify his superiors of the nature and extent of the leadership and discipline problems of which he was aware, or ought to have been aware, within the CAR prior to its deployment.**

Although he ought to have, MGen Addy did not know of the leadership and discipline problems within the CAR, and did not make any inquiries that would have properly informed him.⁹ When he learned of the change in the CAR's commanding officer, he ought to have fully informed himself of the situation, but instead relied passively on the information provided to him by his staff and LGen Gervais and MGen Reay. He

passively assumed that if any problems requiring his attention had arisen, the relevant person would have informed him.¹⁰

We do not accept MGen Addy's passivity and neglect. He should have ascertained the precise circumstances of LCol Morneault's removal, determined whether matters of discipline and operational readiness were at issue, and assessed what remedial action was necessary. And he should have ensured that he was accurately informed on such matters as the disciplinary problems within the CAR so that he could provide, in a tangible manner, any necessary guidance on resolving deficiencies.

- 1. To properly plan and prepare Operation Deliverance by allowing the Canadian Airborne Regiment Battle Group to deploy:**
 - 1.1. with significant leadership and discipline problems of which he was aware or ought to have been aware;**
 - 1.2. without making provisions for the troops to be trained or tested on the newly developed Rules of Engagement;**
 - 1.3. [This allegation deleted pursuant to the order dated June 17, 1997]**
 - 1.4. [This allegation deleted pursuant to the order dated June 17, 1997]**
 - 1.5. without a specific mission;**
 - 1.6. [This allegation deleted pursuant to the order dated June 17, 1997 of Mr. Justice Teitelbaum of the Federal Court of Canada.]**

MGen Addy knew or ought to have known that the CAR was facing serious discipline problems during the pre-deployment phase, but he only first became aware of such problems during the de Faye board of inquiry of 1993. MGen Addy knew the CAR was facing a leadership crisis, but failed to inform himself as to whether the problem had been solved by the means suggested by his subordinates. Instead of actively supervising these matters, he simply relied on his subordinates. He stated:

Q. Again, would it be a matter of assuming that unless you heard to the contrary things were going fine?

A. That is correct. Because until the troops are declared operationally ready to the Chief they are basically the Commander of the Army's problem and if there are any internal problems, I'm sure he would have solved them.¹¹

MGen Addy knew that the production and dissemination of the ROE occurred in a rushed manner near the end of the pre-deployment phase, but nonetheless was satisfied that there was sufficient time for the soldiers to become familiar with them.¹² That there was no opportunity for training on the ROE before deployment did not concern him; he appeared to fully expect that there would be training on the Rules of Engagement in theatre.¹³ In addition, MGen Addy knew at the time of deployment that a mission statement for Operation Deliverance had not been articulated, and ought to have known that this represented a failure in planning.

Indeed, proper planning and preparations for Operation Deliverance ought to have been a primary concern for MGen Addy. As the principal operations staff officer, he was

responsible for taking an active, personal interest in the three remaining items mentioned above, for ensuring that adequate procedures were in place to properly execute the requirements relating to them, and to inform himself adequately so that any apparent problems could be remedied in a timely and appropriate manner. In particular, he ought to have ensured that the ROE for Operation Deliverance were published and disseminated to the troops with enough time to permit proper training in them. He did not fulfil these important responsibilities, but passively left matters to develop without his guidance. He therefore neglected to properly supervise the matters for which he was principally responsible.

1. **Failure as the Chief of the Defence Staff's principal staff officer for staff operations to advise that an adequate reporting system dealing with operational readiness and effectiveness in the Canadian Forces should be put in place.**

As we have stated previously in this report, the CF lacked an appropriate operational readiness reporting system during the pre-deployment phase of the mission to Somalia. As the principal staff officer for operations, MGen Addy was responsible for ensuring that an adequate operational readiness reporting system was put in place before the Canadian contingent was deployed. Considering that the preparations for the mission were rushed, that the original CO for the CAR was removed, that the mission changed midstream to a Chapter VII mission, and that disciplinary, training, and leadership problems were well apparent, it was incumbent upon MGen Addy to institute a readiness reporting system at the first opportunity and before the troops were deployed. He did not do this, and the troops were deployed without a proper readiness declaration. We find this an unacceptable abdication of his responsibility.

1. **Failure as the Chief of the Defence Staff's principal staff officer for operations to ensure that all members of the Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed Conflict, including the four 1949 Geneva Conventions on the protection of victims of armed conflict.**

As the principal staff officer for operations, MGen Addy ought to have issued training instructions, doctrines, and manuals on the Law of Armed Conflict before the Canadian troops were deployed to Somalia, and with enough time for them to adequately train in them. He did not do this. We know that the Canadian troops received inadequate training in the Law of Armed Conflict, that the soldiers received no written materials on the subjects, and that they were generally unprepared in theatre for situations about which they ought to have been knowledgeable. We therefore find that MGen Addy failed to provide adequate direction and supervision to ensure the adequacy of Law of Armed Conflict training for peace support operations.

NOTES

1. Exhibit P-365.
2. Chief of Review Services, Program Evaluation Division, Draft Report on NDHQ Pre-Evaluation Study E7/95, Functioning of the J Staff (February 1996), p. iii/iv.

3. See Chapter 23, "Operational Readiness"; Document Book 118C, tab 5D; Document Book 118C, tab 2A; Document Book 118C, tab 5C; Document Book 118C, tab 8; Document Book 118C, tab 8E
4. Testimony of LGen Addy, Transcripts vol. 48, p. 9516.
5. Testimony of LGen Addy, Transcripts vol. 48, p. 9515.
6. Testimony of LGen Addy, Transcripts vol. 48, pp. 9522-9523.
7. Document book 32D.
8. Testimony of LGen Addy, Transcripts vol. 48, pp. 9551, 9555; and see testimony of Col Labbé, Transcripts vol. 161, pp. 32767, 32848, 32907, 32955-32956.
9. Testimony of LGen Addy, Transcripts vol. 48, p. 9517.
10. Testimony of LGen Addy, Transcripts vol. 48, p. 9518.
11. Testimony of LGen Addy, Transcripts vol. 48, p. 9518.
12. Testimony of LGen Addy, Transcripts vol. 48, p. 9570.
13. Testimony of LGen Addy, Transcripts vol. 48, pp. 9568-9571.

LIEUTENANT-GENERAL (RETIRED) JAMES GERVAIS

We advised LGen (ret) James Gervais that we would consider allegations that he exercised poor and inappropriate leadership in the pre-deployment phase of the Somalia mission by failing:

1. **To take steps or ensure that steps were taken to investigate and remedy the significant leadership and discipline problems of which he was aware, or ought to have been aware, within the CAR prior to its deployment, and to notify his superior accordingly.**
2. **To make provisions for the troops to be trained or tested on the newly developed Rules of Engagement;**
3. **To put in place an adequate reporting system dealing with operational readiness and effectiveness in the Canadian Land Forces;**
4. **To undertake a proper estimate of the potential implications of establishing the manning ceiling at 900 land (army) personnel;**
5. **[This allegation deleted pursuant to the order dated June 17, 1997 of Mr. Justice Teitelbaum of the Federal Court of Canada.]**
6. **To ensure that all Land Force Command members of the Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict; and**
7. **In his duty as Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in military custom.**

Much of what has been said concerning Gen de Chastelain applies directly to LGen Gervais. LGen Gervais was the commander of the army and therefore bore primary responsibility for ensuring that all troops under his command were fit for duty. His was a position of great responsibility and represented a point in the command chain where many lines of accountability converged. Like Gen de Chastelain, LGen Gervais may be held accountable for any of the failings below him, as well as for his delegatory and supervisory functions, with the additional duty, not shared by Gen de Chastelain, to accurately report information upwards to his superior. We have found, as is set out below, that LGen Gervais shared the same basic flaw as his superior, which was that he routinely relinquished his responsibility to actively control and supervise the important functions within his broad command. We have furthermore found that in addition to this relinquishment, and as a necessary adjunct to it, LGen Gervais many times failed to properly inform his superior of details pertinent to his command. Again, without proper control and supervision, one cannot be properly informed and thus inform others; the weak link again makes possible failures below.

1. Failure to take steps or ensure that steps were taken to investigate and remedy the significant leadership and discipline problems of which he was aware, or ought to have been aware, within the CAR prior to its deployment, and to notify his superior accordingly,

As the commander of the army, LGen Gervais carried a primary responsibility to ensure that the troops of the Canadian Airborne Regiment (CAR) were properly equipped and trained for their mission with regard to the important functions of leadership and discipline. To discharge this responsibility, LGen Gervais ought to have taken sufficient steps, either on his personal account or by requesting his staff, to inform himself of the condition of leadership and discipline within the CAR, and to then take adequate measures to remedy apparent deficiencies.

We find that LGen Gervais did not so inform himself, despite the fact that he knew or ought to have known of the possibility of serious deficiencies in the CAR's leadership. According to his testimony, he was advised three times in the early pre-deployment phase that BGen Beno was seriously concerned about the leadership of LCol Morneault. On August 26th, September 17th, and September 24th, LGen Gervais was specifically advised by BGen Beno of these leadership concerns, and that LCol Morneault might have to be replaced.¹ Then on October 20th and ²1st in Fort Leavenworth, Kansas, LGen Gervais was involved in discussions with MGen MacKenzie and MGen Reay about the removal of LCol Morneault, discussions that ranged superficially over the leadership, discipline, and training problems apparent under LCol Morneault's command.²

On each of these occasions, LGen Gervais was made aware of problems of a nature so serious as to possibly require the virtually unprecedented removal of a commanding officer (CO) in peacetime. Despite these clear warning signs, LGen Gervais admitted that he did not make specific inquiries. He did not request that his staff investigate the matter and report to him.³ His 'conversations' with BGen Beno, by his own admission, lacked detail. No notes by LGen Gervais were shown to us of these conversations. No minutes were taken of the Fort Leavenworth deliberations. And when it came to removing LCol Morneault, LGen Gervais failed to inform himself adequately about the new CO and took

no greater action than to briefly inform his superior and to suggest that an immediate search for a replacement proceed.⁴

Neither did LGen Gervais follow up on this situation. He did not see the troops until mid-November 1992, and then, which seems alarming to us, made in writing a judgement on the readiness of the CAR in all respects for the forthcoming mission, even though no proper assessment had been undertaken.⁵

In view of the seriousness of the criticisms voiced to him, of the complex situation within the CAR, its past disciplinary problems, and the impending deployment, LGen Gervais should have taken active steps to confirm and monitor the mounting difficulties, or to require his officers and staff to do so and report to him in an accurate and timely fashion. He did not. Rather, he trusted his subordinates to supervise in his stead, and accepted seemingly without question the advice and actions they proposed. As such, LGen Gervais failed to discharge his responsibility to take active steps to impose his standards of leadership, discipline and training on his own troops.

Regarding the removal of LCol Morneault, LGen Gervais allowed circumstances to build to a crisis, substituting informal meetings for a focused review. As the senior officer responsible, LGen Gervais displayed a lack of leadership by acquiescing to advice without probing all the factors, despite his obligation to ensure a process that was fair to all parties concerned. He furthermore refused to institute a board of inquiry into the replacement of LCol Morneault.⁶ We find this a grave error on his part. A board investigation would have revealed the extent of the problems within the CAR, and would have ensured a fair examination of circumstances which, in our opinion, were not entirely free of suspicion. BGen (ret) Zuliani testified that he specifically requested that a board of inquiry be convened, but was turned down by the senior generals in the chain of command.⁷ In refusing to institute this process, LGen Gervais failed to act in a manner that would have fully informed each of the senior leaders of the facts underlying BGen Beno's concerns.

We might also note that LGen (ret) Gervais testified that he was not specifically aware of the discipline problems in 2 Commando, including the incidents of early October, until late March or early April 1993. LGen (ret) Gervais also testified that had he known about these incidents, he would have asked for the Special Investigation Unit to become involved and, if necessary, for individuals⁸ or a sub-unit⁹ to be removed from the CAR as unfit to be deployed.¹⁰

We accept this testimony, but note that it reveals the extent to which LGen Gervais failed in his duty to actively control and supervise. It also reveals the extent to which communications had broken down within the chain of command, and underscores the disturbing custom of laissez-faire command that seems to be at the root of this breakdown.

As one final point, we also find that LGen Gervais failed to properly inform his superior, Gen de Chastelain, about the matters developing within the CAR. Clearly, if LGen Gervais' own knowledge of these matters was deficient, he could not adequately inform his superior in a timely and complete fashion.

1. Failure to make provisions for the troops to be trained or tested on the newly developed Rules of Engagement.

In accordance with his responsibilities as commander of the army, LGen Gervais ought to have ensured that the proper training in the Rules of Engagement (ROE) was conducted before the troops were deployed to Somalia. This he did not do. The evidence suggests that he took no personal interest in ensuring that such training took place, and did not inform himself as to what training had occurred, where it was conducted, and whether it may have been adequate in fully familiarizing the Canadian soldiers on the principles they required. LGen (ret) Gervais testified that the issues of ROE production and training were not brought to his attention.¹¹ He furthermore stated that late production of the ROE "can be overcome" and that "there is always time to...practise the Rules of Engagement."¹² He also stated that such practice can take place "during the deployment while you are on an aircraft."¹³

We do not agree with LGen Gervais' notion of proper ROE training, and we do not accept his inaction in not informing himself on the state of ROE training during pre-deployment, on whether enough time was permitted for training before deployment, and as to what remedial action was planned to remedy any deficiencies. In these circumstances, in which LGen Gervais ought to have known because of the time frames allotted that ROE training would be inadequate, active supervision and control on his part were called for. His neglect in this manner is unacceptable.

1. Failure to put in place an adequate reporting system dealing with operational readiness and effectiveness in the Canadian Land Forces.

As we have stated previously in this report, the CF lacked an appropriate operational readiness reporting system during the pre-deployment phase of the mission to Somalia. As the Commander of Land Force Command (LFC), LGen Gervais was responsible for all aspects of the training process, including those dealing with the important issue of operational readiness declarations. As such, he ought to have ensured that an adequate operational readiness reporting system was put in place before the Canadian contingent was deployed. Considering that the preparations for the mission were rushed, that the original CO for the CAR was removed, that the mission changed mid-stream to a Chapter VII mission, and that disciplinary, training, and leadership problems were well apparent, it was incumbent upon LGen Gervais to institute a readiness reporting system at the first opportunity and before the troops were deployed. He did not do this, and the troops were deployed without a proper readiness declaration. For his part, LGen Gervais relied on the chain of command and his confidence in his officers to assure him that the troops were ready.¹⁴ We find this an unacceptable abdication of his responsibility to ensure that an objective foundation existed for confirming readiness effectiveness and reporting.

1. Failure to undertake a proper estimate of the potential implications of establishing the manning ceiling at 900 land (army) personnel.

As the Commander of LFC, LGen Gervais bore the direct responsibility of ensuring that a proper estimate of the potential implications of the ill-considered National Defence Headquarters (NDHQ) manning ceiling was undertaken. He did not discharge this responsibility. In his testimony, he stated that he did not know "how the 900 was

capped".¹⁵ He could not recall what discussions took place in regard to the 900 figure, and stated with little certainty that "I probably had a discussion with the Chief of the Defence Staff about 900 being -- our initial assessment being about right."¹⁶ LGen (ret) Gervais said he "probably" discussed the actual figure with the CDS, and that he thinks he "would have said" that the figure was reasonable, but that, in the end, the manning cap "is just not something that was discussed in the kind of detail you perhaps are alluding to at my level".¹⁷

We find LGen Gervais' passive acceptance of the manning cap, and his inaction in investigating its implications or attempting to change it, unacceptable. He was the Commander of LFC, and important matters bearing directly on the possible success of a mission are matters that should be discussed at his "level". Short of this, LGen Gervais ought to have directed his staff to perform a thorough and timely investigation into the implications of the cap, and to have their results communicated to him so that he could take any required action. But LGen Gervais did neither of these, and the manning cap went virtually unchallenged from the senior leaders.

1. **[This allegation deleted pursuant to the order dated June 17, 1997 of Mr. Justice Teitelbaum of the Federal Court of Canada.]**
2. **Failure to ensure that all Land Force Command members of the Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict.**

As Commander of LFC, LGen Gervais was ultimately responsible for ensuring that his troops were adequately instructed in the international conventions governing the Law of Armed Conflict. As we have noted in a previous chapter, the training that occurred was inadequate. We therefore find that LGen Gervais failed in his responsibility to adequately control and supervise this important aspect of his command. Given the change to a Chapter VII mission, LGen Gervais ought to have known that training in the Law of Armed Conflict was especially important for the Somalia mission. He should have known that the Canadian troops would encounter a detainee problem. Despite this, however, he did not maintain the supervision and control necessary to ensure that the proper training for such problems took place and must bear responsibility for this failure.

1. **Failure in his duty as Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in military custom.**

Given our findings above concerning the leadership failure of LGen Gervais, and in view of the importance of control and supervision within the chain of command, we conclude that LGen Gervais failed as a commander.

NOTES

1. Testimony of LGen (ret) Gervais, Transcripts vol. 47, pp. 9427, 9435, 9438.
2. Testimony of LGen (ret) Gervais, Transcripts vol. 47, pp. 9457-9460, 9467; Testimony of LGen (ret) Reay, Transcripts vol. 46, pp. 9026-9036.
3. Testimony of LGen (ret) Gervais, Transcripts vol. 47, pp. 9436-9439.

4. Testimony of LGen (ret) Gervais, Transcripts vol. 47, pp. 9460-9469; Testimony of Gen (ret) de Chastelain, Transcripts vol. 49, pp. 9959-9961, 9967.
5. Testimony of LGen (ret) Gervais, Transcripts vol. 47, pp. 9482-9484; Document Book 118B, tab 7
6. Testimony of LGen (ret) Gervais, Transcripts vol. 48, pp. 9749-9753; Testimony of BGen (ret) Zuliani, vol. 181, pp. 37444-37458.
7. Testimony of BGen (ret) Zuliani, Transcripts vol. 181, p. 37444 and following.
8. Testimony of LGen (ret) Gervais, Transcripts vol. 48, pp. 9674-9676, 9678.
9. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9676
10. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9677.
11. Testimony of LGen (ret) Gervais, Transcripts vol. 48, pp. 9657-9658.
12. Testimony of LGen (ret) Gervais, Transcripts vol. 48, pp. 9658-9659.
13. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9662.
14. Testimony of LGen (ret) Gervais, Transcripts vol. 48, pp. 9728-9730.
15. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9643.
16. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9643.
17. Testimony of LGen (ret) Gervais, Transcripts vol. 48, pp. 9643-9644.

LIEUTENANT-GENERAL (RETIRED) GORDON REAY

We advised LGen (ret) Gordon Reay that we would consider allegations that he exercised poor and inappropriate leadership in the pre-deployment phase of the Somalia mission by failing:

1. **To take steps or ensure that steps were taken to investigate and remedy the significant leadership and discipline problems of which he was aware, or ought to have been aware, within the Canadian Airborne Regiment prior to its deployment, and to notify his superiors accordingly;**
2. **To advise that provisions be made for the troops to be trained or tested on the newly developed Rules of Engagement;**
3. **To advise that an adequate reporting system dealing with operational readiness and effectiveness in the Canadian Land Forces be put in place;**
4. **To ensure that a proper estimate of the potential implications of establishing the manning ceiling at 900 land (army) personnel was undertaken;**
5. **[This allegation deleted pursuant to the order dated June 17, 1997 of Mr. Justice Teitelbaum of the Federal Court of Canada.]**
6. **To ensure that all LFC members of the Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed**

Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict.

We now address these allegations in order.

- 1. Failure to take steps or ensure that steps were taken to investigate and remedy the significant leadership and discipline problems of which he was aware, or ought to have been aware, within the Canadian Airborne Regiment prior to its deployment, and to notify his superiors accordingly.**

As Deputy Commander and principal staff officer of Land Force Command (LFC) in the fall of 1992, MGen Reay carried the duties of gathering accurate and timely information concerning the Canadian Airborne Regiment (CAR), and of conveying this information to his commander. LGen (ret) Reay testified that it was his responsibility to represent the commander of the army when necessary, to act as Chief of Staff for LGen Gervais on major policy issues, and to ensure that all appropriate staff work had been completed. He was also responsible for ensuring that the staffs of BGen Vernon and BGen Zuliani were properly co-ordinated so that the information available to the commander was as complete as it could be.¹ In view of these duties, it was incumbent upon MGen Reay to actively investigate, or to ensure that steps were taken to actively investigate, whether the CAR was free of deficiencies regarding its leadership, discipline, and training. It was his responsibility to fully inform himself of any concerns that came to light, and to then render considered advice based on his experience, or in some other way to ensure that any known problems were rectified. He knew or ought to have known that follow-up was essential to make certain that identified problems had been resolved in order to reduce the possibility of in-theatre recurrence.

Despite knowing at an early stage, and although he was reminded subsequently, that problems within the CAR were mounting, we do not find that MGen Reay took any such active investigatory steps. Nor did he sufficiently ensure that problems were adequately rectified. MGen Reay knew from LGen Gervais in September of 1992 of BGen Beno's concerns about LCol Morneault.² He knew in September, again from LGen Gervais, of concerns expressed about training and, albeit in sketchy form, about discipline.³ He knew in early October from MGen MacKenzie about the latter's concerns regarding LCol Morneault when on October 9th, he received a phone call conveying further concerns about training, operational readiness, and discipline.⁴

MGen Reay discussed these matters at Fort Leavenworth on October 20th. At the time, he was informed by MGen MacKenzie of major deficiencies within the CAR including inadequate training and assessment, unresolved leadership and discipline problems, lack of cohesion and efficiency. He also admitted that he may have seen BGen Beno's letter spelling out these deficiencies.⁵

MGen Reay was aware of serious leadership, training, and discipline problems within the CAR as early as September 1992. Although he had received "clear danger signals" that something was wrong in the CAR,⁶ which were repeated to him in October, he did not make any specific inquiries about the problems raised.⁷ He did not investigate. He did not inquire about details. Rather, he relied on information given to him by MGen MacKenzie and LGen Gervais.⁸ There is little evidence that he brought his judgement and experience

to bear on the decision to replace the Commanding Officer (CO), or on the need to follow up and supervise proceedings after LCol Morneault's replacement. The decision to remove LCol Morneault was made quickly and raised no concerns for him. MGen Reay relied on BGen Beno and MGen MacKenzie to work things out, stating that "clearly they would come to us if they felt they couldn't deal with the problem themselves".⁹ When asked if he did not have an independent obligation to assess whether replacing the CO would effectively resolve the problems, he argued that to do this, one needed to be told of the extent of the problem. And though he stated that MGen MacKenzie adequately explained the situation to them,¹⁰ he also added:

I don't think there is any doubt that was conveyed to us, but equally and with hindsight, had we known and had he known the full dimension of the problem it might have caused the chain of command to approach its resolution somewhat...differently.¹¹

Clearly, MGen Reay was inadequately informed and should have realized this. As Deputy Commander of LFC, MGen Reay had the duty to support his commander by fully and accurately informing him of pertinent details. This he obviously did not do because he testified that he was unaware of the carburing incident, and LGen (ret) Gervais testified that he did not recall having been advised at all of disciplinary problems within the Regiment until after he had retired, some time in the spring of 1993.¹²

Furthermore, MGen Reay's participation in the refusal to convene a board of inquiry to investigate the circumstances of LCol Morneault's removal was a considerable error, and highlights the extent to which a habit of inactive control and supervision had taken root in the senior leadership. A board of inquiry would have brought to light the unusual circumstances of LCol Morneault's removal, and would have provided requisite information to all within the chain of command.

Finally, MGen Reay failed to inform himself adequately about the incoming CO. MGen Reay subsequently and quickly selected a new CO for LGen Gervais' approval, based on discussions with other leaders and without consulting any personnel records.¹³ He also failed to follow up after the change of CO to satisfy himself and his Commander that the serious problems in the CAR were rectified prior to deployment.

1. Failure to advise that provisions be made for the troops to be trained or tested on the newly developed Rules of Engagement.

As Deputy Commander of LFC, MGen Reay ought to have ensured that the rules of engagement (RE) were produced in a timely fashion in order that the troops could be properly trained in them. He was obliged, accordingly, to ensure that National Defence Headquarters (NDHQ) was aware that a sufficient amount of time specified by him was required, to press the NDHQ to produce the ROE within that time, and to rectify any insufficiencies that may have emerged in the process.

He did not do this. He did not require any change in schedule to facilitate an earlier production of the ROE. Evidently, he did not think earlier production was required. Though he was aware that the ROE were not ratified until December 11, 1992, on the day the advance party was to be deployed, and only two days before the advance party was in fact deployed, he felt there was adequate time to familiarize all the soldiers with the

ROE, and properly train them on the ROE.¹⁴ He stated that the ROE could have been taught to the forces an hour or two at night, or during a deployment flight.¹⁵

We do not accept MGen Reay's inaction regarding such a critical issue as the production of ROE. MGen Reay failed to appreciate the fundamental importance of adequate ROE training, and the need for having adequate time for that purpose. He passively and unacceptably allowed events to occur as they did. He did not emphasize to his commander and to the Deputy Chief of the Defence Staff (DCDS) that more time was needed and, thus, failed in discharging his responsibility.

1. Failure to advise that an adequate reporting system dealing with operational readiness and effectiveness in the Canadian Land Forces be put in place.

As the principal staff officer in LFC, MGen Reay ought to have ensured that an adequate operational readiness system was in place and that a requirement for a formal declaration of operational readiness for Operation Deliverance was ordered. He ought then to have satisfied himself that such declarations were in fact made and made legitimately, and should have ensured follow-up through staff action to remedy any deficiencies uncovered.

He did not do this. First, he ought to have known that the existing operational readiness reporting system was flawed. MGen Reay had been alerted to the serious leadership problems and the numerous disciplinary incidents within the Regiment. Given the short time frame between the time he was alerted, and MGen MacKenzie's declaration of operational readiness, MGen Reay should have known that everything could not have been rectified within that time and that deficiencies in the reporting system must therefore have existed. Instead of pursuing this matter, and despite knowing the importance of operational readiness declarations,¹⁶ MGen Reay chose to rely on MGen MacKenzie's declaration with an unquestioning acceptance,¹⁷ and without appropriate action to ensure that any deficiencies had been remedied. We find this an unacceptable failure.

Second, the LFC warning order for Operation Deliverance dated December 5, 1992, did not require that the Battle Group be declared operationally ready.¹⁸ Despite LGen (ret) Reay's admission that this was an oversight,¹⁹ there is no evidence suggesting he did anything to remedy this situation. LGen (ret) Reay believed that despite the oversight, there would have been no doubt that an operational readiness declaration of a sort was required and transmitted when LFC transferred the Battle Group over to the Canadian Joint Force Somalia (CJFS) command. However, the formal declaration of operational readiness for Operation Deliverance that issued from LFC occurred after the advance party was deployed.²⁰ He therefore failed to ensure that a formal declaration based on an objective assessment of the CAR's readiness was prepared and forwarded.

1. Failure to ensure that a proper estimate of the potential implications of establishing the manning ceiling at 900 land (army) personnel was undertaken.

As an element of his larger responsibilities as Deputy Commander, MGen Reay ought to have made certain that a proper estimate of the potential implications of the ill-considered manning ceiling was undertaken. MGen Reay did not do this. Neither did he

attempt to ascertain how the 900-personnel number was reached. In his testimony he stated that one possible reason for the number is that "900 is a nice round number".²¹ Nor could he remember with any certainty what he did to attempt to increase the number. He stated that "I'm almost certain that I had one or two discussions with General Addy",²² but then indicated that his underlying attitude was one of passive resignation: "when all was said and done certainly in the month of December was a pretty clear statement that that's the ceiling and you must work within it."²³

This attitude is unacceptable to us. MGen Reay bore the important responsibility of ensuring that all aspects of the deployment process were carefully considered. He ought to have either taken a personal interest in this matter, or directed one of his many subordinates to investigate and then inform him of the results.

- 1. [This allegation deleted pursuant to the order dated June 17, 1997 of Mr. Justice Teitelbaum of the Federal Court of Canada.]**
- 2. Failure to ensure that all members of the Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict.**

As Deputy Commander and principal staff officer of LFC in the fall of 1992, MGen Reay ought to have ensured that all members of the CJFS were adequately trained and tested in the Law of Armed Conflict before they were deployed to Somalia and that sufficient time was provided for these activities. He did not do this. We know that the Canadian troops received inadequate training in the Law of Armed Conflict, that the soldiers received no written materials on the subject, and that they were generally unprepared in theatre for situations about which they ought to have been knowledgeable. We therefore find that MGen Reay failed to adequately direct and supervise the training on the Law of Armed Conflict for peace support operations.

NOTES

1. Testimony of LGen (ret) Reay, Transcripts vol. 45, pp. 8940, 8941-8942.
2. Testimony of LGen (ret) Reay, Transcripts vol. 45, p. 9006.
3. Testimony of LGen (ret) Reay, Transcript vol. 45, p. 9005.
4. Testimony of LGen (ret) Reay, Transcripts vol. 45, pp. 9007-9008; this included the throwing of pyrotechnics; Testimony of MGen (ret) MacKenzie, who testified that he informed senior officers at LFC HQ of the throwing of pyrotechnics and the car-burning incident, Transcripts vol. 43, pp. 8525-8528.
5. Testimony of LGen (ret) Reay, Transcript vol. 46, pp. 9029-9035, 9026-9027; see also Document book 29, tab 7.
6. Testimony of LGen (ret) Reay, Transcripts vol. 45, p. 9006.
7. Testimony of LGen (ret) Reay, Transcripts vol. 45, p. 9010.
8. Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9039.
9. Testimony of LGen (ret) Reay, Transcripts vol. 46, pp. 9039-9040.
10. Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9032.

11. Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9035.
12. Testimony of LGen (ret) Reay, Transcripts vol. 46, pp. 9029-9031, 9192-9199.
13. Testimony of LGen (ret) Reay, Transcripts vol. 45, p. 9019.
14. Testimony of LGen (ret) Reay, Transcripts vol. 46, pp. 9134-9136.
15. Testimony of LGen (ret) Reay, Transcripts vol. 46, pp. 9135-9136.
16. Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9128.
17. Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9132.
18. Document book 30, tab 22.
19. Testimony of LGen (ret) Reay, Transcripts vol. 46, pp. 9126-9128.
20. December 18, 1992, Document book 32D, tab 9.
21. Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9100.
22. Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9114.
23. Testimony of LGen (ret) Reay, Transcripts vol. 46, p. 9114.

MAJOR-GENERAL (RETIRED) LEWIS MACKENZIE

We advised MGen (ret) Lewis MacKenzie that we would consider allegations that he exercised poor and inappropriate leadership in the pre-deployment phase of the Somalia mission by failing:

- 1. To take steps or ensure that steps were taken to investigate and remedy the significant leadership and discipline problems of which he was aware, or ought to have been aware, within the Canadian Airborne Regiment prior to its deployment; to notify his superiors of the nature and extent of the leadership and discipline problems of which he was aware, or ought to have been aware, within the Canadian Airborne Regiment prior to its deployment; to properly address the breakdown in the chain of command between the Brigade Commander and the Commanding Officer of the CAR; to take corrective measures to address the leadership crisis and resolve it; and to carry out a proper investigation of the recommendation of Brigadier-General Beno to relieve Lieutenant-Colonel Morneault of his command;**
- 2. To adequately monitor training of the Regiment to ensure its development as a cohesive unit;**
- 3. To make provisions for the troops to be trained or tested on the newly developed Rules of Engagement;**
- 4. To take adequate steps to ensure that the Canadian Airborne Regiment and the Canadian Airborne Regiment Battle Group were operationally ready;**
- 5. To adequately assess the need for Military Police in the Canadian Airborne Regiment Battle Group and, further, to advise the Commander of Land Force Command of this need;**

6. **To ensure that all Land Force Central Area (LFCA) personnel in Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions for the protection of victims of armed conflict; and**
7. **In his duty as Commander as defined by analogy to Queen's *Regulations and Orders* art. 4.20 and in military custom.**

Before analyzing our findings, we believe that some important observations should be made about MGen MacKenzie and his approach to leadership and accountability.

MGen MacKenzie was unique among the senior leaders who appeared before us, and were involved in the Somalia deployment, in evincing a proper understanding of and respect for the inquiry process.

MGen (ret) MacKenzie testified before us in an honest and straightforward manner. He alone seemed to understand the necessity to acknowledge error and account for personal shortcomings. We did not always accept everything that he said, but we accept that what he offered us was the truth as he saw it. Unlike some senior officers who appeared before us, he was never less than courteous and respectful in the way that he gave evidence or responded to our questions.

Also, MGen (ret) MacKenzie fully accepted the need for a public accounting of what went on in Somalia. He invariably supported our effort to probe the incidents and events in the wider public interest. We regard his comportsment and demeanour throughout his testimony before us as consistent with the highest standards of military duty and responsibility.

To a certain extent, MGen MacKenzie was a victim of his own success. As a bona fide hero of the Canadian Forces, his superiors wanted to parade his successes in front of the troops and our allies. He was therefore tasked to represent the Canadian Forces (CF) in a wide variety of settings to the detriment of his ability to adequately supervise and control those matters that were his core responsibilities. While his superiors are principally to blame for the unbalanced and distracting set of extra-curricular obligations that MGen MacKenzie was asked to assume, he must still carry a share of the criticism since he accepted this role without question or complaint.

1. **Failure to take steps or ensure that steps were taken to investigate and remedy the significant leadership and discipline problems of which he was aware, or ought to have been aware, within the Canadian Airborne Regiment prior to its deployment; to notify his superiors of the nature and extent of the leadership and discipline problems of which he was aware, or ought to have been aware, within the Canadian Airborne Regiment prior to its deployment; to properly address the breakdown in the chain of command between the Brigade Commander and the Commanding Officer of the CAR; to take corrective measures to address the leadership crisis and resolve it; and to carry out a proper investigation of the recommendation of BGen Beno to relieve LCol Morneault of his command.**

As the Commander Land Force Central Area (LFCA), MGen MacKenzie bore the responsibility to actively investigate during the pre-deployment period the significant leadership and discipline problems of which he was aware or ought to have been aware. Having taken these steps, he ought then to have notified his superiors of the problems of which he would then have been informed, and to take decisive remedial steps to ensure these problems were adequately resolved.

MGen MacKenzie was well aware that the Canadian Airborne Regiment (CAR) was facing serious leadership problems in the pre-deployment phase. He was informed by BGen Beno almost immediately upon assuming command at LFCA, and several times thereafter, of concerns raised about LCol Morneault's leadership,¹ and that it might be necessary to replace LCol Morneault. In these communications, MGen MacKenzie was a passive recipient of information: he took no steps to personally investigate the problems he was told about; he did not advise BGen Beno of his opinion concerning what LCol Morneault may have been doing wrong and what his shortcomings may have been;² and he took no steps to assert his leadership role as a means of solving the crisis. Rather, he limited his response to expressing over the telephone his confidence in BGen Beno's ability to properly assess and solve the problem,³ and left the situation to develop on its own.

We find MGen MacKenzie's actions inadequate under the circumstances. By his own admission, the senior command faced a unique situation with the CAR in the fall of 1992. The Commanding Officer (CO) was replaced in mid-stream -- a virtually unprecedented move in peacetime -- yet MGen MacKenzie remained passive. MGen MacKenzie failed to properly address the breakdown in the chain of command between the Brigade Commander and the CO of the CAR. Though he knew of a mounting crisis that could possibly have compromised the participation of the CAR in the Somalia mission, MGen MacKenzie failed to take adequate corrective measures to initially prevent the crisis and, subsequently, measures to resolve it satisfactorily.

MGen MacKenzie, although carrying out duties at the behest of his superiors, could have immediately returned from Fort Leavenworth when the decision was made to remove LCol Morneault, and personally visited the CAR to ascertain that the change in leadership proceeded well. The virtually unprecedented removal of a CO in peacetime, indicative of a profound crisis of leadership at a crucial point, was insufficiently canvassed over the telephone,⁴ suggesting the removal was made in too casual a manner by the senior officers.

His refusal also to grant LCol Morneault's request for a board of inquiry that would have objectively examined the necessity of his removal and highlighted the extent of the problems in the CAR was an error in judgement.⁵ Furthermore, MGen MacKenzie's concern, apparently shared by his superiors, for the "optics" of regimental affiliation in the debate over who should replace LCol Morneault was inappropriate to the extent that it represents a departure from standard selection criteria based on merit.

MGen MacKenzie, perhaps as a result of the distractions created by his superiors' wish to have him appear in disparate venues, also adopted a passive approach in his treatment of the serious disciplinary problems within the CAR (the pyrotechnics and car-burning incidents).⁶ Once he learned of the discipline problems, he had ample opportunity to

intervene and impose his own standard of discipline upon the CAR, but he did not do so. His trust in BGen Beno to handle the matter,⁷ and to inform him if BGen Beno had any serious difficulty was appropriate, but MGen MacKenzie should have verified that the necessary changes were in fact made.⁸ After LCol Morneault had been replaced, MGen MacKenzie never inquired as to what measures were taken by BGen Beno or the new CO to restore discipline, trust, and obedience among the troops.

MGen MacKenzie, however, did issue belatedly a revised policy letter on discipline and good order to the Special Service Force (SSF) and other headquarters on November 20, 1992, stressing the importance of the responsibility of senior commanders.⁹

The senior officers to whom MGen MacKenzie reported testified that they were not aware of the car-burning incident (LGen (ret) Reay), or of the full extent of the disciplinary problems (LGen (ret) Gervais). It is not necessary for us to resolve the question of who was told what to conclude that, once informed, MGen MacKenzie should have ensured that his senior commanders personally received a full account of the disciplinary incidents. The crucial decision to replace the CO of the CAR was made by all responsible senior officers without the benefit of first-hand information.

While MGen MacKenzie did take a personal interest in the selection of LCol Mathieu as the new CO of the CAR, he was largely uninvolved after that point. Given the serious nature and extent of the problems within the CAR, we find that he should have taken a closer personal interest in ensuring its operational readiness, particularly in light of the short time that was available to LCol Mathieu as the new CO.

1. Failure to adequately monitor training of that Regiment to ensure its development as a cohesive unit.

MGen MacKenzie did not personally observe any of the CAR training preparations during the pre-deployment phase. He testified that he had no reason to question the information being provided to him by BGen Beno.¹⁰ Nonetheless, MGen (ret) MacKenzie admitted that perhaps he should have personally observed Exercise Stalwart Providence, and that the obstacles (that is, the commitments that he had taken on with the encouragement of his superiors) which prevented his attendance could have been overcome.¹¹

After the replacement of the CO, MGen MacKenzie chose to rely on BGen Beno to ensure that LCol Mathieu would implement the existing training plan for the CAR and sort out serious discipline problems.¹² He believed that the documentation of deficiencies in the unit, combined with the policy directive he issued, would give a clear indication as to where the new CO's priorities should lie. However, he should have exercised the closer supervision that was clearly warranted in the circumstances.

1. Failure to make provisions for the troops to be trained or tested on the newly developed Rules of Engagement.

As the Commander of LFCA, MGen MacKenzie ought to have ensured that the rules of engagement (ROE) were produced in a timely fashion so the troops could be properly trained in them. He was obliged, accordingly, to ensure that NDHQ was aware that a

sufficient amount of time specified by him was required, to press the NDHQ to produce the ROE within that time, and to rectify any insufficiencies that may have emerged in the process.

He did not do this. He gave no evidence that he required any change in schedule to facilitate an earlier production of the ROE. Though he ought to have known that the ROE were not ratified until December 11, 1992, on the day the advance party was to be deployed, and only two days before the advance party in fact deployed, he offered no evidence of any concern for this constraint, and did not attempt to rectify the problem.

We do not accept MGen MacKenzie's inaction regarding the significant matter of production of the ROE. He failed to appreciate the fundamental importance of adequate ROE training, and the need for having adequate time for that purpose. He passively and unacceptably allowed events to occur as they did. He did not emphasize to his superior that more time was needed and, thus, failed in discharging his responsibility.

- 1. Failure to take adequate steps to ensure that the Canadian Airborne Regiment and the Canadian Airborne Regiment Battle Group were operationally ready.**

MGen MacKenzie anticipated that the mission of the CAR would change from a UN Chapter VI to a Chapter VII operation,¹³ but took no special steps to ensure that the CAR was operationally ready for this new task. Instead, again, he relied on BGen Beno to notify him should any shortcomings in the CAR's operational readiness become apparent. Despite having received conflicting messages from BGen Beno and his operations staff on the same day regarding this issue, MGen MacKenzie did not become personally involved.¹⁴

While his military duty was to ensure the operational readiness of the CAR and the CARBG for the Somalia mission, MGen MacKenzie, as Commander of LFCA, due to competing demands on his time and energy, failed to demonstrate the requisite attention, care, and leadership expected of him under such circumstances. He did not attend the Stalwart Providence operational readiness exercise and instead trusted blindly BGen Beno's phone reports about LCol Morneault. The single visit he made to Petawawa while LCol Morneault was CO was not to address the crisis facing the CAR, but to address a contingent that was being deployed to Yugoslavia. By his presence and personal action, he could have brought his talent and inspirational leadership to bear on the CAR. His visit to Petawawa provided him with an opportunity to ascertain the extent of the breakdown in the chain of command between BGen Beno and LCol Morneault, but he failed to seize it.

- 1. Failure to adequately assess the need for Military Police in the Canadian Airborne Regiment Battle Group and, further, to advise the Commander of Land Force Command of this need.**

Though MGen (ret) MacKenzie agreed that the decision as to the number of Military Police (MP) to be taken to Somalia was as much and probably more his responsibility than any other,¹⁵ he stated in his defence that he was not aware of criticisms expressed both at First Canadian Division Headquarters (1st Can Div HQ) and Land Force Command Headquarters (LFC HQ) about the lack of Military Police,¹⁶ and that Col

Labbé had the authority, once in theatre, to change the configuration. He also stated that Col Labbé could have called him, but did not.¹⁷ The argument that he did not know of these criticisms, is, however, unsatisfactory since he was responsible for ensuring that there was no MP deficiency. He could have directed his staff to check with the appropriate authorities to obtain their views on what the appropriate MP component should be, and communicated that need up the chain of command to MGen Reay and LGen Gervais. He did not do so, however, and relied instead on his subordinates to handle this issue entirely for him.

1. Failure to ensure that all Land Force Central Area personnel in the Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions for the protection of victims of armed conflict.

As the Commander of LFCA, MGen MacKenzie ought to have ensured that all members of the CJFS were adequately trained and tested in the Law of Armed Conflict before they were deployed to Somalia. He did not do this. We know that the Canadian troops received inadequate training in the Law of Armed Conflict, that the soldiers received no written materials on the subject, and that they were generally unprepared in theatre for situations about which they ought to have been knowledgeable. We therefore find that MGen MacKenzie did not adequately direct and supervise the training in the Law of Armed Conflict for peace support operations.

1. Failure in his duty as Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in military custom.

MGen MacKenzie had important obligations as a commander and must bear responsibility for the failures that attached to the discharge of those obligations. His role was pivotal, since he was positioned between the Brigade Commander, BGen Beno, and the upper chain of command.

With MGen MacKenzie's absence, required by duties imposed in large measure by his superiors, BGen Beno obtained an unwarranted degree of freedom from oversight. Despite the fact that MGen MacKenzie was necessarily absent from his post due to obligations condoned by his superiors, errors in the chain of command below him remain MGen MacKenzie's responsibility and they, in turn, flow upwards from him to the highest levels of the command structure.

MGen MacKenzie's fundamental failing was that he exercised inappropriate control and provided inadequate supervision, a failing we have seen repeated at levels both above and below him. With that inadequacy came an inability to properly inform his superiors of emerging concerns and difficulties. With this state of affairs came the perpetuation of error.

NOTES

1. Testimony of MGen (ret) MacKenzie, Transcripts vol. 42, pp. 8281-8284.
2. Testimony of MGen (ret) MacKenzie, Transcripts vol. 42, pp. 8296-8298.
3. Testimony of MGen (ret) MacKenzie, Transcripts vol. 42, pp. 8278-8285; see also Testimony of BGen Beno, Transcripts vol. 40, pp. 7871-7872; Testimony of

- LGen Reay, Transcripts vol. 46, pp. 9038-9039; Testimony of LOen Gervais, Transcripts vol. 47, p. 9490.
4. See Testimony of BGen Beno, Transcripts vol. 41, p. 8082 and following.
 5. Testimony of BOen (ret) Zuliani, Transcripts vol. 181, pp. 37455-37446; see also Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8401.
 6. Testimony of MGen (ret) MacKenzie, Transcripts vol. 42, pp. 8317-8320.
 7. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8445-8449.
 8. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8528-8535.
 9. Document book 32A, tab 8.
 10. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8341-8344.
 11. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8363-8366.
 12. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8386.
 13. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8422-8423.
 14. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8419; see also Testimony of BOen Beno, Transcripts vol. 41, pp. 7928,7960.
 15. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8490.
 16. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8502.
 17. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, pp. 8500-8502.
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BRIGADIER-GENERAL ERNEST BENO

We advised BGen Ernest Beno that we would consider allegations that he exercised poor and inappropriate leadership in the pre-deployment phase by failing:

- 1. In declaring the Canadian Airborne Regiment and the Canadian Airborne Regiment Battle Group operationally ready when he knew, or ought to have known, that such was not the case;**
- 2. To notify his superiors of the nature and extent of the leadership and discipline problems of which he was aware, or ought to have been aware, within the Canadian Airborne Regiment prior to its deployment, and, in specific, to advise MGen MacKenzie of:**
 - 2.1. his concerns about the state of discipline and the questionable attitudes of members of the Regiment as evidenced by:**
 - 2.1.1. the fact that ammunition had been seized during a search conducted under LCol Morneault's command;**

When BGen Beno declared the CAR operationally ready on November 13, 1992², he knew that a number of notable problems in the CAR still existed and required significant attention.² Thus he knew, or ought to have known, that by November 13th very little had been done to address the very serious disciplinary incidents of early October.³ BGen Beno himself said that these incidents "challenge the leadership of the unit",⁴ and on this issue we take him at his word: he knew a concerted, deliberate intervention was required as a response, and he knew that no such intervention had taken place.⁵ He also knew that sub-unit leadership, at least with regard to Maj Seward and Capt Rainville, was not at a proper standard.⁶ He himself had advised LCol Mathieu to leave both men behind, and he ought to have determined if his advice had been heeded, which it was not.⁷ Nothing, in fact, was done in this regard. Finally, BGen Beno knew or ought to have known that the many training deficiencies noted in Stalwart Providence could not have been and were not resolved by November 13th. If he had put his mind to this matter, there was an array of circumstances he could have considered. He ought to have known that only four weeks had elapsed between the end of the training exercise and the readiness declaration, that the soldiers were on embarkation leave for two of these weeks, that much of the equipment required for further training was unavailable due to deployment preparations, that only a negligible amount of training had been performed after the training exercise, Stalwart Providence, that mission-specific rules of engagement (ROE) had yet to be issued, that the mission-specific training was inadequate, that the CAR had not trained as a regiment, that there was a lack of cohesiveness among units, that the soldiers had not been properly trained in respect of the Law of Armed Conflict, that the individual companies had not by that time been properly assessed by their new Commanding Officer (CO), and that the mere three weeks between the appointment of LCol Mathieu and the November 13th declaration was insufficient to allow for a sufficient integration of the new leader.

Despite this protracted list of obvious deficiencies in respect of discipline, leadership and training, each detail of which BGen Beno knew or ought to have known,⁸ and despite having himself stated on October 1⁹th that because of such deficiencies the "unit is *clearly* not 'operational' and will not be so until [they] are resolved",⁹ BGen Beno declared the CAR operationally ready on November 13th. This was a serious failure.

BGen Beno's headquarters also issued a readiness declaration on December 10¹⁰, 1992, for Operation Deliverance.¹⁰ This, too, was a notable lapse of judgement. Regarding this latter declaration, BGen Beno did not at any time personally assess the readiness of the Regiment in light of the significant changes resulting from the move to a Chapter VII United Nations mission, in light of the acute uncertainty over many aspects of the final deployment, and in light of the truncated, hasty planning conducted during pre-deployment preparations. No review was made by BGen Beno of the measures taken to redress any of the outstanding disciplinary concerns,¹¹ and a comprehensive evaluation of the many training and administrative problems persisting throughout that period was not undertaken.¹² Despite these inadequacies, a readiness declaration was issued.

The issuing of these declarations constituted a considerable failure on the part of BGen Beno.

- 1. To notify his superiors of the nature and extent of the leadership and discipline problems of which he was aware, or ought to have been aware, within the Canadian Airborne Regiment prior to its deployment, and, in specific, to advise MGen MacKenzie of:**
 - 1.1. his concerns about the state of discipline and the questionable attitudes of members of the Regiment as evidenced by:**
 - 1.1.1. the fact that ammunition had been seized during a search conducted under LCol Morneault's command;**
 - 1.1.2. the fact that 32 Confederate flags had been seized and that flag was regularly displayed on Base Petawawa;**
 - 1.1.3. the fact that there were alcohol problems in the Regiment in the weeks and months prior to deployment;**
 - 1.1.4. the fact that he had identified persons he thought should be left behind when the Regiment was deployed;**
 - 1.2. the occurrence of the three October 1992 incidents;**

Underlying the present allegation are two important responsibilities of the Commander SSF. First, BGen Beno ought to have informed himself, by personal investigation or otherwise, of any leadership and disciplinary problems within the CAR during pre-deployment preparations. Following this, and as a function of proper communication within the chain of command, he then ought to have informed his superiors, especially MGen MacKenzie, in an accurate and timely fashion of the problems of which he had informed himself. These are important responsibilities that must be discharged in a competent manner. In default of such a discharge, a considerable erosion in the proper functioning of the command structure might occur.

BGen Beno's conduct in informing his superiors as he did was far below standard, and a critical weakness in the command chain occurred as a result. BGen Beno knew that there were acute leadership and discipline problems in the CAR. He knew that ammunition had been seized during a search ordered by LCol Morneault.¹³ He knew that several Confederate flags had been seized, and must have seen it displayed on the base premises.¹⁴ He knew of individuals who should not be deployed to Somalia.¹⁵ He was intimately aware of the three significant incidents of October 2nd and 3rd -- the disturbance at the junior officers' club, the expending of pyrotechnics at Algonquin Park and, especially, the torching of a vehicle belonging to the 2 Commando duty officer. He also knew the CAR had a significant history of disciplinary problems.¹⁶ Though he testified that he was unaware of any alcohol problems,¹⁷ he ought to have recognized the strong possibility that alcohol was partly responsible for the disciplinary problems within the CAR, and he ought to have known from his own observation that alcohol misuse was frequent, as it was easily detectable.

He also ought to have known that this alarming list of problems during the pre-deployment phase of an important overseas mission ought to have been communicated in a timely and accurate manner upward in the chain of command. But the communication that did take place was clearly inadequate. BGen Beno never spoke to MGen MacKenzie in full detail or MGen MacKenzie's Chief of Staff about the October incidents.¹⁸ He did not inform MGen MacKenzie that alcohol problems were apparent within the CAR.¹⁹ He did not inform MGen MacKenzie of the use of the Confederate flag or of the ammunition seizures, or of the list of individuals he had identified to be left behind. BGen Beno could recall no discussions with MGen MacKenzie about disciplinary problems after sending a letter on October 19th to him in which he briefly mentioned them.²⁰

Neither did he know what information may have been passed to LGen Gervais or MGen Reay, for, as he stated, he himself "did not deal with General Reay or General Gervais" and he himself passed "nothing" to them.²¹ We note in this context that BGen Beno was, on the other hand, quite eager to inform LGen Gervais -- on several occasions -- that LCol Morneault was failing in his command. This discrepancy, in our opinion, speaks for itself.

Had BGen Beno adequately informed MGen MacKenzie or any of the other senior leaders in greater and more complete detail of the many aspects of the many leadership and disciplinary problems in the CAR, both might have been dealt with effectively. In the complete absence of timely and accurate communications concerning important aspects of the unit to be sent overseas, we are at a loss to understand how BGen Beno could have expected the command chain to exercise the control and supervision proper to its mandate. It did not, and the result is not surprising.

1. Failure to make provisions for the troops to be trained or tested on the newly developed Rules of Engagement.

As the Commander SSF responsible for pre-deployment training preparations, BGen Beno ought to have ensured that the CAR was adequately trained and tested on the ROE developed specifically for the Chapter VII Somalia mission. In light of the uniqueness of this deployment, BGen Beno ought to have taken a personal interest in this issue to guarantee that all matters regarding the use of force were clearly understood, but he did not. He did not devise, direct or order any ROE training. He did not himself supervise any ROE training. Though he stated that he "pushed right to the last minute"²² for ROE to be issued, he was, in our opinion, unconcerned about the fact that no time remained from the time of issuance for any proper training to be conducted. According to BGen Beno, soldiers do not need to "be practiced in the specific Rules of Engagement",²³ and ROE training need amount to no more than a "mental exercise"²⁴ that "can be done in an airplane".²⁵

We do not agree with BGen Beno's opinions. Adequate ROE training cannot be performed "in an airplane". And it requires much more than a classroom-style "mental exercise". We furthermore find it difficult to credit BGen Beno's concerns that the troops did not have the Rules of Engagement during training, and that they did not have a lot of time to practise them in the environment of Petawawa.²⁶ Given his view of the relative unimportance of mission-specific ROE training, and his professed ideas concerning the

nature of such training and what it should accomplish, he would have had little reason for the concern he claimed. He demonstrated no such concern in his actions: at best, BGen Beno did nothing more in respect of ROE training than to aid in the production of 'a soldier's card'.²⁷

BGen Beno had a duty to ensure that the members of the CAR fully understood the ROE and were adequately trained and practised in the ROE before deployment. He failed to discharge this duty.

1. Failure to provide adequate guidance to both LCol Morneau and LCol Mathieu as to how to prevent or resolve the discipline problems within the Regiment.

As an aspect of his responsibility to actively supervise his subordinates, BGen Beno ought to have provided adequate guidance to both LCol Morneau and LCol Mathieu regarding the serious disciplinary problems within the CAR. BGen Beno knew of the seriousness of these problems,²⁸ he knew that the CAR and especially 2 Commando had a history of disciplinary problems,²⁹ and he knew that little time remained before deployment to effectively deal with them. He also knew that a concerted, deliberate effort was required regardless of any such time constraints. Despite such knowledge, BGen Beno failed to intervene with the appropriate guidance.

With regard to LCol Morneau, BGen Beno ought to have supported his attempts to sort out discipline problems, and, in particular, ought to have either supported the plan to threaten to leave 2 Cdo behind or offered an alternative. BGen Beno did neither and flatly stated to LCol Morneau: "No, I will not support you. You are elevating the problem to my level. It is your problem, you sort it out."³⁰ However, we agree with LGen (ret) Gervais that the problem should in fact "have been sorted out within the brigade unit level",³¹ and furthermore that if it had been found to be "a bigger problem than individuals", as it was, the appropriate solution would have been to "leave the Commando out of the operation and replace it with another company".³²

It was incumbent upon BGen Beno to assume supervisory responsibility for these disciplinary problems and to involve himself in some perceptible manner in aiding LCol Morneau to resolve them. He did not.

When LCol Mathieu took over command of the CAR, BGen Beno again left the resolution of the serious disciplinary problems to the newly arrived CO. Beyond expressing reservations about the suitability of certain officers and making suggestions regarding the reassignment of a number of soldiers within the Regiment, BGen Beno's actions were insufficient to assist LCol Mathieu in resolving the disciplinary problems.

Neither did he offer guidance in terms of any deficiencies in LCol Mathieu's attempts to deal with them. Although these deficiencies were clearly apparent, BGen Beno did not monitor LCol Mathieu, though he ought to have, and did not appropriately advise LCol Mathieu on how a satisfactory resolution could be sought. He left the matter entirely in the hands of the new CO and did nothing himself after that point.³³

1. Failure to ensure that LCol Mathieu resolved the disciplinary and leadership problems within the Regiment prior to its deployment.

BGen Beno also ought to have actively involved himself and ensured that the discipline and leadership problems were in fact resolved before the troops were deployed.

Despite BGen Beno's testimony that LCol Mornault's failure to resolve the discipline and leadership problems factored significantly in the removal of LCol Morneault, BGen Beno concerned himself little with these problems subsequent to replacing LCol Morneault.³⁴ He in fact did no more than brief LCol Mathieu on the disciplinary situation and to suggest that certain officers not be deployed and that certain soldiers be reassigned within the Regiment. He then abdicated any further supervisory role and relied entirely upon LCol Mathieu's assurances that the issues had been properly dealt with. He did not inquire beyond these assurances but remained passive and uninvolved.³⁵

BGen Beno's passivity did not go unnoticed. LGen (ret) Gervais testified that BGen Beno was "not aggressive enough" and that "he should have been more direct" with respect to these disciplinary issues.³⁶ LGen (ret) Reay also testified that BGen Beno ought to have done more:

[A]s I look back, and I look back particularly at the brigade commander, I believe...that General Beno was not aggressive enough personally to satisfy himself that the problem [had] been resolved, or that suggestions that he had made were not necessarily being honoured.... I believe that there were some things that he could and should have done knowing what he did.³⁷

As a result of BGen Beno's passivity, and his failure to ensure personally that serious disciplinary problems were resolved before the deployment, these problems accompanied the CAR to Somalia.

1. Failure to ensure that all Special Service Force members of the Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict.

As a general in the Canadian army, BGen Beno ought to have known that an understanding of the Law of Armed Conflict and related military doctrine is essential for the lawful conduct of military operations, and that all soldiers should be familiar with these basic legal obligations in situations of potential or actual conflict. BGen Beno thus ought to have ensured that the CAR was adequately trained in these essential legal principles. He failed in his duty to do so.

Little attention was paid to Law of Armed Conflict training, and the relatively brief lecture given by Lcol Watkin on December 10, 1992, almost immediately before deployment, could not possibly communicate all the information needed by CF members to understand and apply the Law of Armed Conflict and the Geneva Convention doctrines.³⁸ Nor was the information given in this lecture adequately disseminated. Finally, even if it had been, such so-called dissemination is inadequate to the task, given the depth of understanding that soldiers must acquire concerning these fundamental

principles. BGen Beno ought to have understood this and taken steps to remedy the deficiency.

1. Failure in his duty as a Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in military custom.

Given our findings above concerning the leadership failures of BGen Beno, and in view of the importance of control and supervision within the chain of command, we conclude that BGen Beno failed as a commander.

NOTES*

1. Testimony of BGen Beno, Transcripts vol. 40, p. 8089.
2. Many of these problems are mentioned in his letter of October 19, 1992 requesting the removal of LCol Morneault. Document book 15, tab 18.
3. BGen Beno knew that the specific action taken amounted to little more than the posting out of six individuals for disciplinary reasons, but he did not know specifically who was left behind and for what reason. Testimony of BGen Beno, Transcripts vol. 41, pp. 7925,7929-7930, 7938-7939, 8096.
4. Document book 15, tab 18.
5. BGen Beno testified that he left the resolution of these matters entirely in the hands of LCol Mathieu, and that he did not inquire beyond LCol Mathieu's assurances that the problems were being resolved. Testimony of BGen Beno, Transcripts vol. 41, pp. 7929,7939, 7943. BGen Beno also rightly admitted responsibility for the actions LCol Mathieu took to resolve the problems. Testimony of BGen Beno, Transcripts vol. 42, p. 8136.
6. Testimony of BGen Beno, Transcripts vol. 41, pp. 7947-7948.
7. Testimony of BGen Beno, Transcripts vol. 41, pp. 7947-7948; Testimony of LCol (ret) Mathieu, Transcripts, vol. 168, pp. 34619-34625.
8. Testimony of BGen Beno, Transcripts vol. 40, pp. 7801, 7849-7851; vol. 41, pp. 7964-7965; Document book 15, tab 27.
9. Document book 15, tab 18 (emphasis added).
10. See DND026433.
11. BGen Beno relied entirely on LCol Mathieu's assurances. Testimony of BGen Beno, Transcripts vol. 41, pp. 7925,7929, 7939,7943, 8058; Testimony of LCol (ret) Mathieu, Transcripts vol. 168, pp. 34619-34668.
12. BGen Beno received "briefings" from LCol Mathieu regarding administrative preparedness. He also admitted that there was no table of organization and equipment prepared for Operation Deliverance, such table being a crucial component of administrative preparation. Testimony of BGen Beno, Transcripts vol. 41, pp. 7967-7969.
13. Document book 4, tab 4

14. Testimony of BGen Beno, Transcripts vol. 42, p. 8134; Evidence of BGen Beno, BOI, vol. 2, p. 260. See Testimony of Maj Wilson who recalls having seen it on the base from time to time. Transcripts vol. 28, pp. 5415-5416.
15. Testimony of BGen Beno, Transcripts vol. 41, pp. 7918-7919.
16. See Testimony of Maj Seward, Transcripts vol. 30, p. 5737.
17. Testimony of BGen Beno, Transcripts vol. 41, pp. 7953-7954.
18. Testimony of BGen Beno, Transcripts vol. 41, pp. 8065-8066; Testimony of MGen (ret) MacKenzie, Transcripts, vol. 42, pp. 8317-8320.
19. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8481.
20. Testimony of BGen Beno, Transcripts vol. 41, p. 8064.
21. Testimony of BGen Beno, Transcripts vol. 41, p. 8064.
22. Testimony of BGen Beno, Transcripts vol. 41, p. 7977.

23. Testimony of BGen Beno, Transcripts vol. 41, p. 7975.
24. Testimony of BGen Beno, Transcripts vol. 41, p. 7975.
25. Testimony of BGen Beno, Transcripts vol. 41, p. 7977.
26. Testimony of BGen Beno, Transcripts vol. 41, p. 7977.
27. Testimony of BGen Beno, Transcripts vol. 41, p. 7977.
28. See Document book 15, tab 18. Also see Testimony of LCol Morneault, Transcripts vol. 36, pp. 6973-6976.
29. See Testimony of Maj Seward, Transcripts vol. 30, p. 5737.
30. Testimony of LCol Morneault, Transcripts vol. 36, pp. 6975-6976.
31. Testimony of LGen (ret) Gervais, Transcripts vol. 48, p. 9759.
32. Testimony of LGen (ret) Gervais, Transcripts vol. 47, p. 9470.
33. Testimony of BGen Beno, Transcripts vol. 41, pp. 7925,7929, 7939,7943, 8058.
34. See, for example, Testimony of BGen Beno, Transcripts vol. 40, p. 7862.
35. Testimony of BGen Beno, Transcripts vol. 41, pp. 7925, 7929,7939, 7943, 8058.
36. Testimony of LGen (ret) Gervais, Transcripts vol. 49, p. 9792.
37. Testimony of LGen (ret) Reay, Transcripts vol. 46, pp. 9038-9039.
38. We do not fault LCol Watkin for this.

* The Chairman did not participate in the deliberations of the Commissioners dealing with the conduct of BGen Beno in relation to the charges or allegations that were the subject matter of his section 13 notice.

COLONEL SERGE LABBÉ

We advised Col Serge Labbé that we would consider allegations that he exercised poor and inappropriate leadership by failing:

1. **[This allegation deleted pursuant to the order dated June 17, 1997 of Mr. Justice Teitelbaum of the Federal Court of Canada.]**
2. **[This allegation deleted pursuant to the order dated June 17, 1997 of Mr. Justice Teitelbaum of the Federal Court of Canada.]**
3. **To ensure that all members of the Canadian Joint Force Somalia, including particularly members of the Canadian Airborne Regiment Battle Group, were trained, tested on, and understood the Rules of Engagement as issued by the Chief of the Defence Staff;**
4. **To ensure that all members of the Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict.**
5. **In his duty as Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in military custom.**

We now address these allegations in order.

1. **Failure to ensure that all members of the Canadian Joint Force Somalia, including particularly members of the Canadian Airborne Regiment Battle Group, were trained, tested on, and understood the Rules of Engagement as issued by the Chief of the Defence Staff.**

The role of the Commander in developing and ensuring a proper understanding and appreciation of the rules of engagement is crucial to the success of a mission. The necessity of developing such an understanding through training on the rules of engagement (ROE) is of prime importance in military operations. Other armies that took part in the Somalia operation recognized the importance of pre-deployment training in the ROE. Maj Kelly of the Australian army recently stated:

It is important that the commanders of the contingents examine carefully the management of the application of force in peace operations. In this respect the commanders must appreciate the differing circumstances of operations so that they will understand that peace operations are closer in nature to what used to be termed "counterinsurgency operations" and are now given the generic term "low-intensity conflict". Those commanders who are not sensitive to the subtleties of such operations should not be appointed.¹

An American expert stated about the pre-deployment experience in training on the ROE for Somalia:

The ROEs without...training hypotheticals were practically useless. In order to adequately train the soldiers they would have to be faced with hypothetical scenarios. The soldier...would then have to mentally challenge themselves to apply the ROEs to the specific hypothetical situation and then immediately give a quick snap judgement response. This was realistic training and it made sense that the commander wanted his troops trained in this manner.²

Within the CF, LCol Nordick testified at our policy hearings about the importance of understanding of and adequate training on the ROE. He based his testimony on his previous experience in five UN peacekeeping missions and, more specifically, his experience commanding the 3rd Battalion, Princess Patricia's Canadian Light Infantry, in Croatia beginning in July 1992.

In peacekeeping and in war the correct use of [the] ROE often requires an immediate decision or instantaneous action by one or more soldiers who are located at an isolated observation post or checkpoint. In many instances these soldiers are afraid, possibly even angry. In spite of the dangerous circumstances, we expect that discipline, training and strict direction on the controlled use of force will permit that soldier to make the right decision, often in the blink of an eye.... [Therefore] it is imperative that the rules of engagement be clearly understood both in theory and in practice.³

In his expert view, there were five steps to the ROE: an understanding of the ROE, the actual teaching of the ROE to soldiers, in-theatre ROE instruction, properly amending the ROE, and after-action reporting on the ROE.⁴ His first priority, in the pre-deployment and training phase, was to ensure that he and his principal commanders understood both the mandate and the rules of engagement:

This was done by reading into the operation, by conducting in-theatre reconnaissance, by holding discussions with United Nations and national commanders, by studying the United Nations and national standard operating procedures and directives and holding internal battalion discussions on the theory of ROE and the technicalities of amending it.

Based on this research, we built a bank of scenarios that we used to instruct the soldiers in the two key areas that have already been mentioned, and that is the rule of engagement itself and the rule of self-defence. The areas of discussion that we focused on were the minimum use of force, use of light force -- and that's one that was not mentioned before; in most United Nations operations, if someone shoots at you with a rifle, you are to reply with a rifle if possible -- categorization of incidents, stressing the difference between a rock-throwing incident and a grenade-throwing incident; crowd control; co-ordinate search operation; prevention of attacks on civilians; protection of United Nations installations, protection of arms caches; arrest and detention procedures; and confiscation of

weapons.⁵

Cmdre Cogdon, the Chief of Staff J3 at this time, stated that "Rules of engagement have to be translated down to every single soldier in the regiment...".⁶ He went on to say, "There must be an understanding of the rules and there must be training with the rules."⁷ He added:

Colonel Labbé and all of his subordinates were so concerned about getting things going and moving it all they did not have time to spend any time on rules of engagement in the general sense. So we started to take on additional responsibilities and the particular issue I'm talking about is producing the little cards which, in my opinion, were -- it's never an NDHQ responsibility at all, it's a commander's in the field -- translation of the rules of engagement down to his troops and to the levels he sees has to be down there and that should never have been us to produce them.⁸

Although Cmdre Cogdon's staff helped in producing the soldier's cards, he argued that this was the responsibility of the commander in the field:

My opinion was that in fact it was absolutely mandatory for the commander and, in particular, the commander down the line who was actually controlling the soldiers to have understood these carefully and know exactly what they mean when they apply to his soldiers and, therefore, he is the guy that knows the soldiers best and he knows how to define that to his soldiers.⁹

As the senior officer of the Canadian Forces deployed to Somalia, Col Labbé ought to have determined whether the troops under his command had been sufficiently trained in and were knowledgeable about the Rules of Engagement and ought to have taken remedial steps if deficiencies in these areas were apparent.

Col Labbé's testimony indicates that he assumed that when the CAR was declared operationally ready, it "would have had to have been declared ready to go based on complete training".¹⁰ In other words, "complete training" implied training on everything required for the mission, including "Rules of Engagement, laws of war and the Geneva Conventions".¹¹ Col Labbé testified further that he was justified in drawing this conclusion from a brief verbal interaction with LCol Mathieu: "I do recall asking him something like, 'Are the boys good to go?' And he said, 'Absolutely.' Or words to that effect."¹²

Relying on this brief interaction, Col Labbé then admitted at several points in his testimony to knowing very little about the troops' state of ROE training at the time of deployment. Moreover, Col Labbé vigorously maintained that despite this limited knowledge, his actions were nonetheless justified based on training assumptions he was entitled to make as Commander.

Thus, when asked whether he was aware of the training conducted for Operation Deliverance or Operation Cordon and whether he was aware of the training plans developed for the two missions, he stated:

No, I was not. But again, implicit in my question to Colonel Mathieu and his response being positive is that it had all been done. And of course no unit would be deployed without all the training, including ROE, Law of War, Geneva Convention training, all this being completed before operational readiness and deployment.¹³

Questioned about whether he discussed with LCol Mathieu whether additional training might be useful upon arrival in Somalia, he replied:

No. We did not discuss that because, quite frankly, knowing the kind of training that goes into pre-deployment and knowing that Colonel Mathieu knows just as well as I do the kind of training that goes into pre-deployment for an infantry battle group, which is what he was commanding, I had no concerns.¹⁴

When asked further whether he felt any general concerns about training readiness, Col Labbé reiterated his faith in LCol Mathieu's abilities as CO:

So given that there was nothing to lead me to believe that [there] was a training problem within the Airborne Regiment prior to Lieutenant-Colonel Mathieu taking over and that I have confidence in his training capabilities, his answer to me was sufficient for me to believe, given all the other things I had to do, which one of them was to, of course, only five days to deploy, which we achieved, and get myself ready and other all other things we had to do, prepare the orders for joint force and so on, I believe that I apportioned my time in a responsible and proper way and I maintain and I stand by that.¹⁵

Col Labbé was asked more specifically whether the soldiers had adequate time to train on the ROE issued for Operation Deliverance and stated in reply:

I don't know what Colonel Watkin talked to the Airborne Regiment NCOs and officers about on the 10th of December, indeed how long he talked to them for and whether or not he dealt with the new Rules of Engagement which, in fact, were available at that point in time, or certainly a draft copy and it would be quite appropriate to work off a draft copy...¹⁶

He testified in a more precise way about what LCol Mathieu said to him regarding ROE training:

He did mention in passing that there was a session, I don't know the length of it, between -- or with Lieutenant-Colonel Watkin from the JAG office and another legal officer in Petawawa I think on the 10th of December.¹⁷

Asked whether the information presented at this meeting was passed down to the troops, Col Labbé stated:

I recall vaguely that he mentioned that the officers had had sessions with their troops in the presence of the NCOs, it had been discussed and that he felt comfortable that despite the short period of time, and also given the time they had in Baledogle that they had a knowledge of the Rules of Engagement necessary to conduct operations.¹⁸

Finally, when asked whether he was aware that Maj Seward did not pass this information on to his troops, Col Labbé stated, "That's news to me, sir."¹⁹

As well, at the time of the deployment of the troops to Somalia, the development of the ROE was being rushed to completion.²⁰ However, in his personal chronology describing the incredible pace of events during this period, Col Labbé wrote that on December 9, 1992:

It dawns upon me we are deploying within 24 hours with no soldier's cards for Rules of Engagement. Also, these are only draft Rules of Engagement. The Chief of Defence Staff must approve and he is still in Europe. Nevertheless, we must have something and this is the best available. Must rely on chain of command to disseminate.²¹

On December 11, 1992, Col Labbé received the approved ROE, incorporating them in his operation order. He commented:

I am advised J3 Plans in National Defence Headquarters will produce copy of a soldier's card for Rules of Engagement, plasticized in French and English. I tell my staff to ensure cards are sent to the Airborne as soon as available.²²

Thus, Col Labbé deployed to Somalia without first ensuring that the troops under his command had already received their soldier's cards on the ROE.

Later in his testimony, Col Labbé summarized his knowledge of ROE training for the Canadian troops in this way:

To the best of my knowledge [Lieutenant-Colonel Mathieu] had a session on the 10th of December, he very likely did more training, whether he did it in Canada or did it upon arrival in Baledogle during the 48 hours they were in the aircraft in between box lunches and sleep. There were multiple opportunities for that training to take place, recognizing that the real significant difference between Cordon and Deliverance was, in fact, the ROE and that that was the one area... of focus that he would have to focus on.²³

Col Labbé makes much of the fact that he asked LCol Mathieu, "Are the boys ready to go?", that he, in effect, meant that he expected them to be ready in every way, including operationally ready and conversant in the Rules of Engagement. At the time this conversation took place, probably on December 7th but possibly on the 8th, the approved rules of engagement still had not been issued. Col Labbé did not receive them until December 11th. Col Labbé knew that the CARBG could not be fully prepared and up to speed on the ROE, even if he accepted at face value that his troops were fully prepared in every other area. If it can be said that as a commander Col Labbé should have assured himself of one thing, in terms of relative importance, that one thing should have been the soldiers' working knowledge of the ROE before they were allowed to be employed. In this important regard, he failed to respect a basic principle of leadership that recognizes the importance of caution and never taking things for granted and that emphasizes the need to "check and then recheck".

Beyond some superficial knowledge of a December 10th lecture and a vague recollection of subsequent sessions, Col Labbé simply was unaware of what ROE training had been conducted. Moreover, he did not take issue with suggestions concerning his ignorance in this area. He was not aware that the training conducted was with regard to ROE developed for the former Yugoslavia, a completely different theatre involving very different tactical, logistical and training considerations.²⁴ He did not know that simulated ROE training for a Chapter VII mission had not occurred. In place of personally acquired knowledge, he conveniently relied on an assumption that an operational readiness declaration signified that the appropriate training had in fact taken place.

Moreover, the view of the nature of ROE training conveyed in his testimony was grossly inadequate. Contrary to his assertions, effective ROE training cannot be conducted in an aircraft between box lunches and sleep.²⁵ The ROE involve the circumstances in which a soldier may be justified in taking the life of a fellow human being. Col Labbé's cavalier approach to ROE training amounts to little more than lip service and, in effect, denies the sanctity of human life. It is irresponsible and an affront to the concept of modern military training that a commander of Canadian overseas forces would suggest that such a training method was acceptable.

Although his lack of knowledge of the state of training at the time of deployment and his view of the nature of ROE training are profound shortcomings in a commander, even more lamentable and inexcusable is Col Labbé's failure to take action to determine whether his troops in fact trained adequately on the ROE developed by the Chief of the Defence Staff and understood them properly. He erroneously placed his trust in the sufficiency of a readiness declaration issued before the ROE were prepared and relied unduly on casual or incomplete comments regarding readiness from his subordinate, LCol Mathieu. Col Labbé performed no independent inquiry to determine whether any deficiencies in training existed and required correction. He failed to ensure that the members of Canadian Joint Force Somalia were trained in the ROE and understood them properly.

- 1. Failure to ensure that all members of Canadian Joint Force Somalia were adequately trained and tested in the Law of War or the Law of Armed**

Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict.

A commander has important obligations with regard to the Law of Armed Conflict:

Napoleon urged aspiring commanders 'to read and re-read the deeds of the Great Commanders' arguing that this 'is the only way to learn the art of war'. Today, it would be apt to add that aspiring commanders should also 'read and re-read' the ICRC's [International Committee of the Red Cross] Fundamental Rules of International Humanitarian Law and the 1949 Geneva Conventions and 1977 Protocols. This is because the Geneva Conventions and Additional Protocol I (which has universal application) bind all commanders and individual soldiers in the armed forces of any state engaged in international armed conflicts, regardless of whether or not they have been instructed in the Laws of Armed Conflict.

[T]he Geneva Conventions and Additional Protocol I each provide that instruction in the relevant Laws of Armed Conflict must be included in military training and, in effect, that every commander holds full responsibility for the proper implementation of Laws of Armed Conflict training within his or her sphere of responsibility.

Similarly, Article 87 of Additional Protocol I provides, in effect, that commanders have a personal responsibility to ensure that all members of the armed forces under their command are aware of their obligations under the Geneva Conventions and Protocol I, commensurate with their level of responsibility, and that all necessary measures are taken to prevent violations of these laws.²⁶

As stated, Col Labbé was largely ignorant of the level of his troops' training and erroneously believed that the readiness declaration, casually communicated to him by LCol Mathieu, ensured the appropriate training had occurred. Col Labbé performed no independent inquiry as to whether any deficiencies in training required correction before deployment.

Col Labbé failed to take any direct or personal measures to ensure that the troops were trained in the Law of Armed Conflict and that they fully understood the four 1949 Geneva Conventions. His question to LCol Mathieu, "Are the boys good to go?", he would have us believe, implied a request for an answer to a very detailed question concerning whether the troops had been adequately trained in, among other things, the Law of War and the Geneva Conventions.²⁷ Col Labbé also stated his underlying assumption that, with the exposure that each soldier receives to the Law of War and the Geneva Conventions, and with the drills, recitations, exercises and rehearsals required of each, the Law of War becomes "like breathing".²⁸ He stated:

Very briefly. We try and focus on those things that -- what we try and do is give them a mind set using the law of war, the law of armed conflict and then we very quickly move down to the Geneva Conventions and their applicability and their responsibilities at their level for its implementation and then we very quickly move down beyond that to how do you deal with prisoners of war, how do you

deal with refugees, stragglers, detainees, and we go through the procedures and go through the drills and they practise them, they recite them, they go out on exercises, they rehearse them, they do them. So these things are ingrained in them; it is like breathing. If you have a prisoner of war, you know exactly what to do. So that's done at their level as basic recruits. It is done again when they go back to their leadership courses and throughout our careers we then chop off on more of the Geneva Conventions and more on the law of war.²⁹

Col Labbé's dubious assumptions, as well as his trust in LCol Mathieu and the continuing process of soldier education, were misplaced. In fact, the soldiers in Somalia did not know "exactly what to do." That the soldiers of the CAR were not trained on the Law of Armed Conflict should have been apparent to Col Labbé prior to deploying. However, as documented in detail above, Col Labbé did not bother to check, in any but the most cursory manner, whether training deficiencies may have existed. Specifically, Col Labbé did not inform himself as to whether any training in the Law of War or the Geneva Conventions had occurred. He did not himself conduct such training. His conduct therefore was far less than what is required and expected of a responsible commander.

It is apparent from what transpired in Somalia that the soldiers of the CAR had a deficient knowledge of a soldier's responsibilities toward a prisoner. Cpl Glass of 2 Commando testified before a court martial that his understanding of the duties of a Canadian soldier toward a Somali prisoner was that "We would try to keep him uncomfortable.... Uncomfortable would mean we would try to keep him awake all night or we would pour water on him and keep him cold, I think." Thus, cold water was poured over prisoners, and they were not to be fed.³⁰ Sgt Cox of 2 Commando testified before a court martial that, unless the commanding officer ordered to the contrary, a prisoner was not to be given food or water.³¹ MCpl Skipton of 2 Commando was unaware of the prohibition in the Geneva Conventions against tying the hands of prisoners of war.³² Several members of 2 Commando testified about a failure to receive instructions, or train, on handling prisoners.³³ Indeed, soldiers did not even seem to know whether they had a general duty to prevent harm to a prisoner if they were not tasked specifically to guard the prisoner at the time.³⁴ In short, training prior to deployment on how to treat a prisoner after capture was virtually non-existent and therefore grossly inadequate.

It is possible that Col Labbé's approach was the mirror of that prevailing more generally throughout the Canadian Forces. If so, then one must conclude that the CF placed unwarranted faith in the generic program for training in the Law of Armed Conflict. Senior leaders in the chain of command simply assumed that the training would be adequate and failed to check its content. The issue of detainees was never seriously addressed at any level prior to Exercise Stalwart Providence in 1992. There was no policy, the operating rules were loose, and the treatment of detainees was not mentioned in the training direction of the Special Service Force to the CAR. What little training did take place focused on the notion of capturing detainees, without serious thought being devoted to their care, handling and disposition. The concerns of Col MacDonald of the Royal Canadian Dragoons, to the effect that the CAR required more training in the handling of detainees, were essentially ignored -- a testament to the general lack of concern regarding this issue.³⁵

1. Failure in his duty as Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in the military custom.

Given our findings above concerning the leadership failures of Col Labbé on training in the Rules of Engagement and the Law of Armed Conflict, and in view of the importance of control and supervision within the chain of command and the need for a commander to retain for himself important matters requiring the commander's personal attention and decision, we conclude that Col Labbé failed as a commander.

NOTES

1. Maj Michael J. Kelly, AM, *Peace Operations: Tackling the Military, Legal and Political Challenges* (Canberra: Australian Government Publishing Service, 1997), pp. 10-20.
2. Capt Karen A. Fair, "The Rules of Engagement in Somalia -- A Judge Advocate's Diary", Working Draft, pp. 13-14.
3. Testimony of LCol Nordick, Policy hearings transcripts vol. 2P, pp. 374p. 375P, 377P.
4. Testimony of LCol Nordick, Policy hearings transcripts vol. 2P, pp. 377p. 383P.
5. Testimony of LCol Nordick, Policy hearings transcripts vol. 2P, pp. 377p. 380P.
6. Testimony of Cmdre Cogdon, Transcripts vol. 9, p. 1753.
7. Testimony of Cmdre Cogdon, Transcripts vol. 10, p. 1828.
8. Testimony of Cmdre Cogdon, Transcripts vol. 9, p. 1755, approving his evidence at the Board of Inquiry (CARBG), vol. IV, p. 948.
9. Testimony of Cmdre Cogdon, Transcripts vol. 9, p. 1758.
10. Testimony of Col Labbé, Transcripts vol. 163, p. 33238.
11. Testimony of Col Labbé, Transcripts vol. 163, p. 33238.
12. Testimony of Col Labbé, Transcripts vol. 162, p. 32900.
13. Testimony of Col Labbé, Transcripts vol. 162, p. 32917.
14. Testimony of Col Labbé, Transcripts vol. 162, pp. 32921-32922.
15. Testimony of Col Labbé, Transcripts vol. 162, p. 32925.
16. Testimony of Col Labbé, Transcripts vol. 163, p. 33258.
17. Testimony of Col Labbé, Transcripts vol. 163, pp. 33259-33260.
18. Testimony of Col Labbé, Transcripts vol. 163, p. 33260.
19. Testimony of Col Labbé, Transcripts vol. 163, p. 33261.
20. Testimony of Cmdre Cogdon, Transcripts vol. 9, p. 1750.
21. Exhibit P-326 (emphasis in original).
22. Exhibit P-326.
23. Testimony of Col Labbé, Transcripts vol. 163, pp. 33267-33268.

24. Testimony of Col Labbé, Transcripts vol. 162, pp. 33259-33260.
25. Testimony of Col Labbé, Transcripts vol. 163, pp. 33237-33238; testimony of Cmdre Cogdon, Transcripts vol. 10, p. 1835.
26. Christopher Lamb, "The Land Commander and the Laws of Armed Conflict", in *The Force of Law: International Law and the Land Commander*, ed. Hugh Smith (Canberra: Australian Defence Studies Centre, Australian Defence Force Academy, 1994), pp. 1-15.
27. Testimony of Col Labbé, Transcripts vol. 162, p. 32917.
28. Testimony of Col Labbé, Transcripts vol. 167, p. 34389.
29. Testimony of Col Labbé, Transcripts vol. 167, pp. 34388-34389.
30. Testimony of Cpl Glass, General Court Martial (GCM) of Pte Brocklebank, vol. 2, pp. 321-322.
31. Testimony of Capt Sox, GCM of Pte Brocklebank, vol. 1, p. 147; see also testimony of Capt Reeves, GCM of Maj Seward, vol. 2, p. 309.
32. Testimony of MCpl Skipton, GCM of Pte Brown, vol. 5, p. 1044.
33. Testimony of Sgt Boland, GCM of Sgt Boland, vol. 2, pp. 281-2; testimony of Sgt Hooyer, GCM of Pte Brocklebank, vol. 4, p. 626; testimony of WO Kehoe, GCM of Maj Seward, vol. 2, p. 326.
34. Testimony of Sgt Hooyer, GCM of Pte Brocklebank, vol. 4, pp. 624-625; testimony of MCpl Giasson, GCM of Pte Brocklebank, vol. 2, pp. 283-285.
35. Testimony of Col Bremner, Transcripts vol. 8, p. 1535, that the question of detainees was not discussed by his department (at the time Col Bremner was Director of International Policy at NDHQ). Testimony of Cmdre Cogdon, Transcripts vol. 10, pp. 1828-1830, and Capt (N) McMillan, Transcripts vol. 11, pp. 2038-2039, that the ROE contained no mention of treatment of detainees and that the issue was left to be resolved later. Col Labbé wrote later that "Little time was available prior to deployment in theatre to review the ROE with all ranks" and that, although he claimed that most of this training was conducted in theatre, "clearly, at no point in time were the ROE exercised in a real scenario" (Document book 48AE tab 11, DND 017705). The briefing that LCol Watkin gave on the Law of War on December 9 or 10, 1992 was given just to officers (evidence of LCol Watkin, GCM of LCol Mathieu, vol. 2, pp. 237-240). Capt (N) McMillan (J3 Plans at the time) testified that because of the rush to deployment, training on the ROE could not take place before deployment (Transcripts vol. 11, pp. 2007-2009). BGen Beno testified at the de Faye Board of Inquiry that training for the Somalia deployment, did not, to his knowledge, include specific training on the Law of War (Board of Inquiry (CARBG), vol. 11, p. 269). Maj Kampman of the Royal Canadian Dragoons (RCD) testified that the problem of detainees at the time of pre-deployment training for Somalia "was not one of our highest concerns" (Transcripts vol. 28, pp. 5269-5271). Testimony of Capt Koch, Transcripts vol. 23, p. 4196, that the seven-page document received from NDHQ on the ROE was "useless" from a soldier's point of view. Testimony of Col

MacDonald, Transcripts vol. 26, pp. 5002-5006, that within the RCD there was no training in the field on the ROE prior to deployment.

1. LIEUTENANT-COLONEL (RETIRED) CAROL MATHIEU

2. We advised LCol (ret) Carol Mathieu that we would consider allegations that he exercised poor and inappropriate leadership in the pre-deployment phase of the Somalia mission by failing:
 - 2.1. **To exclude from the mission officers and non-commissioned officers who he knew, or ought to have known, were poor leaders;**
 - 2.2. **To exclude from the mission non-commissioned members who he knew, or ought to have known, were causing discipline problems;**
 - 2.3. **To adequately assess and substantiate the operational readiness of the Canadian Airborne Regiment and the Canadian Airborne Regiment Battle Group;**
 - 2.4. **To ensure that the Canadian Airborne Regiment Battle Group was deployed with Rules of Engagement on which its members had been adequately trained and tested;**
 - 2.5. **To ensure that all members of the Canadian Airborne Regiment and Canadian Airborne Regiment Battle Group were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict; and**
 - 2.6. **In his duty as Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in military custom.**
3. We now address these allegations in order.
 - 1.1. Failure to exclude from the mission officers and non-commissioned officers who LCol Mathieu knew, or ought to have known, were poor leaders.
2. As the Commanding Officer (CO) of the Canadian Airborne Regiment (CAR), LCol Mathieu was responsible for ensuring that the officers under his command were competent, and to exclude from the mission any who were not. We find that LCol Mathieu failed in his responsibility to assess sufficiently the adequacy of two such officers, specifically Maj Seward and Capt Rainville. LCol Mathieu was first alerted to the possible deficiencies regarding these officers on the day he took command as CO of the CAR. At a briefing on that day, BGen Beno expressed serious reservations about Maj Seward and Capt Rainville, and recommended that LCol Mathieu leave them behind when the troops were deployed.¹ LCol (ret) Mathieu stated that because BGen Beno did not give "any...specific reason why" he felt the two should not be deployed, he "began to do a bit of investigative work"² to satisfy himself about the General's concerns. He spoke to

the former CO about the officers, then subsequently reviewed the officers' personnel files.³ No more was done by him beyond these measures. Then, as a result of these 'investigations', LCol Mathieu concluded that the officers were satisfactory and that they should be deployed to Somalia.⁴ Indeed, he kept Capt Rainville as commander of the Recce Platoon, and took no further measures to confirm the competence of these two key officers after his initial assessment. Regarding Maj Seward, LCol (ret) Mathieu added the qualification that he was hesitant to replace Maj Seward because "I figured that changing the CO was enough turmoil at that time."⁵ This passive attitude was displayed to the Regimental Sergeant-Major (RSM), CWO Jardine, who also advised LCol Mathieu to relieve Maj Seward of command.⁶ CWO (ret) Jardine testified that LCol Mathieu responded to his advice by suggesting "there was nothing he could do about it at that time, it should have been done before he came into the Regiment."⁷ LCol Mathieu, in other words, implied that such matters as correcting deficiencies in sub-unit leadership were not his responsibility, but were those of the former CO, LCol Morneault. LCol Mathieu also told the RSM that concerning the matter of relieving Maj Seward, "Well, that's not within my realm, sort of, I'm just the new kid on the block here."⁸ Regarding Capt Rainville, LCol (ret) Mathieu testified that he in fact knew of both the incident at La Citadelle and the verbal reprimand administered by LCol Morneault.⁹ He ought to have known of the Gagetown incident, as it was referred to in the document evidencing LCol Morneault's verbal reprimand. He had access to BGen Dallaire's letter stating that Capt Rainville showed a "flagrant lack of judgment".¹⁰ Finally, he had received a letter from BGen Beno concerning the *Journal de Montréal* pictures, the final paragraph of which stated that BGen Beno had "grave doubts about this particular officer".¹¹ LCol Mathieu responded to this letter with a call to BGen Beno, stating that BGen Beno "was satisfied with my reply".¹² As regards the action he took against Capt Rainville, LCol (ret) Mathieu said he "discussed the matter in question"¹³ with the Captain, and was thereby satisfied that any concerns had been dealt with. The actions LCol Mathieu took in dealing with the leadership problems of Maj Seward and Capt Rainville were seriously inadequate. He was told by his superior officer that the two should be left behind, but treated this advice as dispensable under the circumstances. He knew or should have known of the history of problems relating to these two officers. He had access to documented evidence that should have raised a serious question in his mind as to whether these officers should have been deployed. Instead of pursuing these matters, he resigned himself to the time constraints he faced: he said he simply did not have the time to form his own opinion.¹⁴ It seems to us that a responsible CO in this situation would take seriously the solemn concerns expressed to him by other officers, including his superior, and would have taken the time to confirm whether these doubts had merit. Even with a cursory examination, LCol Mathieu could not have but concluded that these doubts had a strong basis in reality given the nature of the concerns expressed to him. He had at his disposal reports from the training exercise, Stalwart Providence, the opinions of the officers who had observed and interacted with Maj Seward and Capt Rainville, and had his Commander's strong

recommendation. He also had access to personnel files which, at least in the case of Capt Rainville, revealed obvious and serious discipline, judgement, and leadership flaws. Considering this, we fail to see why LCol Mathieu did not give the matter of removing these officers more serious consideration. When deployment is imminent, it is crucial that a unit be staffed with competent, reliable, and balanced officers. This should be an overriding concern to a CO, and LCol Mathieu's actions regarding this issue show a serious failure on his part to ensure that these problems were resolved.

- 1.1. Failure to exclude from the mission non-commissioned members who he knew, or ought to have known, were causing discipline problems.
2. LCol Mathieu also inherited a number of disciplinary problems -- in particular, outstanding matters pertaining to the incidents of early October -- when he assumed command and, through his responsibilities as CO, was charged with the duty to ensure these problems were resolved. He clearly know of these problems. He was briefed by BGen Beno on the unresolved disciplinary incidents upon assuming command, but his actions suggest he did little to settle the issues raised before him. Regarding the car-burning incident, LCol Mathieu had received a preliminary MP report but stated "we didn't do anything with it",¹⁵ the rationale being that a military lawyer once told him "you don't touch [MP reports]. You look and you lay no charges with [them] because it's no use."¹⁶ LCol (ret) Mathieu's testimony contrasts sharply with that of LCol Morneault on the suggested approach to resolving this incident. With respect to the list provided in the MP report, LCol Morneault stated "I would have tried at my level each and every one of these gentlemen", that he would have left behind any he had found guilty, with the possible exception of Cpl Powers, and that he had a "strong feeling" that he would have found all on the list guilty.¹⁷ LCo1 Morneault advised LCo1 Mathieu to use the MP reports in the manner suggested, and that he be resolute in pursuing these issues.¹⁸ LCol Mathieu did not follow this advice. Eschewing the MP report, LCol Mathieu instead "chatted...a little" with Maj Seward about the incident but stated that nothing conclusive came as a result.¹⁹ In the end, the action taken regarding this incident was that "two sergeants who were a bit weak were transferred."²⁰ Whether or not this was even initiated by LCol Mathieu was not made clear in testimony. Regarding the other outstanding incidents, LCol Mathieu imposed disciplinary action that amounted to no more than shuffling a few members between the commandos.²¹ LCol (ret) Mathieu stated that he also had presumed the downsizing of the CAR occurring at the time would have weeded out the undesirable elements.²² Shuffling members between commandos and relying on the presumption that administrative downsizing would accomplish disciplinary goals is a thin basis on which to build disciplinary order. MGen (ret) MacKenzie himself testified that something more than a mere shuffle should have taken place.²³ In our eyes, such 'action' amounts to inaction. What is perhaps worse is that behind LCol Mathieu's inaction lay a theory that problematic individuals make the best soldiers in theatre. He stated: "the people who make trouble generally at the disciplinary

level, in the garrison, are generally your best elements when you go."²⁴ Thus, perhaps it is not surprising that LCol Mathieu deployed with MCpl Matchee, Pte Brown, Cpl McKay, and Pte Brocklebank, all of whom were implicated in serious breaches of discipline in theatre, and all of whom appeared on the MP lists that LCol Mathieu had received before deployment. Neither is it surprising that among these four, MCpl Matchee, who had a record of previous incidents, was promoted by LCol Mathieu before the troops were deployed.²⁵

LCol Mathieu's attitude to the disciplinary problems he faced, and the methods he employed to resolve them, are unacceptable. A CO bears the primary responsibility for ensuring the proper discipline of a unit. From his testimony, LCol Mathieu cared little about the details of the problems he faced. Neither did he concern himself with pursuing the problems to the proper outcome. ("I presume they left the least desirable elements."²⁶) The methods he employed ("a small shuffle within"²⁷) were inadequate. The promotion, furthermore, of MCpl Matchee, was a considerable error in light of events both before and after he was promoted. Finally, to the extent that LCol (ret) Mathieu disclaimed knowledge of pertinent events, or of persons thought to have been involved in them, there is evidence that he was neglectful in fulfilling his duties as CO. Obtaining such knowledge is crucial to a CO's disciplinary function and must be made a priority in all circumstances.

- 1.1. Failure to adequately assess and substantiate the operational readiness of the Canadian Airborne Regiment and the Canadian Airborne Regiment Battle Group.
2. It was also LCol Mathieu's responsibility to adequately assess and substantiate the declaration of operational readiness of the CAR and the Canadian Airborne Regiment Battle Group (CARBG). This is a crucial assessment function that can be carried out by active inquiry only; nothing less will suffice. We found nothing in the evidence before us suggesting that any such inquiry was carried out. The CAR was declared operationally ready for Operation Cordon on November 13, 1992, little more than two weeks after LCol Mathieu assumed command. In that period the only training that occurred was described by Maj Seward as "of a filler nature",²⁸ and of neither a kind nor duration upon which one could assess operational readiness. Indeed, the troops were on embarkation leave for two weeks. Maj Seward also testified that, in any event, LCol Mathieu had "very little"²⁹ involvement with training.
The training conducted for Operation Deliverance, and LCol Mathieu's involvement in it, were similarly scant. The schedule covered only 10 days in duration,³⁰ and the training was intended to provide at least some exposure to the operational requirements of the new mission. However, considering the short duration, this exposure was very restricted, and the general perception of officers and soldiers was that events were far too hurried. LCol (ret) Mathieu himself shared this opinion, but added that he did not exert his influence to achieve a change of pace because "I had a schedule to stick to, I was told 'that's what you're going to do.' In the army, I follow orders; so I went."³¹ He furthermore stated that if he had advised that his Regiment was not ready, "Well, they would have said

'bye-bye' Mathieu, and brought in someone else."³² When questioned further on the ramifications of a rushed preparation, LCol (ret) Mathieu testified that the CAR was in any event designed "to be deployed at all times",³³ and that rushed circumstances did not pose a serious obstacle. He therefore agreed that when an order issues from the higher echelons, a 'can do' attitude is the appropriate response.³⁴

From the evidence, LCol Mathieu did nothing to assess or substantiate the operational readiness of the CAR or the CARBG before deployment. He was minimally involved in the scant pre-deployment training conducted during his command, and by his own admission was able to observe very little of the operational capabilities of his troops. Furthermore, he did not question the time constraints placed upon him, and was content to deploy simply with the preparation that could be arranged in the time available. He did not run his own regimental exercise, and did not command his troops in a simulated environment. LCol Mathieu bore the primary responsibility for ensuring that the CAR was operationally ready after he took over command from LCol Morneault. It was his responsibility to express any concerns about the operational readiness of the unit and to alert the chain of command accordingly. Without an adequate assessment of the CAR's training preparedness, LCol Mathieu failed in one of his important tasks as CO.

- 1.1. Failure to ensure that the Canadian Airborne Regiment Battle Group was deployed with Rules of Engagement in which its members had been adequately trained and tested.
2. As the primary officer responsible for training, LCol Mathieu ought to have ensured that the members of the CARBG were trained and tested on, and had an adequate understanding of, the Rules of Engagement (ROE) for Operation Deliverance prior to deployment. To facilitate this training, he ought to have pressed National Defence Headquarters (NDHQ) for an early production of the ROE. Having taken command on October 26th, LCol Mathieu had two months to actively pursue these matters. According to the evidence, however, LCol Mathieu did not actively pursue this matter.

In his testimony, he stated that the ROE were received only very late in the deployment process. Members of the advance party received their ROE for Operation Deliverance on December 12th, just as they were about to deploy, and the main body received them "as they were getting their final administrative arrangements before their departure".³⁵ Regarding the advance party, LCol (ret) Mathieu explained that "if there hadn't been a blizzard on the night of the 11th, we would have left without ROE."³⁶ LCol (ret) Mathieu also explained that the late timing was of little consequence because ROE training is an inherent part of basic soldier training. The soldiers being deployed therefore had a presumptive knowledge of the ROE.³⁷

To our amazement and consternation, LCol (ret) Mathieu also stated clearly that the actual rules of engagement *per se* are a formality more than anything else. When asked if he felt the soldiers were prepared adequately in the ROE, LCol (ret) Mathieu replied that training occurred in practical situations, on the

ground.³⁸ "Training goes on continuously."³⁹ He added, furthermore, that the soldiers "had 36 hours to read them, to read their stuff",⁴⁰ and that they were reminded frequently of the ROE in the orders groups they attended. This, in his mind, comprised adequate ROE training. When asked whether in this "training" hypothetical situations or scenarios were posed to the soldiers, LCol (ret) Mathieu stated, "you'd have to ask the commando OCs what they did, because I spoke about it with them."⁴¹ Regarding his own personal command input into this training process, LCol (ret) Mathieu stated that he asked his OCs "if they were confident that their men understood the Rules of Engagement".⁴² They told him they were, and although LCol Mathieu did not know how they gained this confidence, he was in any event satisfied with their responses.

We do not accept LCol (ret) Mathieu's explanations regarding proper methods of ROE training. Neither do we find acceptable the methods he actually employed, or his acceptance of the timing for the production of the ROE. As Capt Walsh stated, ROE should be produced "as early as possible in the mounting phase... [T]here is no time to pull out a card at the last minute."⁴³ It is furthermore unacceptable that ROE training was left to a 36-hour period during which the soldiers were left "to read their stuff". ROE training is an important deployment matter, and a CO can never trust that it has occurred "on the ground".

Furthermore, that LCol (ret) Mathieu would state that "you would have to ask the commando OCs what they did" only suggests that he really did not know the degree to which the soldiers felt comfortable in their knowledge of the ROE, whether they actually knew them, and whether they were in fact adequately trained to respond to scenarios they would face while in Somalia. These are all important aspects of ROE training, and are responsibilities that fell squarely on the shoulders of LCol Mathieu as CO of the CAR. LCol Mathieu, however, did not fulfil these responsibilities. Instead, his contribution was the publication of an aide-mémoire card that was subsequently handed out to his soldiers.

- 1.1. Failure to ensure that all members of the Canadian Airborne Regiment and Canadian Airborne Regiment Battle Group were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict.
2. As the officer primarily responsible for training, LCol Mathieu was responsible for determining whether the CAR had been sufficiently trained and was knowledgeable in the Law of Armed Conflict, and he ought to have remedied any deficiencies noted. It seems to us that LCol Mathieu was personally well trained to identify such deficiencies, as he should have been. In a paper written by him in 1984, entitled "New Horizons: Law of War Training for the Canadian Forces: A Luxury or a Necessity",⁴⁴ Maj Mathieu stated that the chain of command must be trained "to a high level of knowledge through formal lectures and seminars conducted as part of unit officers' and senior noncommissioned officers' training".⁴⁵ The chain of command "must also be taught not to tolerate any deviation from the provision of the conventions and to enforce the meaning of the law".⁴⁶ If it is not, he concluded, "the CF could be faced with potential situations similar to the 'My Lai Incident' in future conflicts if the state of law of war

training remains at its present low standard".⁴⁷

Regarding the actual training conducted, LCol (ret) Mathieu said he arranged for the officers and senior non-commissioned officers to attend a lecture given by LCol Watkin on December 10th.⁴⁸ Further, he requested that officers brief their respective chains of command and soldiers. LCol Mathieu did not, however, conduct courses and did not put his soldiers through practical exercises on the treatment of detainees.⁴⁹ Rather, he assumed that a soldier would know what to do. When LCol (ret) Mathieu was then asked to note that several soldiers testified to not knowing what LCol Mathieu presumed they should know, he replied:

3. You may have fallen victim to the soldier's first defence. When in doubt, play the fool. Because when you go into the army, you learn to treat prisoners with dignity. Because prisoners are pretty simple. You capture them, you secure them. If they are injured, you take care of them.... It's as simple as that.⁵⁰

1.

This confusion does not accord with the more appropriate standards espoused by Maj Mathieu in his 1984 paper, and it does a disservice to the soldiers for whom LCol Mathieu was responsible. Furthermore, it relinquishes responsibility for ensuring an adequate state of knowledge in favour of relying on the exigencies of varied training programs over long periods of time, none of which, as the evidence suggested, emphasized either the Geneva Conventions or the Law of Armed Conflict. Even regarding the December 10th lecture, LCol Mathieu was remiss in his responsibilities. He stated that LCol Watkin merely passed out reading materials to the officers dealing with the basic principles. He also stated that "those officers pass it on, they disseminate the information."⁵¹ LCol (ret) Mathieu was obviously speaking from theory, for he did not know that Maj Seward of 2 Commando did not "disseminate the information".⁵² He also stated that he was "pretty sure" that the seminar information "must have filtered down" to the appropriate levels. However, no evidence of any such 'filtering' was presented during the hearings, and there is no evidence that LCol Mathieu took appropriate and reasonable steps to ensure or to verify that the information had been passed down and understood. For his part, Maj Seward stated that he received no instruction to pass the contents of the lecture on to his soldiers.⁵³

The training conducted by LCol Mathieu on the Geneva Conventions and the Law of Armed Conflict was inadequate. So, too, was his knowledge of what training or information was actually given to the soldiers. LCol Mathieu merely relied on assumptions which proved to be unfounded. The troops were not comfortable with their knowledge of the Geneva Conventions as he assumed they were. They obviously did not all know how detainees should be treated and, in fact, did not evidence any standard treatment procedure in theatre, where detainee problems were numerous.⁵⁴ Moreover, neither direction nor guidance was given to the OCs by LCol Mathieu, who again relied on assumptions that a certain course of training would be conducted. This behaviour does not suit the standard required of a CO, who must take an active role in shaping the training of a unit, and must devise standards against which to assess the adequacy of such training. In not conscientiously and responsibly ensuring that the Law of Armed Conflict was

understood and that there was adequate training on the subject matter, LCol Mathieu failed to assume his responsibilities as a commander toward his men and the military.

- 1.1. **Failure in his duty as Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in military custom.**
2. Given our findings above concerning the leadership failures of LCol Mathieu, and in view of the importance of control and supervision within the chain of command, we conclude that LCol Mathieu failed as a commander.

3. NOTES

- 1.1. Testimony of BGen Beno, Transcripts vol. 41, pp. 7946-7947,7951-7952.
- 1.2. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, pp. 34619-34620 (original: "Il m'a pas donné de raison plus spécifique pourquoi... j'ai commencé à faire un peu de travail d'investigation").
- 1.3. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34634.
- 1.4. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34667.
- 1.5. Testimony of LCol (ret) Mathieu at Board of Inquiry, phase 1, vol. V, p. 1187.
- 1.6. Testimony of CWO (ret) Jardine, Transcripts vol. 26, p. 4863.
- 1.7. Testimony of CWO (ret) Jardine, Transcripts vol. 25, p. 4628.
- 1.8. Testimony of CWO (ret) Jardine, Transcripts vol. 25, p. 4629.
- 1.9. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, pp. 34647-34652 and following.
- 1.10. Document book 4, tab 6, p. 1, paragraph 1, BGen Dallaire's letter to BGen Beno, dated 23 September 1992.
- 1.11. Document book 4, tab 6, p. 2, paragraph 4, BGen Beno's letter to LCol Mathieu, dated 15 December 1992.
- 1.12. Testimony of (ret) LCol Mathieu, Transcripts vol. 168, p. 34663 (original: "...était satisfait de ma réponse.").
- 1.13. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, pp. 34664-34665 (original: "On a discuté de l'affaire en question.").
- 1.14. Testimony of LCol (ret) Mathieu, Transcripts vol. 173, p. 35615.
- 1.15. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34603 (original: "...mais on fait rien avec ça").
- 1.16. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34603 (original: "un rapport militaire, tu touches pas à ça. Tu regardes puis tu fais pas de charge avec ça parce que ça donne rien.").
- 1.17. Testimony of LCol Morneault, Transcripts vol. 37, p. 7178.
- 1.18. Testimony of LCol Morneault, Transcripts vol. 36, pp. 7006-7007.

- 1.19. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34607 (original: "on a jasé de ça un peu").
- 1.20. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34609 (original: "on a muté deux (2) sergents qui étaient faibles un peu.").
- 1.21. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34624.
- 1.22. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34610.
- 1.23. Testimony of MGen (ret) MacKenzie, Transcripts vol. 43, p. 8513.
- 1.24. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, pp. 34613-34614 (original: "... les gens qui font du trouble généralement au niveau disciplinaire, en garnison, sont généralement tes meilleurs éléments quand tu vas...")
- 1.25. LCol Mathieu described his input into the process as a type of rubber stamping: Transcripts vol. 169, p. 34791.
- 1.26. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34610 (original: "...je présume qu'ils laissaient les éléments moins désirables.").
- 1.27. Testimony of LCol (ret) Mathieu, Transcripts vol. 168, p. 34624 (original: "... de les déménager à l'intérieur de l'unité.").
- 1.28. Testimony of Maj Seward, Transcripts vol. 30, p. 5818.
- 1.29. Testimony of Maj Seward, Transcripts vol. 31, p. 6025.
- 1.30. See Document book 13A, p. 29 (CAR Training Plan).
- 1.31. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34771 (original: "... j'avais un horaire à suivre, on m'avait dit c'est ça que tu vas faire. Dans l'armée, moi, je suis des ordres; par là, bien j'y va.").
- 1.32. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34771 (original: "Bien ils auraient dit exit Mathieu, rentre un autre.").
- 1.33. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34774 (original: "... à se déployer en tout temps.").
- 1.34. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34785.
- 1.35. Testimony of Maj MacKay, Transcripts vol. 33, p. 6320. Capt Walsh stated that he received his "as I boarded the bus to leave for the airport": Transcripts vol. 13, p. 2357.
- 1.36. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34715 (original: "... s'il n'y avait pas eu une tempête de neige le 11 au soir, on serait parti sans règles d'engagement.").
- 1.37. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, pp. 34715-34716.
- 1.38. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34720 (original: "... ils le pratiquent de facto.").
- 1.39. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34721 (original: "L'entraînement continue tout le temps.").

- 1.40. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34719 (original: "... ils avaient trente-six (36) heures... pour lire leurs affaires.").
- 1.41. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34722. (original: "... il faudrait le demander à des commandants de commando, qu'est-ce qu'eux ont fait, parce que... on en parlait.")
- 1.42. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34723 (original: "... s'ils étaient confiants que leurs gens comprenaient les règles d'engagement".).
- 1.43. Testimony of Capt Walsh, Transcripts vol. 13, p. 2359.
- 1.44. Document book 87, tab 02.
- 1.45. Document book 87, tab 02.
- 1.46. Document book 87, tab 02.
- 1.47. Document book 87, tab 02.
- 1.48. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34714, vol. 173, p. 35709.
- 1.49. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34731.
- 1.50. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34733 (original: "Vous avez peut-être été victime de la première défense du soldat. Quand t'es en doute, tu fais l'imbecile. Parce que... en rentrant dans l'armée, ils apprennent à traiter les prisonniers avec dignité. Parce que, les prisonniers, c'est assez simple. Tu les captures, tu assures la sécurité. S'ils sont blessés, tu les soignes... C'est pas plus compliqué ça.").
- 1.51. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34734 (original: "... eux autres, après ça, ils passent, ils font la dissémination de l'information.").
- 1.52. Testimony of LCol (ret) Mathieu, Transcripts vol. 169, pp. 34734-34735; see also Testimony of Maj Seward, Transcripts vol. 31, p. 6023 (original: "je suis pas mal certain ... a dû filtrer jusqu'à un certain niveau...")
- 1.53. Testimony of Maj Seward, Transcripts vol. 32, p. 6219.
- 1.54. In Pte Brocklebank's court-martial proceedings, Cpl Glass stated that soldiers "could try to keep [detainees] uncomfortable" and that "we would keep [a detainee] awake all night or we would pour water on him." See testimony of Col Labbé, Transcripts vol. 164, pp. 33346-33348, for references.

1. LIEUTENANT-COLONEL PAUL MORNEAULT

2.

We advised LCol Paul Morneauult that we would consider allegations that he exercised poor and inappropriate leadership in the pre-deployment phase of the Somalia mission by failing:

- 2.1. To adequately organize, direct, and supervise the training preparations of the Canadian Airborne Regiment during the period from the receipt of the Warning Order for Operation Cordon until he was relieved of command; and**
 - 2.2. In his duty as Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in military custom.**
3. We now address these allegations in order.

- 1.1. Failure to adequately organize, direct, and supervise the training preparations of the Canadian Airborne Regiment during the period from the receipt of the Warning Order for Operation Cordon until he was relieved of command.**

2. As the Commanding Officer (CO) of the Canadian Airborne Regiment (CAR) until October 23, 1992, LCol Morneault bore primary responsibility to ensure that training was conducted appropriately during that time with regard to factors relevant to a peacekeeping mission. Training is fundamental to deployment preparations, and is the principal activity through which leadership is exercised, attitudes conveyed, and operational readiness ascertained. Those who bear responsibility for training are therefore expected to pay particular attention to its proper supervision, ensuring that the conduct of training is adequate and appropriate, and that its progression follows a carefully articulated plan. Accordingly, personal supervision is of utmost importance and must be made one of the highest priorities in the matter of training, if not the overall priority, for it is on the CO that the greatest responsibility for training fails. We find, however, that LCol Morneault failed to meet this important responsibility in two respects. First, he failed to inculcate in his commandos, through the design of an appropriate training plan and through adequate direct supervision, an attitude suitable to a peacekeeping mission.
- As a first point, and by his own admission, LCol Morneault dedicated only 15 to 20 percent of his time to supervising the training of his troops.¹ This is, simply stated, an insufficient amount of time spent in direct supervision. Despite his other numerous responsibilities, LCol Morneault was the only person who could realistically assess the extent and adequacy of his personal involvement. At a minimum, then, he should have requested, at the appropriate time and with the proper urgency, changes to the sequence of events and circumstances he faced to allow a full, hands-on involvement in the in-field training experience. He did not do this. Though he sent a letter to BGen Beno expressing some concern on this matter,² the letter was sent far too late, when realistic remedial opportunities were limited and when the chance to impress upon his troops his own personal

standards had been largely spent.

Furthermore, LCol Morneault knew his troops were training for a Chapter VI United Nations peacekeeping mission, and he knew or ought to have known that such missions require a broader knowledge base than normal general purpose combat training permits. Despite this, he allowed 2 Commando (2 Cdo) to train in a manner far too focused on general purpose combat skills, and with a level of aggression not in keeping with a peacekeeping mission. LCol Morneault himself admitted that 2 Cdo spent too much time on general purpose combat training, and did not complete the tasks it was assigned.³ LCol Morneault also knew of 2 Cdo's aggressiveness.⁴ He was furthermore warned several times by a number of officers that 2 Cdo was too aggressive. Maj Pomet warned him,⁵ as did his training officer Capt Kyle, who told LCol Morneault very early in the training period that "there was a potential problem with the type of training 2 Cdo was conducting",⁶ and that the Commando seemed overly aggressive. The Regimental Sergeant-Major, CWO Jardine, also expressed concern to LCol Morneault about Maj Seward and 2 Cdo's training. He viewed Maj Seward's use of aggressive attack simulations as inappropriate and, specifically, felt 2 Cdo's problems stemmed from "leadership at the OC level".⁷ Finally, LCol MacDonald told LCol Morneault after Stalwart Providence that Maj Seward was not fit to command and that 2 Cdo was much too aggressive.⁸

We find that LCol Morneault knew early in the training period that 2 Cdo had problems with leadership and aggressiveness, and that these problems were closely linked. He was the primary officer answerable for training, and bore the responsibility of ensuring that pertinent and adequate training was conducted by the appropriate officers commanding (OCs). If any of the OCs were found lacking, it was incumbent upon LCol Morneault to make the required changes. But LCol Morneault did not make these changes. Moreover, the evidence suggests that little was done by him to correct the deficiencies of which he was aware. In response to Capt Kyle's criticisms, he stated that, other than verbal cautions to Maj Seward to tone things down,⁹ he "didn't want to interfere with the commandos -- his OCs' training activities", and that "he was not interested in getting involved to sort that issue out at that point".¹⁰ Capt Kyle was naturally surprised by this response given that "a potential problem had been identified to a commanding officer regarding one of his sub-units" and that LCol Morneault "did not appear to take it serious".¹¹

LCol Morneault responded similarly to LCol MacDonald's criticisms of Maj Seward and 2 Cdo. He told him that he did not want his hands tied with regard to Maj Seward and requested that LCol MacDonald remove critical comments about Maj Seward from a letter LCol MacDonald was to send to BGen Beno.¹² LCol MacDonald deleted the reference as LCol Morneault requested, and no subsequent action was taken to correct the serious deficiency in 2 Cdo's leadership as noted by LCol MacDonald. Though LCol Morneault was relieved of command almost immediately after this incident, and cannot be held responsible for others' inactions, his direction to LCol MacDonald prevented immediate action from being taken against Maj Seward, and for this he is accountable. LCol Morneault also failed to adequately instruct his OCs on the aim, scope, and

objectives of the training they were to conduct, and failed to include a proper statement of these in the training plan he designed. From his own personal experience, and from the training he received at staff college, LCol Morneault should have known such a statement to be beneficial. He also should have known that a written direction clearly establishing priorities within an overall training concept is an important feature of training direction. He did not do this, and it is not surprising, therefore, that cohesiveness within the CAR's sub-units suffered as a result. On this point, one of the more serious criticisms arising from Stalwart Providence was that the three commandos operated independently without the cohesion required of a regimental unit.¹³ Cohesion develops in accordance with clear training direction issued from the CO, and is ensured only when the CO personally supervises the execution of that direction. LCol Morneault did neither.

We therefore find that LCol Morneault failed to assert his leadership and, thus, to instill, through his presence and adequate supervision of training, a proper attitude and professional competence in his troops, particularly as regards over-aggressiveness, and that he failed to make every effort to draw his unit together as a cohesive whole.

1.1. Failure in his duty as Commander as defined by analogy to *Queen's Regulations and Orders* art. 4.20 and in military custom.

2.

Given our findings above concerning the leadership failures of LCol Morneault, and in view of the importance of control and supervision of training for overseas missions, we conclude that LCol Morneault failed as a commander.

3. NOTES

- 1.1. Testimony of LCol Morneault, Transcripts vol. 36, p. 7068.
- 1.2. See Document book MOR3, tab 3.
- 1.3. Testimony of LCol Morneault, Transcripts vol. 36, p. 7107.
- 1.4. Testimony of LCol Morneault, Transcripts vol. 36, p. 7106; Testimony of CWO (ret) Jardine, Transcripts vol. 26, p. 4823.
- 1.5. Testimony of LCol Morneault, Transcripts vol. 36, p. 7106.
- 1.6. Testimony of Maj Kyle, Transcript vol. 21, p. 3808.
- 1.7. Testimony of CWO (ret) Jardine, Transcripts vol. 25, p. 4775.
- 1.8. Testimony of Col MacDonald, Transcript vol. 26, pp. 4985-4986.
- 1.9. Testimony of LCol Morneault, Transcripts vol. 36, p. 7106; vol. 38, p. 7361; Testimony of Maj Seward, Transcripts vol. 30, p. 5757.

- 1.10. Testimony of Maj Kyle, Transcripts vol. 21, pp. 3808-3809.
- 1.11. Testimony of Maj Kyle, Transcripts vol. 21, p. 3809.
- 1.12. Testimony of LCol Morneault, Transcripts vol. 36, p. 6995.
- 1.13. Document book 15, tab 27.

1. MAJOR ANTHONY SEWARD

2.

We advised Maj Anthony Seward that we would consider allegations that he exercised poor and inappropriate leadership in the pre-deployment phase of the Somalia mission by failing:

- 2.1. To use his authority as an Officer Commanding to adequately address the discipline problems within 2 Commando before deployment, and to notify his superiors accordingly;**
- 2.2. To recommend that his Commanding Officer exclude from the mission individuals with discipline problems;**
- 2.3. To train his troops adequately and curb the overly aggressive attitude of his troops prior to deployment;**
- 2.4. To ensure that information was properly passed down to his troops;**
- 2.5. To foster effective relationships between himself and his officers, himself and his senior non-commissioned officers, and among the senior non-commissioned officers themselves; and**
- 2.6. To ensure that all members of 2 Commando were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict.**

3.

We now address these allegations in order.

- 1.1. Failure to use his authority as an Officer Commanding to adequately address the discipline problems within 2 Commando before deployment, and to notify his superiors accordingly.

2.

As Officer Commanding (OC), Maj Seward was responsible for assessing the state of discipline within 2 Commando (2 Cdo), and for rectifying any problems prior to deployment. A commander must be vigilant about disciplinary matters, and must actively pursue problems when they arise. This Maj Seward did not do. In fact, he stated that no such discipline problem existed. He explained that before he took command as OC, MWO Mills had for some time been addressing the discipline problems, specifically in 2 Cdo,¹ and that by the time he took command, "SgtM Mills had in fact redressed the [discipline] situation in good part."² As the incoming OC, he therefore did not need to exert himself in any extraordinary way.

Even after the events of early October, when discipline had become in Maj Seward's own words a "hot issue",³ Maj Seward did not think he had a discipline problem on his hands, and consigned himself to a defensive stance toward those who thought otherwise. He viewed these incidents as little more than the "problems of young men with a lot of enthusiasm".⁴ The resolution he sought amounted to little more than the alternate posting of a few soldiers.

The evidence does not support Maj Seward's opinion that MWO Mills had adequately resolved the discipline problem by the time Maj Seward assumed control.⁵ Neither does it support Maj Seward's contention that he did not have a discipline problem either before or after the events of early October. Discipline was clearly a concern for those critically monitoring 2 Cdo during the length of Maj Seward's posting as OC.⁶ Hence, when OC command was passed to Maj Seward, he was briefed by Maj Davies on a number of outstanding disciplinary concerns,⁷ and a number of additional concerns emerged afterward. After the October incidents, Maj Seward knew that many officers, including the two directly senior to him, had become very concerned about 2 Cdo's state of discipline.⁸ In mid-November 1992, Maj Seward received advice from Col Gray and MGen Pitts concerning the "discipline problems" in 2 Cdo.⁹ Given such clear evidence to the contrary, Maj Seward's view that 2 Cdo lacked a discipline problem constitutes an error in judgement and represents the abrogation of a central element of his responsibility as an officer commanding: to ensure that the behaviour of his troops conformed to the disciplinary standard required of the Canadian Forces in overseas military operations.

Maj Seward also failed to notify his superiors of the leadership and discipline problems which he should have recognized within 2 Cdo. In fact, any such communication as did occur flowed only one way, downwards from levels higher than Maj Seward. BGen Beno several times, weakly and in general terms, instructed LCol Morneault to resolve the discipline problems in 2 Cdo, and LCol Morneault in turn instructed Maj Seward to take corrective measures.¹⁰ Passage of information upward through the chain of command is important to military functioning generally, and is especially important in dealing with leadership and disciplinary problems. To the extent that Maj Seward failed to address the problem of discipline within 2 Cdo by not notifying his superiors, he failed both

in exercising proper leadership and in fulfilling his responsibilities to the chain of command.

1.1. Failure to recommend that his Commanding Officer exclude from the mission individuals with discipline problems.

2.

Maj Seward also failed to recommend to his CO that certain individuals with discipline problems be excluded from the mission. Maj Seward explained that at the time he assumed the position of OC, 2 Cdo was over-strength, and that the number needed to be reduced from the original 137 soldiers to a final count of 104.¹¹ During this time, 2 Cdo found itself the object of disciplinary scrutiny. It is our opinion that a responsible OC concerned with the disruptive influence of recalcitrant or uncontrollable members could have used the reduction process to weed out those either proven or suspected to be disciplinary problems. This was also the opinion of BGen Beno, who, in seeking to assign responsibility for these problems to his subordinates, stated that the "OC of 2 Commando would have had the opportunity to -- more than ample opportunity -- to remove any numbers of individuals who he did not consider fit to deploy to Somalia."¹²

However, despite the serious concerns voiced to him about the state of 2 Cdo discipline, and despite knowing in early October 1992 that the Commanding Officer, LCol Morneault, suggested 2 Cdo not be deployed to Somalia because of perceived disciplinary problems,¹³ and knowing MWO Mills thought there to be at least six "bad actors" within 2 Cdo, 14 Maj Seward viewed the reduction process as an administrative detail of shuffling soldiers from over- to under-staffed commandos. Though Maj Seward knew that MWO Mills had identified seven soldiers who were potential disciplinary problems, he removed only one "for disciplinary reasons".¹⁵ Asked specifically whether he used the reductions to "post out from 2 Commando people who may be considered to have been problem children", Maj Seward answered, "No."¹⁶ MWO Mills confirmed Maj Seward's hesitancy to post out individuals from 2 Cdo.¹⁷ This again demonstrates Maj Seward's lack of leadership by failing to respond to the various disciplinary incidents with decisive remedial action.

1.1. Failure to adequately train his troops and curb the overly aggressive attitude of his troops prior to deployment.

2.

Maj Seward failed to instill, through example, supervision, and training, a proper attitude and professional competence in his troops, particularly with regard to over-aggressiveness, respect for the rule of law, and obedience to the Rules of Engagement (ROE). Maj Seward knew of the criticisms of the aggressiveness of his troops,¹⁸ and was himself personally criticized for the aggressive nature of his

training methods.¹⁹ Maj Seward also agreed that his approach to training was more aggressive than in the other commandos.²⁰ However, in his testimony he consistently denied that his unique form of training was inappropriate.²¹ We find this unacceptable. Maj Seward knew his troops were aggressive and that this aggressiveness was a source of many disciplinary incidents. He ought to have taken control of the situation and ensured that the aggressive attitude was removed. He did not and, thus, failed in an important respect as Officer Commanding (OC) of 2 Cdo.

1.1. Failure to ensure that information was properly passed down to his troops.

2.

As the OC of 2 Cdo, Maj Seward was responsible for ensuring that information was properly passed down to his troops. He did not accomplish this. In testimony, LCol MacDonald stated that the main problem 2 Cdo encountered during the training exercise, Stalwart Providence, "was the fact that information being passed on by my squadron commanders, by myself, and by [Maj Seward's] deputy commanding officer to him was not getting to his soldiers".²² LCol MacDonald based this conclusion upon personal observations, debriefs LCol MacDonald received from squadron commanders, and observations provided by his regimental second-in-command.²³ Maj Kampman, who observed the training of 2 Cdo from a more direct vantage point, confirmed in his testimony that information relayed to Maj Seward did not reach his troops.²⁴ Maj Kampman testified that he directly confronted Maj Seward with this issue on several occasions.²⁵ Maj MacKay²⁶ and Maj Kyle²⁷ also confirmed that there was a failure in the passage of information. For his part, Maj Seward agreed that he had been told of the problem²⁸ and, in one instance, agreed that the criticism was valid.²⁹

The evidence is clear that Maj Seward failed in his task as OC to adequately pass information down to his troops. We agree with Col MacDonald that such failures in transmission constitute a deficiency in the proper functioning of a military sub-unit, and that the issue is an important leadership issue. Col MacDonald further expressed the view that the deficiencies he saw in 2 Cdo, including the serious problem concerning the passage of information, was enough to warrant removal of Maj Seward as OC. In this vein, he testified that "I told him I didn't think he was fit to command the Commando and had he been working for me I would have fired him."³⁰ We agree that Maj Seward failed to properly command and supervise his troops, and that his failure regarding the passage of information was but an example of his responsibility to ensure the effective operation of 2 Cdo's intelligence capability. The problem was more squarely on Maj Seward's shoulders the moment he was notified of it, especially because he was also given clear instruction to fix it. He did not and must bear the responsibility for failing to do.⁵⁰

1.1. Failure to foster effective relationships between himself and his officers, himself and his senior non-commissioned officers, and among the senior non-commissioned officers themselves.

2.

Maj Seward also failed to foster effective relationships between himself and his officers, between himself and his senior non-commissioned officers, and among his senior non-commissioned officers. The evidence on this point is substantial. Maj Seward testified that although effective leadership at the unit level requires co-operation among the CO, the regimental sergeant-major (RSM), and the deputy commanding officer (DCO),³¹ he felt that two of the three were not the right people for the job. He thought that DCO Maj MacKay was not the right person to serve LCol Morneault, and that the RSM was unsuitable for the CAR.³² He also testified to other difficulties within the leadership ranks. He stated that the platoon warrant officers did not get along with MWO Mills.³³ Maj Seward himself had an altercation with the RSM, CWO Jardine, and admitted that an "altercation between a field officer and a regimental sergeant-major is a very significant event, it doesn't happen on a regular occasion and it should not happen."³⁴ CWO (ret) Jardine testified that he had a gut feeling that Maj Seward would cause problems,³⁵ and Maj Seward testified in return that the commando sergeant-majors did not like CWO Jardine and that he thought CWO Jardine was disloyal to LCol Morneault.³⁶ Maj Seward also had a shouting match with Capt Kyle.³⁷ Maj MacKay's relations with Maj Seward were antagonistic: they had altercations as to whose commands should prevail.³⁸ Maj Seward had a hostile relationship with Capt Mansfield, the Deputy CO of 2 Combat Engineer Regiment and, subsequently, OC of the Engineer Squadron in Somalia;³⁹ the two reportedly spoke to one another only through intermediaries.⁴⁰ Maj Seward did not trust Capt Kyle, Sgt Wyszynski, or Sgt Wallace.⁴¹ MWO Mills, who acknowledged that he acted as an adviser to the CO, and that he played a role in enforcing discipline in 2 Cdo, had an acrimonious relationship with WO Murphy, the officer in charge of discipline for 4 Platoon.⁴² This list of strained relations speaks for itself. Lacking any evidence that Maj Seward pursued these difficulties in an attempt to resolve them, this fifth allegation is fully substantiated.

1.1. Failure to ensure that all members of 2 Commando were adequately trained and tested in the Law of War or the Law of Armed Conflict including the four 1949 Geneva Conventions on the protection of victims of armed conflict.

2.

Maj Seward was also responsible for ensuring that all members of 2 Cdo were adequately trained and tested in the Law of Armed Conflict, including the four 1949 Geneva Conventions on the protection of victims of armed conflict. Prior to deployment, LCol Watkin provided a Law of Armed Conflict lecture to the

officers, regimental sergeant-majors, and the commando sergeant-majors responsible for the deployment troops.⁴³ The onus was on these officers to pass the contents of this lecture down to the soldiers.⁴⁴ However, Maj Seward stated he did not synthesize LCol Watkin's lecture and pass the information to 2 Cdo,⁴⁵ despite his concession that Law of Armed Conflict training is an important and relevant form of training for soldiers sent in theatre. Maj Seward also stated "in retrospect, that it's a lesson learned and it would be a part of my recommendation that we conduct such training".⁴⁶

3. NOTES

- 1.1. Testimony of Maj Seward, Transcripts vol. 30, p. 5683. Testimony of MWO Mills, Transcripts vol. 23, pp. 4272-4273.
- 1.2. Testimony of Maj Seward, Transcripts vol. 30, p. 5685.
- 1.3. Testimony of Maj Seward, Transcripts vol. 32, p. 6062
- 1.4. Testimony of Maj Seward, Transcripts vol. 31, p. 5972
- 1.5. Testimony of Maj Seward, Transcripts vol. 30, p. 5685.
- 1.6. Testimony of Col (ret) Houghton, Transcripts vol. 12, pp. 2253-2254; Col Holmes, Transcripts vol. 4, p. 611; MWO Mills, Transcripts vol. 23, pp. 4271, 4361, vol. 24, p. 4417; Maj MacKay, Transcripts vol. 33, p. 6424; LCol Morneault, Transcripts vol. 39, pp. 7569-7572, 7586-7587; and CWO (ret) Jardine, Transcripts vol. 105, p. 20889.
- 1.7. Testimony of Maj Seward, Transcripts vol. 30, p. 5660 and following.
- 1.8. Testimony of Maj Seward, Transcripts vol. 30, p. 5737. See, for example, letter, BGen Beno to MGen MacKenzie, Commander LFCA, October 19, 1992, Document book 15, tab 18. See also Testimony of LCol Morneault, Transcripts vol. 36, p. 6967.
- 1.9. Testimony of Maj Seward, Transcripts vol. 30, pp. 5743-5745.
- 1.10. See, for example, testimony of Maj Seward, Transcripts vol. 30, pp. 5737-5738 and following. See also Testimony of LCol Morneault, Transcripts vol. 36, p. 6991.
- 1.11. Testimony of Maj Seward, Transcripts vol. 31, pp. 5977-5981 and following.
- 1.12. Testimony of BGen Beno, Transcripts vol. 41, p. 7931.
- 1.13. Testimony of Maj Seward, Transcripts vol. 30, p. 5720.
- 1.14. Testimony of MWO Mills, Transcripts vol. 23, p. 4322.
- 1.15. Testimony of Maj Seward, Transcripts vol. 30, p. 5822.
- 1.16. Testimony of Maj Seward, Transcripts vol. 31, p. 5980.
- 1.17. Testimony of MWO Mills, Transcripts vol. 23, p. 4329.

- 1.18. Testimony of Maj Seward, Transcripts vol. 30, pp. 5755, 5770. See also Testimony of Col MacDonald, Transcripts vol. 26, p. 4984; Testimony of LCol Morneault, Transcripts vol. 36, p. 7016.
- 1.19. Testimony of Maj Seward, Transcripts vol. 31, pp. 5754-5755.
- 1.20. Testimony of Maj Seward, Transcripts vol. 51, p. 5993.
- 1.21. Testimony of Maj Seward, Transcripts vol. 30, pp. 5754-5755.
- 1.22. Testimony of Col MacDonald, Transcripts vol. 27, pp. 5083-5084; see also Transcripts vol. 26, p. 5011.
- 1.23. Testimony of Col MacDonald, Transcripts vol. 27, p. 5096.
- 1.24. Testimony of Maj Kampman, Transcripts vol. 27, pp. 5176, 5188.
- 1.25. Testimony of Maj Kampman, Transcripts vol. 27, p. 5190.
- 1.26. Testimony of Maj MacKay, Transcripts vol. 34, p. 6549.
- 1.27. Testimony of Maj Kyle, Transcripts vol. 21, pp. 3879-3880.
- 1.28. Testimony of Maj Seward, Transcripts vol. 30, p. 5785.
- 1.29. Testimony of Maj Seward, Transcripts vol. 30, p. 5781.
- 1.30. Testimony of Col MacDonald, Transcripts vol. 26, p. 4986.
- 1.31. Testimony of Maj Seward, Transcripts vol. 30, pp. 5671-5672.
- 1.32. Testimony of Maj Seward, Transcripts vol. 30, p. 5672.
- 1.33. Testimony of Maj Seward, Transcripts vol. 30, pp. 5685-5687.
- 1.34. Testimony of Maj Seward, Transcripts vol. 30, p. 5723. See also Testimony of LCol Morneault, Transcripts vol. 36, pp. 6971-6972.
- 1.35. Testimony of CWO (ret) Jardine, Transcripts vol. 24, pp. 4578-4579.
- 1.36. Testimony of Maj Seward, Transcripts vol. 30, pp. 5673, 5703.
- 1.37. Testimony of Maj Kyle, Transcripts vol. 21, p. 3883.
- 1.38. Testimony of CWO (ret) Jardine, Transcripts vol. 24, p. 4580; and Maj MacKay, Transcripts vol. 33, pp. 62776278.
- 1.39. Testimony of Maj Mansfield, Transcripts vol. 103, pp. 20417, 20477.
- 1.40. Testimony of Maj Mansfield, Transcripts vol. 103, pp. 20416-20417.
- 1.41. Testimony of CWO Cooke, Transcripts vol. 26, p. 4895; and Maj Seward, Transcripts vol. 31, pp. 5857, 6003.
- 1.42. Testimony of MWO Mills, Transcripts vol. 23, pp. 42684269; and WO Murphy, Transcripts vol. 34, pp. 6582-6586.
- 1.43. Testimony of Maj Seward, Transcripts vol. 31, p. 6023.
- 1.44. Testimony of LCol Turner, Transcripts vol. 20, p. 3535. See also Testimony of LCol (ret) Mathieu, Transcripts vol. 169, p. 34734, who stated that the OCs were required to disseminate the information.
- 1.45. Testimony of Maj Seward, Transcripts vol. 31, p. 6023.
- 1.46. Testimony of Maj Seward, Transcripts vol. 30, p. 5807.

1. GENERAL JEAN BOYLE¹

2.

We advised Gen Jean Boyle that we would, in our final report, consider allegations that he exercised poor and inappropriate leadership in the post-deployment phase of the Somalia mission by:

2.1. Devising or condoning a process which provided misleading or incomplete information with respect to the Somalia mission;

2.2. Failing to take concrete and appropriate steps in relation to the DGPA documents to ensure proper compliance with the Commissioners' order to transfer Somalia-related documents to the Inquiry; and

2.3. Failing as an officer responsible for overseeing the operations of the Somalia Inquiry Liaison Team to properly assist the Commissioners in obtaining, in a timely and responsible manner, all relevant information from the DND.

3.

We address each allegation in turn but, before doing so, it is necessary to provide some essential background concerning Gen Boyle's involvement in the management of the Somalia crisis.

The CDS and the DM entrusted Gen Boyle with the responsibility to monitor and control the public affairs operations and the release of information with respect to the Somalia mission and the crisis it generated. At that time, that is, in the fall of 1993, Gen Boyle occupied the position of Associate Assistant Deputy Minister (Policy and Communications) (Associate ADM (Pol & Comm)) within the public affairs branch at DND.

On September 27, 1993, a working group, led by Gen Boyle, was created called the Somalia Working Group, composed of senior staff such as the staff officers of the Minister of National Defence (MND) and the CDS. It operated under his direction until June or July 1994.²

The office of this Working Group ensured central control of all internal and external documentation regarding Somalia by recording, reviewing, and assessing the information contained.³ It thoroughly reviewed the Somalia-related Military Police investigations, the de Faye board of inquiry findings and recommendations, as well as some 700 documents that the Board of Inquiry processed or filed. It also processed more than 50 Access to Information requests regarding the Somalia affair and it co-ordinated the responses to the media requests for more information. Finally, it provided advice to the Minister of National Defence, the Deputy Minister, and the Chief of the Defence Staff. As head of the Somalia Working Group, Gen Boyle had a detailed and intimate knowledge of all important information that flowed from the Canadian Forces in

Somalia to National Defence Headquarters (NDHQ), was aware of all the decisions taken at various levels that affected Canadian Forces in Somalia, and had access to all the information that flowed from NDHQ to the forces in Somalia. No other individual had a clearer grasp of these details or a more comprehensive overview of the entire situation as it unfolded. He described himself as "*l'éminence grise*" with respect to Somalia issues within the Department.⁴ In his capacity as head of the Somalia Working Group, he had direct access to both to the DM and the CDS.⁵

On April 6, 1995, a Directorate, the Somalia Inquiry Liaison Team (SILT), was established by directive of the CDS. Although the Directorate was established in the ADM (Pol & Comm) group, it is interesting to note that the Directorate was to report not to the ADM (Pol & Comm), Dr. Kenneth Calder; but directly to Gen Boyle, who was the Associate ADM (Pol & Comm).⁶

On July 1, 1995, MGen Boyle was promoted to LGen and moved from the position of ADM (Pol & Comm) to the position of Assistant Deputy Minister (Personnel) (ADM (Per)). However, the reporting channel for SILT did not remain, as one would have expected, with Gen Boyle's successor in the post of Associate ADM (Pol & Comm); rather, it moved on with him.⁷ Indeed, the new position of Special CF/DND Adviser was created, and LGen Fox was called from retirement to occupy the position. In fact, LGen Fox was tasked with the duty of developing the CF/DND position in relation to our Inquiry, and to superintend all activities of SILT.⁸

This position of Special CF/DND Adviser was created under the joint signature of the CDS and the DM. Here again, what is interesting to note regarding Gen Boyle is the fact that the Special Adviser, rather than reporting to the DM and the CDS, was to report to the DM and to the ADM (Per), who was Gen Boyle. Although the directive creating SILT in April 1995 required that SILT, under the direction of Col Leclerc, report directly to the Associate ADM (Pol & Comm), this new directive creating the position of Special Adviser in June 1995 in effect amended the SILT directive and ensured that the Special Adviser who, from then was to superintend SILT would continue to report to Gen Boyle in his new capacity as ADM (Per).⁹

In January 1996, LGen Boyle was promoted to General and became the CDS and, from that moment on, the Special Adviser reported to him, although the directive creating his position continued to stipulate that LGen Fox was to report to the ADM (Per). It is worth noting that the original explanation given as to why the Special Adviser was to report to Gen Boyle as ADM (Per), rather than to the CDS, was that the latter would be called as a witness before the Inquiry and it would be better if he did not personally monitor the relationships of SILT with the Inquiry. Yet, when Gen Boyle became the CDS he kept control over both the Special Adviser and SILT; although it was obvious that he would have to account before this Inquiry for his management of the Somalia crisis.¹⁰

To summarize, the responsibilities for SILT and the Special Adviser to the CF/DND followed Gen Boyle from his position as Associate ADM (Pol & Comm), to his position as ADM (Per), to his position as CDS.¹¹ Gen Boyle was thus involved, albeit in various capacities, in virtually every action and decision

taken by the chain of command with regard to and in reaction to the Somalia mission and its aftermath.¹² He exerted strict control over any public release of Somalia-related material or information whether these were press releases, backgrounders, Response to Queries (RTQs), or Media Response Lines (MRLs).¹³

We turn now to the allegations.

1.1. Devising or condoning a process which provided misleading or incomplete information with respect to the Somalia mission.

2.

*Alteration of Documents*¹⁴

In September 1993, Mr. Michael McAuliffe, a CBC reporter; made a telephone request for copies of existing RTQs relating to Somalia. It was eventually agreed at the Directorate General of Public Affairs (DGPA) that Mr. McAuliffe would unofficially and informally be given a number of altered RTQs.

Indeed, the oral and documentary evidence heard and filed at our hearings clearly reveals a concerted and deliberate decision taken by the Director General of Public Affairs, Mr. Gonzales, and his subordinates to alter the format of the RTQs requested by Mr. McAuliffe.¹⁵ The alteration consisted of the deletion of the information identifying the originator of the RTQs, those who had approved the RTQs, as well as sensitive information contained in the comment and background sections of the documents. The reformatting of the documents by computer was done in such a way that the documents would appear to be full and complete.¹⁶ We are satisfied on the basis of the evidence adduced that Gen Boyle was a party to the decision to informally release altered documents to the requester, and gave his concurrence to such a process.¹⁷

In testimony before us, Mr. Gonzalez, who at the relevant time was the Director General, made reference to a meeting involving Gen Boyle and Dr. Calder in which the informal release of altered documents to the reporter was discussed. The agreement was that the reporter would be given only the issue and response sections of the RTQs.¹⁸ Mr. Gonzalez stated: "I left that meeting with the clear understanding that I had their concurrence in principle...".¹⁹

Subsequently, Mr. Gonzalez prepared a memorandum, dated October 26, 1993, with copies of the original RTQs attached. These were seen by Gen Boyle who agreed to the release of the issue and response sections of those RTQs.²⁰ This memorandum bears a handwritten note ("we spoke") from Gen Boyle to Dr. Calder in which he acknowledges that they had discussed the informal release of the documents and seeks Dr. Calder's approval.

The testimony of Mr. Gonzalez on the issue of the informal release of RTQs to Mr. McAuliffe is consistent with the process in place at the time to deal with the Somalia crisis. Indeed, at the time, no Somalia-related document could be released to the media without prior approval of Gen Boyle who was heading the Somalia Working Group under the direct supervision of the CDS and the DM. By

Gen Boyle's own admission, he conducted a careful and conscientious review of all documents that were brought to him for sign-off and did not take any release lightly.²¹

Furthermore, Mr. Gonzalez had just been recruited to fill the Director General position by Dr. Calder, and would not have taken it upon himself to publicly release such sensitive documents. We could find no logical reason why he would not have mentioned to Dr. Calder and Gen Boyle the consensus that he had ascertained among his senior staff to release informally only portions of the RTQs.²²

Gen Boyle was described to us as a meticulous man, a micro manager, and a stickler for details.²³ We find it hard to believe that a new Director General would have dared submit documents to Gen Boyle for his approval without telling him that the documents in question had been altered, especially since these documents were to be publicly released to the media.

Finally, it was common knowledge in the media liaison office at the time that Mr. McAuliffe was to receive altered documents.²⁴

On January 20, 1994, Mr. McAuliffe made an official request under the *Access to Information Act* (ATI Act) for "all documents known as Response to Queries prepared by or for the Media Liaison Officer or DGPA branch at NDHQ between the dates of May 15, 1993, and January 16, 1994".²⁵ This official request under the ATI Act encompassed the RTQs already released to the reporter but in altered form.

Fearing that the reporter would realize that the documents that had been unofficially released had been altered, the senior authorities at the DGPA decided to carry forward the pattern previously adopted and proceeded to alter the RTQs officially requested under the ATI Act.²⁶ As Cdr Caie put it, "it was my understanding that they were operating under the same authority, if you wish, for lack of a better word, as we were with the original request on the RTQs."²⁷ These RTQs were sent to Mr. McAuliffe on May 16, 1994, almost three months after they were due under the Act.²⁸

Although there is no direct evidence of Gen Boyle's knowledge of the alterations of the documents formally requested under the ATI Act, we are satisfied that he knew of such alterations.

Indeed, Gen Boyle was quite familiar with the format of the RTQs as he had signed off on a number of them. Actually, he was required to perform a double sign-off of the Somalia-related documents, that is, as the group principal's representative and the person responsible for Somalia issues.²⁹ The deletions were very obvious to anyone who was familiar with RTQs: the altered RTQs had no front page indicating the originator of the RTQs and the persons who had been consulted, no back page indicating those who had approved their contents and their release, and the documents were stripped of the sensitive background and comment sections. Although an average or standard RTQ had a minimum of three pages,³⁰ many RTQs were reduced to a single page.

Gen Boyle simply could not have overlooked these obvious alterations as he reviewed the file. As Mr. Gonzalez put it, "I would find it incredible that somebody that had signed RTQs would not know that these were not RTQs."³¹ In

addition, Gen Boyle dealt with the McAuliffe file four times during its preparation. The departmental ATI office even returned the file to him because the appropriate sign-off authorities had not been obtained. He was responsible and accountable for the accuracy of the RTQs sent to the requester via the ATI office.³²

Gen Boyle's immediate co-workers who prepared the material for his approval also believed that he was aware of the fact that the RTQs in the package prepared under the *Access to Information Act* had been altered.³³ Indeed, it would make little sense for these officers and Mr. Gonzalez to jeopardize their careers by deceiving Gen Boyle (as he has suggested) and inducing him to release publicly altered documents without telling him. They had no identifiable motivation for doing this type of action.

Gen Boyle had been a party to the earlier informal release of altered RTQs to Mr. McAuliffe, and he was therefore obviously quite aware of the impact that the subsequent release of the actual unaltered RTQs to Mr. McAuliffe would have had.

Finally, in the context of a military chain of command, it defies common sense to believe that subordinate officers, for no personal gain or benefit, would independently undertake the surreptitious alteration of documents against the will of their superior whose approval they would ordinarily have to secure prior to public release.

The Change from RTQs to MRLs

In June 1994, Mr. McAuliffe made a second request for RTQs and was denied access to them.³⁴ He was informed by the DND Co-ordinator for Access to Information and Privacy, acting on advice received from Gen Boyle on May 11, 1994 and June 17, 1994, that RTQs had not been produced since January 1994. Production had stopped ostensibly as a result of a change in policy and the introduction of a 1-800 media information line.³⁵

As of January 1, 1994, under a new policy, Media Response Lines (MRLs) were created as a replacement for RTQs. These new documents were designed to have a lifespan of 72 hours. Gen Boyle was involved in the development and elaboration of that policy by Mr. Gonzalez.³⁶

However, the evidence before us revealed clearly that Gen Boyle's memo was seriously misleading. RTQs were still produced in January, February, and March 1994,³⁷ although, according to the policy, RTQs were supposed to have been replaced by MRLs. Indeed, some 35 RTQs were generated in this period. Gen Boyle himself signed, reviewed, or initialled some of these on January 14, 21, 25 and 26 and on February 9, 1994.³⁸

The change of name from RTQs to MRLs was, in our view, nothing less than a vulgar scheme to frustrate Access to Information requests and was, in fact, regarded in this way by the personnel within the public affairs branch.³⁹ Gen Boyle admitted that both documents served exactly the same function in the operations of the media liaison office.⁴⁰ The destruction of MRLs after 72 hours was designed to defeat Access to Information requests directed to the Media

Liaison Office within DGPA.⁴¹

Indeed, the memo by Col Haswell to Gen Boyle is indicative of the attempt to frustrate the Act.⁴² In that memo, he wrote that Mr. McAuliffe's request had been anticipated and "fortunately" the authorities were in a position to tell the reporter that RTQs were no longer produced for the period requested. This was done without telling the reporter that RTQs had simply been replaced by MRLs. This deceptive mind set, prevalent within DGPA, is also apparent in a draft memo prepared for the signature of Gen Boyle.⁴³ In this memo addressed to his superior, Dr. Calder, Gen Boyle suggested that in these times of increased Access to Information requests, it might be prudent to remove from all pertinent documents any references to the name of a journalist who had been critical of the Department. We were unable to ascertain if the original was eventually signed by Gen Boyle, but the memo reveals a willingness to alter existing documents prior to their public release under the *Access to Information Act*. Gen Boyle obviously was aware of the prevailing mind set with respect to ATI matters under his control.⁴⁴ Indeed, Ms. Ruth Cardinal, who replaced Mr. Gonzalez as Director General of Public Affairs, added to the negative and restrictive interpretation of a citizen's right to access by adopting a practice of editing draft correspondence by using removable yellow stickers on documents which were not retained on the file thereby precluding any subsequent examination of the material.⁴⁵ In any event, Gen Boyle's misleading memo signaled approval to his subordinates of what they were doing.

Furthermore, the installation of the media line had little to do with the production of RTQs or MRLs, as many witnesses, including Gen Boyle himself, acknowledged.⁴⁶ Gen Boyle's memo also failed to inform Mr. McAuliffe that, in fact, MRLs had replaced RTQs and that the MRLs were, for all intents and purposes, RTQs disguised under a different name.

As early as August 20, 1993, before Mr. McAuliffe's informal request for RTQs, the Vice Chief of the Defence Staff (VCDS), LGen O'Donnell, wrote to a number of senior officials, including the ADM (Pol & Comm) and Gen Boyle, expressing concern over the fact that some replies provided by various offices and group principals in response to ATI requests for Somalia records were incomplete and, in some instances, erroneous. He stressed the importance of the matter and the serious consequences that such failings could have for the integrity of the Department. In his communication, he spoke of the necessity for DND to act not only in accordance with the letter, but also with the spirit of the ATI legislation.⁴⁷

In a memo sent three days later by Gen Boyle to his superior, Dr. Calder, Gen Boyle addressed the concerns of the VCDS by asserting that he controlled every information request that went through the office and that he would sign off (that is, assume responsibility) on Dr. Calder's behalf. He went on to add that the same process would be followed for all ATI requests.⁴⁸ Therefore, Gen Boyle was aware of the continuing problems before Mr. McAuliffe's request and pledged himself to exert strict control and ensure compliance with the Act.

However, in his testimony before us, Gen Boyle defined his role narrowly as one of ensuring compliance with the letter of the Act.⁴⁹ Also, he acknowledged his failure to ensure compliance with the spirit of the law.⁵⁰

The end result of this was to discredit a new system purportedly designed to bring greater transparency to DND's relations with the media and the public.⁵¹ To the contrary, the actual effect was a gradual erosion of transparency and accountability.

The letter of the VCDS certainly amounted to a serious warning and reprimand to the entire DND. Strikingly, according to the evidence before us, the remarks of the VCDS were subsequently ignored by those who received them.⁵² The mentality whereby one need only to obey the letter of the law continued to flourish during Gen Boyle's tenure. As one witness put it, a requester will only get what is specifically asked for and this may mean that he or she will receive nothing if the wrong terminology is employed.⁵³

We are satisfied on the basis of the cogent evidence adduced before us that Gen Boyle participated in the devising of a process which provided the public with misleading or incomplete information and condoned such a process.

Deletions were made to documents, and the requirements of the ATI Act were not followed in this process of deletion. Mr. McAuliffe was never informed of the deletions and, consequently, no justifications were advanced to explain why the deletions had been made. A clear and successful attempt to deceive the reporter was in fact orchestrated.

In addition, an inordinate number of hours and prohibitive costs for the search and analysis of requested documents were initially charged against Mr. McAuliffe's first formal request (413 hours totalling \$4,080), while such documents were in fact readily available.⁵⁴ According to a letter signed by Maj Verville and addressed to Lt (N) Brayman, LCdr Considine, and Cdr Caie, the estimate made little sense as Lt (N) Brayman had confirmed that he knew how many RTQs had been written and where they were.⁵⁵ Ms. Fournier also regarded the estimate as outrageous since she had collected all the RTQs in two days and the books were sitting on the office shelves.⁵⁶ Gen Boyle and Col Haswell also agreed with Maj Verville that this reaction to the request made little sense.⁵⁷

All these events took place under the management of Gen Boyle who had special authority and responsibility with respect to ATI requests and the public release of Somalia-related documents. After the normal process occurred and group principals had signed off, the material was sent to information officers who then forwarded it to Gen Boyle for a final sign-off.⁵⁸

1.1. Failing to take concrete and appropriate steps in relation to the DGPA documents to ensure proper compliance with the Commissioners' order to transfer Somalia-related documents to the Inquiry.

2.

In the fall of 1993, the Director General of the DGPA, Mr. Gonzalez, reported to the ADM (Pol & Comm), Dr. Calder, through Gen Boyle, who was then the associate for Dr. Calder.⁵⁹ As his experience in DGPA broadened, Gen Boyle became more and more involved in public affairs management.⁶⁰ Indeed, Gen

Boyle's involvement became such that it was no longer limited to Somalia-related issues, but extended to all public affairs matters.⁶¹ In practice, Mr. Gonzalez, to his chagrin, came to report solely to Gen Boyle and no longer to the ADM (Pol & Comm).⁶² At one point, Mr. Gonzalez became so upset with Gen Boyle's involvement in the management of DGPA that he complained to Gen Boyle that if he (Gen Boyle) wanted to take over his job, he would gladly move. Mr. Gonzalez described this situation as an organizational nightmare.⁶³ The reality was that Gen Boyle had become, *de facto*, the public affairs manager, at least regarding Somalia-related issues, and the supervisor of Mr. Gonzalez with respect to the management of all other aspects of public affairs.

On April 21, 1995, we issued an order requesting the transfer to the Inquiry within 30 days of receipt of the order, of all Somalia-related documents in order to secure and safeguard these documents.⁶⁴

Once our Order for Production of Documents was issued to DND,⁶⁵ Gen Boyle's role within DND placed him in a unique position to ensure that the DGPA complied. As chairman of the Somalia Working Group from September 27, 1993, until June or July 1994,⁶⁶ he had a chance to familiarize himself with the Somalia-related documents created by the DGPA. He reportedly exercised strict control over any public release of Somalia-related press releases, backgrounders, Response to Queries and Media Response Lines.⁶⁷ After April 21, 1995, two chains of command were available to him to exhort the DGPA to conform to our order. Until approximately the end of June 1995, he remained Associate ADM (Pol & Comm) and *de facto* overseer of the DGPA.⁶⁸ Ms. Cardinal, who replaced Mr. Gonzalez as Director General of Public Affairs in late March 1994, reported regularly to Gen Boyle.⁶⁹ Their meetings gave him a forum for instructing her on how to ensure that the DGPA complied with our order. The Somalia Inquiry Liaison Team (SILT) furnished a second chain of command through which he could attempt to ensure that the DGPA obeyed our order. According to the directive of April 6, 1995 that established SILT formally, SILT was to report directly to Gen Boyle.⁷⁰ After he became ADM (Per), the reporting channel for SILT moved along with him.⁷¹ During the spring and the summer of 1995, he could therefore have ordered SILT to take concrete measures to obtain copies of the DGPA's Somalia-related documents. How adequately did Gen Boyle exploit either chain of command to arrange for the DGPA's Somalia-related documents to reach the Inquiry?

We conclude without hesitation that Gen Boyle did not give Ms. Cardinal clear, timely guidance that could have helped her in complying with our order. She testified that she never received a copy of the order, although she was informed verbally of its existence.⁷² Neither Gen Boyle nor Dr. Calder nor their staff gave her instructions for identifying the documents liable to be forwarded or an overall methodology for complying.⁷³ She acknowledged that SILT provided instructions that the DGPA was to transmit material; however, SILT did not indicate how the DGPA should collect, collate, and transmit the documents in response to the order.⁷⁴ Gen Boyle did not give SILT precise instructions for the DGPA to follow in gathering and dispatching Somalia-related documents. While this lack of action fixes Gen Boyle with a leadership failure, it does very little to absolve either SILT

or DGPA of their responsibilities in this regard.

The consequences of Gen Boyle's misconduct were serious. Testimony before the Inquiry confirms that Ms. Cardinal issued no written or verbal instructions to her personnel to ensure compliance with the order.⁷⁵ Gen Boyle had not clarified adequately her obligations under the order. Only in September 1995, that is, some four and a half months subsequent to the order and three and a half months after its original expiry date, did the DGPA personnel most familiar with Somalia-related documents -- Lt(N) J.D. Brayman, Ms. Nancy Fournier, and Ms. Ciaudette Lemay -- learn of it and realize that they had to respond.⁷⁶

In September 1995, the DGPA's reluctance to comply with our order became especially blatant. We received evidence to the following effect: on September 5, 1995, Lt (N) A. Wong discovered Ms. Fournier placing documents from one set of Somalia binders into a burn bag; he ordered her to desist; she began to replace the documents; and Col Haswell instructed her not to proceed further with the destruction.⁷⁷ We are satisfied that some senior elements within the DGPA attempted willfully to avoid complying with our order: their motive was to conceal the demonstrable fact that on two occasions Mr. McAuliffe had received RTQs in altered form.

By September 5, 1995, Gen Boyle was no longer Associate ADM (Pol & Comm), and he had therefore ceased to exercise oversight over the DGPA. Yet he remained overseer of SILT and as such had a duty of care toward the documents Ms. Fournier was placing into a burn bag. Specifically, he was obliged to ensure that we were informed immediately that these documents existed and that an attempt to destroy them had taken place; furthermore, he should have arranged for these documents or copies to be relayed to us. The extent to which he discharged this duty of care from September 5, 1995 onward shows that he failed to take concrete and appropriate measures in relation to the DGPA documents to ensure proper compliance with our order.

Gen Boyle himself suggested that he first knew on September 21, 1995, that an attempt to destroy Somalia-related documents occurred at the DGPA.⁷⁸ We quite simply do not believe his evidence on this point. If indeed he did not know earlier, three different chains of command would all have had to fail: the DGPA, the SILT and the Judge Advocate General (JAG) chains of command.

The DGPA chain of command was led by Ms. Cardinal who met with him routinely for more than one year after she became Director General of Public Affairs. LGen Fox, as Special Adviser to SILT conferred regularly with Gen Boyle about the gathering of Somalia-related documents for the Inquiry. (We have concluded on the evidence before us that LGen Fox clearly learned of the attempted destruction and, in all likelihood, conveyed this information to Gen Boyle before September 21, 1995.) Additionally Lt (N) Wong, a member of SILT from the spring of 1995, enjoyed direct access to Gen Boyle for over one year before the incident of September 5, 1995. From August to October 1995, he met with Gen Boyle at least 10 times to obtain his signoff on approximately 30 *Access to Information Act* requests for Somalia-related information.⁸⁰ BGen Boutet, the JAG, consulted with Gen Boyle frequently.⁸¹ BGen Boutet's subordinate, LCol Carter, was also a SILT lawyer; she therefore had two chains of command

through which she could relay to Gen Boyle the knowledge she had of the attempted destruction of documents.⁸² In brief, we believe that some or all of the above mentioned individuals revealed the events of September 5, 1995, to Gen Boyle before September 21, 1995. As for the contention that the information was withheld from Gen Boyle by all of these officers for over two weeks, if indeed true, and if all of them did not advise their superior, such inaction provides a stunning indictment of the functioning of the chains of command within DND. Even if we were to accept Gen Boyle's assertion that the events of September 5, 1995, became known to him only on September 21, 1995 -- which we do not -- this does not assist him greatly. Certainly he could have ordered his subordinates to inform us expeditiously of the serious problems at the DGPA and the DGPA's failure to comply with our order, but he did not do so. We were in daily contact with SILT especially with LGen Fox, Col J. Leclerc, and LCol Carter; yet we received no pertinent information. Only when we confronted SILT on October 3, 1995 with our knowledge of the ongoing problems was there any admission of the facts. On October 27, 1995, LCol Carter forwarded to us by fourth-class mail some samples of altered and unaltered RTQs; the package reached us on November 8, 1995. Mr. McAuliffe broke a news story on November 8, 1995, that blamed Gen Boyle for providing misleading information; in the afternoon of the same day we obtained three boxes of DGPA documents. The foregoing chronology lends additional support to the view that Gen Boyle misconducted himself by failing to take concrete, timely measures to ensure that the DGPA documents falling under our order reached the Inquiry.

- 1.1. Failing as an officer responsible for overseeing the operations of the Somalia Inquiry Liaison Team to properly assist the Commissioners in obtaining, in a timely and responsible manner, all relevant information from the DND.

2.

While we have remarked that SILT reported directly to Gen Boyle from April 1995 onwards, we stress that SILT's Special Adviser, LGen Fox, continued reporting to Gen Boyle even after Gen Boyle became CDS in January 1996. From April 1995 well into 1996, except perhaps from the autumn of 1995 when questions about his own role in handling Somalia-related documents compromised his role, Gen Boyle was favourably situated to follow the response to our orders and requests for documents and to influence it. Did he assist us properly as overseer of SILT to obtain all relevant information from DND? Unfortunately, SILT, acting under Gen Boyle's authority, failed to implement a system to achieve compliance with our Order of April 21, 1995, and a follow-up procedure to ensure that all elements within DND and the CF fully and satisfactorily conformed with our order and the forces-wide message of June 16, 1995. Gen Boyle's own testimony leaves little doubt that SILT did not institute an organized, structured methodology for identifying, locating, and collating

documents and forwarding them to the Inquiry.⁸³ LGen Fox's evidence suggests that SILT remained content to respond to the Inquiry's requests for documents as they arrived.⁸⁴ Gen Boyle's testimony confirms that even in a reactive stance, SILT's responses to document requests were frequently not timely or forthcoming.⁸⁵ SILT's practices in transferring documents to the Inquiry also betrayed a relatively casual approach. In a memorandum of April 27, 1995 to Gen Boyle for action, Col Leclerc affirmed that all documents forwarded to the Inquiry would be registered and copies kept at SILT,⁸⁶ but Gen Boyle testified that this plan was not realized in practice.⁸⁷ In brief, we conclude that Gen Boyle, as overseer of SILT, did not assist us properly in obtaining in a timely and responsible manner all relevant information from DND and, accordingly, misconducted himself.

Under Gen Boyle, SILT sought only belatedly and grudgingly to track down some of the most revealing documents about CF operations in Somalia, and the in-theatre logs are an especially egregious example. We made repeated requests for in-theatre logs during the autumn of 1995 and issued a specific order in January 1996 for all missing logs; yet the intelligence logs of CJFS Headquarters, brought back from Somalia to Canada under heavy military security, were destroyed in February 1996. Officially the reason advanced for destroying them was that the authorities needed storage space, but Gen Boyle himself conceded that these logs had been stored since their return in the intelligence lock-up inside the 1 Cdn Div Headquarters intelligence cell in Kingston.⁸⁸

The operation logs of the CARBG form another important example demonstrating SILT as dilatory in its pursuit of documents. These operation logs were delivered with pages missing to the Inquiry on February 1, 1996,⁸⁹ that is, over nine months after our Order of April 21, 1995. Gen Boyle acknowledged that attempts to locate the missing pages apparently began only on March 11, 1996.⁹⁰ By Gen Boyle's recognition, other categories of logs reached the Inquiry only tardily, if at all.⁹¹ Only after we informed the military authorities that we would summon Gen Boyle as a witness to account for the inadequate compliance with our orders did the search for logs become vigorous. More generally, the whole process of providing documents to us began seriously to unfold only when we indicated to Gen Boyle that he would have to provide sworn testimony about the extent of his conformity to our orders and document requests; we then received highly relevant documents we had awaited for months. In our view, Gen Boyle, as overseer of SILT adopted an approach toward the Inquiry's orders and document requests that mirrored the approach he espoused throughout in managing the Somalia crisis: a policy of containment and damage control.

Gen Boyle sought to mitigate his responsibility and, hence, accountability, for SILT's omissions from June through August 1995 by claiming that LGen Fox failed to inform him and the DM of the difficulties the Inquiry encountered in obtaining documents.⁹² We believe it to be likely that LGen Fox did advise Gen Boyle of these difficulties but, in any event, in professing ignorance Gen Boyle has availed himself of a weak defence; as overseer of SILT, he ought to have supervised the work of SILT and known of these difficulties. Nevertheless, as we have made clear, our disclosure problems with SILT persisted well beyond

August 1995, since Gen Boyle remained SILT's overseer. In short, Gen Boyle's affirmations that he was unaware of the Inquiry's difficulties in obtaining documents do not allow us to vary our finding that he did not assist us properly to obtain, in a timely and responsible manner, all relevant information from DND, and that he failed in his capacity as the officer responsible for supervising SILT's operations to assist our Inquiry in the timely gathering of relevant information.

1.1. Conclusions

2.

In finding that the three allegations against Gen Boyle were supported and that he therefore misconducted himself, we are obliged to assert more broadly that he displayed poor and inadequate leadership. His was the foremost demonstration that errors of leadership permeated DND's response to the problems that had manifested themselves in Somalia. When Gen Boyle misconducted himself, he committed the same fundamental mistakes that had surfaced earlier in the Somalia mission itself. The system of arrangements SILT instituted under his oversight to provide the Inquiry with Somalia-related documents was inadequate and flawed. He failed to oversee and supervise adequately crucial areas for which he was responsible -- witness his failure to ensure that the Inquiry received the DGPA's Somalia-related documents in a timely and responsible way. Furthermore, he held his subordinates to a standard of accountability that he was not prepared to abide by himself. By his own admission, he failed to respect the spirit of the *Access to Information Act*, but when asked how he would react if subordinates obeyed the letter but not the spirit of the law, he replied that he would react "in a very negative fashion", and added that he would take remedial measures.⁹³ Although his failures of leadership would be grievous enough in any senior commander, they acquire uniquely troubling dimensions when they appear in a CDS, who must lead and inspire the entire Canadian Forces.

3. NOTES

- 1.1. Because of the number of positions he held and the rapidity of his advancement, we refer to him through most of this chapter as General Boyle. Also, to assist the reader in better understanding our conclusions regarding Gen Boyle's conduct we have deemed it advisable to repeat in this section portions of the text describing our difficulties with the DGPA and DND disclosure.
- 1.2. Testimony of Gen Boyle, Transcripts vol. 86, p. 16904.
- 1.3. See Exhibit P-145 (Weekly Reports Somalia Working Group, 8 October 93-10 June 94).
- 1.4. Testimony of Gen Boyle, Transcripts vol. 86, p. 16897.
- 1.5. Testimony of Gen Boyle, Transcripts vol. 86, pp. 16821-16822.

- 1.6. Testimony of LGen Fox, Transcripts vol. 78, p. 15286; Document book 100A, tab 14.
- 1.7. Testimony of LGen Fox, Transcripts vol. 78, pp. 15286-15287.
- 1.8. See Exhibit P-162.
- 1.9. Testimony of LGen Fox, Transcripts vol. 78, p. 15287.
- 1.10. Testimony of Gen Boyle, Transcripts vol. 86, pp. 16928-16932.
- 1.11. Testimony of LGen Fox, Transcripts vol. 78, pp. 15292-15293.
- 1.12. Testimony of Gen Boyle, Transcripts vol. 86, pp. 16904-16905.
- 1.13. Testimony of Roberto Gonzalez, Transcripts vol. 58, pp. 11544-11545, and vol. 59, pp. 11675-11676.
- 1.14. The text in this portion of our report is in large measure a necessary repetition of that in Volume 5, Chapter 39, dealing with events in the DGPA.
- 1.15. Testimony of Roberto Gonzalez, Transcripts vol. 58, pp. 11547, 11551.
- 1.16. Testimony of Roberto Gonzalez, Transcripts vol. 58, pp. 11555, 11557-11565, 11570, and Transcripts vol. 59, pp. 11580-11581, 11605-1 1606; Nancy Fournier, Transcripts vol. 62, pp. 11983, 12057; and Col Haswell, Transcripts vol. 95, pp. 18418-18419, 18424, 18430-18432.
- 1.17. Testimony of Roberto Gonzalez, Transcripts vol. 58, pp. 11553-11554, 11562-11563, 11564, Transcripts vol. 59, pp. 11605-11606, 11649-11650, 11659, Transcripts vol. 111, pp. 22160-22161; and Col Haswell, Transcripts vol. 95, pp. 18437-18441, 18447-18450, 18465-18472; and Document book 103, tabs 1 and 2.
- 1.18. Testimony of Roberto Gonzalez, Transcripts vol. 111, pp. 22158-22159.
- 1.19. Testimony of Roberto Gonzalez, Transcripts vol. 111, pp. 22161-22162.
- 1.20. Testimony of Roberto Gonzalez, Transcripts vol. 111, pp. 22166, 22168.
- 1.21. Testimony of Gen Boyle, Transcripts vol. 86, p. 16885.
- 1.22. Testimony of Col Haswell, Transcripts vol. 95, pp. 18447-18448.
- 1.23. Testimony of Roberto Gonzalez, Transcripts vol. 61, p. 11923; Lt (N) Wong, transcripts vol. 70, pp. 13455-13456, and Transcripts vol. 71, p. 13719; and Col Haswell, Transcripts vol. 95, pp. 18554-18555.
- 1.24. Testimony of Lt (N) Wong, Transcripts vol. 70, pp. 13470-13471.
- 1.25. Document book 103, tab 4, Letter of Michael McAuliffe to ATI Co-ordinator DND (20 January 1994).
- 1.26. Testimony of Nancy Fournier, Transcripts vol. 62, pp. 12033-12038, 12042, 12055-12056.
- 1.27. Testimony of Cdr Caie, Transcripts vol. 84, p. 16449.
- 1.28. Document book 103, tabs 17, 18, 38.
- 1.29. Testimony of Gen Boyle, Transcripts vol. 86, p. 16888.
- 1.30. Testimony of Roberto Gonzalez, Transcripts vol. 61, p. 11894.

- 1.31. Testimony of Roberto Gonzalez, Transcripts vol. 61, pp. 11895-11896.
- 1.32. Testimony of Roberto Gonzalez, Transcripts vol. 61, p. 11908.
- 1.33. Testimony of Roberto Gonzalez, Transcripts vol. 61, pp. 11895-11896; Lt (N) Brayman, Transcripts vol. 65, p. 12721; and Cdr Caie, Transcripts vol. 84, pp. 16449-16450.
- 1.34. Document book 103, tabs 40 and 43.
- 1.35. Document book 103, tabs 36, 41, 43.
- 1.36. Testimony of Roberto Gonzalez, Transcripts vol. 59, pp. 11685-11687, 11703-11704.
- 1.37. Testimony of Nancy Fournier, Transcripts vol. 62, p. 12115; and Lt (N) Brayman, Transcripts vol. 65, p. 12687.
- 1.38. Document book 103, tabs 3, 5, 9, 10, 11; Testimony of Gen Boyle, Transcripts vol. 88, pp. 17218, 17222-17225.
- 1.39. See, for example, Document book 103, tab 39, where the words MRL and RTQ were used interchangeably, as the "MRL" contains a reference to the date this "RTQ" was used. See also Testimony of Nancy Fournier, Transcripts vol. 62, pp. 121101211, 12115-12116; Lt (N) Brayman, Transcripts vol. 65, pp. 12679, 12682, and Transcripts vol. 67, p. 13090; Gen Boyle, Transcripts vol. 88, pp. 17208-17210; and Col Haswell, Transcripts vol. 95, pp. 18472-18475, 18479-18480, 18486, 18499; and Document book 100, tab 6, Annex Q, p. DND 346421-346423, for the perception of the staff.
- 1.40. Testimony of Gen Boyle, Transcripts vol. 88, pp. 17217-17218.
- 1.41. Testimony of Col Haswell, Transcripts vol. 95, pp. 18480-18484.
- 1.42. Document book 103, tab 42.
- 1.43. See Exhibit P-195; Testimony of Col Haswell, Transcripts vol. 95, pp. 18507-18515.
- 1.44. Testimony of Col Haswell, Transcripts vol. 95, pp. 18493-18495. See also Col Haswell's memo to Gen Boyle, Document book 103, tab 42, which acknowledges it openly.
- 1.45. Testimony of Col Haswell, Transcripts vol. 95, pp. 18510-18515.
- 1.46. Testimony of Roberto Conzalez, Transcripts vol. 59, pp. 11742-11743; Dr. Calder, Transcripts vol. 81, pp. 15843-15844, 15848-15849, 15854-15855, 15858; Cdr Caie, Transcripts vol. 84, pp. 16419-16420, and Transcripts vol. 85, p. 16600; Gen Boyle, Transcripts vol. 88, pp. 17119-17120; and Col Haswell, Transcripts vol. 95, p. 18546.
- 1.47. See Exhibit P-167.
- 1.48. See Exhibit P-167.
- 1.49. Testimony of Gen Boyle, Transcripts vol. 88, p. 17280.
- 1.50. Testimony of Gen Boyle, Transcripts vol. 88, pp. 1722017222.
- 1.51. Testimony of Gen Boyle, Transcripts vol. 88, pp. 17221-17222.

- 1.52. Testimony of Gen Boyle, Transcripts vol. 88, pp. 17225-17228.
- 1.53. Testimony of Col Haswell, Transcripts vol. 95, pp. 18503-18505, 18548.
- 1.54. Document book 103, tabs 12, 13.
- 1.55. Document book 103, tab 13; Testimony of Lt (N) Brayman, Transcripts vol. 67, pp. 12947-12948, 13079-13080.
- 1.56. Testimony of Nancy Fournier, Transcripts vol. 62, pp. 12048-12050.
- 1.57. Testimony of Gen Boyle, Transcripts vol. 88, pp. 17233-17234; and Col Haswell, Transcripts vol. 95, p. 18521.
- 1.58. Testimony of Gen Boyle, Transcripts vol. 86, pp. 16881-16882.
- 1.59. Testimony of Roberto Gonzalez, Transcripts vol. 58, p. 11533.
- 1.60. Testimony of Gen Boyle, Transcripts vol. 86, p. 16796.
- 1.61. Testimony of Roberto Gonzalez, Transcripts vol. 59, pp. 11678-11679.
- 1.62. Testimony of Roberto Gonzalez, Transcripts vol. 59, pp. 11678-11679.
- 1.63. Testimony of Roberto Gonzalez, Transcripts vol. 59, pp. 11679-116780.
- 1.64. Document book 100A, tab 1.
- 1.65. Document book 100A, tab 1.
- 1.66. Testimony of Gen Boyle, Transcripts vol. 86, pp. 16817, 16898, 16904.
- 1.67. Testimony of Mr. R. Gonzalez, Transcripts vol. 58, pp. 11544-11545, and Transcripts vol. 59, pp. 11675-11676. Gen Boyle in his turn had to seek approval from the CDS, Gen de Chastelain, and the DM, Mr. Fowler, for releasing Somalia-related materials: Testimony of Roberto Gonzalez, Transcripts vol. 58, p. 11544.
- 1.68. Testimony of Dr. Calder, Transcripts vol. 81, p. 15870. Gen Boyle thereupon became Assistant Deputy Minister for Personnel.
- 1.69. Testimony of Ruth Cardinal, Transcripts vol. 74, p. 14470.
- 1.70. Exhibit P-137, Document book 100A, tab 14, "NDHQ Action Directive D3/95 Somalia Inquiry Liaison Team (SILT)".
- 1.71. Testimony of LGen Fox, Transcripts vol. 78, pp. 15286-15287. LGen Fox, the Special Adviser to SILT, continued reporting to Gen Boyle even after Gen Boyle became CDS around the beginning of 1996: Testimony of LGen Fox, Transcripts vol. 78, pp. 15292-15293.
- 1.72. Testimony of Ruth Cardinal, Transcripts vol. 74, pp. 14470-14471.
- 1.73. Testimony of Ruth Cardinal, Transcripts vol. 74, pp. 14470-14471.
- 1.74. Testimony of Ruth Cardinal, Transcripts vol. 74, p. 14471.
- 1.75. Testimony of Lt (N) Brayman, Transcripts vol. 65, pp. 12689-12690; and Ruth Cardinal, Transcripts vol. 74, p. 14475.
- 1.76. Testimony of Claudette Lemay, Transcripts vol. 58, pp. 11425-11426; Nancy Fournier, Transcripts vol. 62, pp. 12131-12132, 12139; and Lt (N) Brayman, Transcripts vol. 65, pp. 12688-12690.

- 1.77. Testimony of Nancy Fournier, Transcripts vol. 62, pp. 12143-12144; Lt (N) Wong, Transcripts vol. 70, pp. 13549-13561; and Col C. Haswell, Transcripts vol. 95, pp. 18596-18598.
- 1.78. Testimony of Gen Boyle, Transcripts vol. 92, p. 17922.
- 1.79. Testimony of Lt (N) Wong, Transcripts vol. 70, pp. 13442-13443.
- 1.80. Testimony of Lt (N) Wong, Transcripts vol. 70, pp. 13522, 13527.
- 1.81. Testimony of LCol Benjamin, Transcripts vol. 73, p. 14225.
- 1.82. Testimony of Gen Boyle, Transcripts vol. 90, pp. 1754617547.
- 1.83. Testimony of Gen Boyle, Transcripts vol. 86, pp. 16923-16927.
- 1.84. Testimony of LGen Fox, Transcripts vol. 77, pp. 14997-15000.
- 1.85. Testimony of Gen Boyle, Transcripts vol. 86, pp. 16923-16924, and Transcripts vol. 87, pp. 16996-17069.
- 1.86. Exhibit P-137, Document book 100A, tab 18, Somalia Inquiry Order accompanying letter from SILT (J. Leclerc) dated 27 April 1995.
- 1.87. Testimony of Gen Boyle, Transcripts vol. 86, p. 16926.
- 1.88. Testimony of Gen Boyle, Transcripts vol. 87, p. 17028.
- 1.89. Exhibit P-177.1, Document book 99A, tab 6, COI Receipt February 1, 1996, DND 385535.
- 1.90. Testimony of Gen Boyle, Transcripts vol. 87, p. 17059.
- 1.91. The Service Commando logs described to us initially as "lost" appeared at the Inquiry on March 22, 1996; the existing Airborne Field Squadron logs surfaced only on April 18, 1996; the missing parts of the 2 Commando logs were transmitted to the Inquiry only after April 9, 1996; and the 1 Commando and 3 Commando logs remain missing, save for a couple of pages. Testimony of Gen Boyle, Transcripts vol. 87, pp. 17061-17063.
- 1.92. Testimony of Gen Boyle, Transcripts vol. 87, pp. 17050, 1706817069.
- 1.93. Testimony of Gen Boyle, Transcripts vol. 90, p. 17498.

NOTE TO READERS

Military Ranks and Titles

In recounting events and reporting on testimony received, this report refers to many members of the Canadian Forces by name, rank and, sometimes, title or position held. Generally, we have used the rank and title in place at the time of the Somalia deployment or at the time an individual testified before this Commission of Inquiry, as appropriate. Thus, for example, the ranks mentioned in text recounting the events of 1992-93 are those held by individuals just before and during the deployment to Somalia, while ranks mentioned in endnotes are those held by individuals at the time of their testimony before the Inquiry.

Since then, many of these individuals will have changed rank or retired or left the Canadian Forces for other reasons. We have made every effort to check the accuracy of ranks and titles, but we recognize the possibility of inadvertent errors, and we apologize to the individuals involved for any inaccuracies that might remain.

Source Material

This report is documented in endnotes presented at the conclusion of each chapter. Among the sources referred to, readers will find mention of testimony given at the Inquiry's policy and evidentiary hearings; documents filed with the Inquiry by government departments as a result of orders for the production of documents; briefs and submissions to the Inquiry; research studies conducted under the Inquiry's commissioned research program; and documents issued by the Inquiry over the course of its work.

Testimony: Testimony before the Commission of Inquiry is cited by reference to transcripts of the Inquiry's policy and evidentiary hearings, which are contained in 193 volumes and will also be preserved on CD-ROM after the Inquiry completes its work. For example: Testimony of LCol Nordick, Transcripts vol.2, pp. 269-270. Evidence given at the policy hearings is denoted by the letter 'P'. For example: Testimony of MGen Dallaire, Policy hearings transcripts vol. 3P, p. 477P.

Transcripts of testimony are available in the language in which testimony was given; in some cases, therefore, testimony quoted in the report has been translated from the language in which it was given.

Documents and Exhibits: Quotations from some documents and other material (charts, maps) filed with the Inquiry are cited with a document book number and a tab number or an exhibit number. These refer to binders of documents assembled for Commissioners' use at the Inquiry's hearings. See Volume 5, Chapter 40 for a description of how we managed and catalogued the tens of thousands of documents we received in evidence.

Some of the references contain DND (Department of National Defence) identification numbers in lieu of or in addition to page numbers. These were numbers assigned at DND and stamped on each page as documents were being scanned for transmission to the Inquiry in electronic format. Many other references are to DND publications, manuals, policies and guidelines. Also quoted extensively are the National Defence Act (NDA), Canadian Forces Organization Orders (CFOO), Canadian Forces Administrative Orders

(CFAO), and the Queen's Regulations and Orders for the Canadian Forces (which we refer to as the Queen's Regulations and Orders, or QR&O). Our general practice was to provide the full name of documents on first mention in the notes to a chapter, with shortened titles or abbreviations after that.

Research Studies: The Commission of Inquiry commissioned 10 research studies, which were published at various points during the life of the Inquiry. Endnotes citing studies not yet published during final preparation of this report may contain references to or quotations from unedited manuscripts.

Published research and the Inquiry's report will be available in Canada through local booksellers and by mail from Canada Communication Group Publishing, Ottawa, Ontario, K1A 0S9. All other material pertaining to the Inquiry's work will be housed in the National Archives of Canada at the conclusion of our work.

Acronyms and Abbreviations

This report contains many acronyms and abbreviations for government departments and programs and Canadian Forces elements, systems, equipment, and other terms. Generally, these names and terms are spelled out in full with their abbreviation or acronym at their first occurrence in each chapter; the abbreviation or acronym is used after that. For ranks and titles, we adopted the abbreviations in use in the Canadian Forces and at the Department of National Defence. A list of the acronyms and abbreviations used most often, including abbreviations for military ranks, is presented in Appendix 8, at the end of Volume 5.

THE MARCH 4TH INCIDENT

The shooting on the night of March 4, 1993 resulted in the death of one Somali civilian, Mr. Ahmed Afraraho Aruush, and the wounding of another, Mr. Abdi Hunde Bei Sabrie. For several reasons, this significant incident was a turning point in the deployment of Canadian Forces to Somalia. It was, among other things, the culmination of a dubious interpretation of the Rules of Engagement given by the Commanding Officer on January 28, 1993, an interpretation authorizing Canadian soldiers to shoot at fleeing thieves or infiltrators under certain circumstances.

The planning and execution of the mission that night by the Reconnaissance Platoon caused serious concerns among some of the other members of the Canadian Airborne Regiment Battle Group. Many suspected that the two Somalis had been deceived, trapped and shot, in violation of the Rules of Engagement. Immediately after the shooting, Maj Armstrong, the medical officer who examined the body of Mr. Aruush, concluded that he had been "dispatched" and alerted the Commanding Officer. In the days following, Maj Jewer, Officer Commanding the medical platoon, and Capt Potvin, the padre, met with the Commanding Officer to express similar concerns.

Authorities at the Department of National Defence in Ottawa immediately expressed concern that the Somalis had been shot in the back while running away and that

excessive force might have been used.

Notwithstanding all these concerns, the entire incident was the subject of a cursory summary investigation by the Commanding Officer, who designated a captain in his chain of command to report on the incident. In other words, the Commanding Officer investigated the operation of his own unit acting pursuant to his instructions and following his interpretation of the Rules of Engagement. In short, the Commanding Officer investigated his own operational actions and decisions.

The Commanding Officer's report concluded that the shooting was within the Rules of Engagement, absolved the Reconnaissance Platoon of any criminal responsibility, and praised its work. This may have led other CARBG members to believe that all such incidents would be investigated in the same spirit and resolved at the level of the unit. In January and February there had been several similar shootings at night, at fleeing Somalis. There had also been instances of improper handling of prisoners, with trophy-like pictures being taken. All these incidents, up to and including the shootings on March 4th, had gone unpunished, and in this regard they may have paved the way for the brutal torture and killing of a Somali teenager being detained in the Canadian compound on March 16th.

In assessing this incident, we first provide background to the incident and relate the facts and circumstances surrounding the shootings on the night of March 4, 1993. Then we review the disputed facts and rule on these facts. Finally, we state our findings and conclusions on the incident and the allegations of subsequent cover-up.

BACKGROUND TO THE INCIDENT

By March 1993, thievery had become a constant, growing annoyance for the Canadian troops at Belet Huen. The night of March 3rd had been particularly active around the Engineers compound, where items of interest to the local population were stored. A 200-pound pump used to refuel the helicopters had disappeared and was presumed stolen. The Officer Commanding the Engineers Squadron, Capt Mansfield, went to see the Commanding Officer the next morning and, citing a manpower shortage, asked for assistance in providing security for the Engineers compound.

At the morning orders group of March 4th, the CO, LCol Mathieu, assigned Capt Rainville and the Reconnaissance Platoon (known as Recce Platoon) to provide additional security for the Engineers compound. No specific instructions, guidance or parameters for the mission were given to Capt Rainville, although the CO knew that Capt Rainville had shown a serious lack of judgment in conducting unsupervised operations in Canada the previous year.¹ Three incidents in particular were of concern.

On February 7, 1992, Capt Rainville simulated a night-time terrorist attack on La Citadelle in Quebec to test its security. He and his patrol, disguised as terrorists, wearing masks and armed with civilian weapons, stormed La Citadelle and captured the two sentries in charge of the weapons and ammunition depot. Capt Rainville severely mishandled and roughed them up in an attempt to compel them to open the weapons store. One of the sentries eventually escaped and alerted the Quebec Police Force. The police anti-terrorist team arrived on the scene just a few minutes after Capt Rainville and his team had left.² Only through luck was bloodshed avoided. After the incident BGen Dallaire, the commanding general of the Royal 22^e Régiment, sent a letter to BGen Beno concerning the serious lack of judgement shown in this instance, directing that it be put in Capt Rainville's file.³

On May 15, 1992, during a training exercise at CFB Gagetown involving the taking of 'prisoners', Capt Rainville struck several 'captured' officers and soldiers, including most notably Capt Sandra Perron, ostensibly to simulate the treatment of POWs.⁴ Capt Rainville also manhandled one of his own men to 'make him talk'. Capt Rainville was given only a verbal warning, which was to remain on his file for six months.⁵

Shortly before the Somalia deployment, a photograph of Capt Rainville appeared in a Montreal newspaper, showing him with knives strapped around his belt Rambo-style and claiming that he was trained in kidnapping and assassination and could kill a man in three seconds.⁶ Capt Rainville maintains to this day that he was not responsible for the publication of the photograph.⁷

Although Capt Rainville received no specific instructions before the March 4th mission, LCol Mathieu had instructed his troops at a January orders group that they could shoot at thieves under certain circumstances. This had caused tremendous confusion. Some understood the CO's instructions as an authorization to shoot at Somalis with intent to kill if they touched the wire surrounding the Canadian installations. Others understood that the Somalis had to enter the perimeter of the compound before deadly force could be used. Still others thought the instructions were to shoot at thieves only if they stole 'Canadian kit', but there was no consensus about what this meant. For some, it meant any piece of Canadian equipment, including jerrycans of water or fuel. For others, it had to be a piece of military equipment, but this would also have included jerrycans of fuel. There was also confusion about whether intruders had to be armed before deadly force could be used. Further, there was confusion about shooting at anyone fleeing the compound. While some decided they would not shoot at a thief who was fleeing, they all understood they could use deadly force against someone, armed or not, who fled after stealing Canadian equipment.

Many of the officers commanding (Caps Mansfield, Officer Commanding the Field Squadron of Engineers,⁸ Maj Pommet, Officer Commanding 1 Commando,⁹ Maj Seward, Officer Commanding 2 Commando, Maj Magee, Officer Commanding 3 Commando, and Maj Kampman, Officer Commanding the Royal Canadian Dragoons Squadron, for

example)¹⁰ thought that the order or instructions given by the CO to use deadly force against thieves was illegal and refused to pass it on to their respective platoon commanders and troops. Eventually, the CO's instructions were amended and the troops were told to shoot "between the skirt and the flip-flops"-that is, at the legs. This was generally accepted as being less extreme than the previous order. These directives had at least the tacit approval of Col Labbé, who was aware of them, and they were not rescinded until March 8th, four days after the incident under discussion here.

As for the environment in which the incident occurred, frustration among the men was at its peak for various reasons. A U.S. soldier who had been a close friend of some of the Canadians, Sgt Deeks, had died on March 3rd near Matabaan, some 120 kilometres away, when his jeep exploded a land mine.¹¹ Repeated thievery had upset the soldiers, who felt their privacy was invaded by the same persons they were trying to help.¹² The soldiers apparently expected gratitude from the local population, but instead received what they regarded as hostility.¹³ The lack of adequate cultural awareness and training of the Canadian troops made it difficult for them to understand and appreciate the behaviour of the Somalis. In addition, they were living on hard rations in difficult conditions and felt that their original mission to pacify the Belet Huen Humanitarian Relief Sector had been accomplished; they thought they should be going home, but no redeployment date had been set. Morale was low; and boredom was exacting a toll and fuelling frustration. All of this was reflected in the over-aggressiveness of some units, such as 2 Commando, despite the fact that its Officer Commanding, Maj Seward, had received a reproof in January 1993 for allowing his commando to act aggressively toward the Somali population.¹⁴ Training in the Rules of Engagement and in cultural awareness might have eased the tension and frustration, reminding the soldiers of the need for restraint in dealing with local populations, but such training was not made available. Instead, the rules were relaxed.

It was in this context of confusion about the Rules of Engagement, low morale, unresolved aggressiveness and untamed frustration that the Recce Platoon was loosely tasked with providing security for the Engineers compound. This was a poor leadership decision that would have fatal consequences.

THE FACTS AND THE CONTESTED FACTS

The uncontested facts are as follows. On the night of March 4, 1993, the Reconnaissance Platoon, under the command of Capt Rainville, was assigned the task of providing additional security for the Engineers compound. Capt Rainville divided the patrol into three detachments. Detachment 69, consisting of himself and his sniper, Cpl Klick, took up a position in the back of a truck inside the compound. Detachment 63, consisting of Sgt Plante, Cpl Favasoli, and Cpl King, was located on the west side of the Engineers compound. Detachment 64A consisted of MCpl Countway, Cpl Roch Leclerc and Cpl Smetaniuk and was located off the south-east corner of the Engineers compound. The detachments had overlapping arcs of observation and fire, which were delineated by

infra-red chemical lights (glow sticks visible through night vision equipment but not to the naked eye) to avoid any risk of shooting at each other.

About 10 minutes before 8:00 p.m., two Somali men were observed walking along the east side of the perimeter of the Engineers compound. The observer was Cpl Lalancette, who was stationed as a sentry in 1 Commando's watch tower. The two men approached the south-east corner of the perimeter, where the observation was picked up by Detachment 64A, who watched as the men made their way along the southern edge of the wire before pausing at the south-west corner- Detachment 69 picked up the surveillance at the mid-point of the wire, and Detachment 63 began their observation when the Somalis paused at the south-west corner.

As the Somalis began to move from this point, there is very little agreement about the sequence and timing of events, apart from the fact that they were challenged or scared off and fled from the Recce patrol. As they fled, the Somalis were shot at from behind by Detachment 63, with one being wounded and the other continuing to flee. Once the wounded man had been subdued and restrained, the pursuit of the second man continued until he passed into the area of responsibility of Detachment 64A. The fleeing man was challenged and then subsequently fatally shot by Detachment 64A at about 14 minutes past 8 p.m.

Much of the testimony before us concerning the incident was contested and contradictory. Even participants in the event rarely agreed on all the crucial elements. The testimony concerning these contested facts is therefore of pivotal importance in assessing the incident as a whole. We must determine, then, which view of events will guide our findings concerning the March 4th incident. We do this by examining each part of the incident in turn and identifying the areas of crucial importance for assessing the functioning of the chain of command and the issue of leadership in relation to the incident.

Recce Platoon's Mission

There were significant discrepancies between the assistance requested by Capt Mansfield of the Engineers and the mission carried out by Capt Rainville and the Recce Platoon. Capt Mansfield asked for assistance to increase security at the Engineers compound. The Recce Platoon could have accomplished this goal in many ways, none of which involve capturing intruders, yet this is the task Capt Rainville assigned his men that night. What needs to be determined, then, is how Capt Rainville redefined the mission, what authorization he had to do this, and who he informed of the change. We also assess the effectiveness of the measures put in place by Capt Rainville.

We proceed in the following manner:

1. Exactly what was the mission of the Recce patrol on the night of March 4th as understood by the Engineers and as assigned by LCol Mathieu? How did this compare to the orders Capt Rainville gave to his men? Whom did he inform of his plan for the mission, and what supervision was exercised over Capt Rainville?
2. Then we examine the means by which Capt Rainville went about the task from two perspectives: Where was the focus of the deployment that night? How effective was the division of responsibilities between the Recce patrol and the Quick Reaction Force of the Engineers?
3. What alternative measures for augmenting the security of the Engineers compound were available to Capt Rainville, and why did he not employ them?

Nature of the Mission

According to the Engineers, and as the testimony of Capt Mansfield makes clear, the Recce Platoon was to provide additional security for the Engineers compound, not to capture "saboteurs" or infiltrators as some of the members of Recce Platoon maintain. Capt Mansfield, Officer Commanding the Field Squadron of Engineers, testified that Recce Platoon's presence in the Engineers compound was requested to deal with the problem of theft, which was beyond the capacity of the Engineers to control.¹⁵ Capt Kyle, the Operations Officer for the CARBG, stated that the problem of securing the perimeter of the Engineers compound against thieves was a topic of discussion at the daily Headquarters compound orders group.¹⁶ Capt Rainville volunteered his Recce Platoon to provide additional security, as the platoon's duties at the time consisted only of maintaining the Pegasus Observation Post near the camp. Thus it was available for security duty, although the Recce Platoon soldiers had no special expertise in this area.¹⁷

The task officially assigned by LCol Mathieu to Capt Rainville was to provide additional security for the Engineers compound, which Capt Rainville understood included the adjacent Helicopter compound.¹⁸ Whether the Helicopter compound was included in the task is somewhat unclear. Capt Mansfield testified that he was never assigned responsibility for providing security for the Helicopter compound by LCol Mathieu or Capt Kyle, and this did not change after the loss of the fuel pump.¹⁹ Capt Kyle assumed that the Helicopter compound was included in the Engineers compound and so did not think it was necessary to mention it.²⁰ Sgt Groves, who was in charge of security for the Engineers compound, stated that his men did not have official responsibility for security in this area.²¹ WO Marsh had the same view of this issue as Sgt Groves and Capt Mansfield-the Engineers had informal responsibility for security of the Helicopter compound, but this was technically not part of their compound and was not the area of primary concern for them, and they did not have someone specifically assigned to patrol in that area.²²

When Capt Mansfield requested assistance with the security of his compound, then, he was not thinking primarily in terms of the Helicopter compound; he was concerned with the Engineers compound where the nightly infiltrations were taking place. However, the mission statement Capt Rainville passed along to his men was that they were to

apprehend anyone trying to infiltrate the Engineers or the Helicopter compound. Capt Rainville stated in testimony that he was simply refining the order he was given.²³

There was no oversight of Capt Rainville with regard to his mission. He was left to determine on his own how he would accomplish his task. Capt Mansfield stated that once Capt Rainville had been given the task, he was not going to micro-manage him. Capt Mansfield saw Capt Rainville as the expert in these matters and was not about to tell him how to do his job, any more than he would expect Capt Rainville to tell him how to build a bridge.²⁴ This hands-off approach seems to have prevailed on the part of LCol Mathieu and Capt Kyle as well.

Capt Rainville indicated that he reported to Capt Kyle before proceeding with his task.²⁵ Capt Kyle's view was that it was up to Capt Rainville to decide how best to employ his soldiers and that reporting back to Capt Kyle that the necessary co-ordination had been done with other units and that Recce Platoon was ready to perform its assigned task was routine; it did not have to involve exhaustive detail.²⁶ LCol Mathieu had essentially the same view of this process; once he had given the task to Capt Rainville, he trusted him to carry it out and did not feel the need to keep close watch over his activities.²⁷ However, LCol Mathieu did say that he thought Capt Rainville should have reported back to Capt Kyle with the details of his plan; if Capt Kyle had any concerns he could then have reported them to LCol Mathieu.²⁸

It is clear that a full report of the mission plan and the method of carrying it out was not given by Capt Rainville to either Capt Kyle or LCol Mathieu, and in our view these details should have been provided. Had this been done, the mission, in all likelihood, would not have been carried out in the manner that Capt Rainville directed, as according to LCol Mathieu, the role of the CARBG was not to take prisoners.²⁹

The mission, then, was technically a standing patrol to augment the security of the Engineers compound, but Capt Rainville determined this would be accomplished by apprehending infiltrators.³⁰ The distinction between types of infiltrators would be drawn by Capt Rainville.³¹ There was considerable testimony to the effect that Capt Rainville's typical orders groups were extremely detailed, to the point of being tedious for his men.³² This makes the complete absence of any instruction about how infiltrators were to be captured quite puzzling. The members of the patrol could provide no evidence that they were instructed in how to effect capture of a thief or a saboteur;³³ nor was there any discussion of how the Rules of Engagement applied to saboteurs.³⁴ This is simply not consistent with Capt Rainville's normal *modus operandi*.

Capt Rainville stated that he made the distinction between thieves and saboteurs during the orders group.³⁵ The details do not seem to have been clearly understood by the soldiers, however, other than the fact that they had to fire a warning shot before firing an aimed shot.³⁶

Cpl Klick and Cpl King both maintained that the purpose of the mission as explained to them at the orders group was to capture saboteurs,³⁷ but neither could explain why this was not reflected in their earliest statements concerning the mission. Cpl Favasoli has no memory of the use of the terms sabotage or saboteur at any time during the orders group,³⁸ and Sgt Plante recalls no distinction being made between saboteurs and thieves.³⁹ Cpl Favasoli remembers that he did not hear sabotage or saboteur in connection with the mission for a particular reason: several weeks after the incident he received a newspaper clipping from home in which Col Labbé was quoted as mentioning sabotage, and Cpl Favasoli had not heard this before.⁴⁰ Cpl Favasoli does recall, though, that Capt Rainville seemed clear about the fact that they were to capture any infiltrators;⁴¹ this was echoed by Sgt Plante⁴² and the other members of the patrol.

Patrol members all maintain that they were operating under the understanding that they were there to capture someone. However, they simply were not clear how this was to be accomplished, and in fact, nothing in the Rules of Engagement indicates how to effect such a capture.⁴³ Cpl King maintains that his orders were to capture a Somali in condition to be interrogated, but he has no explanation for why the person they did capture was not interrogated;⁴⁴ nor does Sgt Plante, who stated that they intended to interrogate prisoners to gain intelligence concerning sabotage.⁴⁵ As for the mechanics of carrying out the assignment as it was understood, it was generally accepted among the soldiers that it was impossible to run down a fleeing Somali,⁴⁶ yet there was no discussion or plan for effecting a capture.⁴⁷ It seems clear that the only possible way to apprehend a Somali was by use of non-lethal force,⁴⁸ but there is no provision in the Rules of Engagement for shooting to wound.⁴⁹ In addition, Canadian soldiers are trained to shoot for the centre of visible mass, which further complicates the issue of how the members of the patrol were to accomplish their task of capturing Somali infiltrators.

Capt Rainville testified that LCol Mathieu gave the order that before proceeding to deadly force as part of the graduated response, the men were to shoot to wound if possible, and this is the instruction he passed along to his men.⁵⁰ This is likely the only way a mission to capture a Somali saboteur or looter could have been successful.⁵¹ There is no widespread agreement on whether the individuals to be captured would have to be saboteurs, or simply infiltrators; nor is there consensus on whether it was permissible to shoot to wound. Capt Rainville testified that the men had clear and unequivocal authorization from him at the orders group to shoot to wound in order to effect a capture, but only Sgt Plante understood that this was the case.⁵² This may be why Sgt Plante is the only member of the patrol who equipped himself with a 12-gauge shotgun for the night's mission, as this weapon is more suitable for non-lethal firing than the C7 rifle. Capt Rainville maintained that he attempted to acquire more shotguns for his troops but was unable to do so, despite making the request up the chain of command.⁵³ However, this is difficult for us to accept at face value, as Sgt Groves of the Field Squadron of Engineers held range practice with 12-gauge shotguns for the men in his Quick Reaction Force the afternoon of March 4th to make them more familiar with the weapons.⁵⁴ This would appear to have been an oversight in Capt Rainville's planning, one that would have fatal consequences in the shooting by Detachment 64A, discussed in greater detail later in the

chapter.

The Focus of the Mission

There was obviously miscommunication about whether the focus of the mission was to be the Engineers compound, the Helicopter compound at the north end, or both. Cpl Favasoli thought that the focus of the mission was the Engineers compound, although they would have been concerned about the Helicopter compound as well.⁵⁵ The deployment of the detachments clearly indicates that the focus of the mission was to the south, however, as the interlocking arcs of observation and fire all converged on the southern portion of the Engineers compound. This is also reflected in the orientation of the detachment positions. Capt Rainville and his sniper were facing to the south from their position inside the compound;⁵⁶ all members of Detachment 63 were facing south, with their focus clearly on the Engineers compound;⁵⁷ and the members of Detachment 64A were in a line facing north-west toward the southern part of the Engineers compound.⁵⁸ (See Annexes D, E and F to this chapter.)

It does not seem to have occurred to anyone that infiltrators might come from the north, and the Helicopter compound was not discussed as a likely target for infiltrators.⁵⁹ Cpl King also conceded that the operation really covered only south-west, south and south-east of the Engineers compound, because otherwise there would have been a risk of shooting each other.⁶⁰ Cpl Klick stated that the most likely avenue of approach to the compound was from the south,⁶¹ but he admitted that if the "saboteurs" had approached from any direction other than the south, the positioning of at least the command post/fire base in the truck inside the compound would have been ineffective for all intents and purposes.⁶²

Capt Rainville's view was that the north end of the Engineers compound and the Helicopter compound were too well-guarded by wire, by the Service Commando surveillance tower, and by the Quick Reaction Force of the Engineers for infiltrators to get in that way, so he oriented his men toward the most likely avenue of approach, which was from the south,⁶³ However, this does not account for the fact that the main highway, just to the north, remained essentially unguarded as an approach to the Helicopter compound.

If Capt Rainville had wanted to make effective use of Cpl Klick's talents as a sniper to counter possible sabotage by an organized military opponent, he would have concealed him somewhere outside the compound to cover the possible avenues of approach independently.⁶⁴ As it was, Cpl Klick's only possible course of action in the event of threatened sabotage would have been to shoot to kill, not to apprehend as Capt Rainville intended. The normal escalation of response under the Rules of Engagement would not have been possible. Because of his positioning and employment in the mission, if Cpl Klick had seen a hostile act, he would have had almost no other option but to use deadly force.⁶⁵ In fact, the chances of the Recce patrol apprehending infiltrators inside the compound without using their weapons was minimal, as no patrol members were placed

inside the compound where they would have had a chance of apprehending someone.⁶⁶

The way Capt Rainville deployed the three detachments effectively covered the specific purpose of engaging an infiltrator attempting to penetrate the south end of the Engineers compound.⁶⁷ However, if we accept the stated goal of the mission as being to guard the Helicopter compound against sabotage and to capture infiltrators, the deployment of the Recce patrol is highly suspect.

This point was highlighted by the testimony of Maj Buonamici, the Military Police investigator who subsequently investigated the incident, who stated that the purpose of the mission is revealed by the deployment of the soldiers. In his view there was clearly no indication in the deployment of the Recce Platoon that night that they were concerned at all about sabotage in the Helicopter compound.⁶⁸

The Division of Responsibilities

There are further deficiencies in the deployment of the Recce patrol if we accept that the purpose of the mission was to prevent sabotage or to apprehend infiltrators. The division of responsibilities between the Recce patrol and the Quick Reaction Force (QRF) of the Engineers was totally illogical if we accept the version of events given by patrol members. According to them, the Recce patrol (located in the south part of the compound) would handle sabotage (expected to happen in the north part of the compound) while the QRF (located to the north of the compound) would be called in to deal with thievery (anticipated to occur to the south where supplies of food and water had been set out as bait),⁶⁹ Would it not have been more logical for the Recce patrol either to locate further north or to switch duties with the QRF? Locating to the north part of the compound would also have offered the opportunity to trap saboteurs effectively against the perimeter wire.⁷⁰

Sgt Groves of the QRF testified that his instructions were not to enter the south part of the compound at all, but to patrol to the north, including keeping the Helicopter compound under observation and looking for thieves.⁷¹ Sgt Groves also testified that he was unaware of any distinction between thieves and saboteurs; he was simply told not to enter the south part of the compound beyond the tent lines because, he understood, the Recce patrol was there to guard against thieves and infiltrators.⁷² Capt Mansfield's testimony accorded with that of Sgt Groves in this regard, in that he never heard about sabotage in connection with March 4th until two weeks after the shootings.⁷³ He testified that the response of the Recce Platoon to the security problem was inappropriate to his needs.⁷⁴ There had never been any attempt at sabotage in his compound, and Capt Mansfield's concern was theft.⁷⁵

Nowhere in the testimony of members of the CARBG who were not part of the Recce Platoon is there evidence of concern about sabotage. There was a significant concern about theft, which Sgt Groves said was almost epidemic.⁷⁶ This view was echoed by many of the non-Recce Platoon witnesses.⁷⁷ Theft was almost invariably petty theft of

personal belongings, food and water; there were no instances of weapons, ammunition or communications equipment being stolen from the camp at Belet Huen.⁷⁸

Thieves were caught on a regular basis; as many as 15 had been caught around the end of February and the beginning of March 1993 at the Service Commando compound, before lights were installed.⁷⁹ Sgt Groves indicated that he felt the Canadians were being laughed at for not being able to put a halt to the nightly incursions, but the Engineers had never shot at anyone.⁸⁰ There seemed to be no need to shoot at members of the local population who might be involved in thievery, because they were not dangerous: no Canadian troops had ever been injured by an intruder at the Belet Huen camp. WO Ashman of the Unit Medical Services testified that to his knowledge no Canadian troops at Belet Huen were treated for wounds inflicted by a Somali during the whole deployment.⁸¹ Sgt Groves also testified that he was anxious about the mission being conducted by the Recce Platoon because he felt that someone would be shot that night.⁸² Further, in his testimony Capt Mansfield was visibly distressed when he spoke about the response of the Recce Platoon to the security problem, stating that it was inappropriate and well beyond what the situation called for.⁸³

Possible Alternative Security Measures

There were many possible methods of increasing security at the Engineers compound. Capt Rainville chose to go about the task by attempting to capture infiltrators rather than trying to deter incursions.⁸⁴ However, other security measures could have been adopted that were much less aggressive, but offered a fair chance of reducing or eliminating the problem of theft.

Capt Mansfield testified that the best way to stop incursions would have been deterrence by way of increased defences.⁸⁵ Capt Kyle agreed that more could have been done in the way of deterrence through the use of para-flares, increased wire, and lights.⁸⁶ Capt Mansfield had the capability of installing lights around the compound and erecting a lighting tower to illuminate the southern end of his compound, as well as fashioning a makeshift surveillance platform.⁸⁷ WO Marsh indicated he had offered Capt Rainville four large spotlights that would have lit the entire southern end of the compound, but that Capt Rainville turned them down.⁸⁸ Apparently Capt Rainville wanted to avoid changing the appearance of the compound and inhibiting the use of night-vision goggles, to give him a greater chance of catching intruders.⁸⁹ But if the Recce patrol had really been concerned about preventing sabotage, why decline to erect a light tower or a watch tower in the south end of the Engineers compound?⁹⁰

Other possible security measures considered by Capt Mansfield included bulldozing an area directly outside the wire,⁹¹ increasing the amount of patrolling inside and outside the wire (which was already being done), and firing off para-flares to scare off potential intruders.⁹²

Providing greater illumination in the compound might have interfered with the use of night vision goggles by the Recce Platoon,⁹³ but it is unlikely that potential thieves would have been inclined to approach a brightly lit compound in any event.⁹⁴ This would seem to be borne out by the fact that a day or two after March 4th, the Engineers did erect a light tower and a surveillance tower under Capt Mansfield's orders, and thievery declined almost completely after that.⁹⁵ Although in the minds of some, the shootings on March 4th may have contributed to deterring further looting, we are nonetheless satisfied that installing a light tower and a surveillance tower, along with increased foot patrols and firing off para-flares, would have provided more acceptable and lasting deterrence to infiltrators in the long run.

In our view trying to capture infiltrators was an unnecessarily and excessively aggressive measure. There is no evidence that infiltrators at the Engineers compound posed any great danger. (This point is discussed in greater detail later in the chapter.) There is no indication of weapons ever being stolen from the Engineers,⁹⁶ nor were there ever armed incursions into their compound. No Canadian Forces personnel were ever attacked or injured by intruders at the Engineers compound,⁹⁷ In our view, nothing can justify the approach taken by the Recce Platoon on the night of March 4th. Potential intruders could simply have been deterred from attempting to enter the Engineers compound; it was completely unnecessary to capture them.

In our view, the mission conducted by the Reconnaissance Platoon on the night of March 4th was a misguided attempt to send a clear, strong message not to attempt to breach the Canadian wire. This was also the goal Capt Hope described in his summary investigation report, and he stated that it had been accomplished by the Recce Platoon,⁹⁸ This conclusion was shared by other soldiers.⁹⁹

The Sabotage Theory

Some members of the Recce Platoon contended that the two men were shot on the night of March 4, 1993 because the mission was to apprehend infiltrators in an effort to prevent sabotage against Canadian installations at Belet Huen. This explanation, in our view, was concocted after the fact to disguise what would otherwise have to have been considered an incident in which Canadian soldiers acted in contravention of the Rules of Engagement by shooting Somalis who were fleeing.

There is simply no objective evidence whatsoever to support the sabotage theory. As we have seen, the assigned task was to provide additional security for the Engineers compound. We have also seen that Capt Rainville reinterpreted the mission as being to capture infiltrators or "saboteurs". However, there are several problems with the sabotage theory, and we discuss them under four headings: the planning of the mission; the conduct of the mission; the treatment of the captured Somali; and the earliest reports dealing with the mission. From an examination of the relevant testimony, it is clear that no saboteurs were apprehended on March 4, 1993; rather, the Recce patrol acted in an overly aggressive manner, exceeding the boundaries of the Rules of Engagement and

shooting two Somalis who had already quite clearly ceased any activity that could have been interpreted as hostile and were fleeing the scene.

Mission Planning

If the mission was designed to apprehend saboteurs, presumably that would be reflected in the orders given to the Recce patrol. Yet the members of the patrol were unable to produce any evidence that they were instructed in how to effect capture of a saboteur,¹⁰⁰ nor was there any discussion of how the Rules of Engagement applied to saboteurs.¹⁰¹ Indeed, there was no plan for capturing saboteurs;¹⁰² it was assumed that the soldiers would simply react to the situation on the ground and somehow effect capture.

The pretext provided for the fear of sabotage is not credible. The theft of the fuel pump was the only evidence of sabotage produced, and it is highly questionable. The 200-pound fuel pump had been completely unprotected by fencing or guards, and it was replaced the next day.¹⁰³ Further, there is no evidence that the alleged theft was ever reported or was ever the subject of an investigation. Had the fear of sabotage been genuine in relation to the loss of the fuel pump, the Commanding Officer would have been obliged under CFAO 22-3, Article 7a, to ask the Special Investigations Unit to investigate the matter.¹⁰⁴

A possible explanation for the disappearance of the fuel pump is suggested by Capt Mansfield's action with regard to the light tower which he had brought to the compound from the airfield without authorization from CARBG HQ. According to Maj Buonamici, a former infantry officer and former Formation Provost Marshall, theft from one unit by another unit during multi-unit or multi-national exercises occurs frequently. A possible explanation for what happened to the fuel pump is that it was 'scrounged' or 'liberated' from the CARBG by another unit with refuelling requirements.¹⁰⁵

If sabotage had truly been the intent, the fuel pump could have been destroyed, along with the 80,000 litres of fuel stored without protection adjacent to the pump.¹⁰⁶ In addition, there is no evidence of sabotage of Canadian equipment at any time during the deployment, let alone evidence of such acts by terrorists or other militarily organized hostile forces. In particular, Capt Mansfield had no reports of infiltrators attempting to sabotage any of his equipment.¹⁰⁷

The most likely target of any sabotage that might occur was the Helicopter compound at the north end of the Engineers compound,¹⁰⁸ or (less likely) the ammunition dump at its south end, which contained confiscated unexploded ordinance slated for destruction.¹⁰⁹ Thus, it is logical to suppose that the Recce patrol would be set up in such a way as to offer maximum protection to the north part of the Engineers compound; this would also offer the greatest chance of catching a saboteur. However, the Recce patrol set up to cover the south part of the compound, where boxes of food and jerrycans of water had been placed, supposedly as a means of distinguishing between thieves and saboteurs. But

the bait was placed inside a trailer within just 20 to 30 metres of the ammunition dump,¹¹⁰ making it next to impossible to determine which target a supposed saboteur or thief had been attracted to (see Annexes B and C).

The Conduct of the Mission

Accounts of how the mission was conducted are murky. Some elements of what took place could conceivably apply to the scenario offered by the sabotage theory, but other events do not support this. Capt Rainville retained for himself the authority to distinguish between potential thieves and saboteurs.¹¹¹ However, when Capt Rainville left the truck to approach the intruders he gave Cpl Klick no instructions about whether they were thieves or saboteurs.¹¹² In fact, Cpl Klick admitted that he was never told directly that the two Somalis were saboteurs; he claims to have assumed that based on the fact that Capt Rainville got out of the truck to go after them.¹¹³ Capt Rainville stated that he called Detachment 63 and instructed them to move north to intercept the two Somalis while he approached them from the other side. That way, they would be able to sandwich the Somalis between them.¹¹⁴ However, none of the members of Detachment 63 can recall receiving this order from Capt Rainville.

There are also numerous contradictions and inconsistencies in the testimony concerning the following series of events. When Capt Rainville left the truck, he claims to have left his sniper in place to cover his approach. However, Cpl Klick states clearly that Capt Rainville did not ask Cpl Klick to cover him.¹¹⁵ Capt Rainville also maintains that the two Somalis conducted a reconnaissance of the helipad compound for about 10 minutes.¹¹⁶ Sgt Plante, who observed them continuously while they were supposedly heading toward the Helicopter compound, did not see this 10-minute reconnaissance;¹¹⁷ nor did Cpl Klick or Cpl Favasoli.¹¹⁸ Cpl Klick's testimony agrees with the account in the log book for that evening—that from the moment the two Somalis started up the south-west side of the compound until the final shots were fired, the total elapsed time was about five minutes.¹¹⁹ This would not have been nearly enough time to carry out a reconnaissance of the Helicopter compound.

The viability of using a sandwich (or pincer) tactic to effect capture of a saboteur or thief was also explored. Presumably, this technique would have offered the greatest likelihood of capturing an intruder.¹²⁰ However, when questioned in detail about this, Cpl King admitted that Detachment 63 was not well positioned to sandwich intruders.¹²¹ Cpl Favasoli also indicated that Detachments 63 and 64A were well positioned to deal with intruders from the south,¹²² but it might have been difficult to effect a sandwich manoeuvre. Sgt Plante, who led Detachment 63, stated that it would not have been possible to sandwich intruders at the Helicopter compound, as no one was on the inside; instead they would have tried to funnel intruders along the wire toward the other detachment.¹²³ If the intruders had fled toward the west, the patrol could have done nothing about it.¹²⁴ It was hoped that the patrol would surprise them in the wire; the intruders would realize they were caught and would give up.¹²⁵ Cpl Roch Leclerc did not envisage a sandwich tactic at all in his description of how an intruder would be captured;

the detachments all had separate areas of responsibility that overlapped slightly, but Cpl Leclerc did not speak of a sandwich or pincer manoeuvre.¹²⁶ In our view, the mission plan never included the capture of a Somali unless the Somali gave up or was wounded and did not die.

Treatment of the Captured Somali

The treatment of the captured Somali is incomprehensible if in fact he was considered a saboteur. Cpl King was told to accompany the wounded man, Mr. Abdi, to the medical compound for treatment and to provide security while there.¹²⁷ Yet, Cpl King states that he was given no special instructions about how to handle the suspected saboteur;¹²⁸ did not turn him over to anyone in particular;¹²⁹ never informed anyone at the hospital that Mr. Abdi was a suspected saboteur;¹³⁰ that an American who spoke Somali came in without identifying himself and interviewed the first suspected Somali saboteur ever captured without any protest or argument from Cpl King;¹³¹ that Cpl King left the suspected saboteur wide awake and unguarded in the medical compound;¹³² and that he was given no instructions to interrogate the prisoner or indications that the prisoner would be interrogated.¹³³ Sgt Plante's recollection of these points dovetails with Cpl King's, as they both accompanied Mr. Abdi to the hospital, and neither took any special precautions with the man they said was a suspected saboteur.¹³⁴ Neither Sgt Plante nor Cpl King had any idea about what happened to the prisoner,¹³⁵ who was released from hospital and never interrogated by Canadian intelligence.¹³⁶

It strains belief to accept that Mr. Abdi would have been treated this way if he had been a suspected saboteur. The behaviour of Sgt Plante and Cpl King rings true only if Mr. Abdi was simply a wounded man—perhaps a suspected thief—brought in for treatment. Further, the fact that no weapons (other than a knife), explosives or breaching devices were found on Mr. Abdi, and that he was wearing a brightly coloured shirt, tends to refute the theory that he was a saboteur.¹³⁷

The Initial After-Action Reports

There is no mention of saboteurs in any of the written statements produced for Capt Hope, who conducted the initial investigation of the incident, and only Cpl Roch Leclerc mentions saboteurs in his May 1993 interview with MWO Bernier of the Military Police. All the others speak of "looters" or "thieves".¹³⁸ The only soldiers who mention sabotage in their statements are MCpl Countway and Cpl Leclerc,¹³⁹ but they do not state that the two men were saboteurs. Also, Cpl King's statement at the general court martial of Capt Rainville mentioned setting up an observation post in the Engineers compound and apprehending thieves; no mention was made of saboteurs.¹⁴⁰

This was consistent with the report made by Col Labbé to NDHQ on March 23rd, which read in part as follows: The members of reconnaissance platoon involved in the March 4th incident were deployed as part of the normal nightly Canadian Airborne Regiment Battle Group security plan to guard against looters. They were properly briefed and

prepared and had reviewed the approved Rules of Engagement.¹⁴¹ At no time was the word saboteur mentioned, and at no time did Capt Hope's report on the incident mention saboteurs, let alone that one had been captured.¹⁴² As Intelligence Officer of the CARBG, Capt Hope would have had a great deal of interest in interrogating a captured saboteur and would definitely have interviewed one.¹⁴³ The fact that he did not is highly significant, indicating that the men were not seen as saboteurs at the time.

It is similarly difficult to believe that Capt Kyle would not remember Capt Rainville reporting to Col Labbé and LCol Mathieu in his after-action debriefing that the two Somalis shot were saboteurs, yet Capt Kyle testified that he remembers Capt Rainville saying they were looters.¹⁴⁴ He also did not indicate in his Significant Incident Report that the Somalis ever breached the wire, but rather that they were trying to break into the Canadian compound.¹⁴⁵ The first instance of the word sabotage appearing in print with reference to the night of March 4th was on March 5th, in LCol Mathieu's response to a series of questions from NDHQ requesting information about the shootings. LCol Mathieu stated that the Somalis were shot because they attempted to gain access to the Helicopter compound, possibly to commit an act of sabotage against the Black Hawk helicopters.¹⁴⁶ Yet LCol Mathieu did not mention sabotage at his morning orders group on March 5th as he might have been expected to do if sabotage had been at issue.¹⁴⁷

Several other points about the sabotage theory are also problematic. The lack of curiosity and apparent nonchalance on the part of the soldiers involved in the incident regarding what their comrades had done is remarkable, given that this was supposedly the first and only mission undertaken while in Somalia to capture saboteurs, and they had actually captured one. Cpl Klick assumed that since shots were fired, the members who fired must have followed the Rules of Engagement, but he claims not to have inquired about any details about the shots.¹⁴⁸ Yet Cpl Klick presumed to speak on behalf of patrol members on occasion, indicating that he was quite interested in knowing their views on the events of March 4th.¹⁴⁹ Cpl King also stated that he asked questions only to satisfy his curiosity about the events of the patrol.¹⁵⁰ He did acquire a fairly detailed picture of events, however, as evidenced by his first written statement to Capt Hope, and he never made any mention of saboteurs.¹⁵¹ These and other inconsistencies in the testimony and the lack of any objective evidence make it impossible to put any credence in the sabotage theory.

If we accept the version of the events presented to Capt Hope - that is, that the mission was to augment security by capturing thieves--then the patrol members' evidence is consistent, and the same understanding of the mission is reflected by Capt Mansfield, Sgt Groves, and Col Labbé. If we accept the version of events presented to us by the members of the patrol, the real purpose of the mission as defined by Capt Rainville was not disclosed up and down the chain of command; the setting out of supplies as bait was not disclosed; the role of the Quick Reaction Force of the Engineers in capturing thieves was not disclosed; the fact that a saboteur was captured was not disclosed, nor was any information gained from an interrogation of him disclosed.¹⁵² If the mission was to capture saboteurs, then the testimonies are inconsistent with each other and with the

sabotage theory. In our view, the evidence does not objectively support the sabotage theory, and it is therefore not believable.

The Placing of Bait

There was some discussion before us about the purpose of placing food and water in a trailer at the south end of the Engineers compound. There was also disagreement about who knew about this tactic and who did not. Here we examine the legitimacy of the tactic before determining who knew about it.

Most of the soldiers who were aware of the supplies being put out testified that the supplies were there as a means of distinguishing between simple thieves, who would be interested in the supplies, and saboteurs, who would bypass them in favour of more significant military targets such as the helicopters. This was Capt Rainville's stated purpose for the ploy, which he referred to as a deception plan; it was his own addition to the mission.¹⁵³ The only alternative view came from Sgt Plante, who said the supplies would serve the purpose of attracting a thief already inside the compound to a convenient location to be captured; they were not intended, he said, to entice anyone outside the compound to enter.¹⁵⁴ However, WO Marsh of the Engineers stated that this is exactly the effect they would have had on any Somalis near the compound.¹⁵⁵

Capt Rainville claimed that the supplies in the trailer constituted a "deception plan", common under CF patrol doctrine¹⁵⁶ and allowable under the Rules of Engagement.¹⁵⁷ This plan, he told us, would allow the Recce patrol to distinguish between thieves and saboteurs and would provide a distinction that would guide patrol members' response to the situation.¹⁵⁸ There are several problems with this premise. First, this was an environment in which food had been the cause of riots. Using food to entice hungry people into a potentially dangerous situation¹⁵⁹ would have been questionable in most circumstances and was simply unacceptable here.

Further, the way the supplies were set out did not conform to section 27(C) of the Rules of Engagement concerning the use of military deception. The supplies were not placed so as to protect against attack, nor were they placed in a way that would enhance security--in fact, they had the opposite effect, tempting intruders to enter the compound. Nor did the supplies serve to deny hostile forces the ability to track, locate or target Canadian or Coalition forces.¹⁶⁰ At best, this tactic showed highly questionable judgement. At worst, it was in direct contravention of the Rules of Engagement.

Capt Mansfield was not aware of the "deception plan" at the time,¹⁶¹ but he later saw this as a poor idea that offered little or no deterrent value.¹⁶² Capt Mansfield stated that the effect of putting out the supplies was neutral on potential intruders, because on the many other nights when supplies were not put out, there were still incursions into the Engineers compound.¹⁶³ WO Marsh supervised the placing of the ration boxes and water cans under

Capt Rainville's direction,¹⁶⁴ and although he did not necessarily agree with the tactic, he was not about to tell Capt Rainville how to go about his business.¹⁶⁵

Capt Rainville is not entirely sure whether he informed CARBG HQ about the specifics of this tactic before the mission. He stated that when he reported to the Operations Officer, Capt Kyle, he sketched out the overall layout of the mission plan, including the use of infra-red chemical lights to mark positions and the use of two lay-back detachments outside the wire, but he was not sure whether he mentioned the "deception plan".¹⁶⁶ Capt Kyle has no memory of hearing about it beforehand,¹⁶⁷ and LCol Mathieu also states he was not informed of this element of Capt Rainville's plan.¹⁶⁸ This is highly significant, not only for operational purposes, but also because it indicates that this tactic was not cleared with the senior command of the CARBG, breaking the loop of reporting and accountability that should have been intact in the chain of command.

It was only after the shootings, when Capt Rainville debriefed Col Labbé, LCol Mathieu, and Capt Kyle, that Capt Rainville is sure he mentioned the deception plan.¹⁶⁹ He states further that he showed LCol Mathieu the location of the bait the following day when they walked the ground where the shootings had taken place.¹⁷⁰ This is disputed by Col Labbé and LCol Mathieu, who both state they were unaware of the existence of the bait until well after redeployment to Canada.¹⁷¹

Clearly, the unease of the senior command with this tactic is further evidence of its questionable legitimacy. In our view, its only purpose was to entice Somalis into or near the Engineers compound so that the Recce Platoon could engage them. As such, the use of this tactic was deplorable; it cannot be justified militarily, and it undermines the professional values and attitudes of the Canadian military. The fact that Capt Rainville was allowed to proceed in this manner is further evidence of the lack of adequate command oversight with regard to this incident.

The "Military Approach" of the Intruders

Along with the sabotage theory, the main justification for the way the Recce Platoon reacted was what has been described as the "military approach" of the two Somalis to the Engineers compound and subsequently the Helicopter compound. Based on their interpretation of the actions of the Somalis, the members of the Recce Platoon judged that they were military-trained, if not soldiers or saboteurs; they therefore assumed a high state of alertness. As we demonstrate, however, there was nothing in the behaviour of the Somalis to suggest that they were anything more than thieves exercising caution to avoid detection.¹⁷²

Three characteristics of the incident led the Recce patrol members to perceive what they called a military approach by the two men: a "clover-leaf recce" of the south wire of the Engineers compound; a "bounding overwatch" as they moved outside the wire; and a

"leopard crawl" approach to the Helicopter compound. We examine the actions of Mr. Abdi and Mr. Araush to determine whether they behaved, as contended, in a military fashion.

From the point at which the two Somalis were first spotted by Cpl Lalancette from the 1 Commando tower, he characterized their progress as a normal walk toward the river along the path that paralleled the east side of the Engineers perimeter.¹⁷³ Cpl Lalancette, who was not involved in the Recce Platoon operation or in the shootings, had the two men under constant observation through powerful night vision equipment, a night observation device long range (NODLR). According to Cpl Lalancette's testimony, at the half-way point of the east side of the Engineers perimeter, the Somalis stopped and sat for up to a minute. They approached the wire and touched it, then sat again for a couple of minutes. Then they continued south. At the south-east corner of the wire, they turned west.¹⁷⁴ Cpl Lalancette asserted firmly that he could see quite well and that there was nothing to obstruct his view.

At the half-way point of the southern edge of the perimeter, according to Cpl Lalancette, the two Somalis sat again for one or two minutes. They touched the wire a second time, then moved on, and he lost sight of them briefly. From his position, he thought they had entered the compound when he spotted them again,¹⁷⁵ but the evidence revealed that they had actually moved around the south-west corner of the perimeter and begun to move north. Throughout Cpl Lalancette's constant observation of the two Somalis, their behaviour consisted of a normal walk, and their approach had nothing military about it.

This description by an independent observer contrasts sharply with that of the members of the Recce Platoon, particularly Cpl Roch Leclerc, who was later involved in the shooting death of one of the men. According to Cpl Leclerc, when the two Somalis reached the south-east corner of the perimeter they began to walk more cautiously, stopping at various points along the south perimeter to talk to each other and point in various directions inside the compound.¹⁷⁶ It is this manner of approaching the wire, then moving away to discuss what they saw, that patrol members characterized in their testimony as a "clover-leaf recce".¹⁷⁷ In fact, it could very well have been a simple case of thieves not being sure of how to proceed or where the best place was to enter the compound. Indeed, none of the patrol members used the term clover-leaf in their first statements concerning the incident. Only MCpl Countway and Cpl Smetaniuk referred to a recce in their original statements, and neither used the term clover-leaf.¹⁷⁸

Only when pressed were patrol members willing to admit that the likely cause of the pointing and discussion between the two men was the rations and water visible at the south end of the Engineers compound.¹⁷⁹ The reasoning of patrol members becomes circular and self-serving on this issue as well: it was the fact that the two men approached the compound at night that led patrol members to believe that the Somalis were armed and dangerous; they could not see why the Somalis would approach a military

installation if they were not armed.¹⁸⁰

All the members of the patrol now refer to the approach using the cloverleaf term, including Capt Rainville, who testified that he used the term when he reported to LCol Mathieu and Col Labbé the night of the incident. He could not explain, however, why he had not used the term in his statement.¹⁸¹ Capt Rainville wrote in his statement that they "walked along the wire".¹⁸²

MCpl Countway also referred to the supposed 'clover-leaf' in his testimony, although he had said in his May 1993 interview with MWO Bernier of the Military Police that the men were just walking by.¹⁸³ When pressed, MCpl Countway could not state clearly what a thief would do that was different from what he saw as a "clover-leaf recce".¹⁸⁴ This is significant because, when interviewed by the Military Police, MCpl Countway characterized the mission as having to do with stopping "burglars"; it was only after the general court martial of Capt Rainville that MCpl Countway began to use the terms clover-leaf and saboteurs.¹⁸⁵

We do not believe that the two Somalis conducted a clover-leaf recce in the military sense that some members of the patrol now claim. The behaviour of Mr. Abdi and Mr. Aruush was, in our view, consistent with, at worst, the behaviour of thieves and did not indicate a serious threat, especially because, as we will see, they were not carrying firearms.

The second indication of military-type behaviour that the Somalis were said to have exhibited was proceeding in a "bounding overwatch". This is the term Cpl Klick applied to the way the two Somalis moved around the south wire of the perimeter.¹⁸⁶ Significantly, he is the only one to use this term; in his statement he referred instead to "monkey-walking" from bush to bush.¹⁸⁷ This is in sharp contrast with Cpl Lalancette's description. When questioned about this in testimony, Cpl Klick defined it as one man moving while the other one watched, or progressing in a "leap-frog" manner. Even if it were true, it would be simply another instance of applying a military term to behaviour any thief would exhibit. Moving in this way would have required no great degree of sophistication or military training and was indistinguishable from what a thief would do. Yet this was also taken to indicate military training and resulted in the presumption that the Somalis were armed.¹⁸⁸

The third element of the so-called military behaviour of the Somalis was what Capt Rainville described as a "leopard crawl" which they used in the final 100 metres of their approach to the Helicopter compound.¹⁸⁹ A "leopard crawl" involves lying prone on the ground and moving on one's elbows and knees, a technique Capt Rainville demonstrated during his testimony. Like some of the other terms just discussed, this term was used in Capt Rainville's testimony but did not appear in his written statements directly after the incident. His statement for Capt Hope indicates that they crawled¹⁹⁰ but does not mention a leopard crawl.

We see this as an obvious attempt to over-emphasize the danger posed by the Somalis, an attempt that is not supported by the testimony of the soldiers under Capt Rainville's command. Cpl Klick says the men did not crawl toward the Helicopter compound, but rather moved rapidly once they left the south-west corner of the Engineers perimeter.¹⁹¹ Cpl Klick's view of their movements is supported by Sgt Plante, the only other member of the patrol who says he saw the Somalis in this area. Sgt Plante says they did not crawl the final 100 metres to the Helicopter compound, but rather ran quite quickly.¹⁹² The testimony of one other member of the patrol is significant and relevant to this issue: Cpl Favasoli stated that he never saw the Somalis pass the position of Detachment 63, crawling or otherwise; they never went to the Helicopter compound.¹⁹³ (This point is discussed in greater detail later in the chapter.)

Clearly, then, the attempts of Recce patrol members to characterize the actions of the Somalis as a "military approach" to the Engineers compound or the Helicopter compound simply do not stand up to detailed scrutiny. There was nothing in the behaviour of the two intruders to indicate that they might be other than thieves. There is no credible evidence that they performed a "clover-leaf recce", that they proceeded in a "bounding overwatch", or that they moved in a "leopard crawl".

The Recce patrol members used military terms to describe the actions of the two Somalis as a way of justifying their perception of a threat, thus justifying the assumption that they were armed and dangerous. There is nothing to indicate objectively that either of the Somalis demonstrated any military training in their approach; they merely exercised the caution one would expect of thieves operating at night.

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The Threat Posed by the Somalis

It is clear from the actions of the Recce patrol that evening that the Somalis posed no threat to patrol members or to Canadian installations. There is no other logical explanation for the manifest lack of fear or caution displayed by Recce patrol members during the mission. It is also clear from the instructions given by Capt Rainville before the mission that no great danger was anticipated, as there was no requirement for the soldiers to wear helmets or protective vests.

Despite the fact that, to a man, patrol members maintained in their answers to the supplementary questions¹⁹⁴ that they had reason to believe the Somalis might be armed, the incontrovertible fact is that the Somalis had no weapons other than a ritual knife, which was not removed from its sheath during the entire incident. This fact was evident to the Recce Platoon, as the Somalis were under constant observation from the moment

they approached the wire on the east side of the Engineers compound, and none of the soldiers saw any weapons on either man.

The log entries show that Cpl Lalancette, the sentry in the 1 Commando tower, observed two Somalis walking along a path that ran between the 1 Commando compound and the Engineers compound at about 7:50 p.m. through his NODLR. Cpl Lalancette saw that they were unarmed and reported their presence near the wire to the Engineers,¹⁹⁵ who passed the information along to Capt Rainville.¹⁹⁶ At this point, the observation was picked up by the Recce patrol (see Annex G).

From the point at which the two Somalis passed the south-east corner of the Engineers compound, Detachment 64A watched them move slowly along the wire for approximately 10 to 15 minutes. At no time did anyone in Detachment 64A see a weapon on either man. Cpl Smetanink was the first member of Detachment 64A to spot the Somalis as they approached the south-east corner of the perimeter, and he stated that he saw no weapons.¹⁹⁷ Cpl Leclerc stated that he could see the Somalis with the naked eye from 40 metres away and he saw no weapons.¹⁹⁸ The same applies to MCpl Countway, the commander of Detachment 64A, who also watched the Somalis for 10 to 15 minutes and saw no weapons.¹⁹⁹

Detachment 69 also had the Somalis under observation as they moved along the southern edge of the perimeter. Once they reached the south-west corner they were picked up visually by Detachment 63. The members of Detachment 63 also saw no weapons.²⁰⁰ This likely accounts for the almost complete lack of caution on the part of the soldiers when they confronted the Somalis. Had they thought they were facing armed saboteurs, they would undoubtedly have conducted themselves much differently. For example, Cpl King stated that he got up and left cover based solely on Sgt Plante's words, "Get them". He had no other information; he apparently saw nothing and simply assumed that the shot he heard must have been a warning shot from Sgt Plante and that he was therefore authorized to proceed quickly through the escalation of response set out in the Rules of Engagement.²⁰¹

Further evidence of the lack of threat lies in the actions of Cpl King, who ran blindly after the Somalis in the dark after shots were fired. He stated that this was somewhat foolish, because they might have been armed, but that he had reacted on instinct. It is more likely, however, that his reaction was based on the fact that the Somalis were unarmed and posed no threat.²⁰² Cpl King claimed that, as a general rule, he always assumed that Somalis were armed. This was in keeping with the surprising standing order to treat all Somali males over 14 years of age encountered at night as armed.²⁰³ However, his behaviour on the night of March 4th clearly contradicts his claim. It is difficult to give any weight to Cpl King's assertion that he felt threatened,²⁰⁴ as he saw no weapons, and the man he shot at was running away from him.

There are no instances in the statement of Cpl King that indicate any confusion or fear during the events of March 4th, but he claims to have experienced personal fear as a result of Sgt Plante firing his shotgun.²⁰⁵ Yet he came charging out blindly from his position and fired to wound, leaving the suspected saboteur potentially able to return deadly fire.²⁰⁶ It is clear, then, that Cpl King did not at any time feel threatened enough to shoot to kill.²⁰⁷ The same can be said for Cpl Klick, who stated that he had Mr. Aruush locked in his sights when he paused at the south-west corner of the perimeter, but decided not to shoot because he could see no weapons and could detect no intent to throw a grenade or a molotov cocktail.²⁰⁸

This also accounts for the fact that Capt Rainville felt safe enough to leave cover and run after the Somalis²⁰⁹ and to direct Sgt Plante, Cpl King and Cpl Favasoli to chase Mr. Aruush while he remained alone with Mr. Abdi.²¹⁰ Cpl Favasoli admitted that he never really felt threatened, particularly not after Mr. Abdi was wounded,²¹¹ and Sgt Plante also admitted that he never felt threatened during the entire incident.²¹² He fired his weapon not out of fear but rather to complete his mission of capturing an infiltrator.²¹³

Detachment 63's use of bright white flashlights (instead of the red-filtered flashlights common on military missions) indicates that they were more interested in catching the Somalis than in concealing their position.²¹⁴ Cpl Favasoli also did not feel much concern about the safety of Detachment 64A, as he had seen no weapons on Mr. Arunsh or Mr. Abdi. As Mr. Arnush ran toward Detachment 64A, Cpl Favasoli assumed they would have the advantage over him.²¹⁵

Capt Rainville seemed quite confident that Mr. Aruush posed no danger to Detachment 64A, because he called out to them, "He's yours", without mentioning that the man was armed or giving any other such warning.²¹⁶ It also did not occur to Cpl Favasoli to warn Detachment 64A; he would have been surprised, he said, if they did not know what was happening or could not see Mr. Arunsh running toward them.²¹⁷ Nor did the members of Detachment 64A behave as if they perceived a threat from the Somalis, as is clear from the actions of Cpl Smetaniuk, who ran after Mr. Aruush without his weapon, even after Detachment 63 had already shot Mr. Abdi.²¹⁸ The notion that a trained soldier would leave cover and run blindly, without his weapon, after an armed enemy is simply preposterous. The only conclusion we can reach is that Mr. Aruush and Mr. Abdi posed no threat whatsoever to Canadian troops or Canadian installations at any time during the March 4th incident.

The Alleged Breach of the Wire

The question of whether Mr. Aruush and Mr. Abdi breached the wire at the Helicopter compound is crucial to reaching an accurate conclusion about Recce Platoon's justification for the shootings. Capt Rainville and Sgt Plante maintain that Mr. Abdi and Mr. aruush got into the wire at the Helicopter compound; this was the action that was

said to constitute a hostile act and therefore justified an attempt to capture the men. We therefore need to determine whether the evidence supports the contention of Capt Rainville and Sgt Plante that the wire at the Helicopter compound was breached.

As the incident began, Detachment 63 was concealed behind a cistern or well to the west of the Engineers compound (see Annex E). The cistern was a rectangular concrete container, about four feet wide by seven or eight feet long; it was located about 75 metres due west of a temporary gate in the west perimeter of the Engineers compound and more or less equidistant (110 to 140 metres) from the south-west corner of the Engineers compound and the south perimeter of the Helicopter compound.²¹⁹

The three members of Detachment 63 were crouched behind the north wall of the well, facing south, with Sgt Plante in the middle, Cpl Favasoli to the east and Cpl King to the west.²²⁰ When Cpl Favasoli first spotted Mr. Abdi and Mr. Aruush, they were about 100 to 200 metres to the south-east of the detachment and were walking in a westerly or northwesterly direction, directly toward their location.²²¹

Cpl Favasoli observed the men through his night-vision goggles.²²² Within two or three minutes, according to Cpl Favasoli, the men had made their way in a casual, normal walk to within 20 to 25 metres of Detachment 63's position behind the well; they stopped at a rock-pile that lay between the well and the south-west corner of the Engineers compound, at a distance Cpl Favasoli estimated at 20 to 25 metres from the west perimeter of the compound.²²³ The two men sat down at the rock-pile; they talked to each other and gestured in the general direction of the compound.²²⁴ This testimony agrees with that of Cpl Klick, who also saw the men squat down and observe the Engineers compound.²²⁵ (See Annex A.)

Cpl Klick, stationed inside the Engineers compound along with Capt Rainville, saw the two Somalis to the south of the compound, apparently arguing about and gesturing toward various parts of the compound: one was apparently pointing to the food and water containers that had been set out as bait; the others--swho appeared to Cpl Klick to be in charges--sapparently rejected this idea and pointed to the north-west, toward 2 Commando and the Helicopter compound.²²⁶ Cpl Klick estimated that the two Somalis remained at this location for between three and ten minutes.²²⁷

According to Cpl Klick, the man who seemed to be in charge prevailed; Mr. Abdi and Mr. Aruush got up and moved away in a southwesterly direction where they disappeared behind some shrubbery before beginning to proceed northward.²²⁸ He then lost sight of them for between 5 and 15 minutes, after which he saw them near a mound of brush and rocks. He estimated that the mound was 30 to 50 metres south-west of the south-west corner of the Engineers compound, although he conceded it could have been 50 metres further north, in roughly the same location as Cpl Favasoli put the rock-pile.²²⁹ According to Cpl Favasoli, at no time while he was observing them did the Somalis appear to be trying to hide or conceal themselves.²³⁰ At this point, Sgt Plante called over

the radio for radio silence.²³¹

According to Cpl Favasoli, the two Somalis sat and talked on the rockpile for about three minutes (this agrees with Cpl Klick's recollection²³²), at which point Cpl Favasoli ducked his head behind the well wall, having remembered that his light-coloured hat might be visible if the Somalis looked in that direction.²³³ Cpl Klick says he then saw the man who appeared to be in charge take off his white shirt and wrap it around his waist.²³⁴ Cpl Favasoli stopped looking at the Somalis and focused instead on Sgt Plante, who continued to observe them, and awaited a signal from the sergeant.²³⁵ Cpl Favasoli estimates that he remained in that position, with his head behind the wall of the well looking at Sgt Plante, for about three minutes.²³⁶ During that time, according to Cpl Favasoli, Sgt Plante continued to look to the south and did not turn to look west or north.²³⁷

Cpl Favasoli testified that he then heard Capt Rainville's voice over the radio. He was concerned that the Somalis might hear the radio communication, since as far as he knew they were only about 25 metres away, still at the rock-pile. So he picked up the radio and quietly gave a "63s--sWaits--sOut" signal, meaning not to call that detachment.²³⁸ At that point, Sgt Plante stood up, pointed his shotgun south, turned on the flashlight, shouted "halt" a couple of times, then fired his shotgun. After this initial shotgun blast and then, a few seconds later, a second one, Cpl King also fired two shots from his C7. Sgt Plante and Cpl King then went off in pursuit of the Somalis.²³⁹

The version of events just recounted differs sharply from the version presented before us by Capt Rainville and Sgt Plante and, in some ways, that of Cpl King. We therefore need to assess these alternative versions and weigh them against that presented by Cpl Favasoli. Sgt Plante agreed that the touching of the perimeter wire by the Somalis would trigger the patrol to move in and apprehend them.²⁴⁰ Sgt Plante recalls that when he first saw the two men, they were about 75 metres away, near the south-west corner of the Engineers compound.²⁴¹ Like Cpl Favasoli, Sgt Plante recalls that the men sat down at a point south of Detachment 63's location and about 50 metres from the west perimeter of the Engineers compounds--although Sgt Plante does not recall the rock-pile.²⁴²

Sgt Plante testified that the men got up and began to move north, up the west side of the Engineers compound.²⁴³ As they did so, according to Sgt Plante, they kept a constant distance between them, walked in a bent-over posture, hid behind bushes, and stopped periodically to look carefully in all directions.²⁴⁴ This does not quite fit with Capt Rainville's testimony. Capt Rainville recalled hearing Sgt Plante's call for radio silence soon after the two Somalis rounded the south-west corner of the Engineers compound. He saw them proceed north from the south-west corner, stop and sit down on the rock-pile. They sat there for about ten minutes and were looking north, in the direction of the Helicopter compound.

According to Capt Rainville, they then got up and moved north, on all fours in a "leopard crawl", toward the Helicopter compound, quickly covering the distance between the rock-pile and the Helicopter compound.²⁴⁵ As we have seen, however, Mr. Abdi and Mr. Aruush did not in fact move in a "leopard crawl". According to Cpl Klick, as the two men moved north, he lost sight of them when they were about parallel with the temporary gate in the west perimeter and slightly north of the well, about 20 to 25 metres from the wire.²⁴⁶ When they began to move north, Cpl Klick says he heard Sgt Plante's call for radio silence.²⁴⁷ Cpl Klick estimated that it took the two Somalis about five minutes to make their way from the mound off the south-west corner of the perimeter to the point where he lost sight of them near the temporary gate.²⁴⁸

As the Somalis moved north and approached the location of Detachment 63, Sgt Plante claimed that he moved his body so that he could watch the east and the north; he told Cpl Favasoli and Cpl King to keep quiet and shut off the radio, which he had already set down.²⁴⁹ Then he maintains that he told Cpl Favasoli and Cpl King to hide, leaving him as the only one following the movements of the Somalis. Sgt Plante did not think it was important to tell his two subordinates that the Somalis were moving past their location and to the norths--that is, behind their position.²⁵⁰ When confronted with Cpl Favasoli's testimony that he was watching Sgt Plante and never saw him look in any direction other than south, Sgt Plante answered, unconvincingly, that he could have followed the Somalis with his eyes, without moving his body.²⁵¹ Given the distance between the well and the Helicopter compound, where Sgt Plante maintains the Somalis went, this is simply not credible.

According to Sgt Plante, it took five minutes at most for the two men to reach the Helicopter compound.²⁵² He testified that they moved quickly, but in his initial statement to Capt Hope, he described their approach to the helicopters as very slow.²⁵³ He could not explain the contradiction. He did not recall seeing them crawling during their approach to the Helicopter compound.²⁵⁴

Sgt Plante said that, on reaching the southern fence of the Helicopter compound, one of the Somalis lay down while the other used a piece of clothing or a towel to lift the wire.²⁵⁵ At this point, Sgt Plante says, he told Cpl Favasoli and Cpl King to get ready to move,²⁵⁶ but neither recalls hearing any instructions from Sgt Plante. Sgt Plante does not recall whether he told his men that the Somalis were in the wire.²⁵⁷ This is difficult to believe, given that this was the event that was supposed to trigger an attempt to apprehend an intruder.

Sgt Plante testified that he remained at the well during all of this and did not have the detachment follow the Somalis because he did not want to reveal his position to the Somalis.²⁵⁸ However, this explanation ignores the fact that Sgt Plante and his detachment would have revealed their position simply by remaining on the north side of the well. Sgt Plante himself says the Somalis were looking around in all directions as they moved

north. Again, this explanation simply is not credible.

There are other fundamental problems with Sgt Plante's testimony concerning what happened when the Somalis were, in his account, at the wire. According to Sgt Plante, when the Somalis started to penetrate the perimeter wire, he turned away briefly to get ready to move in on them: he put down the radio handset and told his men to get ready. He estimates that this took perhaps as long as 15 seconds. In the meantime, he heard a sheet-metal sound that caused him to look up; when he did so, he saw that the Somalis were running back toward the south and had already covered half the distance between the Helicopter compound and the well where Detachment 63 was located.²⁵⁹

This sequence of events presumes several things that are impossible to accept: that at the critical moment of the hostile act that would have allowed the Recce Platoon to begin the escalation of response, Sgt Plante took up to 15 seconds to remove the radio handset (this would have taken no more than 1 or 2 seconds according to Cpl Favasoli²⁶⁰); that Sgt Plante gave instructions to his men, which they do not recall receiving; and that the 15 seconds or less when Sgt Plante says he looked away was sufficient time for the Somalis to get out from under the wire and run at least 100 metres. This is simply impossible.

Sgt Plante testified that he then moved out from behind the well, to the east, to intercept the men. At the same time, he heard Capt Rainville shout an order, but he did not understand it at the time.²⁶¹ Sgt Plante says that he then moved out immediately and faced north to intercept the Somalis, but he had taken only a few steps in an attempt to cut them off before realizing that he would not be able to do so.²⁶² He stopped, gave a verbal warning, then fired warning shots toward the south-east.²⁶³ By that time, the Somalis were south of him. This means that they had extracted themselves from the wire and run a distance of 175 metres from it, all within about 18 seconds. This would have been physically impossible. It is quite likely that Sgt Plante could not have caught the Somalis, but highly unlikely that he ever faced north.

Cpl King, the third member of Detachment 63, was positioned near the north-west corner of the well. He testified that he lay prone behind the well, watching his arcs of fire to the south-west and west of Detachment 63's position. Apart from Sgt Plante's call for radio silence, he saw and heard nothing concerning the two Somalis until Sgt Plante shouted "Get them" and Detachment 63 engaged the Somalis as they fled south.²⁶⁴ Cpl King also asserted that if the Somalis had been running within 50 metres to the north of Detachment 63's position as claimed he would have seen them.²⁶⁵

Capt Rainville's testimony differs on these events. According to him, as the Somalis moved north to the Helicopter compound, he radioed Detachment 63 and told them to follow the two men as they moved north; he would do the same from inside the compound. Capt Rainville acknowledged that no one at Detachment 63 recalled receiving this communication. He testified that his plan was to force the Somalis back from the Helicopter perimeter and toward Detachment 63, which would apprehend them.²⁶⁶

However, Detachment 63 was not where Capt Rainville thought it would be²⁶⁷ and was too close to his own location to make a sandwich manoeuvre possible.

When the Somalis had almost reached the Helicopter compound perimeter, Capt Rainville says he left the truck, telling Cpl Klick to cover him.²⁶⁸ According to Capt Rainville, within two or three minutes he had reached the south-east corner of the Helicopter compound where it joined the west perimeter of the Engineers compound. By then, he said, the Somalis were already at the Helicopter compound perimeter wire and were attempting to breach it; one was holding the wire with a piece of clothing or cloth while the other tried to get through.²⁶⁹ However, Capt Rainville is contradicted by Cpl Klick concerning this sequence of events.

Shortly after he lost sight of the Somalis, Cpl Klick recalls clearly that Capt Rainville left the truck and moved west toward the western fence.²⁷⁰ Cpl Klick does not recall Capt Rainville asking for cover when he left the truck, and Cpl Klick did not cover him, maintaining his focus on his arcs of fire to the south.²⁷¹ According to Cpl Klick, there were no radio communications between the time Sgt Plante called for radio silence and when Capt Rainville left the truck, and both of Detachment 69's radios were left with Cpl Klick in the truck.²⁷²

Less than two minutes later, according to Cpl Klick, he heard the rattle of concertina wire as Capt Rainville tried to open the gate, almost due west of the truck. About 30 seconds later Cpl Klick heard Capt Rainville shout "Get them". Cpl Klick looked over at the gate again and saw that Capt Rainville was gone.²⁷³ Ten to 15 seconds after hearing Capt Rainville shout "Get them", Cpl Klick heard members of Detachment 63 shout "halt" in English, French and Somali. This was followed immediately by gunfire.²⁷⁴

Capt Rainville said he did not hear the sheet metal sound that Sgt Plante heard, nor did he hear any other loud noise that would have alerted the Somalis to his approach; instead he said the two men began to flee when they noticed him standing about 25 metres from them on the other side of the wire. Both parties ran south, with Capt Rainville still inside the Engineers compound. Capt Rainville says he shouted "Get them" a couple of times during the pursuit and that he managed to get out of the compound by jumping over the fence at the gate, where the wire was only about one metre high. He heard the first gunfire from Detachment 63 at about the moment he crossed over the fence.²⁷⁵

However, Cpl Klick estimated that the distance from the truck to the west gate was 45 metres; a round trip north to the junction of the Helicopter and Engineers compounds and back to the west gate would have been more than 200 metres.²⁷⁶ Cpl Klick estimated that about two minutes elapsed between the time Capt Rainville left the truck and when he heard Capt Rainville shout "Get them"; by his estimate, just five minutes elapsed between the time the Somalis rounded the south-west corner and began to move up the west side of the Engineers compound and when the final shots from Detachment 64A were fired.²⁷⁷ This was clearly not enough time for Capt Rainville to move quietly up to

the Helicopter compound, then run back to the west gate, shouting for Detachment 63 to "Get them".

The testimony of Cpl Lalancette, the sentry in the 1 Commando tower, is relevant here. He was not involved in the shootings and therefore has no interest in advancing a particular version of events. Using the long-range night vision equipment, Cpl Lalancette saw the Somalis move north from the south-west corner of the Engineers compound. From his location he mistakenly thought that the Somalis had breached the south perimeter of the Engineers compound, so he conveyed this information by phone to the 1 Commando command post. While he was still on the phone with Cpl Noonan, the signaller on duty, he heard gunshots.²⁷⁸ Cpl Lalancette estimates that three to four minutes elapsed between when he thought he saw the Somalis enter the compound and when he saw a wounded man on the ground.²⁷⁹ This time frame supports Cpl Favasoli's recollection but does not support Capt Rainville's contention that the Somalis carried out a reconnaissance of the Helicopter compound for 10 minutes before approaching it.

The 1 Commando logs bear out Cpl Lalancette's testimony concerning the timing of events. Cpl Noonan logged in Cpl Lalancette's first call advising of the presence of the Somalis, on the east side of the Engineers compound heading south, at 20:00 hours (8:00 p.m.). He passed that information on to the Engineers squadron command post at 20:02 hours. Cpl Lalancette's call advising that the Somalis had penetrated the south end of the Engineers compound came at 20:10 hours according to the log. Cpl Noonan passed this on to the Engineers at 20:11 hours. Cpl Noonan noted in the 1 Commando log that he heard gunshots at 20:14 hours.²⁸⁰

One other element tends to refute the contention of Capt Rainville and Sgt Plante that the Somalis got into the wire at the Helicopter compound: the absence of any cuts or marks from razor wire on either Mr. Abdi or Mr. aruush . When he saw the wounded man, Mr. Abdi, after the shooting, Cpl Favasoli did not notice razor or barbed wire cuts on his body.²⁸¹ Likewise Sgt Groves, commander of the Quick Reaction Force that night, did not see cuts from razor wire or tears in the clothing of Mr. Aruush, the man who died in the incident,²⁸² nor did Cpl Mountain, the medic who came to the scene with the ambulance.²⁸³ WO Ashman, a medical assistant at Unit Medical Services, where the shooting victims were taken, saw no signs of fresh cuts from razor or barbed wire on either man.²⁸⁴ The attending surgeon, Maj Armstrong, also saw no evidence of fresh cuts on either man.²⁸⁵ Moreover, the evidence of a variety of witnesses indicates that both men were still wearing a shirt of some sort at the time.²⁸⁶ According to WO Marsh, no shirt or jacket was found near the Helicopter compound.²⁸⁷ If the Somalis were under the wire and had to exit hastily, as claimed by Capt Rainville and Sgt Plante, the likelihood of fresh razor wire cuts would be great. Yet no evidence was found of such cuts.

Until he heard Capt Rainville's version of the incident at the initial debriefing early the next morning, Cpl Favasoli had no inkling that Mr. Abdi and Mr. Arunsh had done anything other than sit on the rock-pile.²⁸⁸ But even then, when Capt Rainville said that

the Somalis had approached the wire and were trying to infiltrate the compound when they were challenged by Sgt Plante, Cpl Favasoli assumed that he was referring to something they had done at the south perimeter of the Engineers compound, before he saw them walking toward the rock-pile.²⁸⁹

Cpl Favasoli did not realize that anyone was suggesting that the men had gone to the Helicopter compound until he saw a Canadian newspaper clipping, received from home about a month later. At that time, he simply dismissed the information as a mistake by the media.²⁹⁰ It was not until he was interviewed by counsel for this Inquiry, in February 1996, that Cpl Favasoli realized that this was, in fact, Capt Rainville's version of events.²⁹¹

Soon after the shootings, Cpl Favasoli had doubts about the patrol's justification for using deadly force that night. He also felt that he was expected to answer questions about the incident in such a way as to allow for or support a justification of the shootings.²⁹² In cross-examination, Cpl Favasoli acknowledged that it was not easy for him to give his testimony, since it contradicted that of Capt Rainville and Sgt Plante and tended to discredit a key element in the attempt to justify the shootings.²⁹³

Cpl Favasoli also found it strange that neither Sgt Plante nor Cpl King said or did anything at the time to indicate that the Somalis had moved north behind them or were attempting to breach the wire. After all, the plan was to catch infiltrators in the wire.²⁹⁴ Moreover, one would have expected a warning from Sgt Plante to stay still, or even perhaps to move to the other side of the well, so as not to be detected by the Somalis moving north, right past the location of Detachment 63, on their way to the Helicopter compound.

Given the available evidences--and, in particular, the various contradictions in the evidences--we do not find credible accounts claiming that the two men who were shot on the night of March 4, 1993 attempted to breach the wire at the Helicopter compound.

As is apparent from the preceding review of the evidence, only Capt Rainville and Sgt Plante claim to have seen Mr. Abdi and Mr. Aruush approach the Helicopter compound. At the same time, as the key instigators in the patrol's use of deadly force that night, Capt Rainville and Sgt Plante--sof all the members of the Recce patrols--shad, and continue to have, the greatest personal interest in trying to offer and strengthen a justification for the shootings.

The physical evidence does not support their story, however. There were no indications of razor cuts on either Mr. Abdi or Mr. Aruush. Both men still had their shirts on, and no clothing or like material was found near the Helicopter compound. If they removed clothing for use in pushing aside the wire, what happened to this clothing? If they did not, why did they have no cuts? The time frame suggested by Capt Rainville and Sgt Plante is

internally inconsistent, and inconsistent with the testimony of Cpl Klick, Cpl Favasoli, Cpl King, Cpl Lalancette, and Cpl Noonan and with the logs for that night.

But it is the evidence of Cpl Favasoli, who was a member of Detachment 63 along with Sgt Plante and Cpl King, that casts some of the greatest doubt on the statements that the Helicopter compound wire was breached. Cpl Favasoli says that he never saw the two Somalis move north of the rockpile, which lay to the southeast of Detachment 63's location. Cpl Favasoli was supposed to monitor the area east and south of the well, and he was observing the Somalis closely until he ducked behind the well to avoid detection. Sgt Plante remained peering over the top of the well.

From that point on, Cpl Favasoli kept his eyes on Sgt Plante, waiting for a sign that the Somalis had moved to the wire and were attempting to breach it, since that, by all accounts, would be their cue to act. But the signal to move never came. Watching Sgt Plante, it was Cpl Favasoli's impression that the Somalis never moved from the rock-pile before Sgt Plante, Cpl King and/or Capt Rainville made their presence known.

Likewise, the evidence of Cpl Favasoli indicates that Sgt Plante conveyed no indication, by words or actions, that the Somalis were moving north toward the detachment's position. Cpl Kings--s who was lying prone, watching the area west and south-west of the wells--also recalls no indication that the Somalis were moving toward or past the detachment.

This is very puzzling, since the purpose of the mission was to capture infiltrators, and the agreed strategy was to catch them in the wire. One would have expected Detachment 63 to follow the men if they intended to carry out the strategy. Capt Rainville testified that he radioed Detachment 63 to follow the Somalis, but no one at Detachment 63 heard such a message. Further, Cpl Klick said there was no radio communication after Sgt Plante asked for radio silence and before Capt Rainville left the truck, and Capt Rainville left both radios in the truck with Cpl Klick.

Moreover, even if one accepted Sgt Plante's explanation that he did not follow the Somalis because he did not want to be detected, how can one explain his complete failure to take even the most basic and instinctive steps to stay hidden as the two men moved north? If the Somalis moved north from the rock-pile, they would have been heading even closer to Detachment 63's location. Once the Somalis were north of the well, there would have been nothing to conceal Detachment 63.

Sgt Plante testified that he told Cpl Favasoli and Cpl King to keep quiet and to hide. The evidence of Cpl Favasoli and Cpl King contradicts this completely. Nor did Sgt Plante make any further effort to conceal himself. If they preferred to stay concealed instead of following the Somalis, another logical response might have been to move around to the

south side of the well. This was not done either.

Failure to follow the Somalis if they were approaching the Helicopter compound risked two unfavourable results: compromising the objective of apprehending the infiltrators by being too far away when they breached the wire; or, if the Somalis had in fact been saboteurs, leaving the Helicopter compound vulnerable to attack. From where they were, more than 100 metres away, Detachment 63 could not have prevented at least one of the two Somalis from getting through the wire or either of them from lobbing something like a grenade over the wire. Yet some witnesses, including Sgt Plante, Capt Rainville and Cpl Klick, claimed to believe that the way the Somalis approached the Helicopter compound suggested military knowledge or training.

Capt Rainville says he moved north, inside the Engineers compound, to confront the Somalis; he radioed the information to Detachment 63 and told them to do the same. But no one at Detachment 63 recalls hearing such a transmission. If Detachment 63 was supposed to respond to an opportunity to catch infiltrators in the act, one would have expected Capt Rainville to rebuke Sgt Plante. There was no evidence to suggest that they were supposed to wait for Capt Rainville's word before apprehending anyone--only before shooting. But there was no rebuke; in fact Capt Rainville nominated Sgt Plante for a citation following the mission of March 4th.²⁹⁵

No one saw Capt Rainville go north toward the Helicopter compound; on the contrary, Cpl Klick's evidence is that Capt Rainville moved directly west after leaving the truck and that less than two minutes later, he heard the rattling of concertina wire as Capt Rainville tried to leave the Engineers compound by the temporary gate in the west fence. Coupled with Cpl Klick's testimony about the lack of radio communication before Capt Rainville left the truck and the fact that he left both radios in the truck, this tends to suggest another more likely occurrence: Capt Rainville went straight across the Engineers compound to the west gate area; he did not take a rapid and unnoticed round trip of more than 200 metres north-west from the gate to the junction of the Engineers compound and the Helicopter compound and back.

The other question raised by Sgt Plante's evidence is how the Somalis could possibly have passed by Detachment 63 if they were running from the Helicopter compound perimeter. Sgt Plante claims that he took his eyes off them for about 15 seconds as he prepared to move. But Cpl Favasoli's evidence is that it only took a couple of seconds to remove the radio handset and set it down.

It is difficult to believe that the Somalis could have extracted themselves from the wire and run back, covering most of the distance between the Helicopter compound and Detachment 63, before Sgt Plante resumed his observation. It is also very hard to believe that Sgt Plante would have taken his eyes off the Somalis for as long as 15 seconds at that crucial moment. In addition, Cpl Favasoli testified that Sgt Plante's body and his weapon were pointed only south and south-east. This suggests that when Sgt Plante first

challenged the fleeing men, they were already south of Detachment 63.

Three witnesses claim to have seen the Somalis move north from the rock-pile, but there are discrepancies in their descriptions of how the Somalis moved. Sgt Plante said they were walking but bent over, whereas Cpl Klick and Capt Rainville said they crawled toward the Helicopter compound. In his statement to Capt Hope the day after the shooting, Sgt Plante described the Somalis' approach to the Helicopter compound as very slow. But in his testimony before us, he indicated that the two men moved quickly. It bears repeating that this claim of a military approach is contradicted unequivocally by Cpl Favasoli and Cpl Lalancette.

Finally, from the fact that only a ritual knife was found on one of the men, it seems clear that they were not saboteurs or military personnel. The evidence shows clearly that the Somalis did not attempt to breach the wire at the Helicopter compound and, indeed, that they did not try to breach the wire at any other point before being confronted by Capt Rainville and Detachment 63. The assertion that they breached the wire of the Helicopter compound, thereby committing a hostile act, is manifestly not borne out by the evidence.

The Circumstances of the Shooting by Detachment 63

The circumstances under which Detachment 63 made the decision to shoot Mr. Abdi as he fled are key to understanding the March 4th incident, as this shooting set in motion the series of events that led to the fatal shooting of Mr. Araush by Detachment 64A a short time later. There is very little convergence in the testimony of those involved in this shooting, and thus little consistency in accounts of the events. What we must determine is which version of events is most credible and what the significance of this shooting was for the incident as a whole.

What we need to do, then, is to examine what led the members of Detachment 63 to decide to apply maximum force and to determine whether they were justified in doing so. We accomplish this by examining the events as recounted by patrol members and determining -as near as possible--what exactly occurred. We then can determine what conclusions Detachment 64A would have been able to draw from the actions of Detachment 63.

We have seen that Captain Rainville instructed his men that the object of the mission was to capture anyone who attempted to breach the perimeter and to use whatever force was necessary to accomplish the objective, including shooting at anyone fleeing. This directive led to a heightened anticipation of conflict, as an attempt to capture carried the likelihood of pursuit and physical contact. The heightened state of readiness also led to a greater likelihood of firearms being used; this was attested to by soldiers not involved in the shooting, including Sgt Groves, Cpl Dostie and Cpl Chabot, who all anticipated shooting when they learned that the Recce patrol was going out that night.²⁹⁶

In the original plan for the mission, Detachment 63 was to have been located 100 to 150 metres off the south-west corner of the Engineers perimeter.²⁹⁷ However, Sgt Plante determined that the best position for the detachment in terms of available cover was behind the well, much further north of the position planned by Capt Rainville.

Capt Rainville thought Detachment 63 was positioned in accordance with his original plan, but he subsequently admitted in testimony that they could well have taken another position without his knowing about it,²⁹⁸ and this is indeed what happened. The detachment took up a position at the well, which was generally agreed (in the testimony of detachment members as well as Capt Mansfield and Capt Kyle) to be some 75 metres west of the Engineers perimeter and 110 metres south of the Helicopter perimeter (see Annex E).²⁹⁹ This put them slightly south and almost directly west of the gate in the centre of the west side of the Engineers perimeter, much closer to the location of Detachment 69, inside the perimeter, than Capt Rainville thought they would be. This is significant, because when Capt Rainville claims that he called for Detachment 63 to move north to sandwich the Somalis, he believed they would come from the south as he approached from the north. What actually happened, however, is that the Somalis were just even with or slightly north of the location of Detachment 63, making a sandwich manoeuvre impossible.

When Mr. Abdi and Mr. Aruush rounded the south-west corner of the Engineers perimeter, they were picked up by Detachments 63 and 69, who observed them as they stopped at a rock-pile. As with much of the testimony concerning the incident, the existence and location of the rock-pile are not agreed on. A rock-pile was created when the Canadians bulldozed the land to clear the remains of an orphanage,³⁰⁰ and according to Sgt Groves of the Field Squadron of Engineers, it was located 35 to 40 metres from the gate and 75 to 80 metres from the south-west corner of the compound.³⁰¹ It was at the rock-pile that Sgt Groves conducted range practice with 12-gauge shotguns on the afternoon of March 4th.

Sgt Plante does not recall a rock-pile.³⁰² Cpl King also does not remember seeing a rock-pile,³⁰³ but this is because his area of responsibility was to the west and south-west once Detachment 63 was set up behind the well.³⁰⁴ Cpl Favasoli recalls the rock-pile quite clearly, as it was one of two reference points he used to orient himself regarding the location of Detachment 63.³⁰⁵ According to Cpl Favasoli, the rock-pile was within 20 to 25 metres of the south-west corner of the Engineers perimeter and 20 to 25 metres south of the well.³⁰⁶ Cpl Klick agrees with the general location as described by Cpl Favasoli, but puts it perhaps 30 to 50 metres from the corner of the perimeter (see Annex A).

We have concluded that the Somalis did not breach the wire at the Helicopter compound, that they did not come anywhere close to it, and that if they approached the wire anywhere, it was probably very close to the gate.³⁰⁷ When the Somalis left the rock-pile and began to move north once again, they were quite close to Detachment 63. Thus, when Capt Rainville radioed Detachment 63 to move north to intercept the intruders,³⁰⁸

Cpl Favasoli quickly responded, "63s--sWaits--sOut", hoping to avoid compromising their position.³⁰⁹ Cpl Favasoli's quick response also explains why Sgt Plante has no memory of Capt Rainville's instruction to move north; Sgt Plante was focused on watching the Somalis, who were approaching his position.³¹⁰

The testimony dealing with what caused the Somalis to flee is complex and full of contradictions. This is the crux of the incident, so we must determine what the Somalis were doing when they were challenged by the Recce patrol, and we must determine what the Recce patrol did when they challenged the Somalis. There are essentially four relevant versions of this series of events, and we must sort them out to come to a conclusion about which of them is valid.

According to Capt Rainville, he dismounted from the truck and approached the Somalis as they headed toward the Helicopter compound; it was his approach while they were attempting to penetrate the wire that startled the Somalis and caused them to flee. He states that as they began to flee, he gave a verbal warning and shouted "Get them" to Detachment 63, then began his pursuit.³¹¹

Cpl Klick's version differs from Capt Rainville's, in that Cpl Klick says the Somalis passed just north of the gate, then Capt Rainville left the truck and went toward the gate, not the Helicopter compound.³¹² Two minutes later, Cpl Klick heard a rattle like the sound of concertina wire being dragged. He assumed Capt Rainville had opened the gate to go after the Somalis. Then Cpl Klick heard Capt Rainville shout "Get them", followed closely by warnings in English, French and Somali from Detachment 63, followed by shots.³¹³ What made the Somalis flee in Cpl Klick's version was the dragging of the concertina wire as Capt Rainville opened the gate.

This differs considerably from the version of Sgt Plante, who says he heard a sheet-metal noise, as if someone had stepped on the hood of a truck³¹⁴ (he would not have mistaken this for the dragging of concertina wire³¹⁵), and this sound set in motion the series of events ending with the shooting.

However, Cpl Favasoli's recollection is that the radio call, which came when the Somalis were within 20 to 25 metres of Detachment 63, may have startled the Somalis, because very soon after this Sgt Plante stood up, shone a flashlight in their faces, and said halt, twice, before firing a warning shot with his shotgun.³¹⁶ When reminded of his interview with the Military Police on June 17, 1993, in which he said that a sound from the radio made the Somalis run, and that this was also Cpl Favasoli's testimony, Sgt Plante conceded that this was possible.³¹⁷

Capt Rainville's order to "Get them" came, according to Cpl Favasoli, after Sgt Plante and Cpl King fired warning shots while the Somalis fled.³¹⁸ Sgt Plante stated, though, that he did not turn on his flashlight and give the verbal warning until he heard Capt

Rainville say "Get them"; otherwise he would have let the Somalis go.³¹⁹

There are problems with Sgt Plante's testimony, as we saw earlier in our discussion of the alleged breach of the wire. It is difficult to reconstruct the sequence of events from Sgt Plante's testimony, because the Somalis clearly could not have passed him going north, then started running to the south before he stepped up and shone his flashlight. Sgt Plante's contentions--that while the Somalis were running south from the Helicopter compound he set aside the radio handset and told Cpl King and Cpl Favasoli to get ready³²⁰ - is not supported by the testimony of the two corporals.³²¹

As for where Sgt Plante was aiming when he prepared to challenge the Somalis, Cpl King testified that he was not watching, while Cpl Favasoli testified that Sgt Plante never turned to the north and that he heard Capt Rainville shout "Get them" only after Sgt Plante and Cpl King had already fired warning shots and were pursuing the Somalis, who continued to flee.³²² Sgt Plante did not mention hearing "Get them" in his statement to the Military Police, nor did he mention the sheet metal noise or the bait.³²³

It seems clear to us that Sgt Plante acted on orders received at the orders group and fired to prevent the escape of the Somalis, not for any other reason. Cpl King simply followed his lead, while Cpl Favasoli did not fire his weapon. Thus it was not because of a sense of threat or a hostile act that Sgt Plante fired, but rather to accomplish the mission of capturing the Somalis, as he admitted in his testimony.³²⁴ Had he not fired, they would most likely have escaped, resulting in the failure of the mission.³²⁵

There is little dispute about what happened when Sgt Plante and Cpl King fired their weapons, Cpl King missed, but Sgt Plante hit Mr. Abdi in the buttocks and subsequently restrained him with plastic cuffs. Capt Rainville joined Detachment 63 at the location of Mr. Abdi. Cpl Favasoli then spotted Mr. Arnush with his night-vision goggles and pointed him out to Sgt Plante and Cpl King, so that they could attempt to apprehend him. There is disagreement on whether Mr. Abdi was searched right away, as Capt Rainville insists he was.³²⁶ All members of Detachment 63 state that he was not searched until they returned to assist Capt Rainville in subduing Mr. Abdi, who had begun to wriggle out of the plastic cuffs.³²⁷ Cpl Favasoli, who confiscated a knife from Mr. Abdi and kept it for two months (until asked for it by the Military Police), stated that he removed the knife after Detachment 63 broke off the chase and returned to where Capt Rainville was watching Mr. Abdi.³²⁸

Sgt Plante and Cpl King maintained the chase under Cpl Favasoli's direction until Mr. Aruush ran into the area of responsibility of Detachment 64A. The salient point here is that Detachment 63 gave up the chase not in resignation that Mr. Aruush would get away, but because it was beyond doubt that Detachment 64A would apprehend him with little or no trouble, as they could see Mr. aruush running straight toward them. This is what Sgt Plante assumed, based on the fact that his flashlight was on the whole time; he therefore saw no need to warn Detachment 64A of Mr. aruush 's approach.³²⁹ The same

applies to Cpl Favasoli, who said he had no difficulty seeing with the naked eye and would have been astonished if Detachment 64A did not see Mr. aruush running toward them.³³⁰

Two critical elements of the shooting by Detachment 63 established the circumstances under which Mr. Aruush lost his life. First, no hostile act precipitated the Canadian troops opening fire. LCol Mathieu himself agreed that the Somalis should have been allowed to continue to flee; if they had been allowed to flee, the shootings would not have happened.³³¹ Second, in our view, it was the instruction, given during the Recce Platoon orders group, that the purpose of the mission was to capture Somalis who attempted to breach the perimeter, using whatever force was necessary, that resulted in the shootings.

Significantly, we are satisfied that Mr. Abdi and Mr. Aruush did not penetrate the wire at any of the Canadian compounds, nor, we think, did they even get the opportunity to do so; they were scared off before they had the chance. But having approached as close as they did, the Canadian troops were not about to let them get away, so Sgt Plante opened fire with the intent to wound and subsequently capture. This decision heightened the state of readiness of the men of Detachment 64A. The fact that they were not armed with 12-gauge shotguns made the death of Mr. Aruush more likely.

The Circumstances of the Shooting by Detachment 64A

The basic sequence of events leading to the death of Mr. Aruush is not in dispute. After Mr. Abdi was wounded, Cpl Favasoli spotted Mr. Aruush some distance south-east of their position and directed Sgt Plante and Cpl King in pursuit of him. Mr. Aruush fled in an easterly direction, toward Detachment 64A. At the mid-point of the south wire of the Engineers compound, Detachment 63 discontinued the chase when they saw that Mr. Aruush had entered Detachment 64A's area of responsibility. Capt Rainville warned Detachment 64A that Mr. Aruush was coming their way and that they should "Get him". When Mr. Aruush was challenged orally by Detachment 64A, he shifted direction, trying to veer away from their position. Leaving his weapon behind, Cpl Smetaniuk ran out after Mr. Arunsh. Cpl Roch Leclerc fired a single warning shot. Then MCpl Countway and Cpl Leclerc dropped to their knees, and each fired an aimed shot at Mr Aruush. The man went down with the first volley but tried to get back up. Then MCpl Countway and Cpl Leclerc fired a second volley, which killed Mr. Aruush.

Despite agreement on this basic sequence of events, other aspects of the incident were the subject of conflicting evidence. There are significant discrepancies and conflicts in the evidence concerning the path of Mr. aruush 's flight from Detachment 63 and his attempted flight from Detachment 64A. All members of Detachment 64A say that Mr. aruush fled in a generally south-easterly direction, starting out reasonably close to the

south-west corner of the Engineers compound and moving further from the wire as he headed east. Sgt Plante and especially Cpl Klick recall Mr. Aruush running closer to the south perimeter of the Engineers compound. Cpl Klick testified that Mr. Aruush stopped about one or two metres from the south-west corner of the wire to look back to where Detachment 63 had gathered around Mr. Abdi. Cpl Klick thought the man was running more or less parallel to the south wire and about 20 metres away from it.³³² Cpl Favasoli, however, recalled sighting Mr. Aruush with his night-vision goggles about 150 metres south of the Engineers compound, then later seeing him further east and about 50 metres north, suggesting a northeasterly path.³³³ (See Annex I.)

After Detachment 63 discontinued their pursuit of Mr. Aruush, they turned back west to rejoin Capt Rainville, who had remained with Mr. Abdi, so the members of Detachment 63 did not see what Mr. Aruush did in response to Detachment 64A's challenge. All three members of Detachment 64A, as well as Cpl Klick, testified that they saw Mr. Aruush veer south in response to Detachment 64A's challenge. The only variation was in MCpl Countway's testimony. He said that Mr. Aruush ran in a zig-zag fashion, constantly changing direction.³³⁴ All members of Detachment 64A recall that Cpl Smetaniuk ran toward the south in his attempt to intercept Mr. Aruush (see Annex K).

There is conflicting evidence about where Mr. Arunsh lay after being shot. All members of the Recce patrol who saw the location of the body recalled it being south or south-east of Detachment 64A's position. But other compelling evidence from non-Recce patrol witnesses who were more familiar with that part of the Canadian encampment indicated that Mr. Arunsh's body was located north of Detachment 64A's reported location, much closer to the south-east corner of the Engineers compound, and not more than 30 metres south-east of the south-east corner of the Engineers compound. (This point is discussed in greater detail later in the chapter.)

Those involved in the shooting have offered various justifications and excuses, as have their superiors in the chain of command on their behalf. However, we believe that, like the shooting by Detachment 63, the evidence leads to the conclusion that the shooting of Mr. Aruush was motivated purely by the goal of completing the mission by preventing his escape, not by the need to respond to a threat.

Further, LCol Mathieu admitted in his testimony that if the Recce patrol had been adhering strictly to the Rules of Engagement, the fact that the Somalis had not shot at patrol members should have led Capt Rainville to tell Detachment 64A, "Let him go", not "Get him".³³⁵

Capt Rainville admitted that, during his orders group, he had told patrol members that they could use deadly force if necessary to prevent an intruder from escaping. To Capt Rainville, shooting to prevent flight amounted to the same thing as physically apprehending someone.³³⁶ This guidance on the application of the Rules of Engagement was understood clearly by patrol members. This is demonstrated most clearly by the fact

that they saw the use of deadly force as necessary to prevent the Somalis escaping, not because they felt threatened.³³⁷

The members of Detachment 64A heard yelling and then shooting from Detachment 63.³³⁸ Cpl Leclerc claims to have heard a radio message from Capt Rainville to Detachment 63 indicating that the Somalis were trying to go under the wire,³³⁹ but Capt Rainville made no such transmission. When Capt Rainville left the truck, he left the radio behind.³⁴⁰ MCpl Countway testified that he believed that the Somalis had committed a hostile act.³⁴¹ But he has no credible explanation for this belief other than the radio transmission referred to by Cpl Leclerc.

MCpl Countway also said he did not know who was shooting--the Somalis, the Canadians, or both--and that this contributed to a fear for Cpl Smetaniuk's safety as he ran out to intercept Mr. Aruush.³⁴² But this rationalization makes no sense for a number of reasons.

Concern about Cpl Smetaniuk's safety was not mentioned by anyone in their initial statements to Capt Hope.³⁴³ Further, if the Somalis had been shooting, Cpl Klick would have engaged Mr. Aruush as he fled through the sniper's arcs of fire. But Cpl Klick did not engage Mr. Aruush, even though he knew he was heading toward Detachment 64A's location, because he saw no evidence that Mr. Aruush was preparing to use a weapon.³⁴⁴ Moreover, all members of Detachment 64A agreed that they would have expected Capt Rainville or Detachment 63 to radio them if the Somalis had displayed or used weapons,³⁴⁵ indeed, any other expectation is simply not believable.

Detachment 64A heard Capt Rainville shouting that the second Somali was heading their way and that they should get him.³⁴⁶ Obviously, if Mr. Aruush had been armed, Capt Rainville would have said so at this point. Moreover, Cpl Leclerc testified that he took Capt Rainville's message to mean that they should intercept the Somali, not kill him.³⁴⁷ This interpretation tends to suggest a realization that the Somalis had not shot at anyone. Had there been any significant doubt or concern at Detachment 64A about the threat posed by Mr. Aruush, they could have used the radio to get more information, but they did not.³⁴⁸ Furthermore, by all accounts, Mr. Aruush immediately changed direction and veered away from Detachment 64A in response to their challenge,³⁴⁹ which he would not have done if he intended to harm them.

The most telling indication that Detachment 64A did not fear return fire from Mr. Aruush is that Cpl Smetaniuk took it upon himself, or was ordered by MCpl Countway, to run after and intercept Mr. Aruush.³⁵⁰ Cpl Smetaniuk left his weapon behind when he did this, and no one told him to come back and get it or to discontinue his efforts. No reprimand was ever given for Cpl Smetaniuk's unarmed pursuit of Mr. Aruush.³⁵¹

Even when MCpl Countway and Cpl Leclerc decided to shoot, neither of them told Cpl Smetaniuk to cease his pursuit; Cpl Leclerc simply told him that they were going to shoot.³⁵² If there had been any real concern that Mr. Aruush was armed, surely Cpl Leclerc and/or MCpl Countway would have told Cpl Smetaniuk to get down or come back, anticipating that Mr. Aruush might return fire if they missed or merely wounded him. Clearly, the only concern was Cpl Smetaniuk's safety in relation to shots from MCpl Countway and Cpl Leclerc,³⁵³ and that was certainly Cpl Smetaniuk's only fear at the time. Cpl Smetaniuk testified that he heard his colleagues say something, then he heard a shot. He says he assumed they were commencing the escalation pursuant to the Rules of Engagement, so he dropped to the ground to get out of the way.³⁵⁴ Afterward, Cpl Smetaniuk was quite shaken by the events.³⁵⁵

Finally, there is the admitted fact, confirmed by the medical evidence, that MCpl Countway and Cpl Leclerc shot Mr. Aruush in the back as he was running away from their position. No logical reason was given for the second, fatal volley of shots. MCpl Countway and Cpl Leclerc admit that they did not feel threatened, that Mr. Aruush was just getting up and had not resumed his flight or done anything else. No further warning was given before they fired again. Cpl Leclerc testified that he fired the second time out of reflex and that there was no threat.³⁵⁶ We believe that it is clear, based on the sum of the evidence, that the members of Detachment 64A who shot Mr. Aruush did so as a means of capturing him rather than as a result of a perceived threat.

MCpl Countway and Cpl Leclerc say that Mr. Aruush began to get up and had pulled himself into a runner's crouch when they dropped to their knees and fired again. They say that they were about 50 metres from Mr. Aruush when they fired.³⁵⁷ The crucial difference between the fate of Mr. Aruush and that of Mr. Abdi was that Detachment 64A was armed only with C7 rifles, while Sgt Plante had a 12-gauge shotgun. When Sgt Plante opened fire, the spray pattern of the shot resulted in the wounding of Mr. Abdi, whereas the men in Detachment 64A had little option but to fire at the centre of visible mass, as they had been trained to do. Thus the chance that their shots would be fatal was much greater than when Sgt Plante fired.

We heard evidence of statements by witnesses suggesting that when Mr. Aruush was shot the second time, he was shot at close range. Cpl Dostie and Cpl Martin Leclerc were in the Service Commando observation tower at the time of the shooting. Cpl Martin Leclerc was looking through nightvision goggles. According to Cpl Dostie, after they heard the second volley of shots from Detachment 64A, Cpl Martin Leclerc said to him that the soldiers had shot the intruder at "point blank" range; to Cpl Dostie, this meant five to ten feet.³⁵⁸

Cpl Martin Leclerc denied saying this to Cpl Dostie.³⁵⁹ However, Cpl Martin Leclerc apparently had difficulty remembering a number of things about the incident, so we find it difficult to believe that he could be so categorical about not telling Cpl Dostie that the patrol members had shot Mr. Aruush at "point blank" range. Cpl Dostie, on the other

hand, has nothing to gain by lying about what Cpl Martin Leclerc said to him that night, and Cpl Dostie did not volunteer to testify,³⁶⁰ which would suggest that he has no particular axe to grind.

Cpl Dostie's recollection is supported by Cpl Chabot. According to Cpl Chabot, Cpl Roch Leclerc indicated to him that Mr. Aruush was "close" when he was fatally shot; Cpl Chabot interpreted this as anywhere between 10 and 25 metres.³⁶¹ Cpl Roch Leclerc admits that he told Cpl Chabot after the shooting that he was "close" when he fired, but says that he considers 50 metres close range.³⁶²

The medical evidence is somewhat conflicting, particularly as it relates to interpreting the more immediately fatal wounds to the neck and head. Maj Armstrong was the surgeon on duty at the Unit Medical Services, where both shooting victims were taken. In the case of Mr. Aruush, Maj Armstrong noted a 2 by 3 centimetre wound in the upper belly area with a significant amount of protruding omentum (abdominal tissue). He also noted a large wound on the left side of the neck and on the right side of the neck extending into the right facial area. Smaller wounds were found in the back: one (approximately 7 to 10 millimetres in diameter) was in the central back area just to the right of the spine; another was in the posterior shoulder area near the juncture of the left shoulder blade and the collar bone. There was another small wound in the middle of the anterior base of the neck³⁶³ (see Medical Annex A).

As part of the Military Police investigation in April 1993, Dr. James Ferris, then head of forensic pathology at Vancouver General Hospital and a professor of forensic pathology at the University of British Columbia, conducted an autopsy on Mr. Aruush. Although there had been considerable decomposition of the remains by this time, Dr. Ferris described the presence of wounds similar to those described by Maj Armstrong.³⁶⁴ (See Medical Annex B.)

Both agree that the wound in the central back is an entrance wound that connects with the abdominal wound and that Mr. Aruush was therefore shot in the back at least once.³⁶⁵ However, Dr. Ferris and Maj Armstrong otherwise tended to differ in their interpretations of the wounds, especially in the hypotheses about the shooting that each derived from interpreting the wounds.

Maj Armstrong's hypothesis was that the victim had been shot from the back through the abdomen and was then finished off a few minutes later by shots to the head and neck.³⁶⁶ Dr. Ferris concluded that Mr. Aruush was hit with only two bullets, both fired from the rear: one bullet that passed through the back and abdomen in a slightly right to left trajectory; and a second, which caused all remaining wounds, that passed from left to right, through the left shoulder from the left rear and then through the neck, exiting through the right side of the neck and face.³⁶⁷ This interpretation is basically consistent with the evidence of MCpl Countway and Cpl Roch Leclerc. However, as Capt (N) Blair of the Judge Advocate General's office wrote in a situation report to senior management

at NDHQ on May 6, 1993, the forensics and ballistics team could not comment on the events of the night, but could only issue very narrowly focused comments on the condition of the body as they found it six weeks after the shooting.³⁶⁸ In effect, the fact that the remains were almost completely skeletonized limits the usefulness of Dr. Ferris's conclusions, which means that Maj Armstrong's hypothesis cannot be ruled out.

Maj Armstrong based his hypothesis on the following factors. He thought that the amount of omentum protruding from the abdominal wound suggested that the victim had been alive and breathing for some minutes after the shooting. Maj Armstrong also believed that the wound in the lower front of the neck (which is evident in photographs taken the night of March 4th) was an entrance wound associated with the exit wounds on the neck and head. He thought that the angle thereby indicated for the fatal wounds suggested that the victim had been lying on his back when he was shot, by someone from the front, standing above the victim.³⁶⁹ Maj Armstrong found further support for his theory in the fact that he saw no dirt on Mr. Aruush's face or on the protruding omentum when he examined the body shortly after the shooting.³⁷⁰

Dr. Ferris, on the other hand, stated that, in his opinion, abdominal contents can be extruded from a gunshot wound as a victim is dying or even after death, so evidence of this would not necessarily indicate that the victim had remained alive for two or three minutes after sustaining the first wound. With respect to the wound near the base of the front of the neck, Dr. Ferris believes that this was caused by an exiting bullet or bone fragment.³⁷¹ On May 7, 1993, a forensic team conference was held in Ottawa; it concluded that the findings in Dr. Ferris's report were tenuous except for those relating to the number and sequence of bullet wounds.³⁷² For this reason, we are not able either to endorse or to rule out Maj Armstrong's hypothesis.

While Maj Armstrong had the advantage of examining the body right after the shooting, Dr. Ferris is a more qualified expert and was examining the remains for the express purpose of determining the nature and the pattern of the wounds. The available medical evidence is thus inconclusive on the question of the range at which the immediately fatal wounds were inflicted. Nevertheless, the statements of Cpl Martin Leclerc and Cpl Roch Leclerc, as related by Cpl Dostie and Cpl Chabot, indicate that the shooters were close enough to their target for this to be an aspect of the incident they considered worth mentioning to others.

In our view, the evidence with regard to the circumstances of the shooting by Detachment 64A leads to the conclusion that Mr. aruush posed no threat and that detachment members fired only to complete their mission. There was no danger to Cpl Smetaniuk, other than the possibility of being shot accidentally by MCpl Countway or Cpl Roch Leclerc. If there had been, he would never have chased Mr. Arnush without a weapon. If the situation had been genuinely dangerous, MCpl Countway would have ordered Cpl Smetaniuk not to leave cover, or called him back shortly after he ran out.

It is also clear that the men of Detachment 64A shot Mr. aruush the second time from close range, likely from a maximum distance of 50 metres. We cannot rule conclusively on the exact distance because there was no physical evidence available for ballistics experts to examine, and the body of Mr. Aruush, when examined by Dr. Ferris, was decomposed beyond the point where determinations of this nature could be made, What is clear, however, is that the justifications provided for shooting Mr. Aruush do not stand up to scrutiny.

The Location of Mr. Aruush's Body

There were significant discrepancies in the testimony regarding the spot where Mr. Aruush fell after being fatally wounded.

Cpl Lalancette, who was following events from his position in the 1 Commando Tower through a night observation device that picks up heat emissions, estimated that Mr. Aruush was lying 10 to 15 metres from the south-east corner of the Engineers compound perimeter.³⁷³

Sgt Groves, commanding the Quick Reaction Force, arrived on the scene soon after the shooting in response to a request for assistance from Capt Rainville.³⁷⁴ He placed the location of the body at 15 to 20 metres south of the Engineers compound perimeter wire.³⁷⁵

Cpl Mountain, the medic accompanying the ambulance, estimated that Mr. Arunsh lay about 10 metres from the south-east corner of the Engineers compound.³⁷⁶

The Recce patrol members who were on the scene all claim that the body of Mr. Aruush was significantly further south than the other witnesses estimated. Cpl Favasoli of Detachment 63, who went to the scene of the second shooting after it was over, said that the body was lying about 50 to 100 metres south of the Engineers compound.³⁷⁷ Cpl Klick, the patrol's sniper, did not actually see the body, but he recalls seeing the ambulance 50 to 100 metres south of the Engineers compound when it picked up the body.³⁷⁸ The members of Detachment 64A and Capt Rainville all claim that the body was further south still, between 100 and 175 metres south-east of the southeast corner of the Engineers compound.³⁷⁹ Their average estimate was about 145 metres (see Annex J).

There are also discrepancies in testimony about whether the body was east or west of the south-east corner of the Engineers compound. Sgt Groves, Cpl Klick and Cpl Favasoli indicated a location west of the south-east corner, whereas the other witnesses placed the spot east of that corner.³⁸⁰

WO Marsh inspected the area the morning after the shooting. During this daylight inspection he found a blood-stained area of sand about 25 to 35 metres south-east of the south-east corner of the compound.³⁸¹

Significantly, all Recce patrol members who testified about the location of the body placed it in such a way as to indicate that Mr. Aruush was south of Detachment 64A, so that MCpl Countway and Cpl Roch Leclerc would have been firing away from the Canadian compounds. The evidence of non-Recce patrol witnesses, however, indicates a location that would have had them firing in a more northerly direction, and thus more in the direction of the Canadian compounds, based on their own evidence about Detachment 64A's location.

The medical evidence is of some assistance in this matter and contradicts the contentions of Detachment 64A members with respect to the victim's location. It seems beyond dispute that, when he was first shot, Mr. Aruush was, or had been, moving in an easterly direction, away from the location where Mr. Abdi had been shot. It is also beyond dispute that the first shot to hit Mr. Aruush struck him in the area of the right rear flank and exited from his left abdominal area. This basic trajectory is consistent in the observations of Maj Armstrong, WO Ashman and Dr. Ferris. This right-to-left/back-to-front trajectory tends to indicate--assuming that Mr. Aruush was facing east, as everyone admits--that Mr. Aruush was north and east of Detachment 64A when first shot. This is the more likely location. Mr. Aruush could also have been north-west of the shooters, provided he was facing in a northerly direction. But he could not have been south of them, running in a south-easterly direction, as they claim.

The Recce patrol members, particularly those in Detachment 64A, would have had an interest in concealing negligence (shooting in the direction of the compounds) or concealing the fact that Mr. Aruush had passed them and was moving away from their position when they shot him. Any such motive would give them an interest in establishing a location for Mr. Aruush's body well south of the location suggested by the evidence of other witnesses.

By the same token, witnesses who were not part of the Recce patrol had no conceivable stake in the location of the body. The evidence of WO Marsh is particularly compelling. Following the shots fired by Detachment 63, WO Marsh came out to the truck, where Cpl Klick was still stationed, and saw flashlights converge near the south-east corner of the Engineers compound. He later returned and inspected the area in daylight and found the spot by locating blood stains in the sand.³⁸² He had no stake in how the shooting occurred and was undoubtedly looking around to understand what had happened the previous night and where. His estimated location of the blood stains is very close to the location for the body given by the other disinterested parties: the medic, Cpl Mountain, and Cpl Lalancette. It is also in the vicinity of Sgt Groves' estimate.

The conclusion we can draw, therefore, is that Mr. Arunsh's body was located 20 to 35 metres from and south of the south-east corner of the Engineers compound and that the shots from Detachment 64A were fired in the direction of the Canadian compounds.

Communications Breakdown: Compound Left Unguarded

As we have seen, several elements of the March 4th incident lead to the conclusion that there was no real danger that night, and no threat of sabotage; in fact security was a secondary concern of the Recce patrol. This view is borne out by examining what took place after the shootings. The evidence reveals a communications gap among the patrol members that resulted in a breakdown in the mission chain of command and in the Engineers and Helicopter compounds being left unguarded for long periods during the night of March 4th.

From the events of that night, it appears that command in the field changed hands, or should have changed hands, at least three times. After the wounded man, Mr. Abdi, was taken to the hospital in an ambulance by Sgt Plante and Cpl King between 20:20 hours (8:20 p.m.) and 20:41 hours, Capt Rainville went with Cpl Favasoli to the location of Mr. Arunsh's body. Capt Rainville then accompanied the body to the hospital at 20:51 hours.³⁸³ At 21:13 hours he called for CWO Jackson and the U.S. interpreter to interview Mr. Abdi.³⁸⁴

Sgt Plante and Detachment 63 reformed in the Service Commando compound and resumed to their position at the well, some two hours after leaving the field with Mr. Abdi.³⁸⁵ Capt Rainville went to the Headquarters compound to provide a debriefing to Col Labbé, LCol Mathieu, and Capt Kyle. Following this debriefing, Capt Rainville called the members of Detachment 64A into the Engineers compound to provide more information to CWO Jackson for his report at 23:00 hours.³⁸⁶ This debriefing lasted approximately 30 minutes, after which Detachment 64A resumed to their position in the field.³⁸⁷

There are several important points here. There was no communication with regard to a change in command while Capt Rainville was out of the field, or while Sgt Plante was at the hospital with Mr. Abdi. Officially, command should have passed from Capt Rainville to Sgt Plante to MCpl Countway, back to Sgt Plante, then back to Capt Rainville. This did not occur--a fairly serious breakdown in the chain of command. The result is that Capt Rainville retained effective command of the mission while out of the field for at least three hours and did not pass command to either of his subordinate detachment commanders.

Further, the entire time that Detachment 63 was out of the field, some two hours in total, the west side of the Engineers compound and the south side of the Helicopter compound remained completely undefended.³⁸⁸ The same can be said for the period when

Detachment 64A went to the Engineers compound to debrief CWO Jackson: the entire east and south sides of the Engineers compound remained undefended for the 60 to 90 minutes it took Detachment 64A to go inside, make their report, and return to their position.³⁸⁹

It is difficult to believe that if there had been any real danger to the Engineers compound or the Helicopter compound, Capt Rainville would have proceeded in this manner. The only conclusion we can draw is that there was no real danger of any attack or sabotage at the Engineers and Helicopter compounds that night, and that the real priority was capturing intruders and reporting that fact up the chain of command. Otherwise, precautions undoubtedly would have been taken to establish effective command in the field and to send replacement troops into the field while the detachments were called away to accompany the prisoner or to report.

The Case of Beer Comment

During our hearings we explored the rumour that Capt Rainville had allegedly promised to buy a case of beer if the men shot a Somali on the night of March 4th, to determine whether there was any basis for it. Sgt Plante, Cpl Favasoli, Cpl Roch Leclerc, and Cpl Smetaniuk of Recce Platoon recall hearing Capt Rainville make a promise that the men would have beer after the mission; this may have left the men with an inappropriate impression of why they were on patrol that night.

There are discrepancies in the testimony about how the subject was raised. Sgt Plante, Cpl Favasoli and Cpl Smetaniuk recall Capt Rainville making the offer, but cannot say with certainty exactly how the issue came up. Cpl Roch Leclerc and Capt Rainville suggest that the comment he made was in response to a remark made at the orders group preceding the mission. During the orders group, Cpl Roch Leclerc heard Cpl Smetaniuk make a comment to the effect that since they would be out all night, they would not be able to have their allotment of beer for the day.³⁹⁰ Capt Rainville testified that his response to this comment was what prompted the rumour that he wanted a Somali shot that night. According to Cpl Smetaniuk, Gpt Rainville said something to the effect that if they had to shoot that night, he would buy a "6-pack for a wound, and a 24 for a kill".³⁹¹ He accompanied this comment, Cpl Favasoli said, with the observation that in the event of danger that night, it would be "better to be judged by 12 than carried by 6". The soldiers found this remark offensive at first, but afterward Cpl Favasoli took it to be an expression of gallows humour to the effect that if they were able to cheat the grim reaper, that it would be cause for celebration.³⁹² Capt Rainville also indicated in his testimony that he was much more comfortable appearing before us to explain that sort of comment than he would have been writing a letter home to the parents if any of his men had been killed.³⁹³

There is far from widespread agreement concerning exactly what words Capt Rainville used that night, but there is general agreement that the subject of having beer after the mission did come up,³⁹⁴ and Capt Rainville himself admits this. Capt Rainville stated in his testimony that he made a flip remark in answer to another soldier's remark that they would have a beer after the mission (this would not have been abnormal), but he denies promising to buy a case if they shot any Somalis.³⁹⁵

The significance of this issue is that the subject of having a beer did come up between Capt Rainville and his men, and that it was discussed inappropriately in the context of an orders group before they went out on patrol. What was actually said is likely never to be resolved. The case of beer comment may not have amounted to an offer of a reward for the killing of a Somali. It may have had no impact whatsoever on the subsequent events. However it was meant, the comment was clearly inconsistent with respect for the lawful conduct of operations, and it had the serious potential to mislead impressionable soldiers.

THE MARCH 4TH INCIDENT

The shooting on the night of March 4, 1993 resulted in the death of one Somali civilian, Mr. Ahmed Afraraho Aruush, and the wounding of another, Mr. Abdi Hunde Bei Sabrie. For several reasons, this significant incident was a turning point in the deployment of Canadian Forces to Somalia. It was, among other things, the culmination of a dubious interpretation of the Rules of Engagement given by the Commanding Officer on January 28, 1993, an interpretation authorizing Canadian soldiers to shoot at fleeing thieves or infiltrators under certain circumstances.

The planning and execution of the mission that night by the Reconnaissance Platoon caused serious concerns among some of the other members of the Canadian Airborne Regiment Battle Group. Many suspected that the two Somalis had been deceived, trapped and shot, in violation of the Rules of Engagement. Immediately after the shooting, Maj Armstrong, the medical officer who examined the body of Mr. Aruush, concluded that he had been "dispatched" and alerted the Commanding Officer. In the days following, Maj Jewer, Officer Commanding the medical platoon, and Capt Potvin, the padre, met with the Commanding Officer to express similar concerns.

Authorities at the Department of National Defence in Ottawa immediately expressed concern that the Somalis had been shot in the back while running away and that excessive force might have been used.

Notwithstanding all these concerns, the entire incident was the subject of a cursory summary investigation by the Commanding Officer, who designated a captain in his chain of command to report on the incident. In other words, the Commanding Officer investigated the operation of his own unit acting pursuant to his instructions and following his interpretation of the Rules of Engagement. In short, the Commanding

Officer investigated his own operational actions and decisions.

The Commanding Officer's report concluded that the shooting was within the Rules of Engagement, absolved the Reconnaissance Platoon of any criminal responsibility, and praised its work. This may have led other CARBG members to believe that all such incidents would be investigated in the same spirit and resolved at the level of the unit. In January and February there had been several similar shootings at night, at fleeing Somalis. There had also been instances of improper handling of prisoners, with trophy-like pictures being taken. All these incidents, up to and including the shootings on March 4th, had gone unpunished, and in this regard they may have paved the way for the brutal torture and killing of a Somali teenager being detained in the Canadian compound on March 16th.

In assessing this incident, we first provide background to the incident and relate the facts and circumstances surrounding the shootings on the night of March 4, 1993. Then we review the disputed facts and rule on these facts. Finally, we state our findings and conclusions on the incident and the allegations of subsequent cover-up.

BACKGROUND TO THE INCIDENT

By March 1993, thievery had become a constant, growing annoyance for the Canadian troops at Belet Huen. The night of March 3rd had been particularly active around the Engineers compound, where items of interest to the local population were stored. A 200-pound pump used to refuel the helicopters had disappeared and was presumed stolen. The Officer Commanding the Engineers Squadron, Capt Mansfield, went to see the Commanding Officer the next morning and, citing a manpower shortage, asked for assistance in providing security for the Engineers compound.

At the morning orders group of March 4th, the CO, LCol Mathieu, assigned Capt Rainville and the Reconnaissance Platoon (known as Recce Platoon) to provide additional security for the Engineers compound. No specific instructions, guidance or parameters for the mission were given to Capt Rainville, although the CO knew that Capt Rainville had shown a serious lack of judgment in conducting unsupervised operations in Canada the previous year.¹ Three incidents in particular were of concern.

On February 7, 1992, Capt Rainville simulated a night-time terrorist attack on La Citadelle in Quebec to test its security. He and his patrol, disguised as terrorists, wearing masks and armed with civilian weapons, stormed La Citadelle and captured the two sentries in charge of the weapons and ammunition depot. Capt Rainville severely mishandled and roughed them up in an attempt to compel them to open the weapons store. One of the sentries eventually escaped and alerted the Quebec Police Force. The police anti-terrorist team arrived on the scene just a few minutes after Capt Rainville and his team had left.² Only through luck was bloodshed avoided. After the incident BGen

Dallaire, the commanding general of the Royal 22^e Régiment, sent a letter to BGen Beno concerning the serious lack of judgement shown in this instance, directing that it be put in Capt Rainville's file.³

On May 15, 1992, during a training exercise at CFB Gagetown involving the taking of 'prisoners', Capt Rainville struck several 'captured' officers and soldiers, including most notably Capt Sandra Perron, ostensibly to simulate the treatment of POWs.⁴ Capt Rainville also manhandled one of his own men to 'make him talk'. Capt Rainville was given only a verbal warning, which was to remain on his file for six months.⁵

Shortly before the Somalia deployment, a photograph of Capt Rainville appeared in a Montreal newspaper, showing him with knives strapped around his belt Rambo-style and claiming that he was trained in kidnapping and assassination and could kill a man in three seconds.⁶ Capt Rainville maintains to this day that he was not responsible for the publication of the photograph.⁷

Although Capt Rainville received no specific instructions before the March 4th mission, LCol Mathieu had instructed his troops at a January orders group that they could shoot at thieves under certain circumstances. This had caused tremendous confusion. Some understood the CO's instructions as an authorization to shoot at Somalis with intent to kill if they touched the wire surrounding the Canadian installations. Others understood that the Somalis had to enter the perimeter of the compound before deadly force could be used. Still others thought the instructions were to shoot at thieves only if they stole 'Canadian kit', but there was no consensus about what this meant. For some, it meant any piece of Canadian equipment, including jerrycans of water or fuel. For others, it had to be a piece of military equipment, but this would also have included jerrycans of fuel. There was also confusion about whether intruders had to be armed before deadly force could be used. Further, there was confusion about shooting at anyone fleeing the compound. While some decided they would not shoot at a thief who was fleeing, they all understood they could use deadly force against someone, armed or not, who fled after stealing Canadian equipment.

Many of the officers commanding (Caps Mansfield, Officer Commanding the Field Squadron of Engineers,⁸ Maj Pomet, Officer Commanding 1 Commando,⁹ Maj Seward, Officer Commanding 2 Commando, Maj Magee, Officer Commanding 3 Commando, and Maj Kampman, Officer Commanding the Royal Canadian Dragoons Squadron, for example)¹⁰ thought that the order or instructions given by the CO to use deadly force against thieves was illegal and refused to pass it on to their respective platoon commanders and troops. Eventually, the CO's instructions were amended and the troops were told to shoot "between the skirt and the flip-flops"-that is, at the legs. This was generally accepted as being less extreme than the previous order. These directives had at least the tacit approval of Col Labbé, who was aware of them, and they were not rescinded until March 8th, four days after the incident under discussion here.

As for the environment in which the incident occurred, frustration among the men was at its peak for various reasons. A U.S. soldier who had been a close friend of some of the Canadians, Sgt Deeks, had died on March 3rd near Matabaan, some 120 kilometres away, when his jeep exploded a land mine.¹¹ Repeated thievery had upset the soldiers, who felt their privacy was invaded by the same persons they were trying to help.¹² The soldiers apparently expected gratitude from the local population, but instead received what they regarded as hostility.¹³ The lack of adequate cultural awareness and training of the Canadian troops made it difficult for them to understand and appreciate the behaviour of the Somalis. In addition, they were living on hard rations in difficult conditions and felt that their original mission to pacify the Belet Huen Humanitarian Relief Sector had been accomplished; they thought they should be going home, but no redeployment date had been set. Morale was low; and boredom was exacting a toll and fuelling frustration. All of this was reflected in the over-aggressiveness of some units, such as 2 Commando, despite the fact that its Officer Commanding, Maj Seward, had received a reproof in January 1993 for allowing his commando to act aggressively toward the Somali population.¹⁴ Training in the Rules of Engagement and in cultural awareness might have eased the tension and frustration, reminding the soldiers of the need for restraint in dealing with local populations, but such training was not made available. Instead, the rules were relaxed.

It was in this context of confusion about the Rules of Engagement, low morale, unresolved aggressiveness and untamed frustration that the Recce Platoon was loosely tasked with providing security for the Engineers compound. This was a poor leadership decision that would have fatal consequences.

THE FACTS AND THE CONTESTED FACTS

The uncontested facts are as follows. On the night of March 4, 1993, the Reconnaissance Platoon, under the command of Capt Rainville, was assigned the task of providing additional security for the Engineers compound. Capt Rainville divided the patrol into three detachments. Detachment 69, consisting of himself and his sniper, Cpl Klick, took up a position in the back of a truck inside the compound. Detachment 63, consisting of Sgt Plante, Cpl Favasoli, and Cpl King, was located on the west side of the Engineers compound. Detachment 64A consisted of MCpl Countway, Cpl Roch Leclerc and Cpl Smetaniuk and was located off the south-east corner of the Engineers compound. The detachments had overlapping arcs of observation and fire, which were delineated by infra-red chemical lights (glow sticks visible through night vision equipment but not to the naked eye) to avoid any risk of shooting at each other.

About 10 minutes before 8:00 p.m., two Somali men were observed walking along the east side of the perimeter of the Engineers compound. The observer was Cpl Lalancette, who was stationed as a sentry in 1 Commando's watch tower. The two men approached the south-east corner of the perimeter, where the observation was picked up by Detachment 64A, who watched as the men made their way along the southern edge of the

wire before pausing at the south-west corner- Detachment 69 picked up the surveillance at the mid-point of the wire, and Detachment 63 began their observation when the Somalis paused at the south-west corner.

As the Somalis began to move from this point, there is very little agreement about the sequence and timing of events, apart from the fact that they were challenged or scared off and fled from the Recce patrol. As they fled, the Somalis were shot at from behind by Detachment 63, with one being wounded and the other continuing to flee. Once the wounded man had been subdued and restrained, the pursuit of the second man continued until he passed into the area of responsibility of Detachment 64A. The fleeing man was challenged and then subsequently fatally shot by Detachment 64A at about 14 minutes past 8 p.m.

Much of the testimony before us concerning the incident was contested and contradictory. Even participants in the event rarely agreed on all the crucial elements. The testimony concerning these contested facts is therefore of pivotal importance in assessing the incident as a whole. We must determine, then, which view of events will guide our findings concerning the March 4th incident. We do this by examining each part of the incident in turn and identifying the areas of crucial importance for assessing the functioning of the chain of command and the issue of leadership in relation to the incident.

Recce Platoon's Mission

There were significant discrepancies between the assistance requested by Capt Mansfield of the Engineers and the mission carried out by Capt Rainville and the Recce Platoon. Capt Mansfield asked for assistance to increase security at the Engineers compound. The Recce Platoon could have accomplished this goal in many ways, none of which involve capturing intruders, yet this is the task Capt Rainville assigned his men that night. What needs to be determined, then, is how Capt Rainville redefined the mission, what authorization he had to do this, and who he informed of the change. We also assess the effectiveness of the measures put in place by Capt Rainville.

We proceed in the following manner:

1. Exactly what was the mission of the Recce patrol on the night of March 4th as understood by the Engineers and as assigned by LCol Mathieu? How did this compare to the orders Capt Rainville gave to his men? Whom did he inform of his plan for the mission, and what supervision was exercised over Capt Rainville?
2. Then we examine the means by which Capt Rainville went about the task from two perspectives: Where was the focus of the deployment that night? How effective was the division of responsibilities between the Recce patrol and the Quick Reaction Force of the Engineers?

3. What alternative measures for augmenting the security of the Engineers compound were available to Capt Rainville, and why did he not employ them?

Nature of the Mission

According to the Engineers, and as the testimony of Capt Mansfield makes clear, the Recce Platoon was to provide additional security for the Engineers compound, not to capture "saboteurs" or infiltrators as some of the members of Recce Platoon maintain. Capt Mansfield, Officer Commanding the Field Squadron of Engineers, testified that Recce Platoon's presence in the Engineers compound was requested to deal with the problem of theft, which was beyond the capacity of the Engineers to control.¹⁵ Capt Kyle, the Operations Officer for the CARBG, stated that the problem of securing the perimeter of the Engineers compound against thieves was a topic of discussion at the daily Headquarters compound orders group.¹⁶ Capt Rainville volunteered his Recce Platoon to provide additional security, as the platoon's duties at the time consisted only of maintaining the Pegasus Observation Post near the camp. Thus it was available for security duty, although the Recce Platoon soldiers had no special expertise in this area.¹⁷

The task officially assigned by LCol Mathieu to Capt Rainville was to provide additional security for the Engineers compound, which Capt Rainville understood included the adjacent Helicopter compound.¹⁸ Whether the Helicopter compound was included in the task is somewhat unclear. Capt Mansfield testified that he was never assigned responsibility for providing security for the Helicopter compound by LCol Mathieu or Capt Kyle, and this did not change after the loss of the fuel pump.¹⁹ Capt Kyle assumed that the Helicopter compound was included in the Engineers compound and so did not think it was necessary to mention it.²⁰ Sgt Groves, who was in charge of security for the Engineers compound, stated that his men did not have official responsibility for security in this area.²¹ WO Marsh had the same view of this issue as Sgt Groves and Capt Mansfield-the Engineers had informal responsibility for security of the Helicopter compound, but this was technically not part of their compound and was not the area of primary concern for them, and they did not have someone specifically assigned to patrol in that area.²²

When Capt Mansfield requested assistance with the security of his compound, then, he was not thinking primarily in terms of the Helicopter compound; he was concerned with the Engineers compound where the nightly infiltrations were taking place. However, the mission statement Capt Rainville passed along to his men was that they were to apprehend anyone trying to infiltrate the Engineers or the Helicopter compound. Capt Rainville stated in testimony that he was simply refining the order he was given.²³

There was no oversight of Capt Rainville with regard to his mission. He was left to determine on his own how he would accomplish his task. Capt Mansfield stated that once Capt Rainville had been given the task, he was not going to micro-manage him. Capt Mansfield saw Capt Rainville as the expert in these matters and was not about to tell him how to do his job, any more than he would expect Capt Rainville to tell him how to build a bridge.²⁴ This hands-off approach seems to have prevailed on the part of LCol Mathieu

and Capt Kyle as well.

Capt Rainville indicated that he reported to Capt Kyle before proceeding with his task.²⁵ Capt Kyle's view was that it was up to Capt Rainville to decide how best to employ his soldiers and that reporting back to Capt Kyle that the necessary co-ordination had been done with other units and that Recce Platoon was ready to perform its assigned task was routine; it did not have to involve exhaustive detail.²⁶ LCol Mathieu had essentially the same view of this process; once he had given the task to Capt Rainville, he trusted him to carry it out and did not feel the need to keep close watch over his activities.²⁷ However, LCol Mathieu did say that he thought Capt Rainville should have reported back to Capt Kyle with the details of his plan; if Capt Kyle had any concerns he could then have reported them to LCol Mathieu.²⁸

It is clear that a full report of the mission plan and the method of carrying it out was not given by Capt Rainville to either Capt Kyle or LCol Mathieu, and in our view these details should have been provided. Had this been done, the mission, in all likelihood, would not have been carried out in the manner that Capt Rainville directed, as according to LCol Mathieu, the role of the CARBG was not to take prisoners.²⁹

The mission, then, was technically a standing patrol to augment the security of the Engineers compound, but Capt Rainville determined this would be accomplished by apprehending infiltrators.³⁰ The distinction between types of infiltrators would be drawn by Capt Rainville.³¹ There was considerable testimony to the effect that Capt Rainville's typical orders groups were extremely detailed, to the point of being tedious for his men.³² This makes the complete absence of any instruction about how infiltrators were to be captured quite puzzling. The members of the patrol could provide no evidence that they were instructed in how to effect capture of a thief or a saboteur;³³ nor was there any discussion of how the Rules of Engagement applied to saboteurs.³⁴ This is simply not consistent with Capt Rainville's normal *modus operandi*.

Capt Rainville stated that he made the distinction between thieves and saboteurs during the orders group.³⁵ The details do not seem to have been clearly understood by the soldiers, however, other than the fact that they had to fire a warning shot before firing an aimed shot.³⁶

Cpl Klick and Cpl King both maintained that the purpose of the mission as explained to them at the orders group was to capture saboteurs,³⁷ but neither could explain why this was not reflected in their earliest statements concerning the mission. Cpl Favasoli has no memory of the use of the terms sabotage or saboteur at any time during the orders group,³⁸ and Sgt Plante recalls no distinction being made between saboteurs and thieves.³⁹ Cpl Favasoli remembers that he did not hear sabotage or saboteur in connection with the mission for a particular reason: several weeks after the incident he received a newspaper clipping from home in which Col Labbé was quoted as mentioning sabotage, and Cpl Favasoli had not heard this before.⁴⁰ Cpl Favasoli does recall, though, that Capt

Rainville seemed clear about the fact that they were to capture any infiltrators;⁴¹ this was echoed by Sgt Plante⁴² and the other members of the patrol.

Patrol members all maintain that they were operating under the understanding that they were there to capture someone. However, they simply were not clear how this was to be accomplished, and in fact, nothing in the Rules of Engagement indicates how to effect such a capture.⁴³ Cpl King maintains that his orders were to capture a Somali in condition to be interrogated, but he has no explanation for why the person they did capture was not interrogated;⁴⁴ nor does Sgt Plante, who stated that they intended to interrogate prisoners to gain intelligence concerning sabotage.⁴⁵ As for the mechanics of carrying out the assignment as it was understood, it was generally accepted among the soldiers that it was impossible to run down a fleeing Somali,⁴⁶ yet there was no discussion or plan for effecting a capture.⁴⁷ It seems clear that the only possible way to apprehend a Somali was by use of non-lethal force,⁴⁸ but there is no provision in the Rules of Engagement for shooting to wound.⁴⁹ In addition, Canadian soldiers are trained to shoot for the centre of visible mass, which further complicates the issue of how the members of the patrol were to accomplish their task of capturing Somali infiltrators.

Capt Rainville testified that LCol Mathieu gave the order that before proceeding to deadly force as part of the graduated response, the men were to shoot to wound if possible, and this is the instruction he passed along to his men.⁵⁰ This is likely the only way a mission to capture a Somali saboteur or looter could have been successful.⁵¹ There is no widespread agreement on whether the individuals to be captured would have to be saboteurs, or simply infiltrators; nor is there consensus on whether it was permissible to shoot to wound. Capt Rainville testified that the men had clear and unequivocal authorization from him at the orders group to shoot to wound in order to effect a capture, but only Sgt Plante understood that this was the case.⁵² This may be why Sgt Plante is the only member of the patrol who equipped himself with a 12-gauge shotgun for the night's mission, as this weapon is more suitable for non-lethal firing than the C7 rifle. Capt Rainville maintained that he attempted to acquire more shotguns for his troops but was unable to do so, despite making the request up the chain of command.⁵³ However, this is difficult for us to accept at face value, as Sgt Groves of the Field Squadron of Engineers held range practice with 12-gauge shotguns for the men in his Quick Reaction Force the afternoon of March 4th to make them more familiar with the weapons.⁵⁴ This would appear to have been an oversight in Capt Rainville's planning, one that would have fatal consequences in the shooting by Detachment 64A, discussed in greater detail later in the chapter.

The Focus of the Mission

There was obviously miscommunication about whether the focus of the mission was to be the Engineers compound, the Helicopter compound at the north end, or both. Cpl Favasoli thought that the focus of the mission was the Engineers compound, although they would have been concerned about the Helicopter compound as well.⁵⁵ The deployment of the detachments clearly indicates that the focus of the mission was to the south, however, as the interlocking arcs of observation and fire all converged on the

southern portion of the Engineers compound. This is also reflected in the orientation of the detachment positions. Capt Rainville and his sniper were facing to the south from their position inside the compound;⁵⁶ all members of Detachment 63 were facing south, with their focus clearly on the Engineers compound;⁵⁷ and the members of Detachment 64A were in a line facing north-west toward the southern part of the Engineers compound.⁵⁸ (See Annexes D, E and F to this chapter.)

It does not seem to have occurred to anyone that infiltrators might come from the north, and the Helicopter compound was not discussed as a likely target for infiltrators.⁵⁹ Cpl King also conceded that the operation really covered only south-west, south and south-east of the Engineers compound, because otherwise there would have been a risk of shooting each other.⁶⁰ Cpl Klick stated that the most likely avenue of approach to the compound was from the south,⁶¹ but he admitted that if the "saboteurs" had approached from any direction other than the south, the positioning of at least the command post/fire base in the truck inside the compound would have been ineffective for all intents and purposes.⁶²

Capt Rainville's view was that the north end of the Engineers compound and the Helicopter compound were too well-guarded by wire, by the Service Commando surveillance tower, and by the Quick Reaction Force of the Engineers for infiltrators to get in that way, so he oriented his men toward the most likely avenue of approach, which was from the south,⁶³ However, this does not account for the fact that the main highway, just to the north, remained essentially unguarded as an approach to the Helicopter compound.

If Capt Rainville had wanted to make effective use of Cpl Klick's talents as a sniper to counter possible sabotage by an organized military opponent, he would have concealed him somewhere outside the compound to cover the possible avenues of approach independently.⁶⁴ As it was, Cpl Klick's only possible course of action in the event of threatened sabotage would have been to shoot to kill, not to apprehend as Capt Rainville intended. The normal escalation of response under the Rules of Engagement would not have been possible. Because of his positioning and employment in the mission, if Cpl Klick had seen a hostile act, he would have had almost no other option but to use deadly force.⁶⁵ In fact, the chances of the Recce patrol apprehending infiltrators inside the compound without using their weapons was minimal, as no patrol members were placed inside the compound where they would have had a chance of apprehending someone.⁶⁶

The way Capt Rainville deployed the three detachments effectively covered the specific purpose of engaging an infiltrator attempting to penetrate the south end of the Engineers compound.⁶⁷ However, if we accept the stated goal of the mission as being to guard the Helicopter compound against sabotage and to capture infiltrators, the deployment of the Recce patrol is highly suspect.

This point was highlighted by the testimony of Maj Buonamici, the Military Police investigator who subsequently investigated the incident, who stated that the purpose of the mission is revealed by the deployment of the soldiers. In his view there was clearly

no indication in the deployment of the Recce Platoon that night that they were concerned at all about sabotage in the Helicopter compound.⁶⁸

The Division of Responsibilities

There are further deficiencies in the deployment of the Recce patrol if we accept that the purpose of the mission was to prevent sabotage or to apprehend infiltrators. The division of responsibilities between the Recce patrol and the Quick Reaction Force (QRF) of the Engineers was totally illogical if we accept the version of events given by patrol members. According to them, the Recce patrol (located in the south part of the compound) would handle sabotage (expected to happen in the north part of the compound) while the QRF (located to the north of the compound) would be called in to deal with thievery (anticipated to occur to the south where supplies of food and water had been set out as bait),⁶⁹ Would it not have been more logical for the Recce patrol either to locate further north or to switch duties with the QRF? Locating to the north part of the compound would also have offered the opportunity to trap saboteurs effectively against the perimeter wire.⁷⁰

Sgt Groves of the QRF testified that his instructions were not to enter the south part of the compound at all, but to patrol to the north, including keeping the Helicopter compound under observation and looking for thieves.⁷¹ Sgt Groves also testified that he was unaware of any distinction between thieves and saboteurs; he was simply told not to enter the south part of the compound beyond the tent lines because, he understood, the Recce patrol was there to guard against thieves and infiltrators.⁷² Capt Mansfield's testimony accorded with that of Sgt Groves in this regard, in that he never heard about sabotage in connection with March 4th until two weeks after the shootings.⁷³ He testified that the response of the Recce Platoon to the security problem was inappropriate to his needs.⁷⁴ There had never been any attempt at sabotage in his compound, and Capt Mansfield's concern was theft.⁷⁵

Nowhere in the testimony of members of the CARBG who were not part of the Recce Platoon is there evidence of concern about sabotage. There was a significant concern about theft, which Sgt Groves said was almost epidemic.⁷⁶ This view was echoed by many of the non-Recce Platoon witnesses.⁷⁷ Theft was almost invariably petty theft of personal belongings, food and water; there were no instances of weapons, ammunition or communications equipment being stolen from the camp at Belet Huen.⁷⁸

Thieves were caught on a regular basis; as many as 15 had been caught around the end of February and the beginning of March 1993 at the Service Commando compound, before lights were installed.⁷⁹ Sgt Groves indicated that he felt the Canadians were being laughed at for not being able to put a halt to the nightly incursions, but the Engineers had never shot at anyone.⁸⁰ There seemed to be no need to shoot at members of the local population who might be involved in thievery, because they were not dangerous: no Canadian troops had ever been injured by an intruder at the Belet Huen camp. WO Ashman of the Unit Medical Services testified that to his knowledge no Canadian troops

at Belet Huen were treated for wounds inflicted by a Somali during the whole deployment.⁸¹ Sgt Groves also testified that he was anxious about the mission being conducted by the Recce Platoon because he felt that someone would be shot that night.⁸² Further, in his testimony Capt Mansfield was visibly distressed when he spoke about the response of the Recce Platoon to the security problem, stating that it was inappropriate and well beyond what the situation called for.⁸³

Possible Alternative Security Measures

There were many possible methods of increasing security at the Engineers compound. Capt Rainville chose to go about the task by attempting to capture infiltrators rather than trying to deter incursions.⁸⁴ However, other security measures could have been adopted that were much less aggressive, but offered a fair chance of reducing or eliminating the problem of theft.

Capt Mansfield testified that the best way to stop incursions would have been deterrence by way of increased defences.⁸⁵ Capt Kyle agreed that more could have been done in the way of deterrence through the use of para-flares, increased wire, and lights.⁸⁶ Capt Mansfield had the capability of installing lights around the compound and erecting a lighting tower to illuminate the southern end of his compound, as well as fashioning a makeshift surveillance platform.⁸⁷ WO Marsh indicated he had offered Capt Rainville four large spotlights that would have lit the entire southern end of the compound, but that Capt Rainville turned them down.⁸⁸ Apparently Capt Rainville wanted to avoid changing the appearance of the compound and inhibiting the use of night-vision goggles, to give him a greater chance of catching intruders.⁸⁹ But if the Recce patrol had really been concerned about preventing sabotage, why decline to erect a light tower or a watch tower in the south end of the Engineers compound?⁹⁰

Other possible security measures considered by Capt Mansfield included bulldozing an area directly outside the wire,⁹¹ increasing the amount of patrolling inside and outside the wire (which was already being done), and firing off para-flares to scare off potential intruders.⁹²

Providing greater illumination in the compound might have interfered with the use of night vision goggles by the Recce Platoon,⁹³ but it is unlikely that potential thieves would have been inclined to approach a brightly lit compound in any event.⁹⁴ This would seem to be borne out by the fact that a day or two after March 4th, the Engineers did erect a light tower and a surveillance tower under Capt Mansfield's orders, and thievery declined almost completely after that.⁹⁵ Although in the minds of some, the shootings on March 4th may have contributed to deterring further looting, we are nonetheless satisfied that installing a light tower and a surveillance tower, along with increased foot patrols and firing off para-flares, would have provided more acceptable and lasting deterrence to infiltrators in the long run.

In our view trying to capture infiltrators was an unnecessarily and excessively aggressive measure. There is no evidence that infiltrators at the Engineers compound posed any great danger. (This point is discussed in greater detail later in the chapter.) There is no indication of weapons ever being stolen from the Engineers,⁹⁶ nor were there ever armed incursions into their compound. No Canadian Forces personnel were ever attacked or injured by intruders at the Engineers compound,⁹⁷ In our view, nothing can justify the approach taken by the Recce Platoon on the night of March 4th. Potential intruders could simply have been deterred from attempting to enter the Engineers compound; it was completely unnecessary to capture them.

In our view, the mission conducted by the Reconnaissance Platoon on the night of March 4th was a misguided attempt to send a clear, strong message not to attempt to breach the Canadian wire. This was also the goal Capt Hope described in his summary investigation report, and he stated that it had been accomplished by the Recce Platoon,⁹⁸ This conclusion was shared by other soldiers.⁹⁹

The Sabotage Theory

Some members of the Recce Platoon contended that the two men were shot on the night of March 4, 1993 because the mission was to apprehend infiltrators in an effort to prevent sabotage against Canadian installations at Belet Huen. This explanation, in our view, was concocted after the fact to disguise what would otherwise have to have been considered an incident in which Canadian soldiers acted in contravention of the Rules of Engagement by shooting Somalis who were fleeing.

There is simply no objective evidence whatsoever to support the sabotage theory. As we have seen, the assigned task was to provide additional security for the Engineers compound. We have also seen that Capt Rainville reinterpreted the mission as being to capture infiltrators or "saboteurs". However, there are several problems with the sabotage theory, and we discuss them under four headings: the planning of the mission; the conduct of the mission; the treatment of the captured Somali; and the earliest reports dealing with the mission. From an examination of the relevant testimony, it is clear that no saboteurs were apprehended on March 4, 1993; rather, the Recce patrol acted in an overly aggressive manner, exceeding the boundaries of the Rules of Engagement and shooting two Somalis who had already quite clearly ceased any activity that could have been interpreted as hostile and were fleeing the scene.

Mission Planning

If the mission was designed to apprehend saboteurs, presumably that would be reflected in the orders given to the Recce patrol. Yet the members of the patrol were unable to produce any evidence that they were instructed in how to effect capture of a saboteur,¹⁰⁰ nor was there any discussion of how the Rules of Engagement applied to saboteurs.¹⁰¹ Indeed, there was no plan for capturing saboteurs;¹⁰² it was assumed that the soldiers

would simply react to the situation on the ground and somehow effect capture.

The pretext provided for the fear of sabotage is not credible. The theft of the fuel pump was the only evidence of sabotage produced, and it is highly questionable. The 200-pound fuel pump had been completely unprotected by fencing or guards, and it was replaced the next day.¹⁰³ Further, there is no evidence that the alleged theft was ever reported or was ever the subject of an investigation. Had the fear of sabotage been genuine in relation to the loss of the fuel pump, the Commanding Officer would have been obliged under CFAO 22-3, Article 7a, to ask the Special Investigations Unit to investigate the matter.¹⁰⁴

A possible explanation for the disappearance of the fuel pump is suggested by Capt Mansfield's action with regard to the light tower which he had brought to the compound from the airfield without authorization from CARBG HQ. According to Maj Buonamici, a former infantry officer and former Formation Provost Marshall, theft from one unit by another unit during multi-unit or multi-national exercises occurs frequently. A possible explanation for what happened to the fuel pump is that it was 'scrounged' or 'liberated' from the CARBG by another unit with refuelling requirements.¹⁰⁵

If sabotage had truly been the intent, the fuel pump could have been destroyed, along with the 80,000 litres of fuel stored without protection adjacent to the pump.¹⁰⁶ In addition, there is no evidence of sabotage of Canadian equipment at any time during the deployment, let alone evidence of such acts by terrorists or other militarily organized hostile forces. In particular, Capt Mansfield had no reports of infiltrators attempting to sabotage any of his equipment.¹⁰⁷

The most likely target of any sabotage that might occur was the Helicopter compound at the north end of the Engineers compound,¹⁰⁸ or (less likely) the ammunition dump at its south end, which contained confiscated unexploded ordinance slated for destruction.¹⁰⁹ Thus, it is logical to suppose that the Recce patrol would be set up in such a way as to offer maximum protection to the north part of the Engineers compound; this would also offer the greatest chance of catching a saboteur. However, the Recce patrol set up to cover the south part of the compound, where boxes of food and jerrycans of water had been placed, supposedly as a means of distinguishing between thieves and saboteurs. But the bait was placed inside a trailer within just 20 to 30 metres of the ammunition dump,¹¹⁰ making it next to impossible to determine which target a supposed saboteur or thief had been attracted to (see Annexes B and C).

The Conduct of the Mission

Accounts of how the mission was conducted are murky. Some elements of what took place could conceivably apply to the scenario offered by the sabotage theory, but other events do not support this. Capt Rainville retained for himself the authority to distinguish between potential thieves and saboteurs.¹¹¹ However, when Capt Rainville left the truck

to approach the intruders he gave Cpl Klick no instructions about whether they were thieves or saboteurs.¹¹² In fact, Cpl Klick admitted that he was never told directly that the two Somalis were saboteurs; he claims to have assumed that based on the fact that Capt Rainville got out of the truck to go after them.¹¹³ Gpt Rainville stated that he called Detachment 63 and instructed them to move north to intercept the two Somalis while he approached them from the other side. That way, they would be able to sandwich the Somalis between them.¹¹⁴ However, none of the members of Detachment 63 can recall receiving this order from Capt Rainville.

There are also numerous contradictions and inconsistencies in the testimony concerning the following series of events. When Capt Rainville left the truck, he claims to have left his sniper in place to cover his approach. However, Cpl Klick states clearly that Capt Rainville did not ask Cpl Klick to cover him.¹¹⁵ Capt Rainville also maintains that the two Somalis conducted a reconnaissance of the helipad compound for about 10 minutes.¹¹⁶ Sgt Plante, who observed them continuously while they were supposedly heading toward the Helicopter compound, did not see this 10-minute reconnaissance;¹¹⁷ nor did Cpl Klick or Cpl Favasoli.¹¹⁸ Cpl Klick's testimony agrees with the account in the log book for that evening-that from the moment the two Somalis started up the south-west side of the compound until the final shots were fired, the total elapsed time was about five minutes.¹¹⁹ This would not have been nearly enough time to carry out a reconnaissance of the Helicopter compound.

The viability of using a sandwich (or pincer) tactic to effect capture of a saboteur or thief was also explored. Presumably, this technique would have offered the greatest likelihood of capturing an intruder.¹²⁰ However, when questioned in detail about this, Cpl King admitted that Detachment 63 was not well positioned to sandwich intruders.¹²¹ Cpl Favasoli also indicated that Detachments 63 and 64A were well positioned to deal with intruders from the south,¹²² but it might have been difficult to effect a sandwich manoeuvre. Sgt Plante, who led Detachment 63, stated that it would not have been possible to sandwich intruders at the Helicopter compound, as no one was on the inside; instead they would have tried to funnel intruders along the wire toward the other detachment.¹²³ If the intruders had fled toward the west, the patrol could have done nothing about it.¹²⁴ It was hoped that the patrol would surprise them in the wire; the intruders would realize they were caught and would give up.¹²⁵ Cpl Roch Leclerc did not envisage a sandwich tactic at all in his description of how an intruder would be captured; the detachments all had separate areas of responsibility that overlapped slightly, but Cpl Leclerc did not speak of a sandwich or pincer manoeuvre.¹²⁶ In our view, the mission plan never included the capture of a Somali unless the Somali gave up or was wounded and did not die.

Treatment of the Captured Somali

The treatment of the captured Somali is incomprehensible if in fact he was considered a saboteur. Cpl King was told to accompany the wounded man, Mr. Abdi, to the medical compound for treatment and to provide security while there.¹²⁷ Yet, Cpl King states that

he was given no special instructions about how to handle the suspected saboteur;¹²⁸ did not turn him over to anyone in particular;¹²⁹ never informed anyone at the hospital that Mr. Abdi was a suspected saboteur;¹³⁰ that an American who spoke Somali came in without identifying himself and interviewed the first suspected Somali saboteur ever captured without any protest or argument from Cpl King;¹³¹ that Cpl King left the suspected saboteur wide awake and unguarded in the medical compound;¹³² and that he was given no instructions to interrogate the prisoner or indications that the prisoner would be interrogated.¹³³ Sgt Plante's recollection of these points dovetails with Cpl King's, as they both accompanied Mr. Abdi to the hospital, and neither took any special precautions with the man they said was a suspected saboteur.¹³⁴ Neither Sgt Plante nor Cpl King had any idea about what happened to the prisoner,¹³⁵ who was released from hospital and never interrogated by Canadian intelligence.¹³⁶

It strains belief to accept that Mr. Abdi would have been treated this way if he had been a suspected saboteur. The behaviour of Sgt Plante and Cpl King rings true only if Mr. Abdi was simply a wounded man-perhaps a suspected thief-brought in for treatment. Further, the fact that no weapons (other than a knife), explosives or breaching devices were found on Mr. Abdi, and that he was wearing a brightly coloured shirt, tends to refute the theory that he was a saboteur.¹³⁷

The Initial After-Action Reports

There is no mention of saboteurs in any of the written statements produced for Capt Hope, who conducted the initial investigation of the incident, and only Cpl Roch Leclerc mentions saboteurs in his May 1993 interview with MWO Bernier of the Military Police. All the others speak of "looters" or "thieves".¹³⁸ The only soldiers who mention sabotage in their statements are MCpl Countway and Cpl Leclerc,¹³⁹ but they do not state that the two men were saboteurs. Also, Cpl King's statement at the general court martial of Capt Rainville mentioned setting up an observation post in the Engineers compound and apprehending thieves; no mention was made of saboteurs.¹⁴⁰

This was consistent with the report made by Col Labbé to NDHQ on March 23rd, which read in part as follows: The members of reconnaissance platoon involved in the March 4th incident were deployed as part of the normal nightly Canadian Airborne Regiment Battle Group security plan to guard against looters. They were properly briefed and prepared and had reviewed the approved Rules of Engagement.¹⁴¹ At no time was the word saboteur mentioned, and at no time did Capt Hope's report on the incident mention saboteurs, let alone that one had been captured.¹⁴² As Intelligence Officer of the CARBG, Capt Hope would have had a great deal of interest in interrogating a captured saboteur and would definitely have interviewed one.¹⁴³ The fact that he did not is highly significant, indicating that the men were not seen as saboteurs at the time.

It is similarly difficult to believe that Capt Kyle would not remember Capt Rainville reporting to Col Labbé and LCol Mathieu in his after-action debriefing that the two Somalis shot were saboteurs, yet Capt Kyle testified that he remembers Capt Rainville

saying they were looters.¹⁴⁴ He also did not indicate in his Significant Incident Report that the Somalis ever breached the wire, but rather that they were trying to break into the Canadian compound.¹⁴⁵ The first instance of the word sabotage appearing in print with reference to the night of March 4th was on March 5th, in LCol Mathieu's response to a series of questions from NDHQ requesting information about the shootings. LCol Mathieu stated that the Somalis were shot because they attempted to gain access to the Helicopter compound, possibly to commit an act of sabotage against the Black Hawk helicopters.¹⁴⁶ Yet LCol Mathieu did not mention sabotage at his morning orders group on March 5th as he might have been expected to do if sabotage had been at issue.¹⁴⁷

Several other points about the sabotage theory are also problematic. The lack of curiosity and apparent nonchalance on the part of the soldiers involved in the incident regarding what their comrades had done is remarkable, given that this was supposedly the first and only mission undertaken while in Somalia to capture saboteurs, and they had actually captured one. Cpl Klick assumed that since shots were fired, the members who fired must have followed the Rules of Engagement, but he claims not to have inquired about any details about the shots.¹⁴⁸ Yet Cpl Klick presumed to speak on behalf of patrol members on occasion, indicating that he was quite interested in knowing their views on the events of March 4th.¹⁴⁹ Cpl King also stated that he asked questions only to satisfy his curiosity about the events of the patrol.¹⁵⁰ He did acquire a fairly detailed picture of events, however, as evidenced by his first written statement to Capt Hope, and he never made any mention of saboteurs.¹⁵¹ These and other inconsistencies in the testimony and the lack of any objective evidence make it impossible to put any credence in the sabotage theory.

If we accept the version of the events presented to Capt Hope - that is, that the mission was to augment security by capturing thieves--then the patrol members' evidence is consistent, and the same understanding of the mission is reflected by Capt Mansfield, Sgt Groves, and Col Labbé. If we accept the version of events presented to us by the members of the patrol, the real purpose of the mission as defined by Capt Rainville was not disclosed up and down the chain of command; the setting out of supplies as bait was not disclosed; the role of the Quick Reaction Force of the Engineers in capturing thieves was not disclosed; the fact that a saboteur was captured was not disclosed, nor was any information gained from an interrogation of him disclosed.¹⁵² If the mission was to capture saboteurs, then the testimonies are inconsistent with each other and with the sabotage theory. In our view, the evidence does not objectively support the sabotage theory, and it is therefore not believable.

The Placing of Bait

There was some discussion before us about the purpose of placing food and water in a trailer at the south end of the Engineers compound. There was also disagreement about who knew about this tactic and who did not. Here we examine the legitimacy of the tactic

before determining who knew about it.

Most of the soldiers who were aware of the supplies being put out testified that the supplies were there as a means of distinguishing between simple thieves, who would be interested in the supplies, and saboteurs, who would bypass them in favour of more significant military targets such as the helicopters. This was Capt Rainville's stated purpose for the ploy, which he referred to as a deception plan; it was his own addition to the mission.¹⁵³ The only alternative view came from Sgt Plante, who said the supplies would serve the purpose of attracting a thief already inside the compound to a convenient location to be captured; they were not intended, he said, to entice anyone outside the compound to enter.¹⁵⁴ However, WO Marsh of the Engineers stated that this is exactly the effect they would have had on any Somalis near the compound.¹⁵⁵

Capt Rainville claimed that the supplies in the trailer constituted a "deception plan", common under CF patrol doctrine¹⁵⁶ and allowable under the Rules of Engagement.¹⁵⁷ This plan, he told us, would allow the Recce patrol to distinguish between thieves and saboteurs and would provide a distinction that would guide patrol members' response to the situation.¹⁵⁸ There are several problems with this premise. First, this was an environment in which food had been the cause of riots. Using food to entice hungry people into a potentially dangerous situation¹⁵⁹ would have been questionable in most circumstances and was simply unacceptable here.

Further, the way the supplies were set out did not conform to section 27(C) of the Rules of Engagement concerning the use of military deception. The supplies were not placed so as to protect against attack, nor were they placed in a way that would enhance security--in fact, they had the opposite effect, tempting intruders to enter the compound. Nor did the supplies serve to deny hostile forces the ability to track, locate or target Canadian or Coalition forces.¹⁶⁰ At best, this tactic showed highly questionable judgement. At worst, it was in direct contravention of the Rules of Engagement.

Capt Mansfield was not aware of the "deception plan" at the time,¹⁶¹ but he later saw this as a poor idea that offered little or no deterrent value.¹⁶² Capt Mansfield stated that the effect of putting out the supplies was neutral on potential intruders, because on the many other nights when supplies were not put out, there were still incursions into the Engineers compound.¹⁶³ WO Marsh supervised the placing of the ration boxes and water cans under Capt Rainville's direction,¹⁶⁴ and although he did not necessarily agree with the tactic, he was not about to tell Capt Rainville how to go about his business.¹⁶⁵

Capt Rainville is not entirely sure whether he informed CARBG HQ about the specifics of this tactic before the mission. He stated that when he reported to the Operations Officer, Capt Kyle, he sketched out the overall layout of the mission plan, including the use of infra-red chemical lights to mark positions and the use of two lay-back detachments outside the wire, but he was not sure whether he mentioned the "deception plan".¹⁶⁶ Capt Kyle has no memory of hearing about it beforehand,¹⁶⁷ and LCol Mathieu

also states he was not informed of this element of Capt Rainville's plan.¹⁶⁸ This is highly significant, not only for operational purposes, but also because it indicates that this tactic was not cleared with the senior command of the CARBG, breaking the loop of reporting and accountability that should have been intact in the chain of command.

It was only after the shootings, when Capt Rainville debriefed Col Labbé, LCol Mathieu, and Capt Kyle, that Capt Rainville is sure he mentioned the deception plan.¹⁶⁹ He states further that he showed LCol Mathieu the location of the bait the following day when they walked the ground where the shootings had taken place.¹⁷⁰ This is disputed by Col Labbé and LCol Mathieu, who both state they were unaware of the existence of the bait until well after redeployment to Canada.¹⁷¹

Clearly, the unease of the senior command with this tactic is further evidence of its questionable legitimacy. In our view, its only purpose was to entice Somalis into or near the Engineers compound so that the Recce Platoon could engage them. As such, the use of this tactic was deplorable; it cannot be justified militarily, and it undermines the professional values and attitudes of the Canadian military. The fact that Capt Rainville was allowed to proceed in this manner is further evidence of the lack of adequate command oversight with regard to this incident.

The "Military Approach" of the Intruders

Along with the sabotage theory, the main justification for the way the Recce Platoon reacted was what has been described as the "military approach" of the two Somalis to the Engineers compound and subsequently the Helicopter compound. Based on their interpretation of the actions of the Somalis, the members of the Recce Platoon judged that they were military-trained, if not soldiers or saboteurs; they therefore assumed a high state of alertness. As we demonstrate, however, there was nothing in the behaviour of the Somalis to suggest that they were anything more than thieves exercising caution to avoid detection.¹⁷²

Three characteristics of the incident led the Recce patrol members to perceive what they called a military approach by the two men: a "clover-leaf recce" of the south wire of the Engineers compound; a "bounding overwatch" as they moved outside the wire; and a "leopard crawl" approach to the Helicopter compound. We examine the actions of Mr. Abdi and Mr. Araush to determine whether they behaved, as contended, in a military fashion.

From the point at which the two Somalis were first spotted by Cpl Lalancette from the 1 Commando tower, he characterized their progress as a normal walk toward the river along the path that paralleled the east side of the Engineers perimeter.¹⁷³ Cpl Lalancette, who was not involved in the Recce Platoon operation or in the shootings, had the two men under constant observation through powerful night vision equipment, a night

observation device long range (NODLR). According to Cpl Lalancette's testimony, at the half-way point of the east side of the Engineers perimeter, the Somalis stopped and sat for up to a minute. They approached the wire and touched it, then sat again for a couple of minutes. Then they continued south. At the south-east corner of the wire, they turned west.¹⁷⁴ Cpl Lalancette asserted firmly that he could see quite well and that there was nothing to obstruct his view.

At the half-way point of the southern edge of the perimeter, according to Cpl Lalancette, the two Somalis sat again for one or two minutes. They touched the wire a second time, then moved on, and he lost sight of them briefly. From his position, he thought they had entered the compound when he spotted them again,¹⁷⁵ but the evidence revealed that they had actually moved around the south-west corner of the perimeter and begun to move north. Throughout Cpl Lalancette's constant observation of the two Somalis, their behaviour consisted of a normal walk, and their approach had nothing military about it.

This description by an independent observer contrasts sharply with that of the members of the Recce Platoon, particularly Cpl Roch Leclerc, who was later involved in the shooting death of one of the men. According to Cpl Leclerc, when the two Somalis reached the south-east corner of the perimeter they began to walk more cautiously, stopping at various points along the south perimeter to talk to each other and point in various directions inside the compound.¹⁷⁶ It is this manner of approaching the wire, then moving away to discuss what they saw, that patrol members characterized in their testimony as a "clover-leaf recce".¹⁷⁷ In fact, it could very well have been a simple case of thieves not being sure of how to proceed or where the best place was to enter the compound. Indeed, none of the patrol members used the term clover-leaf in their first statements concerning the incident. Only MCpl Countway and Cpl Smetaniuk referred to a recce in their original statements, and neither used the term clover-leaf.¹⁷⁸

Only when pressed were patrol members willing to admit that the likely cause of the pointing and discussion between the two men was the rations and water visible at the south end of the Engineers compound.¹⁷⁹ The reasoning of patrol members becomes circular and self-serving on this issue as well: it was the fact that the two men approached the compound at night that led patrol members to believe that the Somalis were armed and dangerous; they could not see why the Somalis would approach a military installation if they were not armed.¹⁸⁰

All the members of the patrol now refer to the approach using the cloverleaf term, including Capt Rainville, who testified that he used the term when he reported to LCol Mathieu and Col Labbé the night of the incident. He could not explain, however, why he had not used the term in his statement.¹⁸¹ Capt Rainville wrote in his statement that they "walked along the wire".¹⁸²

MCpl Countway also referred to the supposed 'clover-leaf' in his testimony, although he had said in his May 1993 interview with MWO Bernier of the Military Police that the

men were just walking by.¹⁸³ When pressed, MCpl Countway could not state clearly what a thief would do that was different from what he saw as a "clover-leaf recce".¹⁸⁴ This is significant because, when interviewed by the Military Police, MCpl Countway characterized the mission as having to do with stopping "burglars"; it was only after the general court martial of Capt Rainville that MCpl Countway began to use the terms clover-leaf and saboteurs.¹⁸⁵

We do not believe that the two Somalis conducted a clover-leaf recce in the military sense that some members of the patrol now claim. The behaviour of Mr. Abdi and Mr. Aruush was, in our view, consistent with, at worst, the behaviour of thieves and did not indicate a serious threat, especially because, as we will see, they were not carrying firearms.

The second indication of military-type behaviour that the Somalis were said to have exhibited was proceeding in a "bounding overwatch". This is the term Cpl Klick applied to the way the two Somalis moved around the south wire of the perimeter.¹⁸⁶ Significantly, he is the only one to use this term; in his statement he referred instead to "monkey-walking" from bush to bush.¹⁸⁷ This is in sharp contrast with Cpl Lalancette's description. When questioned about this in testimony, Cpl Klick defined it as one man moving while the other one watched, or progressing in a "leap-frog" manner. Even if it were true, it would be simply another instance of applying a military term to behaviour any thief would exhibit. Moving in this way would have required no great degree of sophistication or military training and was indistinguishable from what a thief would do. Yet this was also taken to indicate military training and resulted in the presumption that the Somalis were armed.¹⁸⁸

The third element of the so-called military behaviour of the Somalis was what Capt Rainville described as a "leopard crawl" which they used in the final 100 metres of their approach to the Helicopter compound.¹⁸⁹ A "leopard crawl" involves lying prone on the ground and moving on one's elbows and knees, a technique Capt Rainville demonstrated during his testimony. Like some of the other terms just discussed, this term was used in Capt Rainville's testimony but did not appear in his written statements directly after the incident. His statement for Capt Hope indicates that they crawled¹⁹⁰ but does not mention a leopard crawl.

We see this as an obvious attempt to over-emphasize the danger posed by the Somalis, an attempt that is not supported by the testimony of the soldiers under Capt Rainville's command. Cpl Klick says the men did not crawl toward the Helicopter compound, but rather moved rapidly once they left the south-west corner of the Engineers perimeter.¹⁹¹ Cpl Klick's view of their movements is supported by Sgt Plante, the only other member of the patrol who says he saw the Somalis in this area. Sgt Plante says they did not crawl the final 100 metres to the Helicopter compound, but rather ran quite quickly.¹⁹² The testimony of one other member of the patrol is significant and relevant to this issue: Cpl Favasoli stated that he never saw the Somalis pass the position of Detachment 63, crawling or otherwise; they never went to the Helicopter compound.¹⁹³ (This point is

discussed in greater detail later in the chapter.)

Clearly, then, the attempts of Recce patrol members to characterize the actions of the Somalis as a "military approach" to the Engineers compound or the Helicopter compound simply do not stand up to detailed scrutiny. There was nothing in the behaviour of the two intruders to indicate that they might be other than thieves. There is no credible evidence that they performed a "clover-leaf recce", that they proceeded in a "bounding overwatch", or that they moved in a "leopard crawl".

The Recce patrol members used military terms to describe the actions of the two Somalis as a way of justifying their perception of a threat, thus justifying the assumption that they were armed and dangerous. There is nothing to indicate objectively that either of the Somalis demonstrated any military training in their approach; they merely exercised the caution one would expect of thieves operating at night.

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The Threat Posed by the Somalis

It is clear from the actions of the Recce patrol that evening that the Somalis posed no threat to patrol members or to Canadian installations. There is no other logical explanation for the manifest lack of fear or caution displayed by Recce patrol members during the mission. It is also clear from the instructions given by Capt Rainville before the mission that no great danger was anticipated, as there was no requirement for the soldiers to wear helmets or protective vests.

Despite the fact that, to a man, patrol members maintained in their answers to the supplementary questions¹⁹⁴ that they had reason to believe the Somalis might be armed, the incontrovertible fact is that the Somalis had no weapons other than a ritual knife, which was not removed from its sheath during the entire incident. This fact was evident to the Recce Platoon, as the Somalis were under constant observation from the moment they approached the wire on the east side of the Engineers compound, and none of the soldiers saw any weapons on either man.

The log entries show that Cpl Lalancette, the sentry in the 1 Commando tower, observed two Somalis walking along a path that ran between the 1 Commando compound and the Engineers compound at about 7:50 p.m. through his NODLR. Cpl Lalancette saw that they were unarmed and reported their presence near the wire to the Engineers,¹⁹⁵ who passed the information along to Capt Rainville.¹⁹⁶ At this point, the observation was picked up by the Recce patrol (see Annex G).

From the point at which the two Somalis passed the south-east corner of the Engineers compound, Detachment 64A watched them move slowly along the wire for approximately 10 to 15 minutes. At no time did anyone in Detachment 64A see a weapon on either man. Cpl Smetanink was the first member of Detachment 64A to spot the Somalis as they approached the south-east corner of the perimeter, and he stated that he saw no weapons.¹⁹⁷ Cpl Leclerc stated that he could see the Somalis with the naked eye from 40 metres away and he saw no weapons.¹⁹⁸ The same applies to MCpl Countway, the commander of Detachment 64A, who also watched the Somalis for 10 to 15 minutes and saw no weapons.¹⁹⁹

Detachment 69 also had the Somalis under observation as they moved along the southern edge of the perimeter. Once they reached the south-west corner they were picked up visually by Detachment 63. The members of Detachment 63 also saw no weapons.²⁰⁰ This likely accounts for the almost complete lack of caution on the part of the soldiers when they confronted the Somalis. Had they thought they were facing armed saboteurs, they would undoubtedly have conducted themselves much differently. For example, Cpl King stated that he got up and left cover based solely on Sgt Plante's words, "Get them". He had no other information; he apparently saw nothing and simply assumed that the shot he heard must have been a warning shot from Sgt Plante and that he was therefore authorized to proceed quickly through the escalation of response set out in the Rules of Engagement.²⁰¹

Further evidence of the lack of threat lies in the actions of Cpl King, who ran blindly after the Somalis in the dark after shots were fired. He stated that this was somewhat foolish, because they might have been armed, but that he had reacted on instinct. It is more likely, however, that his reaction was based on the fact that the Somalis were unarmed and posed no threat.²⁰² Cpl King claimed that, as a general rule, he always assumed that Somalis were armed. This was in keeping with the surprising standing order to treat all Somali males over 14 years of age encountered at night as armed.²⁰³ However, his behaviour on the night of March 4th clearly contradicts his claim. It is difficult to give any weight to Cpl King's assertion that he felt threatened,²⁰⁴ as he saw no weapons, and the man he shot at was running away from him.

There are no instances in the statement of Cpl King that indicate any confusion or fear during the events of March 4th, but he claims to have experienced personal fear as a result of Sgt Plante firing his shotgun.²⁰⁵ Yet he came charging out blindly from his position and fired to wound, leaving the suspected saboteur potentially able to return deadly fire.²⁰⁶ It is clear, then, that Cpl King did not at any time feel threatened enough to shoot to kill.²⁰⁷ The same can be said for Cpl Klick, who stated that he had Mr. Aruush locked in his sights when he paused at the south-west corner of the perimeter, but decided not to shoot because he could see no weapons and could detect no intent to throw a grenade or a molotov cocktail.²⁰⁸

This also accounts for the fact that Capt Rainville felt safe enough to leave cover and run after the Somalis²⁰⁹ and to direct Sgt Plante, Cpl King and Cpl Favasoli to chase Mr. Aruush while he remained alone with Mr. Abdi.²¹⁰ Cpl Favasoli admitted that he never really felt threatened, particularly not after Mr. Abdi was wounded,²¹¹ and Sgt Plante also admitted that he never felt threatened during the entire incident.²¹² He fired his weapon not out of fear but rather to complete his mission of capturing an infiltrator.²¹³

Detachment 63's use of bright white flashlights (instead of the red-filtered flashlights common on military missions) indicates that they were more interested in catching the Somalis than in concealing their position.²¹⁴ Cpl Favasoli also did not feel much concern about the safety of Detachment 64A, as he had seen no weapons on Mr. Arunsh or Mr. Abdi. As Mr. Arunsh ran toward Detachment 64A, Cpl Favasoli assumed they would have the advantage over him.²¹⁵

Capt Rainville seemed quite confident that Mr. Aruush posed no danger to Detachment 64A, because he called out to them, "He's yours", without mentioning that the man was armed or giving any other such warning.²¹⁶ It also did not occur to Cpl Favasoli to warn Detachment 64A; he would have been surprised, he said, if they did not know what was happening or could not see Mr. Arunsh running toward them.²¹⁷ Nor did the members of Detachment 64A behave as if they perceived a threat from the Somalis, as is clear from the actions of Cpl Smetaniuk, who ran after Mr. Aruush without his weapon, even after Detachment 63 had already shot Mr. Abdi.²¹⁸ The notion that a trained soldier would leave cover and run blindly, without his weapon, after an armed enemy is simply preposterous. The only conclusion we can reach is that Mr. Aruush and Mr. Abdi posed no threat whatsoever to Canadian troops or Canadian installations at any time during the March 4th incident.

The Alleged Breach of the Wire

The question of whether Mr. Aruush and Mr. Abdi breached the wire at the Helicopter compound is crucial to reaching an accurate conclusion about Recce Platoon's justification for the shootings. Capt Rainville and Sgt Plante maintain that Mr. Abdi and Mr. Aruush got into the wire at the Helicopter compound; this was the action that was said to constitute a hostile act and therefore justified an attempt to capture the men. We therefore need to determine whether the evidence supports the contention of Capt Rainville and Sgt Plante that the wire at the Helicopter compound was breached.

As the incident began, Detachment 63 was concealed behind a cistern or well to the west of the Engineers compound (see Annex E). The cistern was a rectangular concrete container, about four feet wide by seven or eight feet long; it was located about 75 metres due west of a temporary gate in the west perimeter of the Engineers compound and more or less equidistant (110 to 140 metres) from the south-west corner of the Engineers

compound and the south perimeter of the Helicopter compound.²¹⁹

The three members of Detachment 63 were crouched behind the north wall of the well, facing south, with Sgt Plante in the middle, Cpl Favasoli to the east and Cpl King to the west.²²⁰ When Cpl Favasoli first spotted Mr. Abdi and Mr. Aruush, they were about 100 to 200 metres to the south-east of the detachment and were walking in a westerly or northwesterly direction, directly toward their location.²²¹

Cpl Favasoli observed the men through his night-vision goggles.²²² Within two or three minutes, according to Cpl Favasoli, the men had made their way in a casual, normal walk to within 20 to 25 metres of Detachment 63's position behind the well; they stopped at a rock-pile that lay between the well and the south-west corner of the Engineers compound, at a distance Cpl Favasoli estimated at 20 to 25 metres from the west perimeter of the compound.²²³ The two men sat down at the rock-pile; they talked to each other and gestured in the general direction of the compound.²²⁴ This testimony agrees with that of Cpl Klick, who also saw the men squat down and observe the Engineers compound.²²⁵ (See Annex A.)

Cpl Klick, stationed inside the Engineers compound along with Capt Rainville, saw the two Somalis to the south of the compound, apparently arguing about and gesturing toward various parts of the compound: one was apparently pointing to the food and water containers that had been set out as bait; the others--swho appeared to Cpl Klick to be in charges--sapparently rejected this idea and pointed to the north-west, toward 2 Commando and the Helicopter compound.²²⁶ Cpl Klick estimated that the two Somalis remained at this location for between three and ten minutes.²²⁷

According to Cpl Klick, the man who seemed to be in charge prevailed; Mr. Abdi and Mr. Aruush got up and moved away in a southwesterly direction where they disappeared behind some shrubbery before beginning to proceed northward.²²⁸ He then lost sight of them for between 5 and 15 minutes, after which he saw them near a mound of brush and rocks. He estimated that the mound was 30 to 50 metres south-west of the south-west corner of the Engineers compound, although he conceded it could have been 50 metres further north, in roughly the same location as Cpl Favasoli put the rock-pile.²²⁹ According to Cpl Favasoli, at no time while he was observing them did the Somalis appear to be trying to hide or conceal themselves.²³⁰ At this point, Sgt Plante called over the radio for radio silence.²³¹

According to Cpl Favasoli, the two Somalis sat and talked on the rockpile for about three minutes (this agrees with Cpl Klick's recollection²³²), at which point Cpl Favasoli ducked his head behind the well wall, having remembered that his light-coloured hat might be visible if the Somalis looked in that direction.²³³ Cpl Klick says he then saw the man who appeared to be in charge take off his white shirt and wrap it around his waist.²³⁴ Cpl Favasoli stopped looking at the Somalis and focused instead on Sgt Plante, who continued to observe them, and awaited a signal from the sergeant.²³⁵ Cpl Favasoli

estimates that he remained in that position, with his head behind the wall of the well looking at Sgt Plante, for about three minutes.²³⁶ During that time, according to Cpl Favasoli, Sgt Plante continued to look to the south and did not turn to look west or north.²³⁷

Cpl Favasoli testified that he then heard Capt Rainville's voice over the radio. He was concerned that the Somalis might hear the radio communication, since as far as he knew they were only about 25 metres away, still at the rock-pile. So he picked up the radio and quietly gave a "63s--sWaits--sOut" signal, meaning not to call that detachment.²³⁸ At that point, Sgt Plante stood up, pointed his shotgun south, turned on the flashlight, shouted "halt" a couple of times, then fired his shotgun. After this initial shotgun blast and then, a few seconds later, a second one, Cpl King also fired two shots from his C7. Sgt Plante and Cpl King then went off in pursuit of the Somalis.²³⁹

The version of events just recounted differs sharply from the version presented before us by Capt Rainville and Sgt Plante and, in some ways, that of Cpl King. We therefore need to assess these alternative versions and weigh them against that presented by Cpl Favasoli. Sgt Plante agreed that the touching of the perimeter wire by the Somalis would trigger the patrol to move in and apprehend them.²⁴⁰ Sgt Plante recalls that when he first saw the two men, they were about 75 metres away, near the south-west corner of the Engineers compound.²⁴¹ Like Cpl Favasoli, Sgt Plante recalls that the men sat down at a point south of Detachment 63's location and about 50 metres from the west perimeter of the Engineers compounds--although Sgt Plante does not recall the rock-pile.²⁴²

Sgt Plante testified that the men got up and began to move north, up the west side of the Engineers compound.²⁴³ As they did so, according to Sgt Plante, they kept a constant distance between them, walked in a bent-over posture, hid behind bushes, and stopped periodically to look carefully in all directions.²⁴⁴ This does not quite fit with Capt Rainville's testimony. Capt Rainville recalled hearing Sgt Plante's call for radio silence soon after the two Somalis rounded the south-west corner of the Engineers compound. He saw them proceed north from the south-west corner, stop and sit down on the rock-pile. They sat there for about ten minutes and were looking north, in the direction of the Helicopter compound.

According to Capt Rainville, they then got up and moved north, on all fours in a "leopard crawl", toward the Helicopter compound, quickly covering the distance between the rock-pile and the Helicopter compound.²⁴⁵ As we have seen, however, Mr. Abdi and Mr. Aruush did not in fact move in a "leopard crawl". According to Cpl Klick, as the two men moved north, he lost sight of them when they were about parallel with the temporary gate in the west perimeter and slightly north of the well, about 20 to 25 metres from the wire.²⁴⁶ When they began to move north, Cpl Klick says he heard Sgt Plante's call for radio silence.²⁴⁷ Cpl Klick estimated that it took the two Somalis about five minutes to make their way from the mound off the south-west corner of the perimeter to the point

where he lost sight of them near the temporary gate.²⁴⁸

As the Somalis moved north and approached the location of Detachment 63, Sgt Plante claimed that he moved his body so that he could watch the east and the north; he told Cpl Favasoli and Cpl King to keep quiet and shut off the radio, which he had already set down.²⁴⁹ Then he maintains that he told Cpl Favasoli and Cpl King to hide, leaving him as the only one following the movements of the Somalis. Sgt Plante did not think it was important to tell his two subordinates that the Somalis were moving past their location and to the norths--that is, behind their position.²⁵⁰ When confronted with Cpl Favasoli's testimony that he was watching Sgt Plante and never saw him look in any direction other than south, Sgt Plante answered, unconvincingly, that he could have followed the Somalis with his eyes, without moving his body.²⁵¹ Given the distance between the well and the Helicopter compound, where Sgt Plante maintains the Somalis went, this is simply not credible.

According to Sgt Plante, it took five minutes at most for the two men to reach the Helicopter compound.²⁵² He testified that they moved quickly, but in his initial statement to Capt Hope, he described their approach to the helicopters as very slow.²⁵³ He could not explain the contradiction. He did not recall seeing them crawling during their approach to the Helicopter compound.²⁵⁴

Sgt Plante said that, on reaching the southern fence of the Helicopter compound, one of the Somalis lay down while the other used a piece of clothing or a towel to lift the wire.²⁵⁵ At this point, Sgt Plante says, he told Cpl Favasoli and Cpl King to get ready to move,²⁵⁶ but neither recalls hearing any instructions from Sgt Plante. Sgt Plante does not recall whether he told his men that the Somalis were in the wire.²⁵⁷ This is difficult to believe, given that this was the event that was supposed to trigger an attempt to apprehend an intruder.

Sgt Plante testified that he remained at the well during all of this and did not have the detachment follow the Somalis because he did not want to reveal his position to the Somalis.²⁵⁸ However, this explanation ignores the fact that Sgt Plante and his detachment would have revealed their position simply by remaining on the north side of the well. Sgt Plante himself says the Somalis were looking around in all directions as they moved north. Again, this explanation simply is not credible.

There are other fundamental problems with Sgt Plante's testimony concerning what happened when the Somalis were, in his account, at the wire. According to Sgt Plante, when the Somalis started to penetrate the perimeter wire, he turned away briefly to get ready to move in on them: he put down the radio handset and told his men to get ready. He estimates that this took perhaps as long as 15 seconds. In the meantime, he heard a sheet-metal sound that caused him to look up; when he did so, he saw that the Somalis were running back toward the south and had already covered half the distance between

the Helicopter compound and the well where Detachment 63 was located.²⁵⁹

This sequence of events presumes several things that are impossible to accept: that at the critical moment of the hostile act that would have allowed the Recce Platoon to begin the escalation of response, Sgt Plante took up to 15 seconds to remove the radio handset (this would have taken no more than 1 or 2 seconds according to Cpl Favasoli²⁶⁰); that Sgt Plante gave instructions to his men, which they do not recall receiving; and that the 15 seconds or less when Sgt Plante says he looked away was sufficient time for the Somalis to get out from under the wire and run at least 100 metres. This is simply impossible.

Sgt Plante testified that he then moved out from behind the well, to the east, to intercept the men. At the same time, he heard Capt Rainville shout an order, but he did not understand it at the time.²⁶¹ Sgt Plante says that he then moved out immediately and faced north to intercept the Somalis, but he had taken only a few steps in an attempt to cut them off before realizing that he would not be able to do so.²⁶² He stopped, gave a verbal warning, then fired warning shots toward the south-east.²⁶³ By that time, the Somalis were south of him. This means that they had extracted themselves from the wire and run a distance of 175 metres from it, all within about 18 seconds. This would have been physically impossible. It is quite likely that Sgt Plante could not have caught the Somalis, but highly unlikely that he ever faced north.

Cpl King, the third member of Detachment 63, was positioned near the north-west corner of the well. He testified that he lay prone behind the well, watching his arcs of fire to the south-west and west of Detachment 63's position. Apart from Sgt Plante's call for radio silence, he saw and heard nothing concerning the two Somalis until Sgt Plante shouted "Get them" and Detachment 63 engaged the Somalis as they fled south.²⁶⁴ Cpl King also asserted that if the Somalis had been running within 50 metres to the north of Detachment 63's position as claimed he would have seen them.²⁶⁵

Capt Rainville's testimony differs on these events. According to him, as the Somalis moved north to the Helicopter compound, he radioed Detachment 63 and told them to follow the two men as they moved north; he would do the same from inside the compound. Capt Rainville acknowledged that no one at Detachment 63 recalled receiving this communication. He testified that his plan was to force the Somalis back from the Helicopter perimeter and toward Detachment 63, which would apprehend them.²⁶⁶ However, Detachment 63 was not where Capt Rainville thought it would be²⁶⁷ and was too close to his own location to make a sandwich manoeuvre possible.

When the Somalis had almost reached the Helicopter compound perimeter, Capt Rainville says he left the truck, telling Cpl Klick to cover him.²⁶⁸ According to Capt Rainville, within two or three minutes he had reached the south-east corner of the Helicopter compound where it joined the west perimeter of the Engineers compound. By then, he said, the Somalis were already at the Helicopter compound perimeter wire and were attempting to breach it; one was holding the wire with a piece of clothing or cloth

while the other tried to get through.²⁶⁹ However, Capt Rainville is contradicted by Cpl Klick concerning this sequence of events.

Shortly after he lost sight of the Somalis, Cpl Klick recalls clearly that Capt Rainville left the truck and moved west toward the western fence.²⁷⁰ Cpl Klick does not recall Capt Rainville asking for cover when he left the truck, and Cpl Klick did not cover him, maintaining his focus on his arcs of fire to the south.²⁷¹ According to Cpl Klick, there were no radio communications between the time Sgt Plante called for radio silence and when Capt Rainville left the truck, and both of Detachment 69's radios were left with Cpl Klick in the truck.²⁷²

Less than two minutes later, according to Cpl Klick, he heard the rattle of concertina wire as Capt Rainville tried to open the gate, almost due west of the truck. About 30 seconds later Cpl Klick heard Capt Rainville shout "Get them". Cpl Klick looked over at the gate again and saw that Capt Rainville was gone.²⁷³ Ten to 15 seconds after hearing Capt Rainville shout "Get them", Cpl Klick heard members of Detachment 63 shout "halt" in English, French and Somali. This was followed immediately by gunfire.²⁷⁴

Capt Rainville said he did not hear the sheet metal sound that Sgt Plante heard, nor did he hear any other loud noise that would have alerted the Somalis to his approach; instead he said the two men began to flee when they noticed him standing about 25 metres from them on the other side of the wire. Both parties ran south, with Capt Rainville still inside the Engineers compound. Capt Rainville says he shouted "Get them" a couple of times during the pursuit and that he managed to get out of the compound by jumping over the fence at the gate, where the wire was only about one metre high. He heard the first gunfire from Detachment 63 at about the moment he crossed over the fence.²⁷⁵

However, Cpl Klick estimated that the distance from the truck to the west gate was 45 metres; a round trip north to the junction of the Helicopter and Engineers compounds and back to the west gate would have been more than 200 metres.²⁷⁶ Cpl Klick estimated that about two minutes elapsed between the time Capt Rainville left the truck and when he heard Capt Rainville shout "Get them"; by his estimate, just five minutes elapsed between the time the Somalis rounded the south-west corner and began to move up the west side of the Engineers compound and when the final shots from Detachment 64A were fired.²⁷⁷ This was clearly not enough time for Capt Rainville to move quietly up to the Helicopter compound, then run back to the west gate, shouting for Detachment 63 to "Get them".

The testimony of Cpl Lalancette, the sentry in the 1 Commando tower, is relevant here. He was not involved in the shootings and therefore has no interest in advancing a particular version of events. Using the long-range night vision equipment, Cpl Lalancette saw the Somalis move north from the south-west corner of the Engineers compound. From his location he mistakenly thought that the Somalis had breached the south perimeter of the Engineers compound, so he conveyed this information by phone to the 1

Commando command post. While he was still on the phone with Cpl Noonan, the signaller on duty, he heard gunshots.²⁷⁸ Cpl Lalancette estimates that three to four minutes elapsed between when he thought he saw the Somalis enter the compound and when he saw a wounded man on the ground.²⁷⁹ This time frame supports Cpl Favasoli's recollection but does not support Capt Rainville's contention that the Somalis carried out a reconnaissance of the Helicopter compound for 10 minutes before approaching it.

The 1 Commando logs bear out Cpl Lalancette's testimony concerning the timing of events. Cpl Noonan logged in Cpl Lalancette's first call advising of the presence of the Somalis, on the east side of the Engineers compound heading south, at 20:00 hours (8:00 p.m.). He passed that information on to the Engineers squadron command post at 20:02 hours. Cpl Lalancette's call advising that the Somalis had penetrated the south end of the Engineers compound came at 20:10 hours according to the log. Cpl Noonan passed this on to the Engineers at 20:11 hours. Cpl Noonan noted in the 1 Commando log that he heard gunshots at 20:14 hours.²⁸⁰

One other element tends to refute the contention of Capt Rainville and Sgt Plante that the Somalis got into the wire at the Helicopter compound: the absence of any cuts or marks from razor wire on either Mr. Abdi or Mr. aruush . When he saw the wounded man, Mr. Abdi, after the shooting, Cpl Favasoli did not notice razor or barbed wire cuts on his body.²⁸¹ Likewise Sgt Groves, commander of the Quick Reaction Force that night, did not see cuts from razor wire or tears in the clothing of Mr. Aruush, the man who died in the incident,²⁸² nor did Cpl Mountain, the medic who came to the scene with the ambulance.²⁸³ WO Ashman, a medical assistant at Unit Medical Services, where the shooting victims were taken, saw no signs of fresh cuts from razor or barbed wire on either man.²⁸⁴ The attending surgeon, Maj Armstrong, also saw no evidence of fresh cuts on either man.²⁸⁵ Moreover, the evidence of a variety of witnesses indicates that both men were still wearing a shirt of some sort at the time.²⁸⁶ According to WO Marsh, no shirt or jacket was found near the Helicopter compound.²⁸⁷ If the Somalis were under the wire and had to exit hastily, as claimed by Capt Rainville and Sgt Plante, the likelihood of fresh razor wire cuts would be great. Yet no evidence was found of such cuts.

Until he heard Capt Rainville's version of the incident at the initial debriefing early the next morning, Cpl Favasoli had no inkling that Mr. Abdi and Mr. Arunsh had done anything other than sit on the rock-pile.²⁸⁸ But even then, when Capt Rainville said that the Somalis had approached the wire and were trying to infiltrate the compound when they were challenged by Sgt Plante, Cpl Favasoli assumed that he was referring to something they had done at the south perimeter of the Engineers compound, before he saw them walking toward the rock-pile.²⁸⁹

Cpl Favasoli did not realize that anyone was suggesting that the men had gone to the Helicopter compound until he saw a Canadian newspaper clipping, received from home about a month later. At that time, he simply dismissed the information as a mistake by the media.²⁹⁰ It was not until he was interviewed by counsel for this Inquiry, in February

1996, that Cpl Favasoli realized that this was, in fact, Capt Rainville's version of events.²⁹¹

Soon after the shootings, Cpl Favasoli had doubts about the patrol's justification for using deadly force that night. He also felt that he was expected to answer questions about the incident in such a way as to allow for or support a justification of the shootings.²⁹² In cross-examination, Cpl Favasoli acknowledged that it was not easy for him to give his testimony, since it contradicted that of Capt Rainville and Sgt Plante and tended to discredit a key element in the attempt to justify the shootings.²⁹³

Cpl Favasoli also found it strange that neither Sgt Plante nor Cpl King said or did anything at the time to indicate that the Somalis had moved north behind them or were attempting to breach the wire. After all, the plan was to catch infiltrators in the wire.²⁹⁴ Moreover, one would have expected a warning from Sgt Plante to stay still, or even perhaps to move to the other side of the well, so as not to be detected by the Somalis moving north, right past the location of Detachment 63, on their way to the Helicopter compound.

Given the available evidences--and, in particular, the various contradictions in the evidences--we do not find credible accounts claiming that the two men who were shot on the night of March 4, 1993 attempted to breach the wire at the Helicopter compound.

As is apparent from the preceding review of the evidence, only Capt Rainville and Sgt Plante claim to have seen Mr. Abdi and Mr. Aruush approach the Helicopter compound. At the same time, as the key instigators in the patrol's use of deadly force that night, Capt Rainville and Sgt Plante--sof all the members of the Recce patrols--shad, and continue to have, the greatest personal interest in trying to offer and strengthen a justification for the shootings.

The physical evidence does not support their story, however. There were no indications of razor cuts on either Mr. Abdi or Mr. Aruush. Both men still had their shirts on, and no clothing or like material was found near the Helicopter compound. If they removed clothing for use in pushing aside the wire, what happened to this clothing? If they did not, why did they have no cuts? The time frame suggested by Capt Rainville and Sgt Plante is internally inconsistent, and inconsistent with the testimony of Cpl Klick, Cpl Favasoli, Cpl King, Cpl Lalancette, and Cpl Noonan and with the logs for that night.

But it is the evidence of Cpl Favasoli, who was a member of Detachment 63 along with Sgt Plante and Cpl King, that casts some of the greatest doubt on the statements that the Helicopter compound wire was breached. Cpl Favasoli says that he never saw the two Somalis move north of the rockpile, which lay to the southeast of Detachment 63's location. Cpl Favasoli was supposed to monitor the area east and south of the well, and he was observing the Somalis closely until he ducked behind the well to avoid detection.

Sgt Plante remained peering over the top of the well.

From that point on, Cpl Favasoli kept his eyes on Sgt Plante, waiting for a sign that the Somalis had moved to the wire and were attempting to breach it, since that, by all accounts, would be their cue to act. But the signal to move never came. Watching Sgt Plante, it was Cpl Favasoli's impression that the Somalis never moved from the rock-pile before Sgt Plante, Cpl King and/or Capt Rainville made their presence known.

Likewise, the evidence of Cpl Favasoli indicates that Sgt Plante conveyed no indication, by words or actions, that the Somalis were moving north toward the detachment's position. Cpl Kings--s who was lying prone, watching the area west and south-west of the wells--also recalls no indication that the Somalis were moving toward or past the detachment.

This is very puzzling, since the purpose of the mission was to capture infiltrators, and the agreed strategy was to catch them in the wire. One would have expected Detachment 63 to follow the men if they intended to carry out the strategy. Capt Rainville testified that he radioed Detachment 63 to follow the Somalis, but no one at Detachment 63 heard such a message. Further, Cpl Klick said there was no radio communication after Sgt Plante asked for radio silence and before Capt Rainville left the truck, and Capt Rainville left both radios in the truck with Cpl Klick.

Moreover, even if one accepted Sgt Plante's explanation that he did not follow the Somalis because he did not want to be detected, how can one explain his complete failure to take even the most basic and instinctive steps to stay hidden as the two men moved north? If the Somalis moved north from the rock-pile, they would have been heading even closer to Detachment 63's location. Once the Somalis were north of the well, there would have been nothing to conceal Detachment 63.

Sgt Plante testified that he told Cpl Favasoli and Cpl King to keep quiet and to hide. The evidence of Cpl Favasoli and Cpl King contradicts this completely. Nor did Sgt Plante make any further effort to conceal himself. If they preferred to stay concealed instead of following the Somalis, another logical response might have been to move around to the south side of the well. This was not done either.

Failure to follow the Somalis if they were approaching the Helicopter compound risked two unfavourable results: compromising the objective of apprehending the infiltrators by being too far away when they breached the wire; or, if the Somalis had in fact been saboteurs, leaving the Helicopter compound vulnerable to attack. From where they were, more than 100 metres away, Detachment 63 could not have prevented at least one of the two Somalis from getting through the wire or either of them from lobbing something like a grenade over the wire. Yet some witnesses, including Sgt Plante, Capt Rainville and Cpl Klick, claimed to believe that the way the Somalis approached the Helicopter

compound suggested military knowledge or training.

Capt Rainville says he moved north, inside the Engineers compound, to confront the Somalis; he radioed the information to Detachment 63 and told them to do the same. But no one at Detachment 63 recalls hearing such a transmission. If Detachment 63 was supposed to respond to an opportunity to catch infiltrators in the act, one would have expected Capt Rainville to rebuke Sgt Plante. There was no evidence to suggest that they were supposed to wait for Capt Rainville's word before apprehending anyone--sonly before shooting. But there was no rebuke; in fact Capt Rainville nominated Sgt Plante for a citation following the mission of March 4th.²⁹⁵

No one saw Capt Rainville go north toward the Helicopter compound; on the contrary, Cpl Klick's evidence is that Capt Rainville moved directly west after leaving the truck and that less than two minutes later, he heard the rattling of concertina wire as Capt Rainville tried to leave the Engineers compound by the temporary gate in the west fence. Coupled with Cpl Klick's testimony about the lack of radio communication before Capt Rainville left the truck and the fact that he left both radios in the truck, this tends to suggest another more likely occurrence: Capt Rainville went straight across the Engineers compound to the west gate area; he did not take a rapid and unnoticed round trip of more than 200 metres north-west from the gate to the junction of the Engineers compound and the Helicopter compound and back.

The other question raised by Sgt Plante's evidence is how the Somalis could possibly have passed by Detachment 63 if they were running from the Helicopter compound perimeter. Sgt Plante claims that he took his eyes off them for about 15 seconds as he prepared to move. But Cpl Favasoli's evidence is that it only took a couple of seconds to remove the radio handset and set it down.

It is difficult to believe that the Somalis could have extracted themselves from the wire and run back, covering most of the distance between the Helicopter compound and Detachment 63, before Sgt Plante resumed his observation. It is also very hard to believe that Sgt Plante would have taken his eyes off the Somalis for as long as 15 seconds at that crucial moment. In addition, Cpl Favasoli testified that Sgt Plante's body and his weapon were pointed only south and south-east. This suggests that when Sgt Plante first challenged the fleeing men, they were already south of Detachment 63.

Three witnesses claim to have seen the Somalis move north from the rock-pile, but there are discrepancies in their descriptions of how the Somalis moved. Sgt Plante said they were walking but bent over, whereas Cpl Klick and Capt Rainville said they crawled toward the Helicopter compound. In his statement to Capt Hope the day after the shooting, Sgt Plante described the Somalis' approach to the Helicopter compound as very slow. But in his testimony before us, he indicated that the two men moved quickly. It bears repeating that this claim of a military approach is contradicted unequivocally by

Cpl Favasoli and Cpl Lalancette.

Finally, from the fact that only a ritual knife was found on one of the men, it seems clear that they were not saboteurs or military personnel. The evidence shows clearly that the Somalis did not attempt to breach the wire at the Helicopter compound and, indeed, that they did not try to breach the wire at any other point before being confronted by Capt Rainville and Detachment 63. The assertion that they breached the wire of the Helicopter compound, thereby committing a hostile act, is manifestly not borne out by the evidence.

The Circumstances of the Shooting by Detachment 63

The circumstances under which Detachment 63 made the decision to shoot Mr. Abdi as he fled are key to understanding the March 4th incident, as this shooting set in motion the series of events that led to the fatal shooting of Mr. Araush by Detachment 64A a short time later. There is very little convergence in the testimony of those involved in this shooting, and thus little consistency in accounts of the events. What we must determine is which version of events is most credible and what the significance of this shooting was for the incident as a whole.

What we need to do, then, is to examine what led the members of Detachment 63 to decide to apply maximum force and to determine whether they were justified in doing so. We accomplish this by examining the events as recounted by patrol members and determining -as near as possible--what exactly occurred. We then can determine what conclusions Detachment 64A would have been able to draw from the actions of Detachment 63.

We have seen that Captain Rainville instructed his men that the object of the mission was to capture anyone who attempted to breach the perimeter and to use whatever force was necessary to accomplish the objective, including shooting at anyone fleeing. This directive led to a heightened anticipation of conflict, as an attempt to capture carried the likelihood of pursuit and physical contact. The heightened state of readiness also led to a greater likelihood of firearms being used; this was attested to by soldiers not involved in the shooting, including Sgt Groves, Cpl Dostie and Cpl Chabot, who all anticipated shooting when they learned that the Recce patrol was going out that night.²⁹⁶

In the original plan for the mission, Detachment 63 was to have been located 100 to 150 metres off the south-west corner of the Engineers perimeter.²⁹⁷ However, Sgt Plante determined that the best position for the detachment in terms of available cover was behind the well, much further north of the position planned by Capt Rainville.

Capt Rainville thought Detachment 63 was positioned in accordance with his original plan, but he subsequently admitted in testimony that they could well have taken another position without his knowing about it,²⁹⁸ and this is indeed what happened. The detachment took up a position at the well, which was generally agreed (in the testimony

of detachment members as well as Capt Mansfield and Capt Kyle) to be some 75 metres west of the Engineers perimeter and 110 metres south of the Helicopter perimeter (see Annex E).²⁹⁹ This put them slightly south and almost directly west of the gate in the centre of the west side of the Engineers perimeter, much closer to the location of Detachment 69, inside the perimeter, than Capt Rainville thought they would be. This is significant, because when Capt Rainville claims that he called for Detachment 63 to move north to sandwich the Somalis, he believed they would come from the south as he approached from the north. What actually happened, however, is that the Somalis were just even with or slightly north of the location of Detachment 63, making a sandwich manoeuvre impossible.

When Mr. Abdi and Mr. Aruush rounded the south-west corner of the Engineers perimeter, they were picked up by Detachments 63 and 69, who observed them as they stopped at a rock-pile. As with much of the testimony concerning the incident, the existence and location of the rock-pile are not agreed on. A rock-pile was created when the Canadians bulldozed the land to clear the remains of an orphanage,³⁰⁰ and according to Sgt Groves of the Field Squadron of Engineers, it was located 35 to 40 metres from the gate and 75 to 80 metres from the south-west corner of the compound.³⁰¹ It was at the rock-pile that Sgt Groves conducted range practice with 12-gauge shotguns on the afternoon of March 4th.

Sgt Plante does not recall a rock-pile.³⁰² Cpl King also does not remember seeing a rock-pile,³⁰³ but this is because his area of responsibility was to the west and south-west once Detachment 63 was set up behind the well.³⁰⁴ Cpl Favasoli recalls the rock-pile quite clearly, as it was one of two reference points he used to orient himself regarding the location of Detachment 63.³⁰⁵ According to Cpl Favasoli, the rock-pile was within 20 to 25 metres of the south-west corner of the Engineers perimeter and 20 to 25 metres south of the well.³⁰⁶ Cpl Klick agrees with the general location as described by Cpl Favasoli, but puts it perhaps 30 to 50 metres from the corner of the perimeter (see Annex A).

We have concluded that the Somalis did not breach the wire at the Helicopter compound, that they did not come anywhere close to it, and that if they approached the wire anywhere, it was probably very close to the gate.³⁰⁷ When the Somalis left the rock-pile and began to move north once again, they were quite close to Detachment 63. Thus, when Capt Rainville radioed Detachment 63 to move north to intercept the intruders,³⁰⁸ Cpl Favasoli quickly responded, "63s--sWaits--sOut", hoping to avoid compromising their position.³⁰⁹ Cpl Favasoli's quick response also explains why Sgt Plante has no memory of Capt Rainville's instruction to move north; Sgt Plante was focused on watching the Somalis, who were approaching his position.³¹⁰

The testimony dealing with what caused the Somalis to flee is complex and full of contradictions. This is the crux of the incident, so we must determine what the Somalis were doing when they were challenged by the Recce patrol, and we must determine what the Recce patrol did when they challenged the Somalis. There are essentially four

relevant versions of this series of events, and we must sort them out to come to a conclusion about which of them is valid.

According to Capt Rainville, he dismounted from the truck and approached the Somalis as they headed toward the Helicopter compound; it was his approach while they were attempting to penetrate the wire that startled the Somalis and caused them to flee. He states that as they began to flee, he gave a verbal warning and shouted "Get them" to Detachment 63, then began his pursuit.³¹¹

Cpl Klick's version differs from Capt Rainville's, in that Cpl Klick says the Somalis passed just north of the gate, then Capt Rainville left the truck and went toward the gate, not the Helicopter compound.³¹² Two minutes later, Cpl Klick heard a rattle like the sound of concertina wire being dragged. He assumed Capt Rainville had opened the gate to go after the Somalis. Then Cpl Klick heard Capt Rainville shout "Get them", followed closely by warnings in English, French and Somali from Detachment 63, followed by shots.³¹³ What made the Somalis flee in Cpl Klick's version was the dragging of the concertina wire as Capt Rainville opened the gate.

This differs considerably from the version of Sgt Plante, who says he heard a sheet-metal noise, as if someone had stepped on the hood of a truck³¹⁴ (he would not have mistaken this for the dragging of concertina wire³¹⁵), and this sound set in motion the series of events ending with the shooting.

However, Cpl Favasoli's recollection is that the radio call, which came when the Somalis were within 20 to 25 metres of Detachment 63, may have startled the Somalis, because very soon after this Sgt Plante stood up, shone a flashlight in their faces, and said halt, twice, before firing a warning shot with his shotgun.³¹⁶ When reminded of his interview with the Military Police on June 17, 1993, in which he said that a sound from the radio made the Somalis run, and that this was also Cpl Favasoli's testimony, Sgt Plante conceded that this was possible.³¹⁷

Capt Rainville's order to "Get them" came, according to Cpl Favasoli, after Sgt Plante and Cpl King fired warning shots while the Somalis fled.³¹⁸ Sgt Plante stated, though, that he did not turn on his flashlight and give the verbal warning until he heard Capt Rainville say "Get them"; otherwise he would have let the Somalis go.³¹⁹

There are problems with Sgt Plante's testimony, as we saw earlier in our discussion of the alleged breach of the wire. It is difficult to reconstruct the sequence of events from Sgt Plante's testimony, because the Somalis clearly could not have passed him going north, then started running to the south before he stepped up and shone his flashlight. Sgt Plante's contentions--that while the Somalis were running south from the Helicopter compound he set aside the radio handset and told Cpl King and Cpl Favasoli to get

ready³²⁰ - is not supported by the testimony of the two corporals.³²¹

As for where Sgt Plante was aiming when he prepared to challenge the Somalis, Cpl King testified that he was not watching, while Cpl Favasoli testified that Sgt Plante never turned to the north and that he heard Capt Rainville shout "Get them" only after Sgt Plante and Cpl King had already fired warning shots and were pursuing the Somalis, who continued to flee.³²² Sgt Plante did not mention hearing "Get them" in his statement to the Military Police, nor did he mention the sheet metal noise or the bait.³²³

It seems clear to us that Sgt Plante acted on orders received at the orders group and fired to prevent the escape of the Somalis, not for any other reason. Cpl King simply followed his lead, while Cpl Favasoli did not fire his weapon. Thus it was not because of a sense of threat or a hostile act that Sgt Plante fired, but rather to accomplish the mission of capturing the Somalis, as he admitted in his testimony.³²⁴ Had he not fired, they would most likely have escaped, resulting in the failure of the mission.³²⁵

There is little dispute about what happened when Sgt Plante and Cpl King fired their weapons, Cpl King missed, but Sgt Plante hit Mr. Abdi in the buttocks and subsequently restrained him with plastic cuffs. Capt Rainville joined Detachment 63 at the location of Mr. Abdi. Cpl Favasoli then spotted Mr. Arnush with his night-vision goggles and pointed him out to Sgt Plante and Cpl King, so that they could attempt to apprehend him. There is disagreement on whether Mr. Abdi was searched right away, as Capt Rainville insists he was.³²⁶ All members of Detachment 63 state that he was not searched until they returned to assist Capt Rainville in subduing Mr. Abdi, who had begun to wriggle out of the plastic cuffs.³²⁷ Cpl Favasoli, who confiscated a knife from Mr. Abdi and kept it for two months (until asked for it by the Military Police), stated that he removed the knife after Detachment 63 broke off the chase and returned to where Capt Rainville was watching Mr. Abdi.³²⁸

Sgt Plante and Cpl King maintained the chase under Cpl Favasoli's direction until Mr. Aruush ran into the area of responsibility of Detachment 64A. The salient point here is that Detachment 63 gave up the chase not in resignation that Mr. Aruush would get away, but because it was beyond doubt that Detachment 64A would apprehend him with little or no trouble, as they could see Mr. aruush running straight toward them. This is what Sgt Plante assumed, based on the fact that his flashlight was on the whole time; he therefore saw no need to warn Detachment 64A of Mr. aruush 's approach.³²⁹ The same applies to Cpl Favasoli, who said he had no difficulty seeing with the naked eye and would have been astonished if Detachment 64A did not see Mr. aruush running toward them.³³⁰

Two critical elements of the shooting by Detachment 63 established the circumstances under which Mr. Aruush lost his life. First, no hostile act precipitated the Canadian troops opening fire. LCol Mathieu himself agreed that the Somalis should have been allowed to continue to flee; if they had been allowed to flee, the shootings would not

have happened.³³¹ Second, in our view, it was the instruction, given during the Recce Platoon orders group, that the purpose of the mission was to capture Somalis who attempted to breach the perimeter, using whatever force was necessary, that resulted in the shootings.

Significantly, we are satisfied that Mr. Abdi and Mr. Aruush did not penetrate the wire at any of the Canadian compounds, nor, we think, did they even get the opportunity to do so; they were scared off before they had the chance. But having approached as close as they did, the Canadian troops were not about to let them get away, so Sgt Plante opened fire with the intent to wound and subsequently capture. This decision heightened the state of readiness of the men of Detachment 64A. The fact that they were not armed with 12-gauge shotguns made the death of Mr. Aruush more likely.

The Circumstances of the Shooting by Detachment 64A

The basic sequence of events leading to the death of Mr. Aruush is not in dispute. After Mr. Abdi was wounded, Cpl Favasoli spotted Mr. Aruush some distance south-east of their position and directed Sgt Plante and Cpl King in pursuit of him. Mr. Aruush fled in an easterly direction, toward Detachment 64A. At the mid-point of the south wire of the Engineers compound, Detachment 63 discontinued the chase when they saw that Mr. Aruush had entered Detachment 64A's area of responsibility. Capt Rainville warned Detachment 64A that Mr. Aruush was coming their way and that they should "Get him". When Mr. Aruush was challenged orally by Detachment 64A, he shifted direction, trying to veer away from their position. Leaving his weapon behind, Cpl Smetaniuk ran out after Mr. Aruush. Cpl Roch Leclerc fired a single warning shot. Then MCpl Countway and Cpl Leclerc dropped to their knees, and each fired an aimed shot at Mr. Aruush. The man went down with the first volley but tried to get back up. Then MCpl Countway and Cpl Leclerc fired a second volley, which killed Mr. Aruush.

Despite agreement on this basic sequence of events, other aspects of the incident were the subject of conflicting evidence. There are significant discrepancies and conflicts in the evidence concerning the path of Mr. Aruush's flight from Detachment 63 and his attempted flight from Detachment 64A. All members of Detachment 64A say that Mr. Aruush fled in a generally south-easterly direction, starting out reasonably close to the south-west corner of the Engineers compound and moving further from the wire as he headed east. Sgt Plante and especially Cpl Klick recall Mr. Aruush running closer to the south perimeter of the Engineers compound. Cpl Klick testified that Mr. Aruush stopped about one or two metres from the south-west corner of the wire to look back to where Detachment 63 had gathered around Mr. Abdi. Cpl Klick thought the man was running more or less parallel to the south wire and about 20 metres away from it.³³² Cpl Favasoli, however, recalled sighting Mr. Aruush with his night-vision goggles about 150 metres south of the Engineers compound, then later seeing him further east and about 50 metres

north, suggesting a northeasterly path.³³³ (See Annex I.)

After Detachment 63 discontinued their pursuit of Mr. Aruush, they turned back west to rejoin Capt Rainville, who had remained with Mr. Abdi, so the members of Detachment 63 did not see what Mr. Aruush did in response to Detachment 64A's challenge. All three members of Detachment 64A, as well as Cpl Klick, testified that they saw Mr. Aruush veer south in response to Detachment 64A's challenge. The only variation was in MCpl Countway's testimony. He said that Mr. Aruush ran in a zig-zag fashion, constantly changing direction.³³⁴ All members of Detachment 64A recall that Cpl Smetaniuk ran toward the south in his attempt to intercept Mr. Aruush (see Annex K).

There is conflicting evidence about where Mr. Arunsh lay after being shot. All members of the Recce patrol who saw the location of the body recalled it being south or south-east of Detachment 64A's position. But other compelling evidence from non-Recce patrol witnesses who were more familiar with that part of the Canadian encampment indicated that Mr. Arunsh's body was located north of Detachment 64A's reported location, much closer to the south-east corner of the Engineers compound, and not more than 30 metres south-east of the south-east corner of the Engineers compound. (This point is discussed in greater detail later in the chapter.)

Those involved in the shooting have offered various justifications and excuses, as have their superiors in the chain of command on their behalf. However, we believe that, like the shooting by Detachment 63, the evidence leads to the conclusion that the shooting of Mr. Aruush was motivated purely by the goal of completing the mission by preventing his escape, not by the need to respond to a threat.

Further, LCol Mathieu admitted in his testimony that if the Recce patrol had been adhering strictly to the Rules of Engagement, the fact that the Somalis had not shot at patrol members should have led Capt Rainville to tell Detachment 64A, "Let him go", not "Get him".³³⁵

Capt Rainville admitted that, during his orders group, he had told patrol members that they could use deadly force if necessary to prevent an intruder from escaping. To Capt Rainville, shooting to prevent flight amounted to the same thing as physically apprehending someone.³³⁶ This guidance on the application of the Rules of Engagement was understood clearly by patrol members. This is demonstrated most clearly by the fact that they saw the use of deadly force as necessary to prevent the Somalis escaping, not because they felt threatened.³³⁷

The members of Detachment 64A heard yelling and then shooting from Detachment 63.³³⁸ Cpl Leclerc claims to have heard a radio message from Capt Rainville to Detachment 63 indicating that the Somalis were trying to go under the wire,³³⁹ but Capt Rainville made no such transmission. When Capt Rainville left the truck, he left the radio

behind.³⁴⁰ MCpl Countway testified that he believed that the Somalis had committed a hostile act.³⁴¹ But he has no credible explanation for this belief other than the radio transmission referred to by Cpl Leclerc.

MCpl Countway also said he did not know who was shooting--the Somalis, the Canadians, or both--and that this contributed to a fear for Cpl Smetaniuk's safety as he ran out to intercept Mr. Aruush.³⁴² But this rationalization makes no sense for a number of reasons.

Concern about Cpl Smetaniuk's safety was not mentioned by anyone in their initial statements to Capt Hope.³⁴³ Further, if the Somalis had been shooting, Cpl Klick would have engaged Mr. Aruush as he fled through the sniper's arcs of fire. But Cpl Klick did not engage Mr. Aruush, even though he knew he was heading toward Detachment 64A's location, because he saw no evidence that Mr. Aruush was preparing to use a weapon.³⁴⁴ Moreover, all members of Detachment 64A agreed that they would have expected Capt Rainville or Detachment 63 to radio them if the Somalis had displayed or used weapons,³⁴⁵ indeed, any other expectation is simply not believable.

Detachment 64A heard Capt Rainville shouting that the second Somali was heading their way and that they should get him.³⁴⁶ Obviously, if Mr. Aruush had been armed, Capt Rainville would have said so at this point. Moreover, Cpl Leclerc testified that he took Capt Rainville's message to mean that they should intercept the Somali, not kill him.³⁴⁷ This interpretation tends to suggest a realization that the Somalis had not shot at anyone. Had there been any significant doubt or concern at Detachment 64A about the threat posed by Mr. Aruush, they could have used the radio to get more information, but they did not.³⁴⁸ Furthermore, by all accounts, Mr. Aruush immediately changed direction and veered away from Detachment 64A in response to their challenge,³⁴⁹ which he would not have done if he intended to harm them.

The most telling indication that Detachment 64A did not fear return fire from Mr. Aruush is that Cpl Smetaniuk took it upon himself, or was ordered by MCpl Countway, to run after and intercept Mr. Aruush.³⁵⁰ Cpl Smetaniuk left his weapon behind when he did this, and no one told him to come back and get it or to discontinue his efforts. No reprimand was ever given for Cpl Smetaniuk's unarmed pursuit of Mr. Aruush.³⁵¹

Even when MCpl Countway and Cpl Leclerc decided to shoot, neither of them told Cpl Smetaniuk to cease his pursuit; Cpl Leclerc simply told him that they were going to shoot.³⁵² If there had been any real concern that Mr. Aruush was armed, surely Cpl Leclerc and/or MCpl Countway would have told Cpl Smetaniuk to get down or come back, anticipating that Mr. Aruush might return fire if they missed or merely wounded him. Clearly, the only concern was Cpl Smetaniuk's safety in relation to shots from MCpl Countway and Cpl Leclerc,³⁵³ and that was certainly Cpl Smetaniuk's only fear at the time. Cpl Smetaniuk testified that he heard his colleagues say something, then he heard a shot. He says he assumed they were commencing the escalation pursuant to the Rules of

Engagement, so he dropped to the ground to get out of the way.³⁵⁴ Afterward, Cpl Smetaniuk was quite shaken by the events.³⁵⁵

Finally, there is the admitted fact, confirmed by the medical evidence, that MCpl Countway and Cpl Leclerc shot Mr. Aruush in the back as he was running away from their position. No logical reason was given for the second, fatal volley of shots. MCpl Countway and Cpl Leclerc admit that they did not feel threatened, that Mr. aruush was just getting up and had not resumed his flight or done anything else. No further warning was given before they fired again. Cpl Leclerc testified that he fired the second time out of reflex and that there was no threat.³⁵⁶ We believe that it is clear, based on the sum of the evidence, that the members of Detachment 64A who shot Mr. Aruush did so as a means of capturing him rather than as a result of a perceived threat.

MCpl Countway and Cpl Leclerc say that Mr. Aruush began to get up and had pulled himself into a runner's crouch when they dropped to their knees and fired again. They say that they were about 50 metres from Mr. Aruush when they fired.³⁵⁷ The crucial difference between the fate of Mr. Aruush and that of Mr. Abdi was that Detachment 64A was armed only with C7 rifles, while Sgt Plante had a 12-gauge shotgun. When Sgt Plante opened fire, the spray pattern of the shot resulted in the wounding of Mr. Abdi, whereas the men in Detachment 64A had little option but to fire at the centre of visible mass, as they had been trained to do. Thus the chance that their shots would be fatal was much greater than when Sgt Plante fired.

We heard evidence of statements by witnesses suggesting that when Mr. Aruush was shot the second time, he was shot at close range. Cpl Dostie and Cpl Martin Leclerc were in the Service Commando observation tower at the time of the shooting. Cpl Martin Leclerc was looking through nightvision goggles. According to Cpl Dostie, after they heard the second volley of shots from Detachment 64A, Cpl Martin Leclerc said to him that the soldiers had shot the intruder at "point blank" range; to Cpl Dostie, this meant five to ten feet.³⁵⁸

Cpl Martin Leclerc denied saying this to Cpl Dostie.³⁵⁹ However, Cpl Martin Leclerc apparently had difficulty remembering a number of things about the incident, so we find it difficult to believe that he could be so categorical about not telling Cpl Dostie that the patrol members had shot Mr. aruush at "point blank" range. Cpl Dostie, on the other hand, has nothing to gain by lying about what Cpl Martin Leclerc said to him that night, and Cpl Dostie did not volunteer to testify,³⁶⁰ which would suggest that he has no particular axe to grind.

Cpl Dostie's recollection is supported by Cpl Chabot. According to Cpl Chabot, Cpl Roch Leclerc indicated to him that Mr. Aruush was "close" when he was fatally shot; Cpl Chabot interpreted this as anywhere between 10 and 25 metres.³⁶¹ Cpl Roch Leclerc admits that he told Cpl Chabot after the shooting that he was "close" when he fired, but

says that he considers 50 metres close range.³⁶²

The medical evidence is somewhat conflicting, particularly as it relates to interpreting the more immediately fatal wounds to the neck and head. Maj Armstrong was the surgeon on duty at the Unit Medical Services, where both shooting victims were taken. In the case of Mr. Aruush, Maj Armstrong noted a 2 by 3 centimetre wound in the upper belly area with a significant amount of protruding omentum (abdominal tissue). He also noted a large wound on the left side of the neck and on the right side of the neck extending into the right facial area. Smaller wounds were found in the back: one (approximately 7 to 10 millimetres in diameter) was in the central back area just to the right of the spine; another was in the posterior shoulder area near the juncture of the left shoulder blade and the collar bone. There was another small wound in the middle of the anterior base of the neck³⁶³ (see Medical Annex A).

As part of the Military Police investigation in April 1993, Dr. James Ferris, then head of forensic pathology at Vancouver General Hospital and a professor of forensic pathology at the University of British Columbia, conducted an autopsy on Mr. Aruush. Although there had been considerable decomposition of the remains by this time, Dr. Ferris described the presence of wounds similar to those described by Maj Armstrong.³⁶⁴ (See Medical Annex B.)

Both agree that the wound in the central back is an entrance wound that connects with the abdominal wound and that Mr. Aruush was therefore shot in the back at least once.³⁶⁵ However, Dr. Ferris and Maj Armstrong otherwise tended to differ in their interpretations of the wounds, especially in the hypotheses about the shooting that each derived from interpreting the wounds.

Maj Armstrong's hypothesis was that the victim had been shot from the back through the abdomen and was then finished off a few minutes later by shots to the head and neck.³⁶⁶ Dr. Ferris concluded that Mr. Aruush was hit with only two bullets, both fired from the rear: one bullet that passed through the back and abdomen in a slightly right to left trajectory; and a second, which caused all remaining wounds, that passed from left to right, through the left shoulder from the left rear and then through the neck, exiting through the right side of the neck and face.³⁶⁷ This interpretation is basically consistent with the evidence of MCpl Countway and Cpl Roch Leclerc. However, as Capt (N) Blair of the Judge Advocate General's office wrote in a situation report to senior management at NDHQ on May 6, 1993, the forensics and ballistics team could not comment on the events of the night, but could only issue very narrowly focused comments on the condition of the body as they found it six weeks after the shooting.³⁶⁸ In effect, the fact that the remains were almost completely skeletonized limits the usefulness of Dr. Ferris's conclusions, which means that Maj Armstrong's hypothesis cannot be ruled out.

Maj Armstrong based his hypothesis on the following factors. He thought that the amount of omentum protruding from the abdominal wound suggested that the victim had been

alive and breathing for some minutes after the shooting. Maj Armstrong also believed that the wound in the lower front of the neck (which is evident in photographs taken the night of March 4th) was an entrance wound associated with the exit wounds on the neck and head. He thought that the angle thereby indicated for the fatal wounds suggested that the victim had been lying on his back when he was shot, by someone from the front, standing above the victim.³⁶⁹ Maj Armstrong found further support for his theory in the fact that he saw no dirt on Mr. Aruush's face or on the protruding omentum when he examined the body shortly after the shooting.³⁷⁰

Dr. Ferris, on the other hand, stated that, in his opinion, abdominal contents can be extruded from a gunshot wound as a victim is dying or even after death, so evidence of this would not necessarily indicate that the victim had remained alive for two or three minutes after sustaining the first wound. With respect to the wound near the base of the front of the neck, Dr. Ferris believes that this was caused by an exiting bullet or bone fragment.³⁷¹ On May 7, 1993, a forensic team conference was held in Ottawa; it concluded that the findings in Dr. Ferris's report were tenuous except for those relating to the number and sequence of bullet wounds.³⁷² For this reason, we are not able either to endorse or to rule out Maj Armstrong's hypothesis.

While Maj Armstrong had the advantage of examining the body right after the shooting, Dr. Ferris is a more qualified expert and was examining the remains for the express purpose of determining the nature and the pattern of the wounds. The available medical evidence is thus inconclusive on the question of the range at which the immediately fatal wounds were inflicted. Nevertheless, the statements of Cpl Martin Leclerc and Cpl Roch Leclerc, as related by Cpl Dostie and Cpl Chabot, indicate that the shooters were close enough to their target for this to be an aspect of the incident they considered worth mentioning to others.

In our view, the evidence with regard to the circumstances of the shooting by Detachment 64A leads to the conclusion that Mr. aruush posed no threat and that detachment members fired only to complete their mission. There was no danger to Cpl Smetaniuk, other than the possibility of being shot accidentally by MCpl Countway or Cpl Roch Leclerc. If there had been, he would never have chased Mr. Arnush without a weapon. If the situation had been genuinely dangerous, MCpl Countway would have ordered Cpl Smetaniuk not to leave cover, or called him back shortly after he ran out.

It is also clear that the men of Detachment 64A shot Mr. aruush the second time from close range, likely from a maximum distance of 50 metres. We cannot rule conclusively on the exact distance because there was no physical evidence available for ballistics experts to examine, and the body of Mr. Aruush, when examined by Dr. Ferris, was decomposed beyond the point where determinations of this nature could be made. What is clear, however, is that the justifications provided for shooting Mr. Aruush do not stand up to scrutiny.

The Location of Mr. Aruush's Body

There were significant discrepancies in the testimony regarding the spot where Mr. Aruush fell after being fatally wounded.

Cpl Lalancette, who was following events from his position in the 1 Commando Tower through a night observation device that picks up heat emissions, estimated that Mr. Aruush was lying 10 to 15 metres from the south-east corner of the Engineers compound perimeter.³⁷³

Sgt Groves, commanding the Quick Reaction Force, arrived on the scene soon after the shooting in response to a request for assistance from Capt Rainville.³⁷⁴ He placed the location of the body at 15 to 20 metres south of the Engineers compound perimeter wire.³⁷⁵

Cpl Mountain, the medic accompanying the ambulance, estimated that Mr. Aruush lay about 10 metres from the south-east corner of the Engineers compound.³⁷⁶

The Recce patrol members who were on the scene all claim that the body of Mr. Aruush was significantly further south than the other witnesses estimated. Cpl Favasoli of Detachment 63, who went to the scene of the second shooting after it was over, said that the body was lying about 50 to 100 metres south of the Engineers compound.³⁷⁷ Cpl Klick, the patrol's sniper, did not actually see the body, but he recalls seeing the ambulance 50 to 100 metres south of the Engineers compound when it picked up the body.³⁷⁸ The members of Detachment 64A and Capt Rainville all claim that the body was further south still, between 100 and 175 metres south-east of the southeast corner of the Engineers compound.³⁷⁹ Their average estimate was about 145 metres (see Annex J).

There are also discrepancies in testimony about whether the body was east or west of the south-east corner of the Engineers compound. Sgt Groves, Cpl Klick and Cpl Favasoli indicated a location west of the south-east corner, whereas the other witnesses placed the spot east of that corner.³⁸⁰

WO Marsh inspected the area the morning after the shooting. During this daylight inspection he found a blood-stained area of sand about 25 to 35 metres south-east of the south-east corner of the compound.³⁸¹

Significantly, all Recce patrol members who testified about the location of the body placed it in such a way as to indicate that Mr. Aruush was south of Detachment 64A, so that MCpl Countway and Cpl Roch Leclerc would have been firing away from the Canadian compounds. The evidence of non-Recce patrol witnesses, however, indicates a location that would have had them firing in a more northerly direction, and thus more in

the direction of the Canadian compounds, based on their own evidence about Detachment 64A's location.

The medical evidence is of some assistance in this matter and contradicts the contentions of Detachment 64A members with respect to the victim's location. It seems beyond dispute that, when he was first shot, Mr. Aruush was, or had been, moving in an easterly direction, away from the location where Mr. Abdi had been shot. It is also beyond dispute that the first shot to hit Mr. Aruush struck him in the area of the right rear flank and exited from his left abdominal area. This basic trajectory is consistent in the observations of Maj Armstrong, WO Ashman and Dr. Ferris. This right-to-left/back-to-front trajectory tends to indicate--assuming that Mr. Aruush was facing east, as everyone admits--that Mr. Aruush was north and east of Detachment 64A when first shot. This is the more likely location. Mr. Aruush could also have been north-west of the shooters, provided he was facing in a northerly direction. But he could not have been south of them, running in a south-easterly direction, as they claim.

The Recce patrol members, particularly those in Detachment 64A, would have had an interest in concealing negligence (shooting in the direction of the compounds) or concealing the fact that Mr. Aruush had passed them and was moving away from their position when they shot him. Any such motive would give them an interest in establishing a location for Mr. Aruush's body well south of the location suggested by the evidence of other witnesses.

By the same token, witnesses who were not part of the Recce patrol had no conceivable stake in the location of the body. The evidence of WO Marsh is particularly compelling. Following the shots fired by Detachment 63, WO Marsh came out to the truck, where Cpl Klick was still stationed, and saw flashlights converge near the south-east corner of the Engineers compound. He later returned and inspected the area in daylight and found the spot by locating blood stains in the sand.³⁸² He had no stake in how the shooting occurred and was undoubtedly looking around to understand what had happened the previous night and where. His estimated location of the blood stains is very close to the location for the body given by the other disinterested parties: the medic, Cpl Mountain, and Cpl Lalancette. It is also in the vicinity of Sgt Groves' estimate.

The conclusion we can draw, therefore, is that Mr. Arunsh's body was located 20 to 35 metres from and south of the south-east corner of the Engineers compound and that the shots from Detachment 64A were fired in the direction of the Canadian compounds.

Communications Breakdown: Compound Left Unguarded

As we have seen, several elements of the March 4th incident lead to the conclusion that there was no real danger that night, and no threat of sabotage; in fact security was a secondary concern of the Recce patrol. This view is borne out by examining what took

place after the shootings. The evidence reveals a communications gap among the patrol members that resulted in a breakdown in the mission chain of command and in the Engineers and Helicopter compounds being left unguarded for long periods during the night of March 4th.

From the events of that night, it appears that command in the field changed hands, or should have changed hands, at least three times. After the wounded man, Mr. Abdi, was taken to the hospital in an ambulance by Sgt Plante and Cpl King between 20:20 hours (8:20 p.m.) and 20:41 hours, Capt Rainville went with Cpl Favasoli to the location of Mr. Arunsh's body. Capt Rainville then accompanied the body to the hospital at 20:51 hours.³⁸³ At 21:13 hours he called for CWO Jackson and the U.S. interpreter to interview Mr. Abdi.³⁸⁴

Sgt Plante and Detachment 63 reformed in the Service Commando compound and resumed to their position at the well, some two hours after leaving the field with Mr. Abdi.³⁸⁵ Capt Rainville went to the Headquarters compound to provide a debriefing to Col Labbé, LCol Mathieu, and Capt Kyle. Following this debriefing, Capt Rainville called the members of Detachment 64A into the Engineers compound to provide more information to CWO Jackson for his report at 23:00 hours.³⁸⁶ This debriefing lasted approximately 30 minutes, after which Detachment 64A resumed to their position in the field.³⁸⁷

There are several important points here. There was no communication with regard to a change in command while Capt Rainville was out of the field, or while Sgt Plante was at the hospital with Mr. Abdi. Officially, command should have passed from Capt Rainville to Sgt Plante to MCpl Countway, back to Sgt Plante, then back to Capt Rainville. This did not occur--a fairly serious breakdown in the chain of command. The result is that Capt Rainville retained effective command of the mission while out of the field for at least three hours and did not pass command to either of his subordinate detachment commanders.

Further, the entire time that Detachment 63 was out of the field, some two hours in total, the west side of the Engineers compound and the south side of the Helicopter compound remained completely undefended.³⁸⁸ The same can be said for the period when Detachment 64A went to the Engineers compound to debrief CWO Jackson: the entire east and south sides of the Engineers compound remained undefended for the 60 to 90 minutes it took Detachment 64A to go inside, make their report, and return to their position.³⁸⁹

It is difficult to believe that if there had been any real danger to the Engineers compound or the Helicopter compound, Capt Rainville would have proceeded in this manner. The only conclusion we can draw is that there was no real danger of any attack or sabotage at the Engineers and Helicopter compounds that night, and that the real priority was capturing intruders and reporting that fact up the chain of command. Otherwise,

precautions undoubtedly would have been taken to establish effective command in the field and to send replacement troops into the field while the detachments were called away to accompany the prisoner or to report.

The Case of Beer Comment

During our hearings we explored the rumour that Capt Rainville had allegedly promised to buy a case of beer if the men shot a Somali on the night of March 4th, to determine whether there was any basis for it. Sgt Plante, Cpl Favasoli, Cpl Roch Leclerc, and Cpl Smetaniuk of Recce Platoon recall hearing Capt Rainville make a promise that the men would have beer after the mission; this may have left the men with an inappropriate impression of why they were on patrol that night.

There are discrepancies in the testimony about how the subject was raised. Sgt Plante, Cpl Favasoli and Cpl Smetaniuk recall Capt Rainville making the offer, but cannot say with certainty exactly how the issue came up. Cpl Roch Leclerc and Capt Rainville suggest that the comment he made was in response to a remark made at the orders group preceding the mission. During the orders group, Cpl Roch Leclerc heard Cpl Smetaniuk make a comment to the effect that since they would be out all night, they would not be able to have their allotment of beer for the day.³⁹⁰ Capt Rainville testified that his response to this comment was what prompted the rumour that he wanted a Somali shot that night. According to Cpl Smetaniuk, Gpt Rainville said something to the effect that if they had to shoot that night, he would buy a "6-pack for a wound, and a 24 for a kill".³⁹¹ He accompanied this comment, Cpl Favasoli said, with the observation that in the event of danger that night, it would be "better to be judged by 12 than carried by 6". The soldiers found this remark offensive at first, but afterward Cpl Favasoli took it to be an expression of gallows humour to the effect that if they were able to cheat the grim reaper, that it would be cause for celebration.³⁹² Capt Rainville also indicated in his testimony that he was much more comfortable appearing before us to explain that sort of comment than he would have been writing a letter home to the parents if any of his men had been killed.³⁹³

There is far from widespread agreement concerning exactly what words Capt Rainville used that night, but there is general agreement that the subject of having beer after the mission did come up,³⁹⁴ and Capt Rainville himself admits this. Capt Rainville stated in his testimony that he made a flip remark in answer to another soldier's remark that they would have a beer after the mission (this would not have been abnormal), but he denies promising to buy a case if they shot any Somalis.³⁹⁵

The significance of this issue is that the subject of having a beer did come up between Capt Rainville and his men, and that it was discussed inappropriately in the context of an orders group before they went out on patrol. What was actually said is likely never to be resolved. The case of beer comment may not have amounted to an offer of a reward for

the killing of a Somali. It may have had no impact whatsoever on the subsequent events. However it was meant, the comment was clearly inconsistent with respect for the lawful conduct of operations, and it had the serious potential to mislead impressionable soldiers. killing of Mr. Aruush. Actions and inaction on the part of the chain of command were designed to ensure that it maintained control of information about the incident, to obscure the nature of the incident, and to downplay its seriousness.

The belated and self-serving response of the chain of command to the administrative, operational, and disciplinary problems manifested in the March 4th incident was weak, inadequate and ultimately unjustifiable. It also fell far short of the professionalism and leadership that Canadian soldiers deserve and the Canadian public expects. Integrity and courage were superseded by personal and institutional self-interest. It is our firm belief, based on the evidence adduced before us, that the failure of the chain of command immediately to address and remedy the problems revealed by the March 4th incident possibly set the stage for the death of Shidane Arone 12 days later.

FINDINGS

- *We find that the official explanation of the incident of March 4, 1993 is not supported by the evidence adduced at the hearings.*
 - 1.1. *The shooting in the back of two freeing, unarmed Somali civilians was a use of force clearly in excess of what was permitted under the Rules of Engagement.*
- *We find that members of the Canadian Airborne Regiment Battle Group were experiencing increasing frustration as a result of the austerity of their living conditions, repeated instances of theft of personal items, lack of a redeployment date, and a lack of training in and sensitivity to Somali society and culture.*
 - 1.2. *The response of the chain of command in Somalia to this situation was wholly inappropriate. Rather than increasing training in cultural awareness and the Rules of Engagement, so as to ease tension and frustration and underline the need for restraint, the chain of command issued a less restrictive interpretation of the Rules of Engagement that significantly increased the likelihood of the use of deadly force.*
- *We find that the task assigned to the Reconnaissance Platoon was to augment the security of the Field Squadron of Engineers compound and did not explicitly encompass the Helicopter compound.*
 - 1.3. *The mission was subsequently modified by the Recce Platoon commander to one designed to capture infiltrators using means up to and including deadly force.*
 - 1.4. *An inexcusable lack of command oversight permitted this modification to take place.*

- 1.5. *The mission as planned by the Recce Platoon was inappropriate in the circumstances, as several other less aggressive means were available that offered a reasonable chance of deterring infiltrators.*
- 1.6. *The available alternatives to increase security of the Engineers compound included erecting a lighting tower and a surveillance platform, using para-flares to warn off infiltrators, bulldozing an area directly outside the perimeter, and increasing foot patrolling inside and outside the perimeter.*
- 1.7. *The lighting and surveillance alternative means of deterrence were offered to and declined by the Recce Platoon commander, and there was no justification for the aggressive measures taken on March 4, 1993.*
- *We find that the mission was poorly planned, executed and supervised.*
- 1.8. *The details of the altered mission plan to apprehend infiltrators were not reported up the chain of command before the mission, nor were they fully disclosed after the mission. Nor did the chain of command concern itself with how increased security would be provided.*
- 1.9. *Highly questionable tactics were used, such as the putting out of food and water to entice Somalis to approach the Canadian installation. We find that the use of this tactic did not constitute a military deception plan as outlined in Section 27(C) of the Rules of Engagement.*
- 1.10. *The three detachments were placed in a way that produced overlapping arcs of fire converging on the location of the food and water that had been set out.*
- 1.11. *Inappropriate instructions were issued to the members of the Recce Platoon to effect the capture of infiltrators, thereby making the use of deadly force inevitable and the only effective means of capture.*
- *We find no credible evidence to support the 'sabotage theory' and no evidence that sabotage was ever committed or even threatened against Canadian installations at Belet Huen. We find that the sabotage theory was concocted after the fact to disguise a clear instance of the use of excessive force.*
- 1.12. *The pretext given for the fear of sabotage, i.e., the theft of a fuel pump, is not credible.*
- 1.13. *The treatment of the captured Somali was not consistent with how a captured saboteur would be handled.*
- 1.14. *The two Somali men, Mr. Abdi Hunde Bei Sabrie and Mr. Ahmed Afraraho Aruush, did not approach the Canadian installation in a military fashion, did not perform a "clover-leaf recce", did not proceed in a "bounding over-watch", and did not "leopard crawl" toward the Helicopter compound. We find that they posed absolutely no threat whatsoever to Canadian troops or installations apart from possible thievery.*
- 1.15. *Mr. Abdi and Mr. Aruush did not go north of the position of Detachment 63 . We find that they did not conduct a reconnaissance of the Helicopter compound for ten minutes.*

- 1.16. *Mr. Abdi and Mr. Aruush did not breach the wire at the Helicopter compound, nor did they approach any closer than 100 metres from the Helicopter compound.*
- 1.17. *There was no evidence of fresh razor cuts from the concertina wire surrounding the compound on either of the two Somalis when they were examined shortly after the incident.*
- 1.18. *The two Somalis were unarmed except for one ritual knife, which was not produced by either man during the entire incident.*
- 1.19. *No hostile act was committed or hostile intent demonstrated that justified resorting to the use of force, let alone deadly force .*
- 1.20. *There was no confusion among Recce Platoon members surrounding the shootings, as the two Somalis had been under constant observation for 15 minutes, and no firearms had been seen in their possession.*
- *We find that the shooting of Mr. Aruush and Mr. Abdi did not result from any perceived threat, but rather that it was intended to accomplish their capture. Thus we find that the use of such force was not permitted under the Rules of Engagement.*
- 1.21. *There was no evidence that the concept of 'disengagement' had ever been explained to the soldiers, and in this respect there was a serious failure of leadership and a lack of concern on the part of the chain of command for the lawful conduct of operations.*
- *We find that Mr. Abdi and Mr. Aruush were shot in the back while fleeing, having clearly broken off any activity that might have been interpreted as a hostile act or hostile intent. This being the case, they should have been allowed to flee.*
- 1.22. *Maj Armstrong's hypothesis that Mr. Aruush was wounded, lived for a few minutes, and then was finished off (or executed) at close range cannot be either confirmed or refuted conclusively by the reports of the ballistics and forensic experts.*
- 1.23. *Mr. Aruush was shot the second time from within 50 metres away and most likely from much closer range.*
- 1.24. *Contrary to what was claimed by some witnesses, the body of Mr. Aruush was located 20 to 35 metres from and south of the south-east corner of the Engineers compound. We therefore find that the shots from Detachment 64A were in the direction of the Canadian installations.*
- 1.25. *In the period immediately after the shooting, the Engineers compound was left undefended for considerable periods. During this time command should have changed hands in the field three times, but did not.*
- *We find that the method chosen for investigating the incident was inappropriate, especially in view of the obvious conflict of interest in which the chain of command found itself.*

- 1.26. *Only a cursory investigation was performed by an unqualified officer with no experience in carrying out investigations into matters involving possible criminal conduct.*
- 1.27. *The scene of the shootings was not preserved, no physical evidence was collected, the available and relevant witnesses were not interviewed, and no critical analysis was conducted of the statements of the soldiers involved in the shootings.*
- 1.28. *In the days immediately following the shootings, no ballistics tests were performed, nor was an autopsy conducted.*
- *We find that changes were ordered in the original summary investigation report, specifically to delete a reference to a questionable interpretation of the Rules of Engagement given by the chain of command on January 28, 1993 . These changes also resulted in the report overstating the threat situation in order to provide a justification for the shootings.*
- 1.29. *The summary investigation report findings were presented and accepted as resulting from a thorough investigation, even though this was not the case.*
- 1.30. *The acceptance of these findings as final seriously inhibited further investigation of the shootings by allowing physical evidence to deteriorate, giving time for collusion potentially to take place among the individuals involved, and creating a situation in which command influence could play a part in the aftermath of the incident.*
- *We find, as the summary investigation concludes, that the mission carried out by the Reconnaissance Platoon on the night of March 4, 1993 was designed to send a strong message to would-be infiltrators that any attempt to penetrate the perimeter of Canadian installations would be met with gunfire.*
 - *We find that Maj Armstrong made a clear allegation of murder in his medical report and subsequently to all levels of the chain of command in Somalia and that the chain of command failed to respond seriously to this issue.*
- 1.31. *The shootings on March 4, 1993, resulting in the death of one Somali civilian and the wounding of another, as well as the circumstances of these shootings, were plainly suspicious and should have been, without any hesitation, the subject of an immediate Military Police investigation.*
- 1.32. *The Military Police were not called in to investigate the shootings until almost six weeks after the incident, when all relevant evidence had disappeared or deteriorated and the potential to conduct a proper police investigation had been seriously jeopardized.*
- *We find that the flow of information was being controlled by the chain of command in Somalia and at National Defence Headquarters and that the incident was misrepresented to the media, the effect of which was to limit media scrutiny of the incident.*
 - *We find that National Defence Headquarters knew, as of the night of the incident, of the seriousness and questionable lawfulness of the shootings.*

- 1.33. *Rather than ordering a thorough investigation of the incident by the Military Police, NDHQ attempted instead to limit and control the potential damage that might result from the incident by conducting a "damage control" operation.*
- 1.34. *By taking this approach, the chain of command showed poor judgement and a lack of leadership.*
- 1.35. *The chain of command did not take adequate steps to address and remedy the serious misunderstanding of the Rules of Engagement that was evident in the March 4th shootings; this misunderstanding persisted throughout the deployment of the CARBG in Somalia.*
- *We find that the chain of command's response to the administrative, operational, and disciplinary problems manifested in the March 4th incident was a weak, untimely, inadequate, self-serving, unjustified, and unbecoming the military leadership that Canadian soldiers deserve and the Canadian public expects. From an initial damage control approach, through subsequent distortion and suppression of relevant or incriminating information, and through inaction when positive action was required, the chain of command covered up its undeniable responsibility for March 4th incident, avoided public accountability and possibly set the stage for a 16-year-old Somali boy to be tortured to death 12 days later.*

OPENNESS AND DISCLOSURE OF DOCUMENTS

In the conduct of our investigation we encountered two unanticipated but related obstacles that, in our view, cast a large shadow on the degree of co-operation exhibited by the Department of National Defence (DND) in its dealings with our Inquiry as well as on the openness and transparency of the Department in its dealings with the public. Through its actions, DND hampered the progress and effectiveness of our Inquiry and left us with no choice but to resort to extraordinary investigative processes to discharge our mandate appropriately.

The first obstacle relates to compliance by DND with our orders for production of documents under the *Inquiries Act* and the delays and difficulties we faced in dealing with the Somalia Inquiry Liaison Team (SILT).

The second obstacle, related to the first, concerned the manner in which DND's Directorate General of Public Affairs (DGPA) failed to comply with our order for disclosure and attempted to destroy Somalia-related documents requested by us. Also related was DGPA's treatment of requests for information about the Somalia incidents made by CBC journalist Michael McAuliffe. This matter became a subject of concern for us, since the documentation requested by Mr. McAuliffe embraced information covered by our order to DND for the production of documents.

Our terms of reference required us to investigate certain matters that inevitably became intertwined with actions and decisions taken by DND in responding to our orders for production of documents and in processing Access to Information requests in relation to documents that were simultaneously the subject of our investigation. As things turned out, these events lent further weight to conclusions we had reached concerning the poor state of leadership and accountability in the upper echelons of Canada's military- issues that have become recurring themes throughout our investigation and this report. These appear as the prevalence of individual ambition, the blaming of subordinates, and blind loyalty to the military institution over public disclosure and accountability.

The story of DND's compliance with our orders for production of documents and later requests for specific documents might appear to lack the drama of the events that transpired in the Somali desert. However, these issues of compliance evoke much broader policy concerns, such as leadership in the military, allegations of cover-up and, ultimately, the openness and transparency of government-concerns that are of great importance to those planning the future of the Canadian Forces and, indeed, to government and Canadians in general.

The *Inquiries Act* gives commissioners appointed under its terms broad powers of investigation and the right of access to any information considered relevant to the subject under study. Actions directly or deliberately leading to delay in producing documents, or the alteration of documents and files ordered for the purposes of fulfilling a mandate under the *Inquires Act*, should be seen by all Canadians as an affront to the integrity of the public inquiry process, to our system of government, and to themselves as concerned citizens. In that light, the story of non-compliance with the orders of a public inquiry and the role played by SILT in that story, which is recounted in the following pages, becomes all the more shocking.

On the surface, the events described here suggest either a lack of competence or a lack of respect for the rule of law and the public's right to know. As we dug deeper, the difficulties we encountered involved tampering with or destruction of documents. The seriousness of these actions and their impact on the investigation conducted by our Inquiry demand that we recount these events in detail.

THE SOMALIA INQUIRY LIAISON TEAM

DND recognized, at a very early stage, the need to create an entity to assist us and co-ordinate various aspects of the Department's actions in related matters. But as it turned out, these two purposes were constantly in conflict. Either military officers and officials at National Defence Headquarters (NDHQ) failed to appreciate this, so accustomed had they become to treating all crises as situations to be tactically managed and controlled, or it was a calculated strategy to obstruct and discredit our Inquiry. Even if it were the former, which would indicate a degree of naïveté at NDHQ, the result was the same. Our

work was made far more difficult than it should have been, and our Inquiry was needlessly and expensively protracted. In the end, these tactics significantly impeded our work but at a heavy cost to the reputation of the military and to the trust that Canadians had heretofore shown in the effectiveness of the public inquiry process.

Even before the official announcement of this Inquiry, DND began to assemble a team and attend to personnel and administrative matters.¹ SILT was established officially in April 1995 by a directive from Gen de Chastelain, Chief of the Defence Staff (CDS), and John McLure, the Acting Deputy Minister.² The directive established SILT within the ADM (Policy & Communications) Group "to act as a focal point for all matters related to the Inquiry". The mandate of SILT was specified as

- collating and cataloguing all documents, notes, e-mail, etc. created or held by the Department on the CF participation in the UN mission in Somalia;
- assisting the Inquiry in obtaining relevant information from the Department;
- responding to requests for information from the public and Inquiry witnesses;
- acting as the focal point for media inquiries;
- and co-ordinating the appearances of Department witnesses before the Inquiry.

When it was first created, SILT comprised four members: the director of SILT, a public affairs officer, a secretary, and an administrative clerk. They reported to the Associate ADM (Policy & Communications), who at that time was MGen Boyle.

Additional resources were authorized to establish the SILT office.³ As the number of document demands grew, SILT expanded in an attempt to keep up with those demands. Ultimately it had to struggle with inadequate resources because of its initial "misestimate" of what would be required to do the job.⁴

The CDS directive also addressed the issue of the Department's co-operation in providing documents to us via SILT. It directed that all of DND/CF was required to comply with SILT's requests, that "[no] documents, in whatever form they exist, shall be withheld from the SILT", and it gave SILT the authority to contact anyone it required to fulfil its mandate.⁵

In June 1995, LGen (ret) Fox was appointed Special DND/CF Adviser to "advance the CF/DND interests in respect of all matters under the mandate of the Somalia Commission of Inquiry". LGen (ret) Fox had five primary responsibilities:⁶

1. to co-ordinate and plan the Department's position on all issues related to the Inquiry;
2. to ensure the development and preparation of the Department's position;

3. to instruct counsel on the Department's position before the Commission of Inquiry;
4. to represent the Department's interests at the Sub-Committee of the Joint Management Group; and
5. to superintend all activities of SILT.

This order expresses the inherent contradiction built into SILT between managing the Department's position or political response to the Somalia affair and assisting us to investigate it and the conduct of the CF in relation to it. The predominance and priority given to managing the Department's responses are also clearly evident. LGen (ret) Fox was given the responsibility of overseeing SILT as part of his duties. He reported to LGen Boyle, who had recently been promoted to ADM (Personnel).

Orders for Production

One of the most important factors enabling us to begin our investigation was the receipt of Somalia-related documents. We sought such information from many sources but gave three formal orders for production to the Privy Council Office (PCO), the Department of Foreign Affairs and International Trade (DFAIT), and the Department of National Defence.⁷ The first two organizations had relatively few Somalia-related documents; it was DND that held the vast majority of the materials we would require.

The order dated April 21, 1995, addressed to the Minister of National Defence, required the production, within 30 days, of all documents relevant to our terms of reference in the possession or control of the Department and the Canadian Forces.⁸ The Department applied for an extension of time and by our order dated May 29, 1995 it was granted an extension until June 30, 1995.⁹ See Figure 39.1 for a graphic representation of the adequacy and timeliness of production of documents.

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It was on June 30th that counsel for the Government of Canada wrote to us outlining the documents that had been identified pursuant to the order, providing lists of those documents and stating that all documents listed had been provided to us or would be provided shortly. Counsel also stated their belief that the requirements of the order of April 21, 1995 had been met but that the Department, through SILT, would continue its efforts to provide additional materials to us and to respond to our requests.¹⁰

Efforts by SILT to Obtain Documents

In the weeks before this order, SILT had already begun obtaining documents relating to Somalia.¹¹ Requests, in the form of telephone calls and memoranda, were made to offices within NDHQ asking for documents. SILT's idea was to begin at the top of the chain of command and move downward as the search extended to more documents. In this way, policy documents would be collected first and then the search would extend to working documents relating to the Somalia deployment.

This method was almost guaranteed to protect the military's interests. If a cover-up is suspected, a top-down investigation courts the risk of failure. By definition, cover-up is invisible at the top and contains no clues at that level as to its lower origins. Only an investigation that starts at the bottom of the process has any hope of uncovering the facts that are eventually hidden.

To cite an analogy from history: if SILT had been charged with gathering documents about Watergate, its strategy would have been to ask President Nixon and the White House for all available documents and then follow these down through the system. The secret tapes would never have been discovered.

Originally, we accepted SILT's profession of good faith, repeated by the CDS and the Minister of National Defence, and waited to see what emerged. To do otherwise would have shown a degree of skepticism in our institutions unwarranted by Canadian traditions and the history of previous inquiries. And so we embarked on what proved to be a long and disillusioning process.

The director of SILT, Col Leclerc, made verbal requests because he felt that these would allow him to gauge better the level of co-operation he received. He considered the co-operation of senior staff in NDHQ in response to his verbal requests to be excellent. He also felt that the general response to SILT was excellent in that there were no complaints about having to provide the documents.¹² That positive response, however, did not mean that everything required was being provided.

Upon receipt of our order, SILT extended its search for documents to all relevant documents. SILT sent a formal request in the form of a message dated June 2, 1995 to the commanders of Land Force, Maritime, and Air commands, asking that these three headquarters take the appropriate measures to provide the required documents to SILT no later than June 9, 1995.¹³

Many of the documents were in the possession of SILT by mid-June, but it would turn out that many crucial documents arrived at SILT later. Other documents had been destroyed or lost and were never made available to us. Examples of documents that were not provided at that time include documents from the Directorate General of Public

Affairs and National Defence Operations Centre (NDOC) logs from headquarters.¹⁴

SILT's initial estimate was that there were 7,000 documents.¹⁵ The number of documents it received in the summer of 1995, however, quickly exceeded that estimate by a huge amount. The sheer volume meant that SILT began sending documents to us without first registering and copying them.¹⁶ According to its records, by September 1, 1995, SILT had received and delivered to us approximately 30,000 documents.¹⁷ This would turn out only to be a fraction of the final amount.

Receipt and Management of Documents

We always recognized the importance of the documents issue. When the number of documents started to grow beyond SILT's initial estimate, we retained specialized consultants to implement systems to handle the increased volume. From September 1995 until the end of the hearings, we employed at least 10 and as many as 20 persons full-time in document management.

We put into place a number of systems to track, manage, and review the documents, including a data base to manage the paper documents received and a specialized software program, Folio Views, to provide electronic access to electronic files received.

To ensure full control of the documents, our staff developed a standard procedure to handle documents received. Documents were processed, catalogued into a data base, and then categorized according to the issues they addressed.

Once a document was received, the first step consisted of numbering every page using a unique identifier generated by and recorded in our data base system. In the case of documents received as computer disks, each file was printed out onto a paper copy and then processed. Once numbered, a document could be unambiguously identified by the number on its first page. In addition, a procedure was used to identify documents that contained other documents, for example, a memorandum attached to a covering letter. It was important to identify these documents within documents to have full control of the information we received.

Next, each document was catalogued by entering key descriptive information into a relational data base system. This allowed us to retrieve documents by several criteria, including the title of the document, the type of document, its date, and information about the document's author and recipient.

A critical element of our ability to deal with huge volumes of documents was the review of the documents after they were recorded in the data base. To allow a systematic review, a list of issues of importance to us was developed. The purpose of the review was

twofold: to identify documents that were not relevant to our work and to catalogue those that were relevant by identifying them with applicable issues on our list.

This categorization of the documents, along with the information used to catalogue the documents, allowed our staff the flexibility to research issues, prepare for hearings and create hearing books.

Because not all documents were complete and questions inevitably arose in working with large volumes of material, SILT was responsible for assisting us in obtaining additional relevant information.¹⁸ Formal requests were numbered sequentially for ease of reference. These numbered requests typically asked SILT to supply missing documents or missing portions of documents or to provide other additional information. As an integral part of document management, a data base was used to record and manage these requests. Apart from describing the particulars of the information requested, we assigned to each request a priority of high, medium or low to reflect its relative urgency.

Initial Inadequacies in the Department's Production of Documents

On the assumption that there would be only 7,000 documents in total, SILT arranged to have all documents scanned into an electronic format to facilitate search and retrieval. Initially this undertaking began in-house. As the size of the task grew, however, an outside company was retained to complete the job. By early September 1995, about 30,000 documents had been scanned. At that point, SILT decided not to scan any additional documents but simply to provide them to us in paper form.¹⁹

At first, the documents we received were identified by a number assigned by SILT (the 'SILT number'). In addition, when the documents were scanned, a 'control number' was also used to identify the document in the electronic information base. Later the SILT number was discontinued in favour of the control number. After SILT's decision to discontinue scanning, however, many thousands of documents arrived over a two- to three-month period without any type of reference number assigned by SILT. In November 1995, documents began to arrive under a new identification system using so-called R numbers. This method had no apparent connection with the earlier systems, nor were we alerted to the fact that this was a new system being used by SILT. The meaning of the new designation was clarified only after Commission counsel wrote to SILT asking for an explanation of the R-numbered documents.²⁰ As a consequence, we found it necessary to modify the system several weeks after the changes were implemented, resulting in both inconvenience and time delays.

A problem that arose several months later and that was exacerbated by the absence of a reliable tracking system at SILT was the elimination of duplicates.

SILT's delivery of documents showed that little effort had been made to organize the material. Typically, thousands of documents would arrive in unmarked boxes accompanied by only a transit slip and a brief covering letter containing little useful information.

Worse still, documents had pages missing; documents did not contain attachments or appendices; documents were unintelligible as a result of poor photocopying (we received virtually no originals); documents referred to in other documents could not be found; and documents that belonged together were not delivered together. Often what we received were pieces of information rendered nearly useless by an absence of context and because of inconsistent quality and unreliable integrity. Huge amounts of time were ultimately spent searching for missing attachments and attempting to reconstitute documents or sets of documents from individual fragments

SILT's Difficulties in Responding to Numbered Requests

To address our concerns about SILT's response to the order for document production we made numbered requests to SILT asking the Department for additional information. Using the protocol we had established with SILT, requests were made by Inquiry staff for better copies of documents, missing pages, additional documents, and other information. In many instances, these requests were handled by SILT in a prompt and helpful manner. However, we had to rely on SILT and the Department for the processing of virtually all of these requests and in many cases, the responses were disquieting.

SILT's Slow Response

The most troublesome aspect of the SILT's response was its lack of timeliness. As part of each numbered SILT request, we assigned a priority to the request and a target date for SILT's response. Responses were often received after the target date. Although interim responses were sometimes received, many requests were resolved only several months after the target date, and others were never resolved satisfactorily. Also, even with a priority system, the response time and the urgency of the request were not correlated.

In January 1996, we were concerned about the tardiness of SILT's responses and assessed all numbered requests we had made since September 1995. The result: of the 196 requests at that time, 62 per cent remained outstanding after the target date, with the average delay being 40 days.

Most of the documents we were interested in from PCO and DFAIT came pursuant to orders for production to the two organizations, but a few requests were made to DFAIT through SILT. Unfortunately, these relatively few requests were not answered speedily. For example, in October 1996, we requested a list of records relating to weekly executive

committee meetings of senior departmental staff at DFAIT from July 1992 to August 1993.²¹ DFAIT's response (through the Office of Counsel for the Government of Canada) came in March 1997, six months later, only to say that it had no such material.²² In another example, a request was made for materials documenting interdepartmental meetings relating to Eastern and Southern Africa.²³ We were advised to expect receipt of those documents by early December 1996,²⁴ but nothing was received by late March 1997, when our evidentiary hearings concluded.

Because of the breadth of our mandate, we consistently stated that SILT was to provide all requested documents relating to our terms of reference, and we would decide on the matter of their relevance. In at least two cases, however, government counsel questioned the relevance of the documents requested and wrote to ask for an explanation. In one example, we requested the briefing materials of a particular cabinet minister. Government counsel failed to understand the relevance of these materials because that minister had been briefed only after the Canadian Forces members participating in Operation Deliverance had been redeployed to Canada. The matter was resolved only after we pointed out that the Inquiry's mandate included matters of response and the aftermath of the in-theatre incidents.²⁵ This type of interim exchange did little to expedite the progress of the requests, especially since any clarifications could have been made by telephone.

Inexplicable Difficulties

Other aspects of the responses were also troubling and difficult to understand. For example, two numbered SILT requests,²⁶ made in the fall of 1995, asked for minutes and agendas for Daily Executive Meetings (DEMs) and related documents. These high-level meetings were held on a regular, almost daily, basis. It is difficult to imagine that the minutes and other documents that relate to them are not all kept together in a secure facility and easily retrievable.

The fact is, however, that the request for DEM minutes was outstanding for over three months before a response was received. The first DEM documents we received from SILT arrived inexplicably without a covering letter, without an index, and without reference to the original request. The records were also incomplete and not arranged in any apparent order. It was only after intervention by our senior counsel that a more acceptable response was provided.²⁷

That response did not, however, satisfy all the requests for information in respect of DEMs, and many requested documents remained outstanding. The partial explanation that "the older agendas are not readily available and/or may have been destroyed" was vague and unsatisfactory.²⁸ In addition, an analysis of SILT's responses revealed inconsistencies in the information provided. For example, agendas were missing for some DEMs, but more alarming was that agendas existed for days on which SILT had stated that no meetings were held.²⁹ The Department's response was inconsistent with an

organized and complete set of records being held in a central location. Yet the absence of such an approach would be puzzling given the high level and potential importance of these records.

The value of the DEM-related documents was in their identification of the issues discussed at those meetings and their indication of what information was available about those issues. It was therefore unsatisfactory that these hundreds of outstanding documents arrived only in October 1996,³⁰ leaving us less time than we had anticipated to analyze the information received and make further inquiries for the hearings then going on.

Once all available DEM-related documents from 1990 to 1995 were received, we carefully reviewed their contents. A pattern emerged from the DEM minutes whereby less and less information became available over time about the sensitive issues relating to Somalia.

Taking the records up to 1992 as a baseline, minutes were produced for the large majority of DEMs, and those minutes gave a good idea of what was discussed at the meetings. In 1993, however, at the time of the in-theatre events, references to important incidents in Somalia were suspiciously sparse, given the high profile of issues such as the incidents of March 4th and March 16th. By contrast, the minutes did record matters such as why mail for the forces in Belet Huen was experiencing continual delays.³¹ The pattern continues through 1994-95, where DEM minutes are kept less frequently and contain less content, to the point where they are not kept at all in the latter months of 1995.³² This pattern is inconsistent with the Department's earlier practice of keeping minutes and with the written departmental procedure, which states "Minutes covering DEMs will be prepared by D NDHQ Sec and distributed to all concerned".³³

When the outstanding DEM minutes were delivered in October 1996, SILT indicated that briefing materials were available upon request: "A number of briefings were presented at DEM/Post-DEM, many of which did not relate to Somalia. It is requested that the Commission identify the specific briefings which are of interest to them".³⁴

In November 1996, after reviewing the DEM minutes, we asked for briefing notes, background materials, and other documents relating to 46 matters discussed or referred to in the DEMs and Post-DEMs.³⁵ By the end of January 1997, we had received no response and repeated the request.³⁶ We also emphasized that the new deadline for a final report greatly increased the urgency of the situation and asked SILT to send whatever materials it had gathered by early February.

SILT's reply came only in March 1997, as the Inquiry was in the process of winding down.³⁷ Of the 46 requests, many of the documents could not be located; in other instances, responses were incomplete. From these results and SILT's explanatory notes, it appeared that the search had been ad hoc and that there was no orderly system of storage

and record keeping of these materials. SILT added that the minutes often did not contain enough information to allow retrieval of the materials referred to and that copies of the briefings were rarely left with the NDHQ secretariat or handed out to attendees.

The search for information related to DEMs began in late 1995 and ended, as our last witnesses were being heard, with a disappointingly large number of materials of interest to us ultimately being unavailable.

In January 1996, Inquiry staff made request number 239 to SILT for copies of the Red Book since 1990.³⁸ The Red Book was an annual document containing guidance from the Chief of the Defence Staff to commanders about where they should focus their efforts. This is a well recognized and important document that should have been readily accessible and easily reproduced.

More than four months later, we received boxes of files, once again unaccompanied by any letter, index, or reference to any of our requests. These boxes contained some Red Book material, but in no way can this response be viewed as satisfactory.

This example illustrates the labours involved in the examination of documents. The copies of Red Books should have arrived in a complete package. Instead, the materials we received were piecemeal, incomplete, and intermingled with other documents. After considerable effort, Inquiry staff were unsuccessful in reconstructing the requested documents from the fragments received. In particular, they lacked sufficient material to reconstruct a copy of the Red Book in effect during the pre-deployment period.

A reminder had been sent to SILT in June 1996,³⁹ but we received no response until February 1997, when a copy of this key Red Book was received in response to a different request for a related document.⁴⁰ SILT offered no explanation for the delay of more than one year in providing the requested information.

In December 1995, we requested a number of documents relating to high-level meetings, including the agendas for Defence Council meetings from 1990 to 1995.⁴¹ The Defence Council is a forum for discussion to inform senior management and to facilitate decision making. It is chaired by the Minister of National Defence, and its members include the CDS, the VCDS, the DM and other senior officials. The Defence Council is a main avenue for briefing the Minister of National Defence on developments within the DND/CF and should normally meet once a month.

In March 1996, SILT replied that in the period 1990 to 1995, there appeared to have been only six such meetings,⁴² a surprisingly low figure. After additional research, the final response in October 1996 was that one of the six meetings had been cancelled, no minutes were produced for another, and two sets of minutes could not be located.⁴³ The

result was that the minutes of only two meetings were available in the six-year period.

In February 1997, we requested documents relating to communications with the Minister of National Defence about our request for extensions. We were interested in documents that either advised the Minister about the matter or documents that contained the views of the Minister.⁴⁴ After we received no response, a reminder was sent in March.⁴⁵

Later that month, SILT's reply was that none of the documents described in that request could be located.⁴⁶ SILT added that because the Honourable Doug Young had been appointed minister (replacing the Honourable David Collenette) "any papers from his predecessor would have been sent to the Archives". SILT also wrote that we had received documents from the PCO and that "[a]ny additional documentation would likely fall into the categories of Cabinet Confidences or Solicitor/Client Privilege".

These comments are troubling. Any reply by Mr. Collenette to his officials would certainly have remained within the Department. It is not the practice to gather all the documents signed by an outgoing Minister and send them to the archives. Similarly, as regards correspondence sent to the Minister, any copies retained by the authors were not archived. Even more unsatisfactory is SILT's uncertain comment that documents were "likely" to be privileged. It appears that SILT did not bother to search for such documents, on the assumption that these were protected by a privilege. Documents that are not privileged were required to be released to us. Documents for which privilege was claimed should have been identified, and a list of such documents should have been sent to us.⁴⁷

A final example along these same lines is our request in May 1996 for the Combined Joint Task Force (CJTF) Somalia operations plan.⁴⁸ This key document sets out the whole concept of the operations, missions, and tasks in Somalia. SILT's reply in August 1996 was that these documents could not be found in the Canadian Forces. We cannot understand how the Department was unable to find such an important and high-profile document over a three-month period following our request.

E-Mail

SILT's mandate, as specified by Gen de Chastelain in his April 1995 directive, included collating and cataloguing "all documents, notes, e-mail, diskettes, videos, etc." relating to the mission in Somalia.⁴⁹ Despite this and our order to produce all documents and other recorded information, very little was received in the way of e-mail, either in paper copy or in an electronic version. As this was a matter of considerable interest to us, on May 21, 1996 the Commission Secretary wrote to the head of SILT asking about the status of the disclosure of e-mail.⁵⁰ By June, SILT had still not responded, and we wrote a second time asking for a response.⁵¹

SILT replied that it had requested detailed information about the e-mail systems in place at NDHQ and the CF since 1992 to allow us to assess its use.⁵² This appeared to miss the point completely; we wanted copies of the e-mail transmissions, not information about e-mail systems. A letter making that clear was sent to SILT.⁵³ After additional discussion, SILT's final response was that it had passed on all e-mail that the Department was aware of and that it considered the matter closed.⁵⁴ The matter might have been closed, but Inquiry staff did not feel that they had received much co-operation in obtaining e-mail communications that might have been relevant to our mandate.

The significance of e-mail is that it is often used to communicate internally within an organization and may be more candid than formal correspondence. One significant example was brought to our attention by counsel for one of the parties with standing. That was a series of e-mail transmissions concerning an attempt by MGen Vernon to organize several colleagues to present evidence before us and LGen Reay's response to that effort. LGen Reay's reference to "the idea of producing the King James Version of events"⁵⁵ and his statements "How we respond is entirely up to us and we control what is written",⁵⁶ and "Equally, every time the Commission asks for amplifying info or more briefs or whatever, we will respond and we control how we respond"⁵⁷ are especially noteworthy.

In his testimony, LGen Reay conceded that these words could be interpreted to mean that he wanted to control the flow of information to the Inquiry, but he added that this had not been his intention.⁵⁸ As it turns out, what LGen Reay said he did not mean was precisely what was reflected in our rueful experience with the disclosure of documents.

Although we were aware of the e-mail transmissions, reliance was placed on SILT to provide copies of the e-mail for the purposes of the hearings. It is of interest to note that even though the quantity of e-mail made available to us was incredibly sparse, this particular example was available and easily retrieved by SILT.⁵⁹ However, this particular message was not actually disclosed to us until we advised senior officials that we were already in possession of a copy obtained from another source.

This example illustrates the candour in a less formal communication medium such as e-mail and the value of such records for our work, MGen Vernon testified that it was an everyday occurrence for members of the CF to use e-mail or the telephone to communicate about "demi-official" matters.⁶⁰ He described demi-official correspondence as being private correspondence and contrasted it with official correspondence which "belongs to Her Majesty".⁶¹ He explained that demi-official communications were a normal method of staff work: establishing consensus through this less formal liaison before the results are presented to superiors for official consideration. He also testified that the "demi-official net" accounts for a great deal of the consultation and discussion behind official decisions.⁶²

From this testimony, it is clear that had it been more available to us, e-mail could have proven invaluable as a window on the frank consultations that were held on that "net" every day.

Substituted Documents

Another of the frustrations we encountered was the way SILT responded to a request for a particular document by providing a related but different document.

Following a tour of the NDOC for Inquiry staff, we wanted to know what procedures existed for the handling of information received by that office. In October 1995, we requested a copy of the standing orders of the NDOC in effect during Operation Deliverance.⁶³ SILT's response was to enclose a copy of the National Defence Operations Centre Instruction, October 1995 (two years after Operation Deliverance), with the explanation that "this is a 'living' document which is updated as required but at least reviewed annually" and that it would continue to look for a copy of the Instruction dating back to 1992/1993.⁶⁴

By June 1996, eight months later, there had been no further response from SILT. We wrote again to ask what progress had been made to locate or reconstruct the 1992/1993 version of the document, and if none, we wanted copies of the Instruction used in the two annual reviews that bracketed Operation Deliverance.⁶⁵ SILT replied in October (one year after our original request) that the document had not been found and that it was unable to reconstruct it. SILT added that "the Instruction is a 'living' document and as such there is no utility in retaining a copy which is no longer current. In fact, retention of 'living' documents which are not current often leads to confusion and can be a serious liability" and considered our request to have been fulfilled.⁶⁶ The result was that one year after our request, the only document that had come into our possession was current but not relevant to the period we had specified and was therefore of no use to us.

A similar situation arose when we requested a copy of a two-page summary written by VAdm Murray and referred to in another document.⁶⁷ SILT's response was to send a different document "concerning the same issue" and to state that "[s]ubject to further direction from [us], this request will be considered closed".⁶⁸ It is difficult to understand how providing "a new document concerning this same issue" in any way satisfied the original request.

SILT's Need for Clarification

Beyond the failure to receive the materials requested, a considerable amount of energy was spent in clarifying matters for SILT or attempting to get SILT to respond to the

request made.

An example already discussed concerns SILT's research into e-mail systems instead of providing us with copies of the e-mail transmissions themselves.

Another example is our request for DEM-related documents. In June 1996, more than six months after the initial request for these types of documents, SILT did not appear to understand fully what was being requested. We wrote to SILT regarding this matter: "Your response on this issue is unsatisfactory in a number of respects. The main problem is that it does not appear to respond directly to [the] request but, rather, it appears to build on your response to another request dealing with different material."⁶⁹

A final example is that of request number 096.⁷⁰ During a 1995 general court martial case, a witness stated that there was a sheet of paper inside a guardhouse that outlined the duties of the guard. In October 1995, request 096 asked SILT to provide a number of documents, including the sheet outlining gate guard duties. Our request made specific reference to page 168 of the general court martial documents, where the statement about the sheet was made.

Eight months later, in June 1996, SILT replied that this outline of guard duties could not be located and that SILT officials did not believe that it existed.⁷¹ We had little confidence in this response, however, because SILT also had difficulty finding the reference on page 168 of the court martial transcripts and stated, erroneously, that there was no such reference.

Unavailable Documents

We were also often frustrated in our attempts to get documents known to have existed but that were unavailable to us. Examples include the *National Defence Act Review*, the Chief Review Services (CRS) studies, and the Kipling Reports.

In September 1995, Inquiry staff requested a copy of the *National Defence Act Review*.⁷² Other documents in our possession describe this work as a review of the military justice system conducted internally by the Department and presented to the Defence Management Committee (DMC) in January 1994. A month later SILT replied, stating that the document was under consideration by the Judge Advocate General (JAG) and that it was "not possible to give an exact date when the request will be answered".⁷³

In February 1996, SILT forwarded to us a letter from the JAG stating that the Department had established a process to review the *National Defence Act* and brief the DMC, and ultimately the Minister, on recommended changes to that act. Although the consultation phase had ended in the summer of 1994, the report was not yet finalized, and the draft

would not be released to us.⁷⁴

Over a year after the original request, in November 1996, we sent a further letter to see what progress had been made. SILT's response, a month and a half later, was "[a]lthough the current rationale for withholding this documentation remains unchanged, the Office of the Counsel for the Government of Canada remains willing to discuss the process. For these reasons, SILT's perspective is that this request will be considered closed".⁷⁵

After nearly a year and a half, we were no further ahead in obtaining the desired information. We wanted to study the review to understand the areas identified for change by the Department and the nature of those changes. Instead, well over a year after the creation of a draft report, the Department continued to deny us a copy, giving no indication when the report would be available. SILT's final comment on the matter was that it considered the request closed.

In November 1995, we asked for a complete list of the studies prepared by the Chief Review Services in DND since 1991.⁷⁶ The CRS is responsible for the internal investigation of issues, often at the request of senior departmental officials. Its studies were of interest because the Department's own views of issues being investigated could prove quite revealing and helpful to our work. In December, we amended that request, asking for a list of all studies and reports by the CRS since the position was established.⁷⁷ This list was provided in March 1996. In April, we asked for a number of documents of interest from that list.⁷⁸ This request remained outstanding as of August, and we sent a reminder to SILT, increasing the priority of that request.⁷⁹ In December, SILT forwarded the majority of the requested documents. In January 1997, additional documents were forwarded. A number of documents were not included, however, because they had been "destroyed" in June 1994.⁸⁰ No other information was provided about these documents, which included an evaluation entitled "Departmental Evaluation and Accountability Reporting" and an assessment entitled "Public Information", presumably covering the dissemination of information to the public.

In December 1995, we made a high-priority request asking SILT for information about documents known as the Kipling Reports and asking for copies of such reports produced in the years 1993 and 1994.⁸¹ In February 1996 SILT replied that the Kipling Reports are bi-weekly reports compiled by the NDHQ Secretariat to inform senior staff of current DND issues and are based on information supplied by NDHQ directorates. SILT reported that, based on telephone conversations with the NDHQ Secretariat, "all KIPLING Reports from 1993 have been destroyed and copies are not being kept any more".⁸² However, no mention was made of the Kipling Reports from 1994, which we had also requested.

After receiving nothing more on this matter, we wrote back to SILT in December 1996, asking for a more thorough search.⁸³ SILT's response was that a broadened search revealed that all recipients of the report had destroyed the 1993 and 1994 copies

according to records disposal guidelines and that the documents were not available in the Department or the government.⁸⁴ Once again, documents that were of interest to us were ultimately unavailable after many months of waiting. Even more disappointing was the fact that a comprehensive search was conducted by the Department only upon a specific request from us and that SILT did not take this step on its own initiative.

The CRS studies and the Kipling Reports are just two examples of the destruction of high-level documents with no apparent regard for the loss to corporate memory. It is understandable that copies distributed to individuals have become unavailable, but we have more difficulty accepting that the individuals or offices responsible for producing such documents would not retain any records.

The Need to Hold Hearings on Document-Related Issues

Because SILT had failed to deliver all the relevant documents on time, we had no choice but to begin hearings before we had received all the documents. Evidentiary hearings began in October 1995, and as they proceeded through the fall of 1995 and continued through the winter of 1996, we continued to receive, process, and review new documents, including documents of direct relevance to the hearings already under way.

Because of the serious difficulties that we had encountered in obtaining disclosure from SILT, we were obliged to hold public hearings to determine why we were not receiving documents necessary for us to fulfil our mandate and whether this deficiency was deliberate.

Pursuant to our terms of reference, we began hearings in April 1996 related to the integrity of the documents delivered to us. The main issues explored were non-compliance with our orders for production of documents; the alleged destruction and alteration of Somalia-related documents; discrepancies in the NDHQ logs; and missing in-theatre logs.

Alteration and Attempted Destruction of Somalia Related Documents

Later in this chapter, we detail the complexities surrounding the alteration and subsequent attempted destruction of Somalia-related documents. This issue resurfaced within the DGPA as a result of our order for the production of all relevant documents. While other areas of the Department submitted Somalia-related materials pursuant to SILT's instructions, the DGPA had not complied, although it knew of the requirement. On the contrary, arrangements were made by supervisors in DGPA to destroy documents requested by us to cover up their previous deceptions. This plan was unsuccessful, however, because the arrangements were discovered before they were carried out.

During the hearings, many details of the affair were examined, and witnesses for the most part denied responsibility. It was clear, however, that the Department had failed blatantly to comply with our order for production. The actions of the Department were, we concluded, dishonest and deliberate. To cover the original deception, the severity of misdeeds had escalated from artifice to lies to non-compliance with an order for production and finally to the attempted destruction of evidence.

NDOC Logs

The National Defence Operations Centre at NDHQ was responsible for co-ordinating the flow of communications related to operational matters and was the information centre that received all message traffic.⁸⁵ Any information received from OF theatres of operations was required to be recorded in the NDOC log by the NDOC desk and watch officers.⁸⁶ Col Leclerc testified that the NDOC log was kept by duty officers and contained a record of all message traffic that went through them, that is, telephone calls, messages, and reports from various alert systems that come into the headquarters.⁸⁷

We attempted during the summer of 1995 to obtain the NDOC logs; SILT provided three different ones.⁸⁸ During our review of these, we discovered a number of unexplained anomalies, including entries containing no information, entries missing serial numbers, and entries with duplicate serial numbers. The concern was that there may have been deliberate tampering with these logs.

A military police investigation was launched on October 11, 1995, but it was frustrated by the fact that the computer's hard drive had been reformatted and back-up tapes were not available. The investigation was unable to determine whether the inconsistencies in the logs were the result of tampering and suggested that they were the result of poor operating procedures, insufficient training, and a lack of system audits.⁸⁹

As a result of the military police report, Commission counsel interviewed NDOC personnel and discovered that the computer system in operation during 1993 actually consisted of two hard drives, one that mirrored the other.⁹⁰ The mirror drive was found at NDHQ and, contrary to what had been suggested in the military police report, it had not been reformatted and disposed of, although much of the data had been deleted.⁹¹ As a result, the military police reopened their investigation into the question of tampering. The second investigation revealed no evidence to support the theory that tampering had occurred,⁹² but could not eliminate the possibility.

These investigations did, however, reveal a number of other serious problems with the NDOC logs. Despite the key role the NDOC log would play in any investigation, management and staff did not appreciate its importance and accordingly did not give it priority.⁹³ Most of the problems seem to have resulted from the lack of standing operating procedures with regard to the log and a tendency to bypass this awkward system.

One major problem was the lack of policies and practices with regard to creating and maintaining a complete record of communications from field units to NDHQ. To begin with, the purpose of the log was not clear in the minds of NDOC personnel, and perceptions of the role it played at NDOC varied from one individual to another.⁹⁴ In addition, one-officer interviewed stated that there were no standing operating procedure regarding the inputting of information into the NDOC logs, and a National Investigation Service (NIS) report found that "[s]tandard operating procedures were nonexistent".⁹⁵ The decision about what information was entered was left to the desk officer or watch officer.⁹⁶ When it was decided that information needed to be entered in the log, the fact that NDOC staff received no formal computer training compounded the problem.⁹⁷

A review of the logs shows that there were large gaps in the records of communications that flowed from the in-theatre headquarters of CARBG and CJFS to NDHQ during Operation Deliverance, and in particular after the incident of March 4, 1993. Despite the contention that the NDOC was an "all-informed staffsystem",⁹⁸ a clear cause for concern was the fact that the NDOC was not always used for official communications. Operational information was often provided directly to senior NDHQ officers without passing through proper channels, bypassing the information system that was in place. Such a prominent violation of NDOC policy demonstrates an ingrained lack of appreciation for the importance of an accurate record of NDOC activities and a serious problem of discipline within the CF.

The security system in place at NDOC was completely ineffective. One officer stated that typing in a user ID followed by a password gained access to the system, and that he had the passwords for the three desk officers because he was regularly required to access their accounts.⁹⁹ Another noted that he did not need a password to use the NDOC operations log because it was open and running 24 hours a day.¹⁰¹ The NIS investigation also noted that there might be concern if the public received information regarding how inadequate the NDOC system was during this period.¹⁰²

The implications of this investigation and of our own review of different versions of those logs is that NDOC logs are not a reliable record of transactions at the operations centre. Even apart from the question of deliberate tampering, the logs were compromised by problems with the data-base system and the absence of proper procedures for the operators.

Operational Logs

Another type of log, in-theatre operational logs, were of great interest to us. In addition to the logs kept by the NDOC operations centre, operational logs were kept daily with respect to the Somalia deployment. "The [operational] log provides an abridged chronological record of all incoming and outgoing information, actions taken and decisions made. It [also] provides a continuous story of the operation in progress, a check upon action yet to be taken and a basis for the writing of the war diary."¹⁰²

A war diary is a historical record that units are required to create when engaged in certain operations, including peacekeeping, In relation to Operation Deliverance, the only mandated war diaries were for the Joint Force HQ and for CARBG.¹⁰³ However, other units also maintained diaries. While war diaries have stringent requirements for the preservation of written information, "[i]t is particularly important that *Operations Logs*...be included".¹⁰⁴

A properly maintained log would "provide the minute-to-minute sequential information as it occurred within Operation Deliverance deployment to Somalia".¹⁰⁵ Of special interest to us were the logs from three commando units (1 Commando, 2 Commando, and 3 Commando) as well as the Service Commando logs.

Logs were critical to our understanding of events in Somalia, yet the logs we received in June 1995 were incomplete.¹⁰⁶ SILT did not follow up with inquiries about the missing information or monitor the obvious gaps in the information that was resumed to us.¹⁰⁷ Even more problematic was the lack of documentation from SILT outlining which logs did exist, which were missing, and why they were missing.¹⁰⁸ After beginning work on the logs in the fall of 1995 and struggling with these problems for months, we wrote to SILT on January 17, 1996 and made it clear that an order would follow requiring production of the logs kept in Somalia unless the Department began to make progress in this regard.¹⁰⁹ SILT replied on February 1, 1996 identifying some of the logs, but the response was far from satisfactory. A further letter from SILT, dated February 9th, had attached as an annex a more comprehensive listing of Somalia-related logs and those that were missing.¹¹⁰ That letter confirmed that 2 Commando communications logs for a period of several months were missing, and nearly all 1 Commando communications logs were missing. It made no mention at all of the logs from 3 Commando or Service Commando. Inquiries with respect to the missing pages appear to have started only on March 11, 1996.¹¹¹ As a matter of fact, the search for logs became frantic only after we informed the military authorities that we would call the CDS, Gen Boyle, as a witness to account for the lack of compliance.

By the beginning of April 1996 we had assembled a list of the operational logs for the in-theatre phase of the operation. This list indicated which of those logs had been delivered to us; practically nothing we received constituted a complete set of documents.¹¹²

In the months of March and April, a number of logs began to appear because of the heightened attention to them. The Airborne Field Squadron's logs were provided to us on April 18, 1996, after being found among closed files that had not been checked before the April 9th search ordered by Gen Boyle. We found that a copy of the Service Commando logs was held by the military police. In March, SILT informed us that the 1 Commando logs had been destroyed by water while in Somalia.¹¹³ Maj Pommet was surprised that both copies of the 1 Commando log could have disappeared and noted that they would have been useful to the Inquiry, as they contained a critical evaluation of the

shortcomings and unsatisfactory procedures of the operation.¹¹⁴

Following the CDS-ordered search in April, the 2 Commando logs were discovered at CFB Petawawa.¹¹⁵ Despite the importance of the operational logs to our work, the Department appeared to have made little effort to ensure their delivery and completeness. What was produced voluntarily was scant and unacceptable, with no attempt to account for the very substantial portions that were missing. It was not until we had made several demands and finally resorted to the possibility of an order that a more comprehensive search was made. Even the results of those searches were not entirely satisfactory, and many portions remain outstanding.

Incredibly, despite its own mandate to maintain war diaries and certain logs, the Department failed to understand the importance of these documents and failed to explain the unacceptable state of its records. For example, Gen Boyle testified that one reason for missing log pages was that they could have been considered less important once the war diary had been produced.¹¹⁶ The reality, however, was that there was no evidence that such logs were used in the creation of war diaries and that the diary entries did not refer to the logs or attach them as annexes.

An even more startling example concerned the Canadian Intelligence Staff Branch (J2) intelligence logs. These logs recorded significant information received and action taken by Canadian Joint Force Somalia (CJFS) headquarters. They were concerned with information about activities that could affect the CJFS.¹¹⁷ A properly completed J2 log could have provided us with critical objective information concerning such things as the reality of, or lack of, Somali groups engaging in hostile activity on February 17, 1993 or in sabotage activities on March 4, 1993. Therefore, this log could have either confirmed or refuted the sabotage theory surrounding the events leading up to the March 4th incident (see Chapter 38).

There were apparently three copies of these logs,¹¹⁸ but only one copy can be accounted for. These logs were stored in a filing cabinet escorted back to Canada under armed guard¹¹⁹ and sent to CFB Kingston. Twelve filing cabinets of Somalia-related documents, including the J2 logs, were shredded by First Canadian Division Intelligence Company in January or February 1996 because of the desire for storage space.¹²⁰ Maj Messier, who authorized the shredding, considered the material to be of no value to us,¹²¹ as it was "non-essential documentation".¹²²

This position is untenable, because

- (a) it was our role to decide what information was of importance to us, not the Department's;
- (b) the importance of intelligence information that addresses political and military factions, clan groups, and factional groupings,¹²³ was obvious because of its relevance to the atmosphere surrounding the major incidents under investigation;

- (c) any doubt about such relevance should have been removed by our request number 130 to SILT, dated November 20, 1995, which requested the disclosure of military intelligence reports; and
- (d) we had issued an order to produce all Somalia-related documents.

A telling comment came from WO Beldam, who personally inspected every page of the Somalia-related documents before their destruction in mid-February 1996.¹²⁴ The Summary Investigation officer asked him whether he had any reservations concerning the destruction of the Somalia-related files. WO Beldam responded:

none [of the documents] had and have no bearing on the matter at hand. We carefully thought the requirement through and decided we were not destroying anything of value. I had a job to do and the filing cabinets were an impediment, we had the disc copies of the material we required. Had I to do it again, I'd shred them again.¹²⁵

This response not only shows that, in WO Beldman's mind, this act of destruction - and a clear violation of our order - was not a mistake, but also shows that it was "carefully thought" out and would be repeated today.

General Boyle Orders the Department to Search Again

By April 1996, LGen Boyle had been promoted to Chief of the Defence Staff. Because of numerous questions arising from our investigations into missing documents, including the Somalia-related logs, Gen Boyle issued a CANFORGEN (a message to all units of the Canadian Forces) on April 3, 1996, ordering the Department and the Canadian Forces to "stand down all but essential operations on Tuesday 9 Apr. to conduct a thorough search of all their files, to identify and forward to NDHQ/SILT any Somalia related document not previously forwarded. ...not later than [11:59 p.m.] of that day".¹²⁶

SILT's records indicated that the search resulted in 39,000 additional documents being forwarded.¹²⁷ A major concern was that those 39,000 documents would contain a large amount of duplication of materials already in our possession. Anticipating that this could be problematic, the Commission Secretary wrote to SILT on April 11, 1996, requesting that "[o]nly documents which had not previously been provided to us be delivered".

By the end of April 1996, SILT had established a data base containing entries for the documents received. This meant that a listing of the documents could be given to us on a computer disk. In addition to information used to identify each document, SILT had classified the documents according to "priority" to indicate the likelihood that a document contained new information. Approximately 28,000 documents fell into the low end of that classification. Although SILT did not know whether these documents were duplicates of earlier documents given to us, the team classified these documents as

unlikely to contain new information. We could not rely on this classification, however, because it was clear that the Inquiry and SILT had very different views about what was important in terms of documents.

The point that only non-duplicates were to be provided was emphasized in numerous meetings in April and May. This daunting task was undoubtedly made more difficult by the absence at SILT of a single system of tracking documents and by the apparent incompleteness of what systems did exist. It was acknowledged that our tracking system was more comprehensive and, to facilitate SILT's culling of duplicates, we offered to aid SILT by using computers to identify the most likely candidates for duplication. After additional meetings, the result was a plan of action, the exchange of computer data, and a time frame that was acceptable to both the Inquiry and SILT. In a letter dated May 28, 1996, SILT indicated that a copy of all non-duplicates would be delivered by June 21, 1996.¹²⁹

Unfortunately, in a subsequent meeting on June 12th, SILT stated that approximately 28,000 of the 39,000 documents would not be reviewed for duplicates, because SILT considered that those documents were unlikely to contain new information and that to do so would take far longer than the time afforded by the June 21st delivery date. Although SILT had committed on more than one occasion to go through the exercise of eliminating duplicates, the size of that undertaking appeared to overwhelm the organization.

At this point the vast majority of the documents from the search remained at SILT, where they had been since April. Nearly two months had elapsed with very little progress in getting the documents to us for review. We had no choice but to deal with the problem of duplicates ourselves.

In a letter dated June 13, 1996, we demanded delivery of all of the documents from the April 9th search by the beginning of the following week.¹³⁰ Despite the earlier commitment to deliver the documents by June 21st, and numerous telephone conversations and letters prompting SILT for timely delivery, it was not until September 27, 1996 - more than five months after the search was conducted and the documents had been received by SILT - that we finally received all the documents.

Starting in June, when we began to receive documents, Inquiry staff catalogued and reviewed them over a period of four months. Following this initial stage, staff spent many hundreds of hours more eliminating duplicates and updating hearing books affected by the additional documents.

Delays in SILT's Review of Hearing Books

We agreed to a protocol whereby documents to be included in hearing books would be sent to SILT for final review. After each hearing book was compiled and Commission counsel had approved its contents, SILT reviewed the documents before the hearing books were sent to the printer. The purpose was to identify any missing information and to allow SILT to request in camera hearings for documents that could affect matters of national security or to request the severance of information of a sensitive nature not necessary for our work.

Initially SILT's review of the hearing books was done on a timely basis and with few difficulties. As hearing books increased in volume, sometimes accompanied by requests to supply missing documents, SILT took longer and longer to review them. Delays of two, three, or four months were not uncommon, and in some instances, it took SILT nearly six or seven months to return a series of hearing books, as in the case of those relating to Cpl Matchee's alleged suicide attempt.¹³¹

When these delays became apparent, we took a proactive approach and attempted to manage the situation. We determined which books had the greatest priority and then asked SILT to work on those books first. To have a workable arrangement, in many instances we also asked SILT itself to determine when overdue books would be ready. The results of this approach were also unsatisfactory some of our requests were ignored,¹³² other requests for the return of hearing books were met with promises of delivery within an unspecified time frame. When delivery dates were specified, SILT often did not keep those commitments.¹³³ The result was that the filing of hearing books prepared months in advance became unduly delayed.

Documents Arriving as Late as 1997

On January.10, 1997 the Government announced that we were to end our hearings by the end of March 1997 and to complete the final report by June 30, 1997.

At the time of the announcement, we had made 391 numbered requests to SILT, of which 59 remained outstanding. For these 59 requests-some dating as far back as September and October 1995, when the original request system was implemented-we had either received no documents or had received incomplete deliveries and awaited additional information. They collectively addressed a wide variety of issues, from maps of Belet Huen to communications logs to minutes of high-level meetings within the Department. Of the 391 requests at that time, 342 of them were no longer "outstanding" in the sense that they were no longer active. However, in a number of cases, including the *National Defence Act* Review and the NDOC standing orders discussed earlier, we had never received the information we sought. To our consternation, it was SILT that considered the requests

closed because it was unable to find the requested information after some effort.

As we altered our plans and time lines to accommodate the Government's surprising announcement, documents stemming from SILT requests and the original order for production continued to arrive, sometimes in quantity.

One example was the war diaries. Hearing books dealing with the war diaries had been compiled early in 1996 and were sent to SILT for review in April. These hearing books were resumed by SILT in July and filed when hearings recommenced in September 1996.¹³⁴ Additional war diary documents on computer disk arrived in January 1997, with the explanation from SILT that although the disks were received in early April 1996, "a cursory examination" at that time led the researcher to believe that the materials were duplicates.¹³⁵ Another eight or nine months had passed before SILT re-examined the disks, found additional new documents, and forwarded the disks to us in 1997.

A more important example was documents for which the Government was claiming privilege. Pursuant to paragraph (i) of the Inquiry's order for production, the Department was required to produce "A list of all documents for which privilege is claimed, a description of the privileged information, and the basis on which privilege for claimed".¹³⁶

By the fall of 1995 we had received a list containing a small number of documents for which solicitor/client privilege was claimed. In March 1996, during a visit to the Office of Counsel for the Government of Canada (OCGC), we were given an updated list specifying 134 documents for which privilege was claimed. We were given access to these documents and, after reviewing them, disputed the Government's overly broad claim of privilege for many of those documents.¹³⁷

On September 27, 1996, more than a year after the list was due pursuant to the order for production, we received a new list of 2,617 documents for which privilege was claimed, documents referred to by SILT and the OCGC as the "LD" or legal documents. Starting in October, Commission counsel went to the OCGC offices to review those 2,617 documents. As part of ongoing discussions, the OCGC indicated that the list of 2,617 documents was a working document, and accordingly the OCGC would review the list to eliminate duplicates and non-privileged documents.¹³⁸ In November 1996, as the painstaking effort to go through the 2,617 documents was under way, we were informed that additional documents were being added to the LD list.¹³⁹ The number of documents to be reviewed had grown to 8,000 by November¹⁴⁰ and then to 12,000 by December 1996.¹⁴¹

Apart from the frustration of huge increases in the number of documents to be reviewed, duplicates of documents already received or reviewed were regularly found among the legal documents, despite the earlier commitment by the OCGC to remove duplicates. In

addition, the OCGC appeared to be taking the extraordinary position that privilege was claimed for documents on the LD list based on their being in the possession of counsel:

- To clarify matters it is our position that these particular documents are privileged and this privilege is claimed on each document as follows:
- a. The documents [were] contained in the file created by or for a solicitor or counsel;
- b. The documents were provided in confidence to solicitor or counsel for the purpose of securing legal advice;
- c. The documents were gathered by counsel for his or her assistance in preparing for legal proceedings conducted for or against the Crown;
- d. The documents were assembled or gathered by counsel in preparation of an opinion or preparation of a case for or against the Crown and therefore the privilege exists as that of a solicitor brief or litigation brief.¹⁴²

Commission counsel stated their disagreement with this assertion of privilege and, in the interests of expediency, asked that the alleged privilege be waived in documents of interest to us.¹⁴³ Subsequent to those communications, arrangements were made to have urgent documents delivered by mid-December and the rest delivered by December 20, 1996. Neither target date was met. Instead, the bulk of the documents arrived a month later, after the Government's announcement had drastically reduced the time available to review these documents.

The Department's Inadequate Production and its Effect on our Work

An enormous amount of material was received over the life of the Inquiry. More than 150,000 documents containing 650,000 pages were catalogued into a data base and reviewed by our staff.¹⁴⁴ That we had over 150,000 documents also meant that SILT had delivered over 150,000 documents. Many of these, particularly those that had been scanned into electronic format by SILT, proved invaluable to our work. Approximately 400 hearing books were produced, which meant that the same number of books were reviewed by SILT staff members. In many ways, our tremendous efforts to retain control over the flood of documents that continued until the end of our hearings were mirrored by the efforts of the members of SILT.

Our serious concerns about the motivation and structure of SILT make it difficult to recognize the efforts that many individuals made within this system. Despite the difficulties, personal contacts between ourselves and SILT personnel were for the most part business-like and courteous. Even in a flawed system, one cannot work for several years without establishing friendly relations and coming to have a high regard for the personal capabilities of many of the people one is associating with almost daily at times.

Generally speaking, individuals at SILT returned calls promptly and appeared to do what they could to address specific problems. There are instances where individuals made helpful suggestions and provided more than was asked of them. Col Leclerc certainly worked long and hard at the task that was given to him, and we were also impressed by a new spirit of co-operation and professionalism that became evident at SILT in the later stages under the leadership of MGen Tousignant.

But the purpose and design of SILT placed everyone within it in an impossible position, caught between adherence to our order of production and respect for the public inquiry process, and loyalty to their own institution and leadership-a leadership by its own admission disinclined to recognize the public's right to information and willing to resort to legalistic hair-splitting and subterfuge to avoid divulging that information.

Despite these efforts by individuals at SILT, our work was hampered by many systemic difficulties, principally the late delivery of documents; the delivery of documents in an incomplete and disorganized form; and a failure to manage the production of documents.

Late Delivery

The late delivery of documents is a recurring theme throughout the history of this Inquiry- Our original order required production by May 1995. At the Department's request, the time period was extended until June. Documents continued to arrive, however, throughout the rest of 1995. MGen Boyle's search in April 1996 produced many more documents that should have been included in the initial production. The delivery of this second set was not complete until September 1996, nearly a year after evidentiary hearings had started and nearly a year and a half after the original order for production. Even then, documents on the LD list were not delivered until early 1997.

Of necessity, we depended on the promptness of the Department to meet our own time lines. The delay in production of documents inevitably meant delay in our work and the progress of the hearings. The most notable example was the delay of the in-theatre portion of hearings until September 1996 because of the Department's failure to produce all the required documents, the consequent need to conduct document-related hearings, and the arrival of new documents following the April 9, 1996 search. The research of many individual issues was also delayed by our unanswered requests to SILT and the poor state of the delivered documents.

Disorganized and Piecemeal Delivery

Given the quantity of documents being delivered, their breadth of scope, and the variety of sources from which they originated, it was crucial that SILT deliver them in an organized manner. Instead, these documents arrived in disarray, often without a covering letter identifying the contents of the delivery or an explanation of their significance or context. Indexes were included in later deliveries, but these were unreliable because they

contained many errors and often did not correspond with the documents delivered.

As a result of these deficiencies, we spent thousands of hours reviewing the documents, eliminating duplicates, organizing them into meaningful categories in order to conduct research and assemble document hearing books, and attempting to reconstruct documents that arrived piecemeal, for example the DEM-related documents and the Red Book materials.

A similar situation arose in documents relating to the March 4, 1993 shooting of two Somali nationals. The military police report of that incident was a key document and one of the natural starting points for investigation.¹⁴⁵ That report was delivered in pieces, however, and had to be reconstructed over several days. Because we encountered this type of difficulty many times, Inquiry staff and counsel had to take extra time to work on documents before they could work *with* them.

The second wave of documents from the April 9, 1996 search only added to these difficulties. Despite Gen Boyle's instructions that only documents not previously provided should be forwarded,¹⁴⁶ many duplicates were sent and had to be eliminated. Because these documents were received so late, entire series of hearing books had to be updated or supplemented.

Also, since document disclosure continued throughout all phases of the hearings, much of the information was received after we had dealt with the relevant issue. By the time the April 9, 1996 documents arrived, we had already completed months of hearings on the pre-deployment phase of Operation Deliverance. Inquiry staff had also produced many working papers based on testimony from those hearings and on the documents already in our possession.

The arrival of tens of thousands of additional documents meant that many of the working papers had to be revised to incorporate the new information and that documents of potential assistance to Commission counsel came too late.

SILT Was Event Driven, Not Management Driven

The quantity of incomplete documents, the absence of a system for ensuring complete delivery, and SILT's inability to account for long delays in fulfilling some requests illustrate its reactive approach to the issue of document production.

Col Leclerc's testimony described the initiative and organization that existed very early in SILT's work. That early plan quickly became inadequate, however, in the face of the enormous volume of documents arriving at SILT.

Although SILT was charged with the challenging task of collecting documents from the entire Department and the Canadian Forces, it did not establish a method of ensuring their receipt.¹⁴⁷ Even when it became obvious that documents were missing and that SILT's methodology was flawed, there was no attempt to correct the situation. The alteration and attempted destruction of documents at the DGPA demonstrates this point. SILT also did not bother to inform us of these serious difficulties, despite almost daily contact with Inquiry staff. There was no apparent effort to organize the documents that were delivered, and when important documents such as operational logs were obviously deficient, SILT was content to pass them on without ensuring their completeness.

Finally, as discussed earlier, in a number of SILT requests, SILT prematurely declared documents to be unavailable even though it had not exhausted all possible avenues of search. For example, in the case of request 307, SILT recognized that copies of the Combined Joint Force Somalia operations plan could be held by the U.S. Department of Defense, but instead of pursuing that obvious route, SILT considered the matter closed. In another example, SILT's search for the Kipling Reports consisted simply of a series of telephone conversations with a single office before it was satisfied that such documents were no longer available. In these and many other examples, it was only because of additional prodding on our part that SILT took further action.

SILT failed to manage actively the production of documents and played only a passive role as a conduit for the materials it received. The Department seems to have made inadequate provision for the supervision of matters related to our Inquiry.

In many instances throughout the process of document production, it was only when we highlighted a problem that the Department addressed it. The fact that DND would wait until a problem had assumed crisis proportions before responding is amply illustrated by the second sweep for documents in April 1996. After several months of investigation into incomplete logs and other document-related issues, Gen Boyle was so troubled by his Department's problems in responding that he ordered the entire Department and the Canadian Forces to stand down and search for documents for a day. Despite such extraordinary efforts, the Department is still unable to account for many documents.

THE DGPA PHASE

Non Compliance with the Inquiry's Order and Attempted Destruction of Documents

Under paragraph 2 of our terms of reference, we were authorized to adopt such procedures and methods as were considered expedient for the proper conduct of the Inquiry. In light of the allegations of cover-up, we believed that the most, if not the only, expedient and reasonable way of securing the material we needed was by issuing a request to the Minister of National Defence for production of Somalia-related documents.

On April 21, 1995 we issued an order requesting the transfer of all Somalia-related documents to us within 30 days.¹⁴⁸ On May 29, 1995 we gave the Department additional time to comply, extending the delivery date to June 30, 1995, in response to a request from the Attorney General of Canada.

However, by September 5, 1995, the Directorate General of Public Affairs had still not complied with the order, even as extended. The testimony of Ms. Ruth Cardinal, then Director General of DGPA, reveals that some time in April she was informed verbally of the existence of the order, but she never received a copy of it or any written instructions as to what measures she should take to ensure proper compliance within the time frame stipulated. Although she does not recall having seen the CANFORGEN issued on June 16, 1995, she testified that she must have received it.¹⁴⁹

As described previously, SILT was established in April 1995. The team, led by Col Leclerc, initially reported to LGen Boyle, and its mandate included the collection and cataloguing of all Somalia-related material and a duty to assist the Inquiry in obtaining relevant information from the Department of National Defence. All DND employees and CF members were required to comply with requests made by SILT, and no DND or OF documents, in whatever form they existed, were to be withheld from SILT.¹⁵⁰ Eventually, in June 1995, LGen (ret) Fox came to occupy a newly created position, Special Adviser.¹⁵¹

According to Ms. Cardinal's testimony, she received no instructions from LGen Boyle, Dr. Alder or SILT as to what documents she should be collecting and what form or method she was to adopt to comply with our order.¹⁵² She in turn issued no written instructions, orders or directives to her personnel to ensure compliance with the order.¹⁵³ Only in September 1995 - that is to say, some four and a half months after the service of the order and three and a half months after its original expiry date - did the DGPA staff most knowledgeable about the existence and handling of Somalia-related documents (Mrs. Nancy Fournier, Lt (N) Brayman and Mrs. Claudette Lemay) become aware of the existence of the Commissioner's order and the need to collect relevant documentation.¹⁵⁴

Notwithstanding that Ms. Cardinal was asked by LGen Boyle to make another sweep to ensure that all documents had been transferred to SILT in compliance with the order and that Lt (N) Wong had told her that there was something going on with the documents and SILT had not received them,¹⁵⁵ she took no follow-up action.¹⁵⁶

In addition to these stunning developments, the evidence reveals that, on September 5, 1995, Ms. Nancy Fournier was placing Somalia-related documents, including Responses to Queries (RTQs), into a bum bag for destruction when she was interrupted by Lt (N) Wong, who ordered her to cease her activities immediately and to secure the material. Ms. Fournier testified that she had been instructed by Col Haswell to get rid of Somalia-related documents.¹⁵⁷

There were in existence, at that time, two sets of Somalia-related RTQs in binders, one set containing the originals of these RTQs, the other the altered copies given to the CBC reporter, Michael McAuliffe. The originals contained the original sign-offs and indicated who, in senior management, authorized their release. This information was unavailable anywhere else.¹⁵⁸ Lt (N) Brayman, who became aware of the destruction in progress and went to discuss it with Col Haswell, testified that he was told by Col Haswell that two sets of RTQs could not be permitted to coexist, because if the originals were transferred to the Commissioners and publicly released by them, the CBC reporter would then realize that he had been given altered documents.¹⁵⁹ This concern was first voiced by Mrs. Fournier, who passed it on to Col Haswell.¹⁶⁰

We are satisfied that there was a deliberate and blatant attempt within the DGPA to avoid compliance with our orders and the CANFORGEN and that there was also an attempt to cover up the fact that on two prior occasions—one of which was pursuant to a formal request under the *Access to Information Act* - altered documents had been given to a media reporter.

The events subsequent to September 5, 1995 are telling in this regard and confirm the prevailing mentality at the DGPA. Lt (N) Wong testified that on September 6th, he informed the Director General of Public Affairs, in general terms, of the problems associated with the transfer of documents to the Inquiry. She acknowledged as much in her testimony.¹⁶¹ Lt(N) Wong testified that on September 15, 1995, he suggested to the Director General that she talk to her captains and that an investigation be conducted.

Lt (N) Brayman indicated that as of September 14th, he felt that the chain of command had still not been properly informed of the problems of alteration and destruction of Somalia-related documents. He met with LCol Carter, a lawyer of the JAG office working at SILT who appeared before us, to alert her to the problem. On September 21, 1995, he met with the Director General and other officials of the DGPA at a staff meeting and was surprised and concerned by the fact that the Director General did not seem to have a complete knowledge and understanding of the nature and scope of the problem. He and Nancy Fournier went to meet with Ms. Cardinal after the meeting in an attempt to acquaint her more thoroughly with the facts.

Only on September 22nd, that is, 17 days after the problems of alteration, destruction, and non-compliance with the orders were brought to light, was an investigation finally ordered,¹⁶² a remarkable state of affairs in an organization that prides itself on its efficiency. What is even more remarkable, in view of the serious, possibly criminal, nature of these alleged shortcomings (improper alteration of documents under the *Access to Information Act*, failure to comply with orders, allegations of an illegal military order to destroy documents under legal request, interference with a legal process, allegations of cover-up), is that only an internal investigation was ordered—an internal administrative review by the Chief Review Services (CRS). In fact, the limited CRS review was to address only the alteration of documents. This device was chosen rather than a military

police investigation of all the alleged violations.¹⁶³ At a staff meeting of September 26, 1995, the whole matter was presented, in general terms, as one involving an administrative problem with a file.¹⁶⁴

To summarize: the chain of command at DGPA failed to react diligently to the serious problems identified on September 5, 1995 and to take the appropriate and necessary measures to inform the Inquiry immediately of the problems previously described, the existence of Somalia-related documents, and its failure to comply with the Inquiry's order and the CANFORGEN order. Only on October 3, 1995, after being confronted with our knowledge of the facts, did SILT admit to the events. This situation notwithstanding, only on November 8, 1995 were we given some samples of altered and unaltered RTQs. (Despite our regular contact with SILT representatives, these samples were mailed to us by 4th class mail by LCol Carter on October 27th.) Further evidence of undue delay is manifest in the fact that it was not until after Mr. McAuliffe broke another story, on October 27th, that was critical of LGen Boyle for having provided misleading information that LCol Carter saw fit to deliver a copy of the CRS report to us. That same afternoon, we received three boxes of documents with no accompanying explanatory letter. Eventually, the military police gave us a copy of the report of its investigation but we received no letter or communication from SILT. The Somali-related documents in the possession of the DGPA, which we had requested on April 21, 1995, were finally handed over to us on November 8, 1995.

Sadly enough, the DGPA chain of command is not the only one that failed to assume leadership and its obligations under the Inquiry's order.

The evidence reveals that on September 5th and 6th, Col Leclerc and LGen (ret) Fox of SILT were informed by Lt (N) Wong of the allegations with respect to the alteration and destruction of documents and of the failure to comply with our request for documents. The briefing to LGen (ret) Fox was given in the presence of Col Leclerc,¹⁶⁵ who himself had already received a full briefing by Lt (N) Wong.¹⁶⁶ LGen (ret) Fox served 39 years in the Canadian Forces¹⁶⁷ and moved through all levels of command in the army and a number of senior staff appointments.¹⁶⁸ He is a very experienced officer and has been described as very capable and very bright.¹⁶⁹ He claimed in his testimony that he was informed simply of the alleged destruction of documents and that he did not inquire about what had happened and why it was happening. He asserted, to our astonishment, that he did not regard the attempted destruction as a big problem.¹⁷⁰ We cannot give credit to his explanations, especially in view of the fact that he told us that from that time forward he and Col Leclerc had to intensify their supervision of DGPA relations and that one of their subordinates, Lt (N) Wong, was therefore to monitor the situation closely in the DGPA.¹⁷¹ LGen (ret) Fox also admitted in examination that the destruction of officially sought documents was an unusual and extraordinary occurrence.¹⁷²

We are also unable to credit his testimony to the effect that as of September 14, 1995, he did not know of the alterations of the documents that were the subject of the destruction

order.¹⁷³ Indeed, LCol Carter testified that she informed him of her meeting with Lt (N) Brayman and that she told him of the alteration of documents, the inaccurate memoranda signed by LGen Boyle, and the attempt to destroy the documents.¹⁷⁴

LGen (ret) Fox told us that he recalled that, at the end of his meeting with LCol Carter, "something" was to be told to LGen Boyle, but he did not recall in detail what that "something" was. Nevertheless, he recalled that it was the DGPA's responsibility to inform LGen Boyle of that "something".¹⁷⁵ This explanation strained credibility. LGen Boyle was the immediate superior of LGen (ret) Fox and, to the knowledge of everyone, especially LGen (ret) Fox, he exerted strict control over Somalia-related issues. It is unthinkable that LGen (ret) Fox would not have given a warning to his superior, LGen Boyle, even if only to alert him that "something fishy" was going on, involving both LGen Boyle and the DGPA. As we pointed out to the witness, if we were to believe him, the responsibility to inform LGen Boyle would have rested with the very people at the centre of the controversy in the DGPA.¹⁷⁶

The testimony of LGen Reay with respect to a sensitive letter sent by MGen Vernon on May 23, 1995, regarding co-operation with our Inquiry, showed that news usually spread very rapidly within the chain of command¹⁷⁷ and that LGen Boyle, even if he was not in the chain of command, was rapidly informed of any Somalia-related issue, since he acted as a clearing house on these matters.¹⁷⁸ Indeed, when LGen Reay met with LGen Boyle to discuss MGen Vernon's letter, he found that LGen Boyle was already aware of it.¹⁷⁹ The witness admitted that this kind of news spread like wild fire.¹⁸⁰ We have good reason to believe that the same swift passage of information would have occurred with respect to events that involved alterations to and attempted destruction of Somalia-related documents, especially since serious concerns about inaccurate or false memoranda signed by LGen Boyle himself were involved.

LGen (ret) Fox testified that he did not get a proper briefing from LCol Carter on September 14, 1995 about the issues raised with her by Lt (N) Brayman.¹⁸¹ In this regard, LCol Carter, whose own testimony at times was coloured by evasiveness and *ex post facto* rationalizations,¹⁸² asserted that she reported the three significant incidents (destruction and alteration of documents and false memoranda signed by LGen Boyle) but did not provide LGen (ret) Fox with many details since she was unaware of them.¹⁸³ In reality, this was a good reason for her to make further inquiries, so as to be in a position to provide her superior with the necessary details. Surprisingly, LCol Carter stated that she thought that other people were better able than she was to acquire and pass on this information.¹⁸⁴

We find it hard to believe that, on September 14, 1995, LGen (ret) Fox was not aware of the attempted destruction and the alteration of documents. He had been briefed on these matters on September 6th by Lt (N) Wong in the presence of Col Leclerc.¹⁸⁵ Col Leclerc, as the official responsible for SILT's collection of documents for the Inquiry, discussed developments on a daily basis with his superior, LGen (ret) Fox. Between September 6

and September 14, 1995, Col Leclerc, who had been fully briefed, must have provided more information to LGen (ret) Fox. We also find it difficult to credit LGen (ret) Fox's assertion that he sought no explanation about the attempted destruction from either Lt (N) Wong or LCol Carter, who both reported to him, when each, in some manner, informed him of this serious incident.¹⁸⁶

In any event, we base this credibility finding in large measure on our belief that, as a bright, experienced, and able officer, he had enough information to appreciate well what was transpiring and the seriousness of the situation.

LGen (ret) Fox testified that he did not connect the CRS investigation on DGPA documents with the DGPA documents about which Lt (N) Wong and LCol Carter informed him.¹⁸⁷ At best, this is wilful blindness. In addition, he offered, without justification, the incredible explanation that he thought that the attempt to destroy the documents was simply inadvertent, a mistake, and an ill-founded action by a person who had misunderstood the Commissioners' order for the production of documents.¹⁸⁸

LGen (ret) Fox asserted that he did not connect the attempt to destroy documents with an attempt to circumvent or not to comply with the Commissioners' order or an attempt to erase evidence of alterations made to these documents.¹⁸⁹ We found his testimony in this regard to be selective and evasive. LGen Fox left the distinct impression that he was trying to protect Gen Boyle, the individual to whom he reported on a daily basis.¹⁹⁰ His loyalty to his superior, who eventually became the CDS, in our view clouded his vision as a witness before us.

The SILT chain of command failed to react diligently to the serious problems identified on September 5, 1995. No letters were sent to Col Haswell or his group, or to the Director General of the DGPA, and no steps were taken or procedure put in place immediately to collect or retrieve the documents that were the subject of the destruction attempt.¹⁹¹ In addition, SILT failed to take the appropriate and necessary measures to inform us of such problems, the existence of Somalia-related documents, and the failure to comply with our order. It was SILT's duty to maintain liaison with the Inquiry and to facilitate the obtaining and disclosure of relevant documents to us.

Notwithstanding our almost daily contact with SILT, we were never informed of the problems at the DGPA and the lack of compliance by the DGPA with our order.

In fact, LCol Carter, a lawyer in the JAG's office, an officer of justice, and a member of the SILT team assigned to assist us in our work, was informed as early as September 14, 1995 of the alleged violations, including the violation of our legal order. When informed on September 14th, she gave Lt (N) Brayman a week to sort out and remedy the matter within his own chain of command, at the end of which she would inform her own chains of command. (As a lawyer, she had a chain of command within the JAG's office, and as a

military officer and a member of SILT, she had a chain of command within and through SILT.) The fact remains, however, that she was an officer of justice assigned to work with us and appearing before us. We would have appreciated receiving complete and timely advice. Eventually, she was informed that it was necessary that she be called as a witness in these matters and, consequently, she was invited to withdraw from the proceedings on account of her potential conflict of interest. She declined to do so, and she had to be disqualified and removed by order of the Commission from the record of our proceedings on May 14, 1996.¹⁹²

In the course of his testimony, LGen (ret) Fox tried to explain SILT's failure to obtain the DGPA documents by the fact that they had established some priority in obtaining the documents. The explanation would appear to be that they concentrated their efforts on the pre-deployment phase and, in this context, the DGPA documents were seen as post-deployment documents.¹⁹³ However, our order requested that all documents be transferred and did not authorize SILT to assign priorities to the material. In addition, the DGPA had in its possession material that also related to the pre-deployment phase and yet it was not transferred to the Inquiry in this so-called prioritization process.

Alteration of Documents

To help the reader gain a full appreciation of the complexity of the events relative to the DGPA phase of our proceedings, we are providing, as an annex to this chapter, a chronology of the events as they unfolded (see Annex A).

In September 1993, Mr. McAuliffe, a CBC reporter, made a telephone request for copies of existing RTQs relating to Somalia. It was the first time such documents had been requested by the media. During a tour of the DGPA premises, Mr. McAuliffe became aware of the existence of RTQs. His request created turmoil within the DGPA and eventually resulted in a decision to transmit to him, unofficially and informally, a number of altered RTQs.

The oral and documentary evidence heard and filed at our hearings clearly reveals a concerted and deliberate decision by the Director General of Public Affairs and his subordinates to alter the format of RTQs requested by Mr. McAuliffe.¹⁹⁴ This approach was consistent with the policy of containment reputedly favoured by MGen Boyle and the Deputy Minister.¹⁹⁵ We are satisfied, on the basis of the evidence we heard, that both Dr. Calder and MGen Boyle were aware of the decision to release altered documents informally and gave their concurrence to such process.¹⁹⁶ In testimony before us, Mr. Gonzalez stated, "I left that meeting with the clear understanding that I had their concurrence in principle".¹⁹⁷ Indeed, at the time, no Somalia-related document could be released to the media without the prior approval of MGen Boyle, who was heading the Somalia Working Group under the direct supervision of the CDS and the Deputy

Minister. In this context, Mr. Gonzalez, who had just been recruited for this position

by Dr. Calder, could not and would not have decided independently to release such sensitive documents. There is no reason to believe that he would not have mentioned to his superiors, Dr. Calder and MGen Boyle, the consensus that existed among his senior staff to release informally only portions of the requested RTQs to Mr. McAuliffe.¹⁹⁸

MGen Boyle was described to us as a meticulous man, a micro manager, a man who was a stickler for details.¹⁹⁹ It is unthinkable that a new Director General would have wished or been able to run altered documents by him without his knowledge, especially since these documents were to be the subject of release to the media.

Furthermore, it was common knowledge in the media liaison office that Mr. McAuliffe was to receive altered documents.²⁰⁰ The alterations were to involve the deletion of information identifying the originator and those who had approved the RTQs, and the removal of sections of the documents reserved for comments and sensitive background information. Also, the documents were to be reformatted so as to appear full and complete.²⁰¹ There was also evidence before us that, at times, the substance of the remaining information on the RTQs to be given out was altered.²⁰² It is not necessary for our purposes to determine whether the alterations made the altered RTQs more accurate, as some have contended.²⁰³ The fact is that the request was for the existing RTQs, not for RTQs that were surreptitiously modified to suit the Department's desire to minimize any potential negative impact.

On January 20, 1994, Mr. McAuliffe made an official request under the Access to Information Act for "all documents known as Response to Queries prepared by or for the Media Liaison Office or Director General of Public Affairs branch at [NDHQ] between the dates of May 15, 1993 and January 16, 1994".²⁰⁴ This official Access to Information (ATI) request encompassed RTQs that had already been released to him. Fearing that Mr. McAuliffe would realize that the documents he had been given unofficially had been altered, the senior authorities at DGPA decided to carry on with the pattern of deception already adopted and therefore proceeded to alter the RTQs requested under ATI.²⁰⁵ These altered RTQs were sent to Mr. McAuliffe on May 16, 1994, more than three months after they were due under the act.²⁰⁶

In June 1994, when Mr. McAuliffe made a second request for RTQs,²⁰⁷ he was denied access to them. He was informed by the DND Co-ordinator for Access to Information and Privacy (ATIP), who in turn had been so informed on May 11th and June 17th by MGen Boyle, that RTQs were no longer produced. The explanation was that, as of January 1994, RTQs were no longer produced as a result of a change in official policy and the introduction of a 1-800 media information line.²⁰⁸ However, the evidence before us clearly revealed that the memorandum from MGen Boyle was seriously misleading, if not dishonest, since RTQs were still produced in January, February, and March 1994.²⁰⁹ According to the change in policy, RTQs were to be replaced in January by Media

Response Lines (MRLs). However, some 35 RTQs were produced, and MGen Boyle himself signed, reviewed, or initialled some on January 14, 25, 28, and February 9, 1994.²¹⁰

The evidence of senior officials is replete with unconvincing attempts to convince us that RTQs were an undefined concept rather than a document.²¹¹ We were also told that what was given to Mr. McAuliffe, both officially and unofficially, were RTQs.²¹²

The truth is that the RTQs requested by Mr. McAuliffe had a format that was largely defined, and those that were released to him were reformatted before release in such a way that the deletions made would not be apparent.²¹³

In this process of deletion, the requirements of the Access to Information Act were not followed. The requester was never informed of the deletions, and consequently no reasons were ever provided to justify such deletions. The result was a clear and successful attempt to deceive the requester.

In addition to the machinations within the Department just described, there was also an unsuccessful attempt to deter Mr. McAuliffe from making an ATI request for documents. The activities of DND at this time cannot be viewed as other than an attempt to frustrate the proper functioning of our access to information laws. For example, the estimate of the cost of searching for and analyzing documents subject to the first formal request established an inordinate number of hours and prohibitively high costs (413 hours and \$4080).²¹⁴

In point of fact, these documents were readily available.²¹⁵ According to a letter signed by Maj Verville and addressed to Lt (N) Brayman, LCdr Considine, and Cdr Caie, the estimate was nonsensical, especially since Lt (N) Brayman had confirmed that he knew how many RTQs had been written and where they were.²¹⁶ Mrs. Fournier found the estimate outrageous. She had collected all the RTQs in two days, and the books containing them were sitting on the shelves.²¹⁷ MGen Boyle and Col Haswell also agreed with Maj Verville that the time and cost estimates made no sense.²¹⁸

A time log was made and reconstructed after the events.²¹⁹ This log reflects the fact that Ms. Fournier was acting as instructed by her superior²²⁰ and, as one would expect, the time log has no entry for the editing of the RTQs.²²¹ There were other efforts to evade detection of the document alteration scheme: Lt (N) Brayman testified initially that he put four hours in the time log for services that he did not perform, as the staff was required to accumulate hours.²²² Upon resumption of our hearings after a weekend break, he produced a new explanation and asserted that these same four hours might have been for services rendered on a different file in which Mr. McAuliffe had initiated a request for Significant Incident Reports.²²³ This new explanation was far from convincing. In any event, even if it were true, it meant that he knowingly proceeded to charge these hours

illegally to the ATI file concerning the RTQs,²²⁴ He also tried to convince us, in the context of his earlier explanation, that he was requested to record these hours on behalf of LCdr Considine for work LCdr Considine had done, but LCdr Considine flatly denied having done so.²²⁵

Finally, the change of name from RTQs to MRLs was, in our view, nothing less than a vulgar scheme to frustrate access to information requests and was so perceived by the personnel within the public affairs branch.²²⁶ MGen Boyle admitted that RTQs and MRLs both served exactly the same function in the workings of the media liaison office.²²⁷ We were told that MRLs were nothing more than transitory documents and, as such, not public, thus permitting their destruction after 72 hours.²²⁸ In our view, however, the destruction of MRLs after 72 hours was an attempt to defeat access to information requests directed to the media liaison office.²²⁹

A memorandum from Col Haswell to MGen Boyle is indicative of the attempt to frustrate the act.²³⁰ In that memorandum, he wrote that Mr. McAuliffe's request had been anticipated and "fortunately" the authorities were in a position to tell the requester that RTQs were no longer produced for the period requested. DND officials did this obviously without telling Mr. McAuliffe that RTQs had simply been replaced by MRLs.

This willingness to deceive, prevalent in the DGPA, is also apparent in a draft memorandum prepared for the signature of MGen Boyle.²³¹ In this memorandum addressed to his superior, Dr. Calder, MGen Boyle suggested that, in these times of increased Access to Information requests, it might be prudent to remove any references from all pertinent documents to the name of a journalist who had been critical of the Department. We were unable to ascertain whether the original was eventually signed by MGen Boyle, but the memorandum reveals a willingness within DGPA to alter existing documents before their public release under the Access to Information Act. MGen Boyle obviously knew of this negative orientation with respect to access to information matters under his control.²³² Indeed, senior officials in the DGPA were obsessed with access to information problems and adhered to a negative and restrictive interpretation of a citizen's right to access. This obsessive and restrictive approach was manifest in a policy of editing draft correspondence by affixing removable yellow notation stickers on documents. These stickers were subsequently removed, thereby precluding an examination of all relevant observations and reactions to the material in question.²³³

It was surprising for us to hear that the new director of DGPA, Ms. Cardinal, considered MRLs to be non-public documents because they required updating after 72 hours and therefore could be destroyed.²³⁴ Yet, in January 1994, three months before her arrival at DGPA, LGen Reay concluded, after having consulted the ATI people, that documents with regard to an officer's reproof could not be altered, destroyed, or substituted once a request under the Access to Information had been made. Presumably the same reasoning should apply even to transitory documents, such as MRLs. Under Ms. Cardinal's approach, it was justifiable to destroy government documents, provided one was quick

enough to do so before an access request was made. This approach is certainly not in keeping with the spirit of the Access to Information Act.

Furthermore, as early as August 20, 1993, prior to Mr. McAuliffe's informal request for RTQs, the VCDS, LGen O'Donnell, wrote to a number of senior officials, including the ADM (Policy and Communications) and MGen Boyle, expressing concerns over the fact that some replies provided by various offices and Group Principals in response to Access to Information requests for Somalia records were incomplete and, in some instances, erroneous. He stressed the importance of the matter and the serious consequences that such failings could have for the integrity of the Department. In his communication he spoke of the necessity for DND to act not only in accordance with the letter, but also with the spirit of the legislation.²³⁵ In a memorandum sent three days later by MGen Boyle to Dr. Calder, his superior, MGen Boyle addressed the concerns of the VCDS by asserting that he controlled every information request that went through the office and that he would sign off (i.e., assume responsibility) on Dr. Calder's behalf. He went on to add that the same process would be followed for all ATI requests.²³⁶ Therefore, MGen Boyle was aware of the continuing problems before Mr. McAuliffe's request and pledged himself to exert strict control and ensure compliance with the act.

However, in his testimony before us, Gen Boyle defined his role narrowly as one of ensuring compliance with the letter of the act.²³⁷ Also, he acknowledged his failure to ensure compliance with the spirit of the law.²³⁸

The result was to discredit a new system purportedly designed to bring greater transparency to the Department's relations with the media and the public.²³⁹ To the contrary, the actual effect was a gradual erosion of transparency and accountability. Second, the failure by this important government department to obey the spirit of laws enacted by Parliament had the potential to undermine public confidence in the state of civil-military relations. Third, these events served to undermine discipline within the Canadian Forces. Apparently, to judge by these events, disobedience to the spirit of laws (indeed, even the spirit of any lawful order issued through the chain of command) and the shirking of an officer's responsibilities would be condoned.

The letter of the VCDS certainly amounted to a serious warning and a reprimand to the entire Department of National Defence. Strikingly, according to the evidence before us, the remarks of the VCDS were subsequently ignored by those who received them.²⁴⁰ The mentality whereby one need only obey the letter of the law continued to flourish during Gen Boyle's tenure. As one witness put it, a requester will get only what is specifically asked for, and this may mean that he or she will receive nothing if the wrong terminology is employed.²⁴¹

The RTQs requested by Mr. McAuliffe dealt with highly sensitive issues related to the Somalia deployment, such as the incident of March 4, 1993 involving the killing and wounding of Somali nationals, the March 16, 1993 beating death of a Somali teenager,

and the apparent attempted suicide of MCpl Matchee on March 17th.

While it was perhaps to be expected that the public affairs branch of a department would try to minimize the adverse impact of such incidents on the department, the end cannot justify the means. It cannot justify the establishment of a process that, through deceit, provides the public with misleading, incomplete, or inaccurate information under the *Access to Information Act*. It cannot justify, under the cover of a change in policy, the ruse of allowing a change in the name of official documents, from Response to Query to Media Response Line, to avoid disclosure obligations under the *Access to Information Act*. Finally, it cannot justify impeding the public's legitimate right to know about important aspects of the Somalia operation or covering up embarrassing or controversial information relating to that operation.

FINAL REMARKS

The effect on our work of the shortcomings in the production of documents cannot be overstated. We depended on the receipt of accurate information from the Department on a timely basis to be able to decide which issues to investigate and how the hearings were to be conducted. The fact that the production was not timely and the documents were incomplete to such a large extent meant that the work of the Inquiry was delayed and that our staff were constantly occupied with document-related issues.

Despite these obstacles, we were able to examine a number of issues carefully and thoroughly. Although we made steady progress in our work, the cumulative effect of the document-related setbacks was not limited to inconvenience and delay. Ultimately, in conjunction with other factors, the delay caused by document-related issues resulted in the Government's sudden announcement calling for an end to the hearings and an accelerated reporting date. The unfortunate result was that many important witnesses were not heard, and several important questions that prompted the creation of our Inquiry remain unanswered.

Perhaps the most troubling consequence of the fragmented, dilatory, and incomplete documentary record furnished to us by DND is that, when this activity is coupled with the incontrovertible evidence of document destruction, tampering, and alteration, there is a natural and inevitable heightening of suspicions of the existence of a cover-up that extends into the highest reaches of the Department of National Defence and the Canadian Forces.

It is clear that rather than assisting with the timely flow of information to our Inquiry, DND adopted a strategic approach to deal with the Inquiry and engaged in a tactical operation to delay or deny the disclosure of relevant information to us and consequently to the Canadian public.

FINDINGS

From the preceding analysis of events involving the reaction of the Somalia Inquiry Liaison Team (SILT) and the Directorate General of Public Affairs (DGPA) within the Department of National Defence (DND),

We find that the Department of National Defence, through DGPA and SILT, failed to comply with our order for production of documents by failing to ensure the integrity of the documents, and by failing to provide them in a timely manner. More specifically,

- *The Department and SILT failed to make adequate provision for the complete and timely production of documents in the following ways:*
 - *(a) there was no adequate methodology to ensure that relevant documents were sent to SILT from all sources;*
 - *(b) the systems at SILT for controlling and managing the documents were inadequate;*
 - *(c) the Department did not ensure sufficient resources for the size of SILT's undertaking;*
 - *(d) SILT failed to ensure the quality of document deliveries and failed to provide adequate explanatory materials and lists;*
 - *(e) SILT adopted an unacceptably passive position of responding to issues before the Inquiry;*
 - *(f) SILT and DND failed to take active steps to address issues as they unfolded; and*
 - *(g) by failing to review our hearing books in a timely manner, SILT threatened to interrupt the smooth functioning of our hearings.*

- *SILT failed to assist us adequately in fulfilling our requests for additional information by:*
 - *(a) not promptly delivering many requested documents;*
 - *(b) not providing satisfactory explanations for lengthy delays and other problems;*
 - *(c) not satisfactorily resolving many problems;*
 - *(d) showing insufficient initiative and failing actively to pursue important requests; and*
 - *(e) not disclosing the existence of all internal departmental e-mail documents relevant to the Inquiry.*

- *The Department (through the Office of the Counsel for the Government of Canada or OCGC) did not provide us with a list of documents for which solicitor/ client privilege was claimed on a timely basis. The Department and OCGC took an overly broad view of solicitor/client privilege and failed to explain satisfactorily the presence of many documents of questionable privilege among the legal documents.*
- *The DGPA failed to comply with our order for the production of documents by:*
 - *(a) failing to take appropriate measures to comply and ensure compliance with our order in the stipulated time frame;*
 - *(b) taking deliberate and blatant steps to avoid compliance with our order by attempting to destroy Somalia-related documents; and*
 - *(c) failing to inform the Inquiry about attempts to destroy documents.*
- *The DGPA failed to comply and ensure compliance with the letter and spirit of the Access to Information Act by:*
 - *(a) improperly and illegally altering Somalia-related documents requested first informally and then formally under the act by a reporter, in particular by making deletions from documents, not informing the requester of such deletions, and reformatting the documents to make them appear full and complete;*
 - *(b) making an unsuccessful attempt to frustrate the proper functioning of Access to Information legislation by charging prohibitively high fees to someone requesting a search for information that was readily available;*
 - *(c) changing the name of documents called Responses to Queries (RTQs) to Media Response Lines (MRLs) in order to deny a request for RTQs that the Directorate had anticipated; and*
 - *(d) failing to inform the requester that the name of the documents had been changed and still not providing some 35 documents that had been produced under the old name*
- *The chain of command within the DGPA failed by:*
 - *(a) not reacting diligently upon discovery of an attempt to destroy documents. This attempt amounted to a failure to comply with a legal order to produce documents and was associated with allegations of an illegal military order to destroy such documents, and allegations of cover-up;*
 - *(b) calling for an internal administrative review rather than a military police review immediately upon reaming about attempted destruction of Somali related documents; and*

- *(c) not informing us of the existence and attempted destruction of Somali-related documents.*
- *SILT's chain of command, in relation to activities within the DGPA, failed to assume its leadership obligations and organizational responsibilities to ensure compliance with our order by:*
 - *(a) failing to inform us of the existence of Somalia-related documents within the DGPA and the attempted destruction of such documents; and*
 - *(b) failing to take the appropriate steps or to put in place a proper procedure for immediate retrieval and forwarding of the documents in question.*
- *The Department failed to ensure that a complete record of in-theatre message traffic to NDHQ was maintained by:*
 - *(a) not having in place standing operating procedures to ensure that National Defence Operations Centre (NDOC) logs were accurately recorded;*
 - *(b) not providing personnel with a good understanding of the purpose of maintaining NDOC logs;*
 - *(c) providing inadequate training to duty officers; and*
 - *(d) not using system audits to ensure that the record was being properly maintained.*
- *The Department failed to preserve adequate records relating to in-theatre operations by:*
 - *(a) inadequately maintaining logs;*
 - 1.1. *(b) having disregard for the integrity of logs as evidenced by many incomplete sets;*
 - 1.2. *(c) not properly attaching logs to war diaries; and*
 - 1.3. *(d) failing to understand the importance of maintaining logs, preserving logs, and ensuring their delivery to the Inquiry.*

Recommendations

We recommend that

- **39.1 The Department of National Defence ensure that the National Defence Operations Centre logs are properly maintained, by implementing the following:**

- 1.1. an audit procedure to ensure that standing operating procedures provide clear and sufficient guidelines on the type of information to be entered and how the information is to be entered;
 - 1.2. an adequate data base system, which includes software controls to ensure accurate data entry in each field and appropriate training for operators and users of this system; and
 - 1.3. increased system security to an acceptable standard compatible with the objective of national security, including restricting access to authorized persons using only their own accounts and passwords, and extending the use of secure (hidden) fields to identify persons entering or deleting data"
- **39.2 The Department of National Defence and the Canadian Forces take steps to ensure that an adequate record of in-theatre operations is created and preserved thereafter by:**
 - 1.4. establishing better systems and procedures to ensure a more - complete and permanent record of events, including the recording of each day's activity or inactivity, so that every date is accounted for, to avoid the appearance of non-reporting or deleted records;
 - 1.5. training soldiers to appreciate the importance of the log and diary and their responsibility to follow proper procedures in creating, maintaining, and protecting the record;
 - 1.6. providing better procedures for supervising the maintenance of records in theatre to ensure adherence to established procedures;
 - 1.7. improving the integration of secure data collection and storage systems to ensure the integrity of records created; and
 - 1.8. ensuring that data banks are sufficient and include accurate information concerning individual taskings; the start and finish dates of each log and diary; and the location of records.
 - **39.3 The Department of National Defence take the following steps to promote openness and transparency:**
 - 1.9. require the Deputy Minister of National Defence and the Chief of the Defence Staff to:
 - 1.9.1. instil by example and through directives the importance of openness in responding to requests made under the Access to Information Act;
 - 1.9.2. ensure that military and civilian personnel in the Department of National Defence are better trained to respond to Access to Information Act requests, particularly with regard to legal obligations and procedures; and
 - 1.9.3. ensure that staff fully understand the requirement to report, as a significant incident under existing regulations, any suspected

document alteration or improper response to Access to Information Act requests;

- 1.10. begin consultations with the Information Commissioner, within three months of the submission of this report to the Governor in Council, to determine the most effective way of improving departmental responses to Access to Information Act requests; and
- 1.11. ensure that public affairs policy and practices reflect the , principles of openness, responsiveness, transparency and accountability expressed throughout this report.

ANNEX A

Chronology of Events

The following chronology is based on evidence before us.

1993

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<u>*January 3</u>	Significant Incident Reports (SIRs)
<u>*January 4</u>	Ms. Kim Campbell becomes Minis
<u>*January 22</u>	Mr. Robert R. Fowler, the Deputy I the Daily Executive Meeting (DEM excellent media relations and was r
<u>*February</u>	MGen Boyle becomes Associate A and Communications.
<u>*March 1</u>	Mr. Fowler directs DND to keep as "extreme sensitivity" when making prepare a list of "politically sensitiv Vice Chief of the Defence Staff (V than March 3, 1993; pointed out the Campbell fully about any operation might oblige her to respond quickly
<u>*March 4</u>	The March 4th incident (shooting o Canadian compound at Belet Huen
<u>*March 8</u>	LGen O'Donnell receives list of "se

	<p>Mr. Fowler asks that the list be updated at his regular weekly Monday meeting.</p> <p>Adm Anderson, Chief of the Defence Staff, asks Somalia to keep a low profile and not to be a distraction.</p>
<u>*June</u>	<p>The <i>Ottawa Citizen</i> contemplates leaks about Somalia.</p> <p>Michael McAuliffe, CBC radio news anchor, visits DND for Somalia related information.</p> <p>Mr. Roberto Gonzalez becomes Director General (DGPA).</p> <p>"Tiger led by Col (later BGen) G, K, and L, NDHQ Secretariat, charged with an investigation Board of Inquiry, Canadian Airborne Regiment (Faye Board of Inquiry).</p>
<u>*July 19</u>	<p>The de Faye Board of Inquiry submits report to CDS.</p>
<u>*July 28</u>	<p>MGen Boyle directs the commander of the 4th Airborne Brigade through the DGPA when releasing information.</p>
<u>*August</u>	<p>Mr. Gonzalez formulates plans for the DGPA within the DGPA; provides his plan to the CDS.</p>
<u>*August 20</u>	<p>LGen O'Donnell writes to Dr. Caldwell, Chief of Defence Staff, the ADM (Personnel), the ADM (Finance), the Judge Advocate General, the commanders of OF commands acknowledge that they have responded incompletely and on certain occasions recent Access to Information Act requests and the Canadian Airborne Regiment to co-ordinate all information releases with the Deputy Minister and urges them to do so in accordance with the letter and spirit of the Act.</p>
<u>*August 24</u>	<p>Mr. McAuliffe submits questions in writing to the Directorate of Information Services regarding questions about the Significant Incidents concerning the apparent suicide attempt.</p>
<u>*August 30</u>	<p>Mr. McAuliffe writes to Lt (N) Braithwaite regarding compensation paid by DND with respect to the incident.</p>
<u>*August/September</u>	<p>Mr. McAuliffe visits DGPA,</p>

<u>*September 7</u>	MGen Boyle institutes new procedure for registering all calls (establishing a media) and requesting systems for
<u>*September 20</u>	Mr. McAuliffe informally requests Queries (RTQs) in a telephone call communicated it to LCdr Considine
<u>*September/ November</u>	Some time between September 21 and Fournier, WPA staff member, altered her by LCdr Considine.
<u>*September 27</u>	Somalia Working Group under MGen (Minister).
<u>*September 29</u>	From May 19 to September 29, 1993 under the Access to Information Act
<u>*October</u>	MGen Boyle and Dr. Calder discuss DGPA's Somalia-related RTQs.
<u>*October 26</u>	Mr. Gonzalez's memorandum to Mr. McAuliffe's request for all RTQs alludes to attached RTQs and records
<u>*November 1</u>	Letter from Mr. Gonzalez to Mr. McAuliffe related RTQs. In office copy of letter handwritten note to Dr. Calder comments "spoke".
<u>*November 2</u>	Col Haswell, Director of Public Affairs on behalf of Mr. Gonzalez, to Mr. McAuliffe Somalia-related RTQs.
<u>*November 15</u>	MGen Boyle orders that all requests proceed through the Access to Information Act
<u>*late 1993</u>	Col Haswell, becomes Director of Operations

1994

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<u>*January</u>	DGPA undergoes major reorganization becomes operative, and the media summaries of CF operations based on meeting notes,
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<u>*January 11</u>	E mail message from Mr. Milsom to Fowler's staff as participating activity from Mr. McAuliffe under the act.
<u>*January 20</u>	Mr. McAuliffe files <i>Access to Information</i> seeking all RTQs prepared by or for the Director General of Public Affairs
<u>*May 15, 1993 and January 16, 1994,</u>	The request reaches Mr. Gonzalez, assigns it to LCdr Considine.
<u>*January 24</u>	Ms. Petzinger forwards Mr. McAuliffe's request to the DGPA.
<u>*February 1</u>	LCdr Considine writes to Maj Verwey requesting 413 hours to search and review the records necessary to search the DISCO at a cost of \$10,000.
<u>*February 7</u>	Ms. Fournier consults the DISCO's records, finds originals and returns them to a grey binder.
<u>*February 8</u>	Ms. Fournier searches the DGPA's records, finds originals missing from the 1993 RTQ binder and inserts them in the grey binder. (Mr. McAuliffe had expressed interest on January 16, 1994),
<u>*February 10</u>	Ms. Petzinger writes to the DGPA, stating that the records have reached the Access to Information Commission a week earlier.
<u>*February 15</u>	LCdr Considine instructs Ms. Fournier to search the DISCO.
<u>*mid February</u>	Mr. McAuliffe complains to ATIP, stating that the records have not been received.
<u>*February 21</u>	Ms. Petzinger writes Mr. Milsom a memorandum to Dr. Calder, She asks for a reply to her reminder to the DGPA regarding the delay,
<u>*February 26</u>	Mr. Milsom writes to Mr. McAuliffe stating that his request is not complete and that he will contact the Information Commissioner,
<u>*March 4</u>	Ms. Fournier completes and checks the records with Considine,
<u>*March 8</u>	Col Haswell forwards a memorandum to the Co-ordinator, Ms. Petzinger, attaching the records.

	DGPA between May and December 1993 and January 1994, explaining that the request was abandoned after the 1-800 Media Inquiry in January 1994.
<u>*March 11</u>	Maj Verville dispatches a Minute Sheet. Haswell's signature did not represent the request.
<u>*March 11</u>	RTQ package allegedly passed to MGen Boyle.
<u>*March 15</u>	Ms. Fournier forwards a note to Cdr. (N) Brayman had completed the time folder for Mr. McAuliffe's request.
<u>*March 18</u>	MGen Boyle forwards a note to the group stating that he assumed that the various accounts for RTQs falling within their sphere of release, He asks Mt Gonzalez to inquire.
<u>*March 21</u>	Cdr Caie makes a note to file stating the group principal for review,
<u>*May 2</u>	Maj Verville calls for a situation report.
<u>*May 10</u>	LCdr Considine writes to MGen Boyle, account manager, acting for the request, releasing the RTQs,
<u>*May 11</u>	MUen Boyle signs the memorandum stating the enclosed RTQs were ready to be released with three exceptions,
<u>*May 16</u>	Mr. Milsom writes to Mr. McAuliffe stating the request from MGen Boyle,
<u>*June 7</u>	Mr. McAuliffe files a second Access Request for RTQs. He requested copies of all RTQs from Liaison Office or Director General of the Defence Headquarters between the dates of June 7th, 1994."
<u>*June 15</u>	Mr. McAuliffe's request (A) 94/013.
<u>*mid-June</u>	The DGPA has about 35 RTQs as of mid-June.
<u>*June 15</u>	Memorandum from Ms. K.I. Namiesniowski, Assistant, to Mr. Milsom about the request under the act. Ms. Namiesniowski's request.

	be apprised before any sensitive information is disclosed. She added: "This process must be..."
<u>*June 17</u>	MGen Boyle's memorandum to Mr. Milsom has not been produced from January 1994 to the present and is therefore "redundant",
<u>*June 20</u>	Col Haswell comments, "Fortunately, the records of RTQs on subjects that have been removed from Media".
<u>*June 23</u>	Mr. Milsom writes to Mr. McAuliffe that the records are out of use in January 1994,
<u>*June 24</u>	MGen Boyle forwards a note to Mr. Milsom stating that he thought that RTQs were no longer relevant.
<u>*July 29</u>	MGen Boyle provides a definition of RTQs for the Commission.
<u>*September 29</u>	RTQs now in a file in Col Haswell's office.

1995

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<u>*Spring</u>	Commission of Inquiry into the Destruction of Somalia orders Somalia-related information to be released under the Access to Information Act,
<u>*April 21</u>	Chairman's order for production.
<u>*September 5</u>	Attempt within DGPA to destroy Somalia-related documents,
<u>*September 15</u>	Lt (N) Wong meets the director of the Commission and requests that an investigation be conducted on the alteration of documents,
<u>*September 22</u>	Internal administrative review by the Commission on the alteration of documents, but no action taken on Somalia-related documents,
<u>*October 16</u>	Mr. McAuliffe complains to Mr. G. M. G. Commissioner, that the records for the Commission were wrongfully altered before release, The National Investigation Service is investigating the allegations that documents within v

1996

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*January 24	NIS police report produced,
*March 12 to April 12	Commission of Inquiry receives the
*March 26	Mr. Grace presents his findings to the Fréchette.
*April 9	MGen Boyle institutes CF wide search documents.
*April 15	NIS Police reopens its investigation
*June 11	Second NIS police report (Addendum) reopening of the investigation.
*June 17	Commission of Inquiry receives the

Notes

1. Testimony of Col Leclerc, Transcripts vol. 56, p. 11121.
2. Document book 100A, tab 14, DND 347392.
3. Document book 100A, tab 14, DND 34.7393, ~
4. Testimony of Col Leclerc, Transcripts vol. 56, p. 11157; and Gen Boyle, Transcripts vol. 86, p. 16915.
5. Document book 100A, tab 14, DND 347393-347394.
6. Exhibit P-162, Terms of Reference, Special CF/DND Adviser, June 27, 1995.
7. See Exhibit P 8, Order issued to the Clerk of the Privy Council, May 18, 1995; Exhibit P-7, Order issued to the Deputy Minister of Foreign Affairs, May 18, 1995; and Document book 100A, tab 1.
8. Document book 100A, tab 1. In a letter dated May 23, 1995, counsel for the Government of Canada, Peter Vita, asked us whether subparagraph (a) of the order required only a list of relevant documents or whether the documents themselves were required as well. Commission counsel replied in a letter dated June 6, 1995, making it clear that both the documents and a list were required, and everyone proceeded upon that understanding. 9.
9. Exhibit P-163, letter, LCol Carter to Barbara McIsaac, Commission counsel, June 30, 1995.
10. Exhibit P-163.
11. Testimony of Col Leclerc, Transcripts vol. 56, p. 11121.
12. Testimony of Col Leclerc, Transcripts vol. 56, p. 11174.
13. Document book 100A, tab 17.

14. Testimony of Col Leclerc, Transcripts vol. 56, pp. 11144-11146.
15. Testimony of Col Leclerc, Transcripts vol. 56, p. 11137.
16. Testimony of Gen Boyle, Transcripts vol. 86, pp. 16926-1692627.
17. Testimony of Col Leclerc, Transcripts vol. 56, p. 11142.
18. Document book 100A, tab 14, DND 347392.
19. Testimony of Col Leclerc, Transcripts vol. 56, pp. 11140-11141 .
20. Letter, Barbara Mclsaac to Col Leclerc, January 26, 1996.
21. Request 370, letter, Gail Bradshaw, Inquiry staff, to Alain Préfontaine, October 23, 1996.
22. Letter, Alain Préfontaine to Gail Bradshaw, March 18, 1997.
23. Request 367, letter, Gail Bradshaw to Alain Préfontaine, October 17, 1996,
24. Letter, Alain Préfontaine to Gail Bradshaw, November 14, 1996.
25. Letter, Stanley Cohen, Commission Secretary, to Alain Préfontaine, October 21, 1996.
26. Request 84, letter, Paul Harte, Inquiry staff, to Col Leclerc, October 11, 1995; Request 185, letter, Paul Harte to Col Leclerc, December 11, 1995.
27. Letter, Barbara Mclsaac to Col Leclerc, January 25, 1996, requiring prompt delivery of certain DEM-related documents.
28. Letter, Col Leclerc to Paul Harte, March 11, 1996.
29. Because of these discrepancies, a further comprehensive request was made for documents related to daily executive meetings (DEMs) in a letter from Stanley Cohen to LGen (ret) Fox, May 24, 1996.
30. Letter, Col Leclerc to Stanley Cohen, October 10, 1996.
31. Minutes of DEM, February 8, 1993, Document book 50A, tab 18.
32. For example, in December 1995, although 16 DEMs were held, there were no DEM minutes (and no post-DEM minutes).
33. Staff and Writing Procedures for NDHQ (A-AD-D30-001/JS-001), p. 6-4-5.
34. Letter, Col Leclerc to Stanley Cohen, October 10, 1996.
35. Request 382, letter, Gail Bradshaw to Col Leclerc, November 27, 1996.
36. Letter, Gail Bradshaw to Col Leclerc, January 28, 1997.
37. Letter, Col Leclerc to Gail Bradshaw, March 9, 1997.
38. Letter, Paul Harte to Col Leclerc, January 31, 1996.
39. Letter, Gail Bradshaw to Col Leclerc, June 11, 1996.
40. Request 414, letter, Gail Bradshaw to Col Leclerc, February 17, 1997.
41. Request 185, letter, Paul Harte to Col Leclerc, December 11, 1995; Request 186, letter, Paul Harte to Col Leclerc, December 12, 1995.
42. Annex D of Letter, Col Leclerc to Paul Harte, March 12, 1996.
43. Annex A of Letter, Col Leclerc to Gail Bradshaw, October 4, 1996.

44. Request 418, letter, Gail Bradshaw to Col Leclerc, February 24, 1997.
45. Letter, Gail Bradshaw to Col Leclerc, March 12, 1997.
46. Letter, Col Leclerc to Gail Bradshaw, March 24, 1997.
47. See discussion of privileged documents below.
48. Request 307, letter, Gail Bradshaw to Col Leclerc, May 23, 1996.
49. Document book 100A, tab 14, DND 347392.
50. Letter, Stanley Cohen to LGen (ret) Fox, May 21, 1996.
51. Letter, Stanley Cohen to MGen Tousignant, June 17, 1996.
52. Letter, MGen Tousignant to Stanley Cohen, June 18, 1996.
53. Letter, Stanley Cohen to MGen Tousignant, June 25, 1996.
54. Letter, MGen Tousignant to Stanley Cohen, August 30, 1996.
55. Exhibit P-160.
56. Exhibit P-160, DND360530.
57. Exhibit P 160, DND 3605t9.
58. Testimony of LGen Reay, Transcripts vol. 80, p. 15640.
59. Request 292, letter, Gail Bradshaw to Col Leclerc, May 9, 1996.
60. Testimony of MGen Vernon, Transcripts vol. 80, p. 15555.
61. Testimony of MGen Vernon, Transcripts vol. 79, pp. 15499-15500.
62. Testimony of MGen Vernon, Transcripts vol. 80, p. 15555.
63. Request 087, letter, Paul Harte to Col Leclerc, October 12, 1995.
64. Letter, Col Leclerc to Paul Harte, October 22, 1995.
65. Letter, Gail Bradshaw to Col Leclerc, June 6, 1996.
66. Letter, Col Leclerc to Gail Bradshaw, October 25, 1996.
67. Request 266, letter, Gail Bradshaw to Col Leclerc, May 10, 1996.
68. Letter, Col Leclerc to Gail Bradshaw, July 15, 1996.
69. Letter, Stanley Cohen to MGen Tousignant, June 25, 1996.
70. Letter, Paul Harte to Col Leclerc, October 18, 1995.
71. Letter, Col Leclerc to Gail Bradshaw, June 20, 1996.
72. Request 015, letter, Paul Harte to Col Leclerc, September 18, 1995.
73. Letter, Col Leclerc to Paul Harte, October 16, 1995.
74. Letter, Col Leclerc to Paul Harte, February 14, 1996, forwarding a letter from Col All. Fenske to SILT Legal Counsel, October 30, 1995.
75. Letter, Col Leclerc to Gail Bradshaw, January 17, 1997.
76. Request 113, letter, Paul Harte to Col Leclerc, November 2, 1995.
77. Letter, Paul Harte to Col Leclerc, December 20, 1995.

78. Request 275, letter, Paul Harte to Col Leclerc, April 1, 1996; Request 277, letter, Paul Harte to Col Leclerc, April 11, 1996 (added to Request 275).
79. Letter, Gail Bradshaw to Col Leclerc, August 26, 1996.
80. Letter, Col Leclerc to Gail Bradshaw, January 21, 1997, forwarded documents relating to Request 277; letter, Col Leclerc to Gail Bradshaw, January 22, 1997, forwarded documents relating to Request 275.
81. Request 174, letter, Paul Harte to Col Leclerc, December 8, 1995.
82. Letter, Col Leclerc to Paul Harte, February 20, 1996.
83. Letter, Gail Bradshaw to Col Leclerc, December 20, 1996.
84. Letter, Col Leclerc to Gail Bradshaw, February 3, 1997.
85. Testimony of Col O'Brien, Transcripts vol. 10, pp. 1869, 1875.
86. Investigative Details of Military Police Investigation NIS 621-01095 (hereafter, NIS Investigative Details), Document book 101A, tab 4, p. 1.
87. Testimony of Col Leclerc, Transcripts vol. 56, p. 11186.
88. Submissions of Commission Counsel Re: Investigation of the NDOC Computer Log, Document book 101C, tab A, p. 2-3, paragraph 5(a) 1, 2, 3.
89. Document book 101, tab 1, DND 346484.
90. Submissions of Commission Counsel Re: Investigation of the NDOC Computer Log, Document book 101C, tab A, p. 3, paragraph 5(c).
91. Submissions of Commission Counsel Re: Investigation of the NDOC Computer Log, p. 3, paragraph 5(c). See also NIS Investigative Details, Document book 101A, tab4,p.2.
92. NIS Investigative Details.
93. NIS Interview with LCol Arbuckle, May 31, 1996, Ottawa, Document book 101A, tab A, p. 3, paragraph i; and NIS Interview with LCdr Bastien, May 14, 1996, Toronto, Document book 101A, tab B. p. 2, paragraph i,
94. Compare NIS Interview with LCdr Bastien, May 14, 1996, Toronto, Document book 101A, tab B. p. 2, paragraph i; NIS Interview with Cdr Silvester, May 27, 1996, Victoria, B.C., Document book 101A, tab G. p. 1, paragraph c; and NIS Interview with Cdr Keenlside, April 11, 1996, Halifax, N.S., Document book 101A, tab D, p. 3, paragraph k.
95. NIS Report of Investigative Findings, October 17, 1995, Document book 101, tab 1, p. 2, paragraph 5.
96. NIS Interview with Cdr Keenlside, April 11, 1996, Halifax, N.S., Document book 101A, tab D, p. 1, paragraph d.
97. NIS Interview with Cdr Silvester, May 27, 1996, Victoria, B.C., Document book 101A, tab G. p. 2, paragraph f.
98. Testimony of Col O'Brien, Transcripts vol. 151, p, 30904.
99. NIS Interview with LCdr Kuzyshyn, May 24, 1996, Dartmouth, N.S., Document book 101A, tab E, p. 2, paragraph k.

- 100.NIS Interview with LCdr Towns, May 25, 1996, Sackville, N.S., Document book 101A, tab J. p. 1, paragraph d.
- 101.Covering letter, NIS Report, July 9, 1996, Document book 101A, tab 1, p. 1, paragraph 3.
- 102.Operations Log, Document book 99, tab B. Annex 3C, p. 3C-1, paragraph 3.
- 103.Testimony of Gen Boyle, Transcripts vol. 87, p. 16994.
- 104.War Diary Journal, Document book 99, tab 3, paragraph 23 (emphasis in the original).
- 105.Document book 99A, tab 1, Summary of Operations Logs, p. 4, paragraph 2.2.
- 106.Document book 99A, tab 1, Summary of Operations/Communications Logs and other Records.
- 107.Testimony of Gen Boyle, Transcripts vol. 87, p. 17049.
- 108.Opening remarks of counsel, April 15, 1996, Transcripts vol. 56, pp. 11076-11077.
- 109.Letter, Stanley Cohen to LGen (ret) Fox, January 17, 1996, Document book 100A, tab 2.
- 110.Letter, Col Leclerc to Barbara McIsaac, February 9, 1996, Document book 100A, tab 6.
- 111.Testimony of Gen Boyle, Transcripts vol. 87, p. 17059.
- 112.Annex A to letter, Lynn Lovett to Col Leclerc, April 3, 1996, Document book 100A, tab 10.
- 113.Opening remarks of Commission Counsel, Transcripts vol. 56, p. 11084; and Log Investigation Summary, Document book 99A, tab 7, DND 385548.
- 114.Testimony of Maj Pommet, Transcripts vol. 107, pp. 21478-21480, and vol. 108, pp. 21517-21518.
- 115.Memo, LCol Pittfield, "Log Search", April 10, 1996, Document book 99A, tab 8. Annex A, p. 2, indicates that they were found on shelves in 2 Commando's signals stores.
- 116.Testimony of Gen Boyle, Transcripts vol. 87, p. 17015.
- 117.Letter, Col Leclerc to Gail Bradshaw, May 7, 1996, Document book 99A, tab 4, Annex A, p. 1, paragraph 1 .
- 118.Letter, Maj Messier to SILT, April 17, 1996, Document book 99A, tab 4, p. 1, paragraph 2.
- 119.Statement of MCpl Beattie regarding J2 Logs, Document book 99A, tab 4, pp. 1-2.
- 120.Letter, Maj Messier to SILT, April 17, 1996, Document book 99A, tab 4, p. 2, paragraph 4.
- 121.CJFS HQ notes (Caps St. Denis), Document book 99A, tab 2, p. 2.
- 122.Letter, Maj Messier to SILT, April 17, 1996, Document book 99A, tab 4, p- 2, paragraph 4.

123. Letter, Maj Messier to SILT, April 17, 1996, Document book 99A, tab 4, p. 1, paragraph 1.
124. Statement of WO Beldam, Document book 92A.1, tab 1, Annex AA, p. 3, paragraph 5.
125. Supplementary Statement of WO Beldam, Document book 92A.1, tab I, Annex AA, pp. 1-2, answer to question 3.
126. Exhibit P- 143 .6
127. Because the Inquiry valued the ability to retrieve individual documents, it relied on its own system of identifying and tracking documents. The quantity of paper received and the printed versions of files received on computer disk totalled more than 200,000 pages, corresponding to more than 52,000 documents as identified by the Inquiry,
128. Letter, Stanley Cohen to LGen (ret) Fox, April 11, 1996.
129. Letter, Col Leclerc to Simon Noël, Commission counsel, May 28, 1996.
130. Letter, John Koh to LCdr MacArthur, June 13, 1996.
131. Document books 39 and 39A were sent to SILT in February 1996 and returned to the Inquiry on August 16, 1996.
132. For example, letter, Barbara McIsaac to Col Leclerc, June 3, 1996.
133. For example, letter, Stanley Cohen to MGen Tousignant, July 23, 1996.
134. Document books, volumes 51-51E.
135. Letter, Col Leclerc to Gail Bradshaw, January 21, 1997.
136. Document book 100A, tab 1.
137. Letter, Simon Noël to Brian Evernden, September 11, 1996.
138. Letter, Lynn Lovett to Brian Evernden/LCol Callan, November 12, 1996.
139. Letter, Lynn Lovett to Brian Evernden/LCol Callan, November 12, 1996.
140. Letter, Lynn Lovett to Brian Evernden/LCol Callan, November 12, 1996.
141. Memorandum, Lynn Lovett to Commissioners, January 17, 1997.
142. Letter, LCol Callan to Lynn Lovett, November 13, 1966.
143. Letter, Lynn Lovett to LCol Callan, November 13, 1996.
144. These figures are based on the Inquiry's own records of documents received and processed. SILT's figures appear to differ to some extent based on a different method of counting documents, but there is also the strong likelihood that SILT's numbers are inaccurate as a result of incomplete records. See, for example, Gen Boyle's testimony that SILT's system of document registration was overwhelmed (Transcripts vol. 86, pp. 16926-16927).
145. Filed as Document books 48A and 48B,
146. Exhibit P- 143.6.
147. Testimony of Gen Boyle, Transcripts vol. 86, pp. 16923-16927.
148. Document book 100A, tab 1.

149. Testimony of Ruth Cardinal, Transcripts vol. 74, p. 14467. The CANFORGEN was an order signed by LGen Boyle on behalf of the Chief of the Defence Staff and addressed to all units of the CF and DND, requiring them to co-operate with the Inquiry and to comply with any request made by SILT with respect to Somalia related documents (see Document book 100A, tab 15).
150. Memorandum, Col Hillier, April 6, 1995, Document book 100A, tab 14.
151. See Exhibit P 162.
152. Testimony of Ruth Cardinal, Transcripts vole 74, pp. 14470-14471.
153. Testimony of Lt (N) Brayman, Transcripts vol. 65, pp. 12689-12690; and Ruth Cardinal, Transcripts vol. 74, p. 14475.
154. Testimony of Claudette Lemay, Transcripts vol. 58, pp. 11425-11426; Nancy Fournier, Transcripts vol. 62, pp. 12131-12132, 12139; and Lt (N) Brayman, Transcripts vol. 65, pp. 12688-12690.
155. Testimony of Ruth Cardinal, Transcripts vol. 74, pp. 14482, 14488, 14489,
156. Testimony of Ruth Cardinal, Transcripts vol. 74, p. 14480.
157. Testimony of Nancy Fournier, Transcripts vol. 62, pp. 12132-12135.
158. Testimony of Nancy Fournier, Transcripts vol. 63, p. 12323.
159. Testimony of Lt (N) Brayman, Transcripts vol. 65, pp. 12640, 12696-12698, 12707, 12720.
160. Testimony of Nancy Fournier, Transcripts vol. 62, pp. 12145-12146, and vol. 63, pp. 12186-87; and of Lt (N) Brayman, Transcripts vol. 65, pp. 12694-12695.
161. Testimony of Ruth Cardinal, Transcripts vol. 74, pp. 14486-14487.
162. See Exhibit P158, Document on Investigation into Release of RTQs signed by Gen de Chastelain, September 22, 1995.
163. See Exhibit P-158.1, Chief Review Services Special Examination, October 7, 1995; and testimony of Ruth Cardinal, Transcripts vol. 75, pp. 14572-14573.
164. Testimony of Lt (N) Brayman, Transcripts vol. 66, p. 12758.
165. Testimony of Lt (N) Wong, Transcripts vol. 70, p. 13545.
166. Testimony of Lt (N) Wong, Transcripts vol. 70, pp. 13536, 13544-13545, 13567.
167. Testimony of LGen (ret) Fox, Transcripts vol. 77, p. 15126.
168. Testimony of LGen (ret) Fox, Transcripts vol. 77, p. 14987.
169. Testimony of MGen Vernon, Transcripts vol. 80, p. 15550.
170. Testimony of LGen (ret) Fox, Transcripts vol. 77, pp. 15010-15013.
171. Testimony of Lt (N) Wong, Transcripts vol. 70, p. 13594.
172. Testimony of LGen (ret) Fox, Transcripts vol. 77, pp. 15126-15128.
173. Testimony of LGen (ret) Fox, Transcripts vol. 77, p. 15020.
174. Testimony of LCol Carter, Transcripts vol. 76, p. 14919.
175. Testimony of LGen (ret) Fox, Transcripts vol. 77, pp. 15027-15030.

176. Testimony of LGen (ret) Fox, Transcripts vol. 77, pp. 15036-15043. One exception would be Ms. Cardinal who, according to the testimony of Lt (N) Brayman, Lt (N) Wong, and Mrs. Fournier, had not even been given the full picture. Testimony of Lt (N) Brayman, Transcripts vol. 66, pp. 12759-12760; Lt (N) Wong, Transcripts vol. 70, pp. 13614-13615; and Mrs. Fournier, Transcripts vol. 63, p. 12195.
177. Testimony of LGen Reay, Transcripts vol. 80, pp. 15621-15622.
178. Testimony of LGen Reay, Transcripts vol. 80, p. 15623.
179. Testimony of LGen Reay, Transcripts vol. 80, pp. 15627-15628.
180. Testimony of LGen Reay, Transcripts vol. 80, p. 15628.
181. Testimony of LGen (ret) Fox, Transcripts vol. 77, pp. 15049-15052.
182. Testimony of LCol Carter, Transcripts vol. 76, pp. 14919-14939.
183. Testimony of LCol Carter, Transcripts vol. 76, pp. 14922-14923.
184. Testimony of LCol Carter, Transcripts vol. 76, p. 14923.
185. Testimony of Lt (N) Wong, Transcripts vol. 70, pp. 13544-13545.
186. Testimony of LGen (ret) Fox, Transcripts vol. 77, pp. 15127-15128.
187. Testimony of LGen (ret) Fox, Transcripts vol. 77, pp. 15046-15049.
188. Testimony of LGen (ret) Fox, Transcripts vol. 77, pp. 15012, 15053, 15065-15067, 15142.
189. Testimony of LGen (ret) Fox, Transcripts vol. 77, pp. 15053-15055, 15098.
190. Testimony of LGen (ret) Fox, Transcripts vol. 78, pp. 15288-15289.
191. Testimony of LGen (ret) Fox, Transcripts vol. 77, pp. 15014-15015, 15039-15040, 15136-15137.
192. See the exchanges on this subject that occurred during the testimony of Lt (N) Brayman, Transcripts vol. 68, pp. 13177-13180, 13193-13203.
193. Testimony of LGen (ret) Fox, Transcripts vol. 77, p. 15002.
194. Testimony of Roberto Gonzalez, Transcripts vol. 58, pp. 11547, 11551.
195. Testimony of Col Haswell, Transcripts vol. 95, pp. 18395-18396, 18399-18400.
196. Testimony of Roberto Gonzalez, Transcripts vol. 58, pp. 11553-11554, 11562-11563, vol. 59, pp. 11605-11606, 11649-11650, 11659, and vol. 111, pp. 22160-22161; and Col Haswell, Transcripts vol. 95, pp. 18437-18441, 18447-18450, 18465-18472; and Document book 103, tabs 1 and 2.
197. Testimony of Roberto Gonzalez, Transcripts vol. 111, pp. 22161-22162.
198. Testimony of Col Haswell, Transcripts vol. 95, pp. 18447-18448.
199. Testimony of Col Haswell, Transcripts vol. 95, pp. 18554-18555.
200. Testimony of Lt (N) Wang, Transcripts vol. 70, pp. 13470-13471.
201. Testimony of Roberto Gonzalez, Transcripts vol. 58, pp. 11555, 11557-11565, 11570, and vol. 59, pp. 11580-11581, 11605-11606; Nancy Fournier, Transcripts

- vol. 62, pp. 11983, 12057; and Col Haswell, Transcripts vol. 95, pp. 18418-18419, 18424, 18430-18432.
202. Testimony of Roberto Gonzalez, Transcripts vol. 59, pp. 11586-11587, 11627-11629.
203. Testimony of Roberto Gonzalez, Transcripts vol. 60, pp. 11808-11810.
204. Document book 103, tab 4.
205. Testimony of Nancy Fournier, Transcripts vol. 62, pp. 12033-12038, 12042-12043, 12055-12056.
206. Document book 103, tabs 17, 18 and 38.
207. Document book 103, tab 40.
208. Document book 103, tabs 36, 41 and 43.
209. Testimony of Nancy Fournier, Transcripts vol. 62, p. 12115; and Lt (N) Brayman, Transcripts vol. 65, p. 12687.
210. Document book 103, tabs 3,5, 9, 10 and 11; and testimony of Gen Boyle, Transcripts vol. 88, pp. 17218, 17222-17225.
211. Testimony of LCdr Considine, Transcripts vol. 73, pp. 14129-14131.
212. Testimony of LCol Duchesneau, Transcripts vol. 74, pp. 14395-14396; and LCdr Considine, Transcripts vol. 73, pp. 14130-14131.
213. Testimony of LCdr Considine, Transcripts vol. 73, pp. 14131-14132.
214. Document book 103, tab 12.
215. Document book 103, tab 13.
216. Document book 103, tab 13; and testimony of Lt (N) Brayman, Transcripts vol. 67, pp. i2947-12948, 13079-13080.
217. Testimony of Nancy Fournier, Transcripts vol. 62, pp. 12048-12050.
218. Testimony of Gen Boyle, Transcripts vol. 88, pp. 17233-17234; and Col Haswell, Transcripts vol. 95, p. 18521.
219. Document book 103, tab 25; Exhibits P-143.3 (RTQs) and P-143.5 (Access to Information Log).
220. Testimony of Nancy Fournier, Transcripts vol. 62, pp. 12053, 12060. 193. 194. 195. 196.
221. Testimony of Nancy Fournier, Transcripts vol. 62, p. 12066.
222. Testimony of Lt (N) Brayman, Transcripts vol. 65, pp. 12661-12662, 12670.
223. Testimony of Lt (N) Brayman, Transcripts vol. 67, pp. 12957-12986.
224. Testimony of Lt (N) Brayman, Transcripts vol. 67, p. 13051.
225. Testimony of Lt (N) Brayman, Transcripts vol. 65, pp. 12663-12665; and LCdr Considine, Transcripts vol. 73, pp. 14185-14186.
226. See, for example, Document book 103, tab 39, where the words MRL and RTQ were used interchangeably, as the "MRL" contains a reference to the date this "RTQ" was used. See also testimony of Nancy Fournier, Transcripts vol. 62, pp.

- 12110-12111, 12115-12116; Lt (N) Brayman, Transcripts vol. 65, pp. 12679, 12682, and vol. 67, p. 13090; Gen Boyle, Transcripts vol. 88, pp. 17208-17210; and Col Haswell, Transcripts vol. 95, pp. 18472-18475, 18479-18480, 18486, 18499; and Document book 100, tab 6, Annex Q for the perception of the staff.
227. Testimony of Gen Boyle, Transcripts vol. 88, pp. 17217-17218.
228. Testimony of Ruth Cardinal, Transcripts vol. 74, pp. 14449-14452.
229. Testimony of Col Haswell, Transcripts vol. 95, pp. 18480-18484.
230. Document book 103, tab 42.
231. See Exhibit P-195; and testimony of Col Haswell, Transcripts vol. 95, pp. 18507-18515.
232. Testimony of Col Haswell, Transcripts vol. 95, pp. 18493-18495. See also Document book 103, tab 42, Col Haswell's memorandum to Gen Boyle, which openly acknowledges this fact.
233. Testimony of Col Haswell, Transcripts vol. 95, pp. 18510-18515.
234. Testimony of Ruth Cardinal, Transcripts vol. 74, pp. 14448-14452.
235. See Exhibit P-i 67, NS 039772, paragraph 2.
236. See Exhibit P-167, NS 039771.
237. Testimony of Gen Boyle, Transcripts vol. 88, p. 17280.
238. Testimony of Gen Boyle, Transcripts vol. 88, pp. 17220-17222.
239. Testimony of Gen Boyle, Transcripts vol. 88, pp. 17221-17222.
240. Testimony of Gen Boyle, Transcripts vol. 88, pp. 17225-17228.
241. Testimony of Col Haswell, Transcripts vol. 95, pp. 18503-18505, 18548.

MILITARY JUSTICE

Every military operation faces external threats. Each also carries the potential for internal difficulty - through sheer accident or poor judgment, or as the result of deliberate action. How the structures of the military are designed to respond to these internal problems and how the leaders actually respond to them reveal whether the problems are aberrations in an otherwise well-functioning military justice system or whether they are evidence of systemic deficiencies.

Despite the time constraints facing us, we have been able to examine important in-theatre and post-deployment disciplinary incidents. It is abundantly clear that the military justice system is replete with systemic deficiencies that contributed to the problems we investigated. Without substantial change to the system, it will continue to demonstrate shortcomings in promoting discipline, efficiency, high morale and justice.

Essential to an understanding of the issues raised in this chapter is an appreciation of the extent to which the commanding officer is the central figure in the military justice system. The commanding officer has discretionary powers at most stages of the military

justice process-before and during investigations, prosecutions and sentencing, and in the application of administrative and informal sanctions. This discretion is pervasive, overwhelming and largely unfettered.

In short, a commanding officer who learns of possible misconduct can convene a board of inquiry or order a summary investigation, a Military Police (MP) investigation, or an informal review of the allegation. Alternatively, the commanding officer may decide to take no action at all.

If the commanding officer chooses to have alleged misconduct investigated, the investigation may result in a recommendation for action against an individual. Again, the commanding officer may respond in any of several ways, among them disciplinary or administrative action or no action at all. If the commanding officer chooses a particular course of action within the present disciplinary system-summary trial, for example-he or she often holds further discretionary powers.

Military Police may also decide to investigate possible misconduct. They can choose of their own accord to investigate and, within the law, select their investigative methods. However, their powers are, in practice, limited because they are in the chain of command. As well, other factors limit their effectiveness in traditional policing roles: their relative lack of investigative experience, their conflicting loyalties as soldiers and police, and the reluctance of superiors to allocate investigative resources.

The role of the Judge Advocate General (JAG) in investigations and the decision to prosecute is more limited than that of Military Police. In discharging the responsibility to provide legal advice to the decision makers in the military justice system, JAG officers may advise Military Police or the commanding officer on the legality of a particular investigative tool or they may help determine the appropriate charge. However, there is no requirement that JAG representatives be involved in investigations or charging decisions. JAG officers do, however, prosecute and defend Canadian Forces (CF) members for service offenses in courts martial. The discretionary powers of the commanding officer, Military Police and JAG officers are described more fully in Volume 1, Chapter 7.

The following two sections of this chapter identify a broad range of difficulties that arose in investigating and responding to misconduct of CF members shortly before, during and after the deployment to Somalia. The fourth section describes the conditions within the military justice system that contributed to these difficulties. It also discusses the factors limiting the effectiveness and fairness of the military justice system and, ultimately, the ability of the CF to discharge its mandate. In a final section we argue for a significantly restructured military justice system to remedy many of the shortcomings of the present system. Appended to this chapter are two sets of tables-the first outlining over 100 incidents related to the Somalia operation and requiring investigation, and the second outlining the disciplinary and administrative action taken in response to them.

PROBLEMS IN INVESTIGATIONS

This section deals with the response of the military justice system to incidents with potential disciplinary implications or requiring investigation which occurred in-theatre

and post-deployment. There are many examples of cases where the decision to investigate, the investigation itself, and the reporting of the investigation deviated from required procedure or from what would normally be expected in a fair justice system.

Decision to Investigate

As discussed in Chapter 7, commanding officers have primary responsibility in the decision to investigate and the mode of investigation. In some cases, such as when a charge is laid, they are required to investigate.¹ In other cases, they are required to investigate using a certain form of investigation. For example, if a CF member dies for reasons other than as a result of wounds received in action, a summary investigation or board of inquiry must be held.² As well, Military Police have powers to initiate their own investigations, although when they do so they must brief the appropriate commander, commanding officer or other person in charge at the earliest practical moment regarding the circumstances surrounding their investigation. However, in most cases the commanding officer decides whether to investigate and what kind of investigation to conduct.

Throughout the deployment to Somalia, and particularly before the March 16, 1993, death of Shidane Arone led to sending Military Police to examine this and other incidents in theatre, incidents that should have been investigated were not investigated in a timely manner, or were not investigated at all.

According to the documentation reviewed by the Inquiry, 62 incidents that required investigation occurred between the beginning of the deployment and March 16, 1993.³ These included allegations of serious criminal or disciplinary misconduct, such as mistreatment of detainees, killing of Somalis, theft of public property, and self-inflicted gunshot wounds. Yet not one of these incidents was investigated by Military Police at the time they occurred, not even the serious ones that ought to have been investigated by Military Police.

Summary investigations, which are conducted by a CF member (not Military Police) appointed by the commanding officer,⁴ were called promptly in only eight of the 62 cases, and informal or other investigations were likely held in an additional 27 cases.⁵ However, as explained in greater detail below, a summary investigation was sometimes an inappropriate choice, and some of the investigations themselves were performed inadequately.⁶

This leaves 27 incidents before March 16th that were not investigated at all in the period immediately after they occurred. These ranged from Canadian vehicles striking a land mine to allegations that the Force Commander stated, "I am looking forward to the first dead Somali" and "A case of champagne to the first one who gets (or kills) a Somali", allegations of mistreatment of detainees, self-inflicted injury, theft, and the injury of a Somali by what was intended to be a warning shot.⁷

Of these 27 cases, 11 were never investigated.⁸ Summary investigations were conducted in two cases within a few months and, in the 14 remaining cases, investigations by Military Police were eventually conducted.⁹ However, eight of the MP investigations did not begin until over a year after the incidents took place.¹⁰

It is possible, of course, that a certain number of these incidents were not investigated at the time they occurred because those in authority were not aware of them. However, other problems occurred with investigations. There were too few Military Police. Regimental MP did not perform even the most limited investigative roles. Commanding officers were too slow to call in Military Police after some incidents occurred, and commanding officers paid little attention to guidelines indicating which types of investigations were appropriate.¹¹

Too Few Military Police and Military Police with Inappropriate Skills

There were no MP investigations before March 16th, in large part because only two Military Police accompanied the CARBG to Somalia. Furthermore, both operated as regimental Military Police, reporting to the commanding officer of the CAR. As regimental MP, their responsibilities should have included movement of troops, detention of detainees, and minor police duties (for example, investigating minor incidents).¹² However, because there were only two of them and they did not have any support, they did not fulfill even these roles. Instead, the two served primarily as a security escort for senior officers.¹³ They conducted no investigations and were not primarily responsible for the custody of detainees.¹⁴ Even if their numbers had been sufficient, as regimental MP they lacked the training and experience to investigate major disciplinary or criminal incidents.

Normally, regimental MP should be able to call on Military Police directed by a provost marshal or base security officer for technical support—for example, if regimental MP come across an incident that is beyond their investigative capabilities. However, no position for Military Police directed by a provost marshal or base security officer existed in the organizational structure of the CARBG.

Because there were not enough Military Police in theatre, two investigators had to be sent from Canada to investigate the death of Shidane Arone. Subsequently, two other MP teams of two were tasked to investigate the March 4th shooting of two Somali nationals.¹⁵ The first team investigated the incident itself, the second a possible cover-up of the incident by CF members in Somalia.¹⁶

Eventually, in May 1993, an MP unit was dispatched to Mogadishu. It assumed responsibility for more serious investigations and conducted several investigations.¹⁷ However, the trail in most cases was several months old. Only one incident that occurred before their arrival resulted in a prosecution.¹⁸

Commanding Officers Slow to Call in Military Police

The JAG suggested in its submission to the Inquiry that Military Police are employed in particular to investigate incidents involving anything other than very minor disciplinary infractions.¹⁹ Police policy also provides that Military Police "shall conduct an investigation and report on all criminal and serious service offences".²⁰ However, nothing in the regulations or administrative orders requires commanding officers to call in Military Police in these instances. In only a few cases are commanding officers required

to carry out any kind of investigation-MP or otherwise-even if a criminal act is suspected.²¹

It appears that for Operation Deliverance, commanders chose not to follow the policies on MP investigations set out by the JAG and in the MP manuals. They appeared to believe that MP investigations were not required in an operational theatre and that most matters could be dealt with adequately by the other investigative tools available to the commanding officer.²²

Thus, as noted above, Military Police were not called to investigate many instances of possible serious misconduct. As well, in two cases where there was a clear indication of criminality - the alleged theft of a revolver and the death of Shidane Arone - Military Police were not called until after a soldier confessed.²³

The revolver incident involved a complaint that a CF soldier had seized a revolver from a Somali national employed by the Intentional Committee of the Red Cross. When the Somali asked for its return, the Officer Commanding denied the allegation, since the CF soldier had reported returning the weapon. Subsequently, an anonymous call to Commando headquarters revealed that the soldier had mailed the revolver to his wife and later told her to get rid of it. The private at headquarters who received the anonymous call informed the soldier about it, and the soldier then confessed to his superior. Only then did the superior order the regimental MP to investigate

The regimental MP interviewed the soldier, who now claimed that he had tried to return the weapon but that no one would accept its return. When additional Military Police arrived in May and reopened the investigation, they concluded that the weapon seizure had, in fact, been lawful. They also established that the weapon had not been turned over to the chain of command in accordance with the practice and policy of the CARBG. The soldier received an administrative sanction and was sent home. Against the advice of his superior, he was not disciplined.²⁵

It is not clear whether any action was taken against the private who informed the soldier of the anonymous tip. No action was taken in relation to possible offences such as illegal importation of a weapon, illegal possession of a restricted weapon, or illegal use of the postal service.

The second case involved the death of Shidane Arone on March 16, 1993. Maj Seward, Officer Commanding 2 Commando, likely knew shortly after midnight on March 17th that Mr. Arone's injuries were suspicious.²⁶ However, Military Police were not called in to investigate until March 19th, after Pte Brown confessed his involvement.²⁷

The incident of March 4, 1993, involved the shooting death of one Somali citizen and the wounding of another. The incident was reported to National Defence Operations Centre on March 4th. The Director General Security at NDHQ, Col Wells, prepared a team of investigators for deployment to Somalia. However, the Deputy Chief of the Defence Staff, VAdm Murray, informed Col Wells that any decision regarding the deployment of MP investigators would be made following the receipt of a report from Col Labbé. The CO's investigation ordered by Col Labbé was to be completed within 24 hours, but no investigation report was received by NDHQ until March 23rd. Military police were not

sent to investigate the March 4th incident until April 15th (see Chapter 38).

Guidelines for Calling Investigations Not Followed

The relevant regulations and administrative orders give discretion to commanding officers and certain other officers to decide, in most cases, whether to order an investigation and what kind of an investigation to order. In a few cases, boards of inquiry are mandatory, and in all serious matters, boards of inquiry are generally preferred to summary investigations. As well, the Canadian Forces Administrative Orders set out a list of occurrences where a board of inquiry or a summary investigation is usually required.²⁸ Included in this list are occurrences involving

1. casualties,
2. claims by or against the Crown,
3. injuries or death to CF members,
4. loss or damage due to criminal offences, or
5. loss of, or damage to, public property other than funds.²⁹

It is clear that commanding officers paid no attention to these guidelines in several cases. Several summary investigations were ordered, including investigations into the loss of Tilley hats, loss of a mail bag, theft of a sword and the death of Mr. Arone.³⁰ However, according to the guidelines, if those in the position to call an investigation had known about the incidents, a summary investigation or board of inquiry would usually have been conducted in at least the following instances:

- (a) all the early instances relating to mistreatment of prisoners,
- (b) wounding of a Somali national by what was intended as a warning shot,
- (c) shooting of a Somali national at roadblock,
- (d) alleged theft of a revolver from a Somali national by a CF member,
- (e) shooting at the Bailey bridge,
- (f) allegation that a soldier sold a CF weapon to civilian,
- (g) injury to a child when CF vehicle allegedly ran over a hut, and
- (h) taking of funds from a Somali vehicle.³¹

Moreover, some of the cases involving potential criminal conduct may also have merited an MP investigation.

In most of these cases, MP investigations eventually occurred. However, the injury to the Somali national by what was intended as a warning shot and the shooting of a Somali citizen at a roadblock-both very serious incidents-were never investigated. The first investigation reports on the taking of the revolver, the alleged sale of CF property, and the injury to a child when a CAR vehicle allegedly ran over his hut were not filed until three to four months after the incidents.³²

The taking of funds from a Somali vehicle was not investigated until a year later. In this incident, Col Labbé, Commander of Canadian Joint Force Somalia, led a 'house clearing' operation.³³ He and others were driving from the Canadian compound in Mogadishu to the port.³⁴ On the way, Col Labbé spotted a vehicle with a gun mounted on it and ordered a search. After they had swept the premises near the vehicle and found no one and no other weapons, Col Labbé took some Somali money (worth less than a dollar in Canadian funds) from the vehicle. He distributed the money to those who were with him and to others at headquarters in Mogadishu.³⁵

This incident is noteworthy for two reasons. First, the incident took place in Mogadishu north, outside the legitimate area of Canadian operations. Second, it is apparent from the evidence that the money was taken in circumstances that may have violated the *National Defence Act* and the Geneva Convention.³⁶ Yet no investigation was conducted until a year later. An MP investigation was concluded within a week, and no charges were laid. The money in Col Labbé's possession was turned over to Military Police. The money given to others was not recovered. The delay in investigating this incident illustrates a systemic problem with the current military justice system. Control of military investigations is concentrated in the hands of commanding officers who are responsible for operations and who may also be directly implicated in the incidents. As well, many of the cases that were not investigated immediately involved Somali victims. The military justice system simply may not have responded adequately when harm to civilians was involved.

Twenty incidents of accidental or negligent discharge of a personal weapon and two incidents of accidental or negligent discharge of crew-served weapons occurred in theatre.³⁷ One caused an injury and another killed a CF soldier. However, except for the discharge causing death, no summary investigations or investigations by Military Police took place. While each incident by itself may not call for a summary investigation, the frequency of these events surely demanded some investigation.³⁸

Problems in Carrying Out Investigations

Summary Investigations

Many summary investigations that were undertaken were incomplete or flawed. In some, CF guidelines were not followed. In others, witness statements should have been taken but were not, and in still other cases, those conducting or ordering the investigations had a conflict of interest.

Guidelines not followed

The summary investigation following the March 4th shooting most clearly illustrates the flaws with respect to controls governing summary investigations (see Chapter 38). Commanders are not obliged to follow the guidelines. However, the guidelines exist to help ensure that investigations are effective.

On March 5th, Col Labbé ordered LCol Mathieu to have the March 4th incident investigated.³⁹ That same day - March 5th - LCol Mathieu ordered Capt Hope, his intelligence officer, to carry out the investigation.

Several of the guidelines for summary investigations were not followed. For example, Capt Hope did not receive an appropriate briefing on the incident, nor was he freed from his regular duties to carry out the investigation.

Capt Hope had never conducted a summary investigation of an incident of such a serious nature. Yet with little guidance, Capt Hope was ordered to complete a very complicated investigation, potentially involving a conspiracy, within 24 hours. He received a short extension and completed his investigation on March 6, 1993. Much important information was omitted from the main text of Capt Hope's report, including Maj Armstrong's suggestion that the death was, in fact, murder. By his own admission, Capt Hope accepted without challenge the statements of those within his unit about the incident. Capt Hope admitted in his testimony that, as a member of the unit, he had a clear conflict of interest and that this made it more difficult for him to question the word of his unit colleagues or his commanding officer, LCol Mathieu.

Col Labbé directed that the report be changed. He first asked that a significant phrase describing a controversial interpretation of the Rules of Engagement, which he had allegedly approved, be deleted. He then provided specific instructions for what should be added in order to provide more contextual information. Ultimately, he concluded that the report was "incomplete and in some places misleading" and resolved to write his own report.

Col Labbé sent his own report to NDHQ on March 23, 1993, but did not include Capt Hope's report, to which Maj Armstrong's statement that the victim had been "dispatched" was appended.⁴⁰ Capt Hope's report was forwarded to NDHQ only after JAG personnel reviewed Col Labbé's report, found it unsatisfactory, called for further investigation, and specifically requested Capt Hope's report. Shortly after, Military Police from NDHQ were given the permission and the resources to go to Somalia to investigate.

The problems in this investigation go far beyond a commanding officer's right not to follow established rules and guidelines and call into question the propriety of ordering a summary investigation as opposed to an in-depth police investigation. This investigation illustrates the attitude of superior officers that it was acceptable in the military culture for them to deviate from, or even ignore, rules and guidelines. It is also an example of the conflict of interest inherent in a system where the person responsible for upholding the military justice system is also accountable for the success of operations.

Witness statements not taken

As noted above, the summary investigation into the March 4th incident missed important witness statements. Several other investigations were also incomplete. Only four statements were taken in respect of the shooting death of one Somali and injury of two others at the Bailey bridge on February 17, 1993.⁴¹ None of the Somalis and few of the soldiers who were there were interviewed. The lack of attention to witness statements was especially surprising since the incident could have given rise to a claim against the

Crown.⁴² The regulations require that such cases be carefully documented in order to be able to defend against any claims.⁴³

Conflict of interest

In at least four of the summary investigations ordered, conflicts of interest arose when those responsible for operations were also involved in investigating problems in the operation. These conflicts are inherent in the formal role and responsibilities of a commanding officer. The conflict of interest can taint the appearance of fairness the investigations and may affect their outcome as well.

In the first of the four cases, Col Labbé's subordinate ordered and, more significantly, Col Labbé approved, an investigation into a motor vehicle accident even though Col Labbé had been a passenger in the vehicle and was therefore a witness.

The second case involved a much more serious incident - the shooting death of one Somali citizen and wounding of another on March 4, 1993. In this case, the Commander instructed the Commanding Officer to investigate problems in a patrol operation which the Commanding Officer had approved.

The third case also involved a serious incident - the death of Shidane Arone. In this incident, Maj Mackay, the acting Commanding Officer, ordered a summary investigation. He tasked Capt Gilligan of Service Commando, a junior officer, to investigate. Maj Seward, the Officer Commanding 2 Commando, and Capt Sox, the Officer Commanding 4 Platoon, whose members were responsible for guarding Mr. Arone that night, took statements from their fellow unit members for Capt Gilligan.

A fourth investigation involving a conflict of interest was the alleged theft of a sword from a Somali national by a member of 2 Commando. The deputy commander of 2 Commando was ordered to conduct a summary investigation. It concluded that the incident did not involve 2 Commando personnel. As later MP investigations found, the 2 Commando logs contradict the claim in the summary investigation report that there was no patrol in Belet Huen at the time of the incident.

Problems in Military Police Investigations

Military Police attempted to carry out their investigations professionally and adequately. Most of the individuals involved in the two most serious incidents - the shootings on March 4th and the death of Mr. Arone on March 16th - were identified by Military Police. Most of the evidence the Military Police collected appears to have met the standards of admissibility in the military justice system.

However, there were investigative shortcomings. Most stemmed from the systemic challenges faced by the Military Police. There were too few appropriately trained Military Police to carry out the investigations adequately, and many investigations were conducted long after the event and under tight deadlines. Sometimes no effort had been made to secure the crime scene. Above all, where there was a potential for a criminal charge, commanding officers were reluctant to call in Military Police to investigate.

Military Police also had problems conducting individual investigations, including a lack of co-operation from soldiers and officers, difficulty in investigating their superiors, limits imposed by commanding officers on investigations, and frustration of their investigations because of prior disciplinary investigations. Moreover, some of the investigations were incomplete in part because the choice of investigative tactics was sometimes governed by irrelevant considerations, and some individuals were inappropriately cautioned, thereby restricting the information that could be gathered. These issues are discussed in greater detail below.

Lack of co-operation with Military Police

The reluctance of commanding officers to call in Military Police for serious criminal investigations was symptomatic of the dismissive attitude of both senior officers and non-commissioned officers toward the Military Police. In three incidents in 2 Commando in the autumn of 1992, non-commissioned officers counselled soldiers to not co-operate with their own senior officers and MP investigators.⁴⁴ In several investigations within the CAR during the pre-deployment period, Military Police met a wall of silence that seriously hindered their investigations.⁴⁵ Military police investigating the March 4th incident also noted this as a problem in their investigation. Their report states:

Throughout the conduct of this investigation, there was an evident lack of cooperation and a reluctance on the part of most personnel to come forward, to provide information or to get involved in the inquiries. Regardless of the perceived status (suspect or source) of the personnel contacted by investigators, information had to be slowly and laboriously acquired from those personnel.⁴⁶

At least one MP investigating the March 4th incident felt that superior commanders went beyond simple lack of co-operation and actually interfered with the investigation.⁴⁷

Difficulty investigating superiors

Military Police are part of the chain of command. They take orders from their commanding officers about which incidents to investigate, and their chances for promotion are affected by their commanding officer's assessment of them. This makes it difficult for MP to treat their superiors as ordinary witnesses or suspects. If they had been asked to investigate LCol Mathieu's alleged statement, "Kill the bastards. I'll cover for you", the regimental MP who served as LCol Mathieu's bodyguards would no doubt have found it difficult to question him.⁴⁸

Gen Boyle was interviewed about his involvement in the alleged withholding, destruction or alteration of documents in the Directorate General Public Affairs after their release was sought under the *Access to Information Act*. Some aspects of the interview appeared to favour Gen Boyle. He was permitted legal counsel even though he was not a suspect and was also given, on request, a transcript of the interview. Neither of these was normal procedure. It was suggested during his testimony before us that this unusual treatment was accorded him because the non-commissioned MP who interviewed him may have been intimidated by his rank.⁴⁹ Gen Boyle agreed that it was possible that MP treated him

differently than they might have treated other witnesses or potential suspects.⁵⁰

Influence of commanding officer on investigations

Military Police can undertake investigations of their own accord—at least in theory. However, commanding officers can exert tremendous influence over investigations because Military Police fall within the chain of command. That influence may be intentional or unintentional, but it can affect the scope of an investigation and the resources available to carry it out.

The potential for this kind of influence can exist in an investigation such as that of the death of Shidane Arone. The death of Mr. Arone was eventually treated as a potential murder case. Yet, there was ample reason to go beyond the criminal investigation and look into more systemic problems, such as the understanding of the Law of Armed Conflict and the treatment of detainees. However, a commanding officer might be tempted to hinder such a broad investigation if it might cast the commander, the commanding officer, the unit, or the CF in a bad light.

Perhaps the most striking example of command influence comes from the March 4th incident. Senior officers at NDHQ and in Somalia delayed the MP investigation of the incident for nearly six weeks, despite the obvious need for a thorough and immediate MP investigation.

Incomplete investigations

Additional Military Police did not arrive in Somalia until May 1993. When they did arrive they were required to investigate numerous incidents, many of which had happened months before, within a short time. Several investigations were therefore left incomplete.

In general, few attempts were made to obtain statements from Somali witnesses. For example, this was true of the incident involving the alleged injury of a child by a CAR vehicle and the investigation of the shooting at the Bailey bridge.⁵¹ This may be a systemic problem—the reluctance of organizations investigating their own potential misconduct to approach outside witnesses.

Later investigations, in 1994, also exhibited several deficiencies because they took place long after the incidents and under tight deadlines. In one investigation of the alleged mistreatment of detainees, no written statements were obtained from Col Labbé or from others who recalled seeing the detainees.⁵² Similarly, in the investigation of alleged orders to destroy photos of detainees, no written statements were obtained from the key witnesses.⁵³ The investigation of the taking of money from a Somali vehicle during a 'house clearing' operation was also not well documented.⁵⁴ Only one written statement was obtained, and that person was not a witness. No written statements were taken from those who had accompanied Col Labbé and witnessed his actions.

In other cases, the document record reveals that investigators reached conclusions prematurely. For example, the MP investigation into the shooting at the Bailey bridge concluded that the soldiers acted properly.⁵⁵ However, the investigation failed to clarify

contradictions between the statements of the soldiers involved and statements contained in briefings about the incident to the Minister of National Defence. As well, significant questions about the incidents were left unanswered.⁵⁶

Inappropriate cautions

Soldiers were sometimes cautioned even though they were the only witnesses to an incident.⁵⁷ For example, everyone interviewed by MP about the March 4th incident was cautioned about the right to silence, thereby complicating the investigation.

Criminal investigations frustrated by investigations ordered by commanding officers for general disciplinary purposes

The criminal investigation of the theft of a sword from a Somali citizen was made more difficult because a summary investigation had already been held.⁵⁸ The summary investigation may have provided an opportunity for witnesses and suspects to rehearse their version of events.

We understand from our investigations that the officers in charge initially treated the March 16th incident as a general disciplinary problem. We also understand that no attempt was made to preserve the crime scene or evidence, that Shidane Arone's body was washed, and that MCpl Matchee's camera was not seized and retained, despite knowledge that photos had been taken and that MCpl Matchee was involved in the death. Moreover, we understand that MCpl Matchee's guards helped him dispose of potential evidence, perhaps unknowingly, by passing the camera ultimately to MCpl Matchee's friend, Cpl McKay. As well, it appears that no effort was made to preserve the crime scene after the March 4th incident-. In both the March 4th and the March 16th case, those who might have preserved the crime scenes may not have understood the importance of doing so.

Reporting of Investigations

These incidents highlight two problems in the reporting of investigations. The first is the alteration of reports. The second is inconsistency in reporting incidents.

Col Labbé asked for significant deletions in the summary investigation report of the March 4th incident before the report was sent to NDHQ. Eventually, the following statement was deleted: "The policy of shooting at Somalis inside or running away from CDN wire was formulated by LCol Mathieu... on 28 Jan 93 after consultations with, and approval of Comd CJFS, Col Serge Labbé."⁵⁹

It also appears that there was no consistent procedure for forwarding investigation reports to NDHQ. In some cases, NDHQ was informed immediately after an incident occurred. In other cases, the information seemed to pass up the chain of command much more slowly. For example, the shooting of a Somali wielding a weapon was the subject of a Significant Incident Report (SIR).⁶⁰ A SIR was also filed about a Somali who was injured by a shooting at a roadblocks.⁶¹ Although neither of these incidents was investigated, both were immediately reported and discussed at NDHQ. In the first case, the SIR was

sent to the Chief of the Defence Staff or consideration by the Minister. The SIR for the second incident was sent the same day to NDHQ and discussed at daily executive meetings on January 29 and 30, 1993.

By contrast, Col Labbé's personal investigation report on the March 4th incident was not received at NDHQ until March 23rd. As well, the Minister claimed to know nothing of the circumstances of the death of Mr. Arone until March 23, 1993.

Similarly, there was a lack of written communication and detailed information on MCpl Matchee's apparent attempted suicide on March 19, 1993. There appears to have been an oral briefing in the Minister's office on the afternoon of March 19th, but no written communication to the Minister until March 26, 1993. The written communication appears to have been prompted by an inquiry from a member of Parliament. This was the first acknowledgment of a connection between this incident and Mr. Arone's death.

CONCERNS ABOUT THE RESPONSE TO FINDINGS OF MISCONDUCT

Even when investigators identified misconduct, military leaders did not always respond appropriately. It is not possible to discuss in detail all the problems associated with the application of the military justice system to the events in Somalia. However, the problems identified below typify the difficulties that permeate the system:

- (a) problems related to the deployment of legal officers,
- (b) problems related to deciding whether to respond to misconduct, and
- (c) problems related to actual or perceived bias.

Problems Related to the Deployment of Legal Officers

The Decision to Send Only One Legal Officer

As the only JAG legal officer sent to Somalia, Maj Philippe was expected to provide legal advice to the commander, the officers involved in misconduct, and the Military Police investigating the misconduct. This placed him in a position of clear conflict of interest that undermined the solicitor-client relationship.⁶² In attempting to avoid a conflict of interest, Maj Philippe had to refuse the request of his operational CO, Col Labbé, that Maj Philippe provide legal advice to others.

Lack of Clarity about Authority of Legal Officers

It was not clear under whose authority Maj Philippe was sent to Somalia. Confusion about the authority and roles of legal officers arose again when additional legal officers were sent to Somalia following the March 16th incident. Initial communications stated that legal officers were under the authority of the Deputy Chief of the Defence Staff, while later communications between NDHQ and CJFS Headquarters stated that they

were under the authority of the JAG.⁶³

Reluctance to Use the Services of Legal Officers

The office of the JAG report, "Lessons Learned - OP Deliverance", states that the most important lessons reaffirmed during Operation Deliverance were that the Legal Branch must participate in crisis management and that legal officers must go with units and headquarters abroad.⁶⁴ The report emphasizes the value of having legal officers 'on the ground'.

The lack of clarity about the role and authority of legal officers indicated that there was a failure to understand that there are many operational areas where legal issues may arise and that there were continuing concerns about legal officers participating effectively in operational aspects of the mission.⁶⁵

Commanding officers clearly need to consult with legal officers during operations.⁶⁶ Yet statements by Maj Philippe and other legal officers at CJFS show that their efforts to provide advice to CARBG on anything other than routine personnel or disciplinary problems were rebuffed.⁶⁷ Maj Philippe suspected that the March 4th shooting involved excessive and illegal use of force and said so.⁶⁸ Yet senior officers who lacked legal expertise did not involve Maj Philippe in their discussions about the incident or about the type of investigations warranted.⁶⁹

Problems Related to Deciding Whether to Respond to Misconduct

Commanding officers have significant discretion in deciding whether and how to respond to misconduct. They can ignore it or deal with it through informal, administrative or disciplinary sanctions.

The Decision to Prosecute

Annex B to this chapter (Disciplinary and Administrative Action Taken) outlines the action taken as a result of in-theatre and post-deployment misconduct. Charges were laid as a result of the torture and death of Shidane Arone. As well, soldiers and officers were charged for passing on orders that prisoners could be abused.⁷⁰

They were also charged for failing to issue instructions to subordinates to prevent the mistreatment of prisoners, ensure that a Somali prisoner was safeguarded, exercise command over their subordinates following the capture of Mr. Arone, and intervene in the mistreatment of the prisoner.⁷¹ There was also evidence in the courts martial that other soldiers knew of the torture but were not punished.

Several officers were convicted, but others who were in a position to promote discipline and the lawful conduct of operations escaped accountability. We can only wonder why they were not called to account for failing to intervene in these events. Indeed, we believe that the Code of Service Discipline and the *Queen's Regulations and Orders* (QR&O)

provide ample authority for holding officers accountable for neglecting to intervene to prevent misconduct by those under their command.

One case would seem initially to suggest that there is no general duty to intervene to prevent misconduct by others. In *R. v. Brocklebank*, the Court Martial Appeal Court found that Pte Brocklebank had not violated section 124 of the *National Defence Act*, which creates an offence for negligently performing a military duty imposed on the person.⁷² Pte Brocklebank had heard the beating of Shidane Arone on March 16th, but made no attempt to intervene. The Court found that Pte Brocklebank did not violate section 124, because no military duty had been imposed on him to protect Mr. Arone. The Court concluded further that a military duty under section 124 "will not arise absent an obligation created by statute, regulation, order from a superior or rule emanating from the government or Chief of Defence Staff."⁷³

This judgment may absolve lower ranks of responsibility for failing to prevent harm to others when there is no specific military duty to intervene. However, it cannot be taken to absolve more senior ranks of responsibility under section 124 when confronted with misconduct by those under their command. The QR&O impose on all officers the general responsibility to enforce the *National Defence Act* and promote the "good discipline" of all subordinates.⁷⁴ Officers are also obliged to report to the proper authority any infringement of the pertinent statutes, regulations, rules, orders and instructions governing the conduct of any person subject to the Code of Service Discipline when the officer cannot deal adequately with the matter.⁷⁵ Thus, officers have a clear military duty that makes them liable to prosecution under section 124 if they do not perform that duty.

In addition, the *National Defence Act* creates the offence of scandalous conduct by an officer, an offence that some might argue can be committed by failing to intervene when, for example, subordinates engage in reprehensible conduct.⁷⁶ One can also argue that neglect by an officer to intervene could be considered "neglect to the prejudice of good order and discipline", also a service offence.⁷⁷

And all CF members, not merely officers, can be punished for behaving in a cruel or disgraceful manner - an offence that might be proved by showing that any CF member did not intervene to prevent or stop another member from harming someone.⁷⁸

Choice of Mechanism for Responding to Misconduct

In at least one situation, a career review board (CRB), an *in camera* process with no appeal mechanism, may have been used arbitrarily to penalize a soldier who spoke out about problems in the CF. Using this subterranean process rather than an open, formal process such as a court martial, undermined the appearance of fairness.

The case of Cpl Putnelle, one of the witnesses who testified before us, was especially troubling. In order to prevent any possibility of intimidation or harassment of Inquiry witnesses, we intervened repeatedly to ensure that Cpl Purnelle was treated fairly.

Cpl Purnelle was charged with eight counts related to conduct prejudicial to good order and discipline, and one count of disobeying an order of a superior.⁷⁹ The charges related to his criticisms of the CF in a book he wrote, subsequent media interviews, and his

leaving his base to present evidence to us.⁸⁰ One charge related to a media interview for the program *Enjeux*, given in contravention of CF regulations prohibiting criticizing the CF in public or in the media. Cpl Purnelle alone was disciplined from among a group of soldiers interviewed for *Enjeux*.

On April 26, 1996, Cpl Purnelle was served with a counselling and probation report for publishing his book and making public comments. Cpl Purnelle also attracted censure after informing his commanding officer early in the morning of April 26, 1996, that he would be attending this Inquiry to give evidence about events in Somalia. One hour later, an oral order from this Inquiry was conveyed to Somalia Inquiry Liaison Team officials at DND, and a notice of this order was forwarded to the superior officer of the commanding officer. Later the same morning, Cpl Purnelle was arrested and detained for failing to attend as previously required at the offices of his commanding officer. To secure his appearance before us, we had to issue a written order requiring him to attend.

Initially, the charges against Cpl Purnelle were to be the focus of a court martial. NDHQ later decided to proceed with an *in camera* CRB. Then, in September 1996, the Commander Land Force Quebec Area agreed to dispose of the charges by the more open, transparent court martial process before convening the CRB. This decision to use the court martial first came after our correspondence with the Chief of the Defence Staff, the office of the JAG and members of Cpl Purnelle's CRB, and after meetings and correspondence with the Department of Justice.

In February 1997, Cpl Purnelle pleaded guilty to five charges. Two related to media interviews, two to his book, and one to leaving La Citadelle against an order to remain on premises. Another charge for leaving La Citadelle after being ordered to remain on premises was stayed. Cpl Purnelle was found not guilty on three charges relating to his media interviews, including his interview with the program *Enjeux*.

The Purnelle case highlights several problems in the military justice system.

- Guidelines to structure the commanding officer's powers to respond to alleged misconduct are lacking. This allows processes like the career review board to be used, if not abused, as a disciplinary measure. At other times, measures such as reproofs were used to circumvent the disciplinary process altogether for senior ranks.
- The decision to convene a CRB shows how administrative processes can be used to impose severe sanctions, including release from the CF, without any of the important procedural safeguards available when other forms of discipline are applied. Convening a CRB in Cpl Purnelle's case gave the appearance, as we noted, that an attempt was being made to silence him by using a non-public administrative hearing instead of an open, formal process such as a general court martial.⁸² The fact that a CRB can recommend release from the CF would no doubt have a chilling effect on other soldiers who wished to express their concerns about problems in the CF.
- There is an appearance of command influence in the CF's response to Cpl Purnelle's misconduct. Cpl Purnelle was the only soldier singled out for discipline after several soldiers were interviewed for the television program *Enjeux*. Cpl

Purnelle was a member of the 2nd Battalion, Royal 22^e Régiment, at CFB Valcartier, which at the time was under the command of MGen Dallaire, Commander Land Force Quebec Area. MGen Dallaire said on a radio program that any suggestion of an attempt to keep Cpl Purnelle from talking to this Inquiry was made up of "half truths, innuendo, overt errors, jumping to conclusions".⁸³ He made these remarks *before* the charges against Cpl Purnelle were disposed of. This immediately raises questions about the fairness of the disciplinary process against Cpl Purnelle, since some issues appeared to have been judged even before trial. Cpl Purnelle was eventually found not guilty for his appearance on *Enjeux*. However, the fact of being charged for that appearance and his conviction for leaving La Citadelle to come before us almost certainly discouraged public dissent by others.

Problems Related to Actual or Perceived Bias

Following the *Généreux* decision by the Supreme Court of Canada, the QR&O were amended to reduce the influence of the commanding officer over the decision to lay charges for service offences.⁸⁴ As well, the *National Defence Act* and the QR&O were amended so that, although a 'convening authority' can order a court martial and stipulate the kind of court martial to be held, the convening authority can no longer appoint its president and members.⁸⁵

However, the following examples show that the legislative changes may not have been sufficient to ensure independence and fairness. In practice, commanding officers can still participate in the decision to charge, even if they have been involved in the investigation or incident itself.

Potential for Bias

As Commanding Officer, LCol Mathieu signed the charge sheets for the first courts martial of Pte Brown, Pte Brocklebank, MCpl Matchee, and Sgt Boland, all of whom were charged in relation to the death of Shidane Arone.⁸⁶ LCol Mathieu initiated the court martial process by signing Pte Brown's charge sheet, referring the case to a higher authority and recommending a general court martial (GCM). He did this while under investigation himself as a result of certain orders he had given in Somalia, although at the time it was not certain whether these orders were directly connected to the events on March 16th.

The Judge Advocate of the GCM for Pte Brown concluded that LCol Mathieu's involvement raised a reasonable apprehension of bias, which tainted the convening process. The original charges laid were not affected, but all subsequent actions were nullified, and the case was sent back to the convening authority.

The Judge Advocate in the first court martial of Pte Brown stated that the commanding officer's role in signing the charge sheets must be executed "with quiet and impartial objectivity".⁸⁷ He noted that this was difficult to achieve because LCol Mathieu was himself the object of an investigation so related by "location, time, [and] general subject matter, with the same unit, having the same mission".⁸⁸ The Judge Advocate concluded

that a very real possibility of perceived bias on the part of LCol Mathieu existed in that, no matter what course of action he took, he could be seen to have been motivated by self-interest.⁸⁹ The issue of bias was especially significant here because, as the Judge Advocate noted, the charges were serious and the potential consequences for the accused very grave.⁹⁰

A legal brief prepared by the office of the JAG noted that the possible impropriety of LCol Mathieu signing the charge sheets had been raised at least three times before the court martial of Pte Brown.⁹¹ In one instance, a legal officer advised the DCDS and the CDS in "the strongest possible terms" that LCol Mathieu should be removed from the process immediately.⁹²

At his appeal of conviction and sentence from his second court martial, Pte Brown argued again that the role of a commanding officer (in this case, LCol Chupick) in signing the charge sheet was quasi-judicial in nature, thus requiring actual and perceived impartiality. To the contrary, the Court Martial Appeal Court rejected Pte Brown's submission and found that the law does not require independence or impartiality:

[T]his submission is entirely without merit. It misapprehends the nature of the role of a commanding officer who signs a charge sheet and then refers the matter to higher authority. Contrary to the situation where the commanding officer decides himself to dispose of a matter summarily, there is nothing judicial or quasi-judicial in the commanding officer's decision here. His function, like that of the convening authority to whom he refers the case, is wholly administrative in nature and there is no requirement that he act judicially.⁹³

Because LCol Chupick, not LCol Mathieu, signed the charge sheet for Pte Brown's second court martial, the concerns about bias that had been raised when LCol Mathieu signed the charge sheets for Pte Brown's first court martial were not present. Even so, characterizing the signing of the charge sheet as "administrative" from a legal standpoint does not address our concern about commanding officers being involved in the charging process for serious offences. Giving commanding officers the authority to sign charge sheets still enables conflicts of interest and bias to affect charges. This in turn damages the integrity of the military justice process.

Lack of Concern about the Appearance of Bias

JAG officers also had concerns about possible bias when MGen Vernon acted as convening authority in courts martial relating to the March 16th incident. According to the JAG officers, MGen Vernon had been involved in the cases before the courts martial and had made comments on issues relating to the charges. Nevertheless, as convening authority, he could dispose of the charges.⁹⁴

After the first GCM of Pte Brown, the office of the JAG stated that there was a strong argument for a reasonable apprehension of bias on the part of MGen Vernon as convening authority.⁹⁵ Correspondence from the office of the JAG identified multiple grounds for concern about his involvement as convening authority:

(a) his participation in Commander's Council [Land Force Command] and discussions on:

- (1) Somalia disciplinary cases-in particular these cases, and
- (2) the de Faye Board of Inquiry;
- (b) his receipt and review of BGen Beno's paper, "The Way Ahead";
- (c) his public statement at a staff meeting in respect of the "search warrant,, issue arising out of search of LCol Mathieu's property;
- (d) his responsibility to the Comd LFC, who has made several statements regarding alleged misconduct of members of CAR and the requirement for remedial action;
- (e) his personal visit to CAR in the attendant circumstances (indicating a continuing personal interest/responsibility for conduct of the unit);
- (f) his statement on CBC news, after Brown charges were referred back to him, that he was not biased (he protests too much);
- (g) his participation in the convening of courts martial in respect of these same charges earlier as Convening Authority and as a superior commander who supported the CO, LCol Mathieu; and
- (h) his role, as COS (Ops) at LFC, in the deployment of the CAR BG to Somalia.

In another memorandum, Capt Maybee of the JAG office noted that MGen Vernon would not likely transfer the Brown case to another convening authority, since MGen Vernon appeared to be "of the firm view that he is not biased". Capt Maybee added that, "it is the opinion of this office that the Judge Advocate [in the first court martial of Pte Brown] avoided deciding this issue directly to save face for MGen Vernon."⁹⁶

We share the concerns of the JAG officers. The apparent disregard within senior ranks of the potential for, and appearance of, bias calls into question the very integrity of the disciplinary process.

ISSUES ARISING IN INVESTIGATIONS AND PROSECUTIONS

Some incidents in Somalia should have been investigated but were not. Many of the investigations that did occur took place long after the incident, in some cases, well over a year later. The findings of at least one summary investigation were unreliable because the commanding officer ordering the investigation both approved the investigation report and witnessed the incident. Other investigations were left incomplete. Commanding officers sometimes used their authority over Military Police to limit their investigations. Reports and investigations were seriously delayed, and at least one report was altered in a substantial way by a superior officer.

Commanding officers exercised the discretion to apply administrative or disciplinary action and to lay charges according to inappropriate criteria. In several cases, commanding officers who may have been biased nonetheless continued to act. Problems of conflict of interest and bias were not rectified quickly or, in some cases, at all. Moreover, the office of the JAG was not consulted in cases where it should have been.

The JAG legal officer himself encountered a conflict of interest when he was asked to advise people who were adverse in interest.

These problems relating to investigations and prosecutions have their roots, in part, in six related systemic problems that affect the military justice system as a whole.

- (a) command influence;
- (b) wide, unfettered discretion of commanding officers;
- (c) the lack of independence of the Military Police;
- (d) deficiencies in the organizational structure of the office of the JAG;
- (e) attitudes toward the lawful conduct of operations; and
- (f) the lack of distinction between disciplinary and criminal misconduct.

We discuss each of these underlying systemic problems in turn.

Command Influence

Command influence refers to the impact of the command structure on decisions that should be independent of command prerogatives and policy.⁹⁷ The power of commanding officers to limit the scope of an MP investigation, even if that power is not used, creates the appearance that command prerogatives do in fact influence what should be independent investigations. There need be no intention to subvert the military justice system. However, the result may be just that.

Command influence is inevitable in a military justice system where the commanding officer also makes the key decisions in disciplinary matters. Command influence is a significant obstacle to the necessary independence of various players in the military justice system.

Both actual and apparent command influence are problematic, since both justice and the perception of justice are vital - justice for those serving in the military, and a perception of justice for those serving in the military and for the public.

Wide, Unfettered Discretion of Commanding Officers

The substantial unstructured discretion vested in commanding officers has diminished the effectiveness and fairness of the military justice system. Leaving discretion to commanding officers - discretion over whether and how to investigate possible misconduct, and how to proceed if misconduct is uncovered - gives them the flexibility to apply appropriate measures to promote military discipline. At the same time, broad discretionary powers can lead to arbitrariness, unjustifiably harsh treatment of some individuals, much too lenient treatment of others and, in some cases, the complete avoidance of accountability for misconduct.

Several studies suggest that higher ranking members enjoy preferential treatment in disciplinary matters. One report argues that significant numbers of CF members, especially those in the lower ranks, believe that the military justice system lacks fairness. Moreover, many junior non-commissioned members thought that the opinion of senior ranks was given disproportionate weight in complaints and grievances, particularly within units.⁹⁸ These issues are not unique to the CF. In some other jurisdictions, officers tend not to be prosecuted for actions that would lead to the prosecution of those of lower rank.⁹⁹

The commanding officer is not a peace officer, is not subject to a peace officer's oath of office or code of conduct, and has no overriding obligation to advance the administration of justice. In fact, the commanding officer's primary goal is to develop and maintain an effective and efficient unit. The commanding officer may also have less than laudable motives for applying discretion in one way or another. Disciplinary incidents within a unit may reflect poorly on the commanding officer's leadership ability. They may also limit future opportunities for the unit. The commanding officer may come to see his or her discretionary powers as a vehicle to soften the full impact of the military justice system or to manipulate the system for some personal goal.

Thus, the commanding officer may decide not to investigate a matter, or may refuse to take action, not because it serves the goals of the CF, but because it serves the commanding officer's more parochial interests. In other words, considerations that should not figure in the decision to investigate or prosecute - for example, the value of the offender to the unit and his or her personal history in the unit, the offender's rank, or the adverse impact of prosecution on subordinates who have become close comrades - can influence the commanding officer's use of discretion. And the exercise of that discretion occurs without political accountability or any form of public review.¹⁰⁰

In short, allowing commanding officers to bring inappropriate considerations into the exercise of their discretion damages the military justice system. This is among the most significant systemic issues revealed by our examination of the military justice system in relation to the Somalia deployment.

Later in this chapter we recommend how commanding officers can retain discretion within the military justice system where that discretion is necessary for the efficient functioning of the system. However, we also propose significant checks on the commanding officer's discretion in cases of "major disciplinary misconduct" and "criminal misconduct" (described in detail later), to prevent the type of abuses of the military justice system that occurred in Somalia.

Lack of Independence of the Military Police

Situating Military Police within the chain of command affects their ability to investigate misconduct.¹⁰¹ The problem is twofold. Organizationally, Military Police are subject to the orders of commanding officers; attitudinally, they see themselves as soldiers first, police officers second. This implies a loyalty to the military and a comradeship with the rank and file soldier. This 'soldier first' ethos may lead to overzealous pursuit of a matter by Military Police and the chain of command to salvage the reputation of a colleague,

unit or the CF as a whole. In other cases, Military Police may not pursue a matter aggressively because the unit or colleagues in the unit would not be well served by a thorough investigation.

The attitude of Military Police, who see themselves as soldiers first, police officers second, can also influence the choice of investigative tactics. Such Military Police may be reluctant to use techniques such as informers or offers of immunity, techniques that might be seen as repugnant to the military ethos of comradeship, especially if used within one's own unit.

The soldier first ethos may also determine the information Military Police pass up the chain of command. Many Military Police and, more important, their non-MP superiors, appear to confuse loyalty to the military with loyalty to their officers, their chain of command, and the public reputation of the military.

In a routine civilian police investigation, the investigator is confronted with one and sometimes two objectives - identifying who committed the act and proving that the act constitutes a particular offence. To a large extent these objectives dictate the investigative methods used.

In the military context, Military Police also focus on identifying those who may have done something wrong. However, they pay less attention to proving that the act constitutes an offence. On a number of occasions, Military Police have said to us that their duty is to determine the facts and that it is for others to decide the implications of the facts.

Because of the civilian police focus on proving the commission of an offence, rates of crime solution and conviction are important. These rates are routinely used to audit efficiency and effectiveness. Among Military Police, case solving and conviction rates are not as important. They do not track rates of solving cases or measure their effectiveness in this way.¹⁰² Military police may never even learn the disposition of a case they have investigated.

The absence of such an orientation in MP investigations makes it more difficult for them to focus their investigations. It is also difficult for them to decide when an investigation is complete, since the goal of the investigation is not clear. Clear investigative goals would resolve both these problems.

Effectiveness and efficiency within the Military Police seem to be measured mainly by client satisfaction - the client being the commanding officer. However, the commanding officer usually has no expertise in law enforcement or criminal justice matters and may not be able to decide whether an investigation is adequate. Yet if the commanding officer requests nothing further from the Military Police, they consider the investigation complete - whether or not the case is ultimately solved or a successful prosecution occurs. In essence, Military Police investigate only to the point of satisfying the commanding officer. This poorly serves the needs of the military justice system, for the system in fact needs investigations that will support convictions, not simply satisfy commanding officers. At the same time, setting the commanding officer's satisfaction as the benchmark for deciding whether an investigation has been adequate fosters an environment ripe for command influence.

A good example of the inadequacy of present investigative goals can be men in the MP security audit that occurred at the National Defence Operations Centre.¹⁰³ The investigation was deemed complete when the office that had initiated the investigation accepted the report as adequate. Yet we later learned that the investigation had overlooked several important leads.

Deficiencies in the Organizational Structure of the Office of the JAG

Unlike Military Police, the office of the JAG is theoretically independent of the chain of command. Nonetheless, the organizational structure and the operation of the office of the JAG exhibit several deficiencies.

- As advisers to DND and the CF, JAG officers participate in meetings of senior leaders in NDHQ who direct departmental policy.¹⁰⁴ JAG officers become involved in discussions on operational matters and provide legal advice about them. However, these discussions can bring the JAG's role as an independent judicial entity into conflict with its legal advisory role. For example, the JAG was to sit on an ad hoc committee to develop an action plan to respond to concerns about DND's response to the events in Somalia.¹⁰⁵ At the same time, the JAG was superintending the courts martial of several CF members being tried in relation to these events. In addition, the JAG may feel pressure, as part of a team of senior leaders at NDHQ, to conform to command or political decisions taken by the team.
- Within the chain of command, the independence of the office of the JAG and the importance of that independence are not well understood. For example, Col Labbé appeared to think that Maj Philippe, a JAG legal officer, was working for him. Similarly, when additional legal officers were eventually sent to Somalia, there was confusion about who directed their work.
- The JAG has always been chosen from within the military, although this is not required by law. Although the JAG is outside the chain of command, he or she may very well be unduly susceptible, albeit unknowingly and unwittingly, to the culture of hierarchy. The JAG takes instruction on judicial/legal matters. Although the JAG is not in the chain of command, as a military officer, the JAG is vulnerable to command influence by senior military officers. In at least one instance before us, a superior officer gave instructions to the JAG relating to the JAG's judicial functions. A note from the VCDS to the CDS stated that he had "instructed" the JAG to refuse a request to transfer Pte Brown's trial to civilian court.¹⁰⁶ JAG legal officers may also be susceptible to the culture of hierarchy, and thus may be less than objective when giving legal advice.
- The independence of the JAG may be compromised by overlapping roles. A JAG office memorandum about a possible retrial discusses the principles to be applied in the exercise of prosecutorial discretion: a reasonable prospect of successful prosecution, sufficient information, and the interests of justice being served.¹⁰⁷ However, the writer notes the importance of political and societal factors,

including "the perception of how the CF is managed or mismanaged as a result of the decision to proceed or not proceed with the new trial."

This example highlights one problem flowing from the JAG's overlapping roles. While this advice may be appropriate for the JAG to give as a legal adviser, acting as adviser may appear to taint other functions of the office of the JAG, particularly the judicial function.

Attitude toward the Lawful Conduct of Operations

Senior officers in Somalia appeared to act as if the rules governing conduct of CF members were different in Somalia than on other CF operations. There appeared to be little concern to ensure the lawful conduct of operations. Investigations were not held when they should have been. Leaders counselled their subordinates not to co-operate with Military Police. Basic principles, such as avoiding conflicts of interest, were not sufficiently respected in the charging and prosecutions process. Mistreatment of detainees continued throughout the deployment, even after it was forbidden verbally by the commander.

If some of the early disciplinary incidents we examined had been investigated thoroughly and expeditiously, legal advice sought and followed, and appropriate charges laid, the tone set for the Somalia operation would have been much more conducive to effective discipline. It would have promoted respect for the law. Subsequent, and much more serious, incidents might have been prevented.

Lack of Distinction Between Disciplinary and Criminal Misconduct

The current characterization of all misconduct under the Code of Service Discipline as a service offence carrying a possibility of detention or imprisonment also has an impact on investigations by Military Police. Each investigation is undertaken to meet the standard of proof (proof beyond reasonable doubt) required for a criminal trial, with the full panoply of Charter rights at the investigative stage. However, the great majority of misconduct could be dealt with by tribunals with reduced standards of proof. This would streamline the military justice process greatly, with no loss of rights in the serious cases where rights are most critical. It would be consistent with the standards of other federal employment legislation to permit an investigator appointed by the commanding officer or an MP to order a soldier to provide a statement, so long as no possibility of detention or imprisonment would attach to the misconduct.

RECOMMENDATIONS

A Restructured Military Justice System

This chapter highlights many of the deficiencies, theoretical and practical, of the current military justice system. The problems we uncovered are serious and significant. They cannot be addressed through simple cosmetic changes in the military justice system.

In this section we focus on the underlying philosophy of a restructured military justice system that will address many of the problems that have plagued the system, together with the general attributes of a system built on this philosophy.

Underlying Philosophy of the System

With few exceptions, CF members are Canadian citizens. As a basic rule, laws and procedures governing their conduct should be the same as those for other citizens. There is no inherent need for Canadians who happen to be soldiers to be treated differently from those who are not. Indeed, it is on the basis of equality before and under the law that France has abolished the use of military justice tribunals in peacetime. The Canadian military justice system should therefore parallel the civilian justice system unless there is clear justification for it to differ from the civilian system.

Justification for a different system can in fact be found in the goals of military justice, which reach significantly beyond those of civilian criminal justice. As with the civilian criminal justice system, the military justice system must seek to ensure public safety and the observance of important societal standards. CF members, like any other citizens, are subject to the criminal and other federal laws that apply to Canada's civilians. The procedures and safeguards of the military justice system must, in this respect, meet the standards of civilian justice. Otherwise, a soldier's right to equality before and under the law is compromised.

However, the military justice system is also designed to promote strict discipline, efficiency and high morale in the forces in order to achieve the military mission. As Chief Justice Lamer explained in *R. v. Généreux*:

The purpose of a separate system of military tribunals is to allow the Armed Forces to deal with matters that pertain directly to the discipline, efficiency and morale of the military. The safety and well-being of Canadians depends considerably on the willingness and readiness of a force of men and women to defend against threats to the nation's security. To maintain the Armed Forces in a state of readiness, the military must be in a position to enforce internal discipline effectively and efficiently.

Breaches of military discipline must be dealt with speedily and, frequently, punished more severely than would be the case if a civilian engaged in such conduct. As a result, the military has its own Code of Service Discipline to allow it to meet its particular disciplinary needs. In addition, special service tribunals, rather than the ordinary courts, have been given jurisdiction to punish breaches of the Code of Service Discipline. Recourse to the ordinary criminal courts would, as a general rule, be inadequate to serve

the particular disciplinary needs of the military. There is thus a need for separate tribunals to enforce special disciplinary standards in the military.¹⁰⁸

The military must be prepared on short notice to perform a demanding and dangerous task. Strict discipline is an essential tool for ensuring this preparedness.

The peculiar nature of the military justice system, as opposed to the civilian system, can be seen from two examples - the first dealing with rules, the second with procedures for enforcing those rules.

- Obedience to lawful commands is central to effective military operations. Showing cowardice in the face of the enemy is a serious offence under the Code of Service Discipline. There is no counterpart for this offence in civilian life, simply because civilian life is not premised on the need for unswerving obedience to a higher authority.
- Misconduct must be responded to quickly to preserve discipline in the military. The structure, operation and limits of the military justice system should all be designed to achieve the basic goals of military justice - discipline, efficiency and high morale - in order to achieve the mission in a way that is fair and seen to be fair. At the same time, the military justice system must protect the same core values as those protected by the civilian justice system.

The Workings of a Restructured Military Justice System

Reclassifying Misconduct

Part V of the *National Defence Act* creates a category of misconduct called a "service offence".¹⁰⁹ A service offence is defined as an offence under the act, the *Criminal Code* or any other act of Parliament, committed by a member subject to the Code of Service Discipline.¹¹⁰ Some service offences are not criminal or otherwise punishable in civilian life - for example, desertion, talking back to a superior, or showing cowardice before the enemy.¹¹¹

All service offences, no matter how minor, are now punishable by up to two years' imprisonment if tried by court martial. Because of the possibility of a substantial term of imprisonment, appropriate cautions must be given to a suspect in every case, often to the prejudice of the efficient resolution of an investigation of a relatively minor incident.

Sharper lines need to be drawn between the disciplinary and criminal kinds of misconduct that are now covered by the Code of Service Discipline, and appropriate investigative and trial procedures need to be established for each type. It is not necessary to create new forms of misconduct. The Code of Service Discipline contains ample provisions to satisfy the legitimate disciplinary needs of the military, but the misconduct identified in the Code should be reclassified, and distinct investigative, prosecutorial and trial procedures should apply according to the classification (see Figure 40.1).

In a restructured military justice system, the investigative, prosecutorial and adjudicative role of the commanding officer should be recognized and acknowledged as necessary for

proper control of conduct defined as 'minor disciplinary misconduct'. Leaving discretion to commanding officers to control investigations and responses to minor disciplinary misconduct gives them the flexibility to apply appropriate measures to promote military discipline, efficiency and high morale. Under a system of reclassified misconduct, however, the commanding officer could use those powers only to investigate, try and punish minor disciplinary misconduct. By definition, such minor disciplinary misconduct could not be punishable by detention, dismissal or imprisonment. It also would not include what are now considered among the most serious service offences - those listed in QR&O 108.31(2).¹¹² By definition, major disciplinary misconduct would include some of the service offences listed in QR&O 108.31(2), such as desertion and traitorous utterances.

Prosecution or dismissal of a charge of minor disciplinary misconduct should no longer be able to block criminal prosecution for the same misconduct. In this sense, the disciplinary powers of the commanding officer would be akin to those afforded professional bodies such as provincial law societies and colleges of physicians and surgeons. Action by those bodies against individual misconduct does not preclude subsequent criminal prosecution for the same conduct. Nor would criminal prosecution prevent the professional body (or the commanding officer, in the case of the CF) from proceeding against the individual through the minor disciplinary process.

Image:

[Proposed Reclassification of Misconduct and Related Investigative and Trial Procedures](#)

Recommendation

We recommend that:

40.1 The *National Defence Act* be amended to provide for a restructured military justice system establishing three classes of misconduct:

(a) Minor disciplinary: Any misconduct considered minor enough not to warrant detention, dismissal or imprisonment should be considered minor disciplinary misconduct. Examples might include a failure to salute and quarrelling with another Canadian Forces member. Minor disciplinary misconduct would not include service offences now listed in the Queen's Regulations and Orders (QR&O) 108.31(2);

(b) Major disciplinary: Any misconduct considered serious enough to warrant detention, dismissal or imprisonment should be considered major disciplinary misconduct triable only by court martial. This would include infractions such as some of those listed in QR&O 108.31(2). Examples might include being drunk while on sentry duty during a time of war, insubordination, and showing cowardice before the enemy. Major disciplinary misconduct would not include crimes under the *Criminal Code* or other federal statutes; and

(c) Criminal misconduct: Any misconduct that would constitute a crime and is to be the subject of a charge under the *Criminal Code* or other federal statute or under foreign law and triable only by court martial or a civil court.

In most cases,¹¹³ the distinction between minor and major disciplinary misconduct would depend on the type of punishment associated with the misconduct. The commanding officer, on learning of alleged misconduct, would determine whether it should be punishable by detention or imprisonment. If the commanding officer decided that detention or imprisonment would not be appropriate, he or she could try the alleged misconduct under summary procedures similar to those now available to the commanding officer to try service offences. However, if the commanding officer thought that the alleged misconduct should render an offender liable to detention or imprisonment, the misconduct would be dealt with as major disciplinary misconduct, and a much more independent investigative, charging and trial process would apply. Any alleged criminal misconduct would have to be dealt with through that same more independent investigative, charging and trial process.

Confinement to barracks would not be considered imprisonment or detention for the purposes of this misconduct classification scheme. Thus, minor disciplinary misconduct could be punished by confinement to barracks. Some might argue that allowing a penalty of confinement to barracks might violate Charter guarantees of fair legal process, since proceedings for minor disciplinary misconduct would offer no right to counsel and no right of silence. However, even if a *prima facie* violation of the Charter, the procedures applying to minor disciplinary misconduct would likely be saved by section 1 of the Charter. Section 1 would allow for a recognition of the very great importance of dealing with military discipline expeditiously to ensure safety and effective military operations.

This system of classification of misconduct still leaves the commanding officer with sufficient authority to handle the vast majority of disciplinary misconduct within the military, since most disciplinary misconduct is in fact minor. Yet it removes from the commanding officer control over the investigation, charging and prosecution, and trial of major disciplinary and criminal misconduct. Thus, the system is sufficiently flexible where it needs to be, and sufficiently independent where the dictates of justice demand.

40.2 To prevent abuse of the commanding officer's discretion to determine into which class the misconduct falls, there be formalized safeguards, provided for in the National Defence Act and regulations, including the possibility of independent military investigations into the misconduct, the authority of an independent military prosecutor to lay a charge for criminal misconduct arising out of the same incident, and the oversight performed by an independent Inspector General.

These proposed checks on the commanding officer's discretion are discussed in detail later in this section.

In the next few pages we set out recommendations for changes to the military justice system based on this classification of misconduct. We discuss investigative powers, the power to charge and prosecute, adjudication, and appeals. We also identify other changes to current military justice structures that are necessary to remedy the deficiencies

identified during the course of this Inquiry.

Making Complaints about Misconduct

The QR&O require all members of the CF - officers and non-commissioned members - to report to the proper authority any infringement of the pertinent statutes, regulations, rules, orders and instructions governing the conduct of any person subject to the Code of Service Discipline.¹¹⁴ This rule is justified by the nature of the military institution and should not change.

40.3 The *National Defence Act* be amended to provide clearly that any individual in the Canadian Forces or any civilian can lay a complaint with Military Police without fear of reprisal and without having first to raise the complaint with the chain of command.

Still, there may be reluctance to report misconduct for fear of reprisals - and with very good reason, as we have unfortunately discovered. If Military Police become more independent of the commanding officer's influence, CF members will be more likely to report misconduct to them. (We discuss ways to enhance the independence of Military Police below.) Later in this section we also discuss how an independent Inspector General can protect CF members from reprisals for reporting misconduct.

Investigating Possible Misconduct

This chapter has identified several deficiencies relating to the investigation of misconduct in the CE Among those deficiencies are the influence of commanding officers on the conduct of investigations, conflicts of interest arising from the chain of command investigating its own operations, a lack of respect for the lawful conduct of operations and for the role of the Military Police, competing loyalties within the Military Police and the lack of MP resources to investigate adequately.

Despite the deficiencies we have noted, there appears to remain a need for a commanding officer to have the discretion to decide whether to have an incident involving possible misconduct investigated by a formal board of inquiry, a less formal summary investigation, or an MP investigation.

We did not have an opportunity to examine in depth the applicable regulations and guidelines about boards of inquiry. However, we noted that the board of inquiry investigating the CF deployment to Somalia included at least one member who had been involved in important staff functions related to the deployment. This raised the possibility, or at least the appearance, of conflict of interest or bias. Orders regarding selection of members should be examined with a view to precluding such a possibility in future.

As to summary investigations, we think that the discretion of a commanding officer to order a summary investigation in any manner he sees fit" is too broad. It ought to be circumscribed to ensure that all investigations comply with the guidelines on the use and

conduct of summary investigations found in CFAO 21-9.

40.4 The Queen's Regulations and Orders should be amended to circumscribe the discretion of a commanding officer with respect to the manner of conducting summary investigations to ensure that these investigations are conducted according to the guidelines in Canadian Forces Administrative Order 21-9, dealing with general instructions for boards of inquiry and summary investigations.

Further, we think that the guidelines should be strengthened to ensure that summary investigations are more effective and used appropriately.

40.5 The guidelines in Canadian Forces Administrative Order 21-9 be amended to provide that

- (a) summary investigations be restricted to investigation of minor disciplinary misconduct or administrative matters;**
- (b) those conducting summary investigations have some minimum training standard in investigations, rules of evidence, and the recognition of potential criminality;**
- (c) those conducting summary investigations have a specific duty to report matters of potential criminality directly to Military Police; and**
- (d) those conducting summary investigations be free from any conflict of interest.**

The following recommendations seek to address the deficiencies of MP investigations specifically.

40.6 Military Police be independent of the chain of command when investigating major disciplinary and criminal misconduct.

On too many occasions, we have seen the results of a lack of independence of Military Police from the chain of command. Important investigations that should have been conducted were not. Those that were conducted were sometimes delayed at the instance of superiors - and carried out with inadequate resources. Because of their position in the chain of command, Military Police may have felt intimidated when investigating senior officers.

To ensure that Military Police can perform their functions without undue influence by those higher in the chain of command, it is essential that they be independent when investigating major disciplinary and criminal misconduct. However, Military Police who are attached to units or elements of the CF should remain under the command of their commanding officers for all purposes except for the investigation of major disciplinary or criminal misconduct. They would continue to perform tasks such as traffic control, the handling of prisoners of war and refugees, and the investigation of minor misconduct. They could also be assigned other duties by their commanding officer and would continue to serve the needs of the commanding officer.¹¹⁵

40.7 Military Police be trained more thoroughly in police investigative techniques.

40.8 All Military Police, regardless of their specific assignment, be authorized to investigate suspected misconduct of their own accord unless another Military Police investigation is under way.

40.9 Control of the conduct of Military Police investigations of major disciplinary and criminal misconduct be removed from the possible influence of the commanding officer or the commanding officer's superiors. Military Police attached to units or elements of the Canadian Forces should refer major disciplinary and criminal misconduct to the Director of Military Police through dedicated Military Police channels.

The Director of Military Police would be a new position. Military Police responsible for investigating major disciplinary and criminal misconduct would thus be as far removed from the influence of commanding officers as possible. This would enhance police independence, although total independence can never be guaranteed as long as Military Police are members of the CF; they will always face a subtle pressure to consider the impact of an investigation on the CF

40.10 The Director of Military Police should oversee all Military Police investigations of major disciplinary and criminal misconduct and report on these matters to the Solicitor General of Canada.

This would be an unusual reporting relationship, since those responsible for a specific function within the military - the investigation of major disciplinary and criminal misconduct - would not report to the Minister of National Defence in respect of that function. However, it is critical that the military justice system avoid the serious problems of command influence and conflict of interest that have plagued it under the current reporting relationship. Reporting to the Solicitor General would avoid both these pitfalls.

The added independence of this reporting arrangement would allow Military Police to conduct even those investigations that might reflect badly on the unit being investigated, or on the unit's commanding officer.

We recommend reporting to the Solicitor General of Canada because of the Solicitor General's experience in dealing with police matters. The Solicitor General's responsibilities now include the RCMP and it would not represent a major shift in emphasis within the department to handle military policing matters.

40.11 The Director of Military Police be responsible and accountable to the Chief of the Defence Staff for all Military Police purposes, except for the investigation of major disciplinary or criminal misconduct.

40.12 Commanding officers have the power to request Military Police to investigate any misconduct, but commanding officers have no power to control the method of the investigation or limit the resources available to Military Police conducting investigations.

Controlling the resources available to Military Police is one effective means to limit their investigative capabilities. To ensure that commanding officers cannot use the allocation of resources to influence MP investigations, commanding officers should have no role in allocating resources to such investigations.

40.13 The Director of Military Police and all Military Police under the command of the Director have a system of ranking different from the general Canadian Forces system, so that Military Police are not seen or treated as subordinate to those they are investigating.

In an environment where there are two classes within the military - officers and rank and file - and the danger of conflicts of interest is ever present, it is essential that Military Police have absolute confidence in the authority of the Director of Military Police to protect their interests. As well, they must not feel intimidated by the rank of those they are investigating. A separate rank structure for Military Police will help to accomplish this.

40.14 Professional police standards and codes of conduct be developed for Military Police.

Military police are bound by the same regulations and norms of conduct that apply to all soldiers. Yet, because of their position of trust, Military Police must have ethics and standards of professionalism that differ from, and in some ways exceed, those expected of a Canadian soldier. Every police agency requires a system of enforcing these standards to protect individuals from an abuse of police powers and ensure the accountability of the police, while at the same time preserving the requisite degree of independence the agency needs to secure the trust of the public.

40.15 To give effect to these new policing arrangements, Military Police be given adequate resources and training to allow them to perform their tasks.

The importance of Military Police in any operation should be recognized more fully and provided for explicitly in the composition of forces. Furthermore, Military Police must receive training adequate to the policing tasks they are required to perform. This may mean specific investigative training programs, secondments to civilian police forces, or co-operative agreements with more specialized civilian police agencies.

40.16 Adequate numbers of appropriately trained Military Police accompany Canadian Forces deployments.

A frequent theme throughout this chapter has been the need for adequate investigative capacity. Only two Military Police were deployed to Somalia with the CARBG - too few

to do even the simplest of investigations. Those who were deployed were not sufficiently trained to perform the sophisticated investigations required in Somalia.

Reporting the Results of Investigations

40.17 In general, the results of investigations into all types of misconduct - minor disciplinary, major disciplinary or criminal - be reported to the commanding officer of the unit or element to which the Canadian Forces member concerned belongs.

As explained below, the commanding officer would have no control over the charging process for major disciplinary or criminal misconduct. The results of the investigation would be reported to the commanding officer only to allow the commanding officer to stay abreast of discipline problems within the unit. A commanding officer who learns of misconduct by a subordinate would also, of course, be free to treat the misconduct as minor and proceed by way of summary trial. However, this would not preclude an independent criminal prosecution for the same misconduct.

40.18 Results of investigations of major disciplinary and criminal misconduct be reported to an independent prosecuting authority under the direction of the Director General of Military Legal Services.

Charges

At present, commanding officers do not have the legal authority to lay charges for service offences. Charges can be laid only by an officer or noncommissioned member authorized by the commanding officer to lay charges.¹¹⁶ However, in practice, through their influence over the subordinates vested with charging powers, commanding officers can exert significant control over the decision to charge.

Commanding officers are not well placed to be involved in the decision to charge for major disciplinary and criminal misconduct because of the potential for improper influences, such as bias or conflict of interest, to affect the decision. Removing, to the extent possible, control by the commanding officer over the decision to charge for major disciplinary and criminal misconduct would help eliminate these improper influences from the charging process.

40.19 Control of the decision to charge for major disciplinary or criminal misconduct be removed from the commanding officer and vested in an independent prosecuting authority.

- 1. The commanding officer have the right to lay charges for minor disciplinary misconduct.**

Since a conviction for minor disciplinary misconduct would not carry a possibility of detention or imprisonment, the requirements for procedural fairness need not be as strict as for other forms of misconduct. As well, the additional checks on improper use of discretion that we recommend - the creation of an independent military prosecutor and the office of the Inspector General, for example - should reduce the likelihood that

commanding officers would abuse any discretion vested in them to charge for minor disciplinary misconduct.

In a civilian setting, the charging decision is usually left to police. However, in some civilian jurisdictions, police lay charges only after the charges have been screened by a lawyer prosecutor.

For three reasons, we believe it appropriate for an independent prosecuting authority to lay charges for major disciplinary and criminal misconduct:

1. There is no tradition of police independence in the military. Thus, the argument against charges being laid by the prosecutor as an interference with police independence has no application in the military setting. Certainly, there is no reason to think that having the prosecutor lay charges in the military setting would raise constitutional issues.
2. There is no reason to believe that Military Police would be in a better position than a legally trained military prosecuting authority to assess the needs of the military community.
3. The administrative advantages of having the prosecutor lay charges are likely to be greater in the military than in the civilian setting. Military police have no existing role in the charging process and, therefore, no expertise in drafting charges. Military prosecutors would have the legal training necessary to determine whether charges were well founded.

40.21 An independent prosecuting authority decide whether to lay charges for major disciplinary and criminal misconduct and have the responsibility for laying charges.

40.22 The prosecuting authority be independent in determining whether to charge and prosecute. However, guidelines should be developed to assist in the exercise of prosecutorial discretion.

The guidelines would ensure that prosecutions are mounted on a proper evidentiary footing and that the public interest, including the public interest in a well disciplined and effective military, is respected. A starting point for such guidelines would be the existing federal Crown Counsel Policy Manual, which sets out guidelines for federal prosecutors.¹¹⁷

40.23 Military Police serve as advisers to the independent prosecuting authority, but have no authority themselves to lay charges.

40.24 Commanding officers have no authority to dismiss charges laid by the independent military prosecutor.

Restricting the authority of the commanding officer to dismiss charges would prevent the commanding officer from circumventing the trial process. At present, a commanding officer can simply dismiss a charge, thus enabling the accused to assert the rule against double jeopardy.

Using an independent military prosecutor to decide whether to lay charges for major disciplinary and criminal misconduct would address two main deficiencies within the current military justice system.

- It would restrict the control of the process by commanding officers, a control that has been used in the past to trivialize misconduct; at the same time, it would allow commanding officers control over the investigation and prosecution of minor disciplinary misconduct, a control that is necessary for the efficient functioning of the military.
- It would prevent commanding officers from choosing a relatively gentle military justice process for dealing with misconduct, then relying on the doctrine of double jeopardy to prevent further disciplinary action and the imposition of more appropriate, and more severe, penalties.

40.25 The independent military prosecutor have authority to lay charges for minor disciplinary offences when the prosecutor deems it useful to prosecute multiple acts of misconduct, including minor disciplinary misconduct, at the same trial.

The independent military prosecutor would normally not prosecute minor disciplinary misconduct. Such misconduct would normally be handled by the commanding officer. However, if an individual faced multiple charges for both minor and major disciplinary or criminal misconduct, the independent military prosecutor should be permitted to prosecute all charges together.

Trial of Charges

40.26 An accused person have a right to counsel when prosecuted for major disciplinary or criminal misconduct.

40.27 The standard of proof at a trial for major disciplinary or criminal misconduct be proof beyond a reasonable doubt.

40.28 There be no right to counsel in respect of minor disciplinary misconduct, since detention or imprisonment would not be a possibility, but the right to counsel may be permitted at the discretion of the commanding officer.

40.29 The standard of proof at a trial of minor disciplinary misconduct be proof on a balance of probabilities. An accused person may be compelled to testify at a trial of minor disciplinary misconduct.

Summary proceedings for minor disciplinary misconduct could not result in detention or imprisonment. Requiring a CF member to respond to a charge of minor misconduct would increase the efficiency of the process, yet there would be no real hardship caused by not allowing a right to silence. Minor disciplinary proceedings would be less like criminal proceedings, and somewhat more like administrative proceedings where a right

to silence would not be expected.

40.30 Accused persons charged with misconduct carrying a possible penalty of five years' imprisonment or more should have the right to elect trial by jury before a civilian court.

Section 11(f) of the Charter allows a jury trial of any offence carrying a penalty of five years or more. Military trials, however, are exempt from this Charter guarantee. Our proposal would promote equality before and under the law.

Punishments

At present, the punishments available after summary trial are limited and do not take into account advances in sentencing programs in civilian society.

40.31 Punishments such as fine options, community service and conditional sentences, which have been made available in the civilian criminal process, be available within the military for minor and major disciplinary and criminal misconduct.

Thus, fine option programs, conditional sentences, and conditional and absolute discharges should all be available to judges or commanding officers trying misconduct cases, except that no minor disciplinary misconduct could result in detention or imprisonment. A CF member convicted of a criminal offence by a civilian court, but not when convicted by a service tribunal, has access to the full panoply of punishments that would apply to a civilian convicted at a criminal trial.

Appeal Mechanisms

40.32 Formal rules be established to permit appeals of summary trials of minor disciplinary misconduct by way of redress of grievance.

At present, the redress of grievance procedure is sometimes used as a means of appealing a conviction at a summary trial. However, there is no formal legal authority setting out the availability of redress of grievance as a means of appeal. Such authority should be set out in the QR&O.

40.33 All Canadian Forces members convicted at summary trials be served with a notice stating that an application for redress of grievance is available to appeal their conviction.

Some CF members simply do not know that they have the right to have a conviction reviewed. This recommendation attempts to fill this gap.

40.34 The Queen's Regulations and Orders be amended so that the Minister of National Defence has no adjudicative role in redress of grievance matters.

At present, redress of grievance procedures can be taken, in successive steps, all the way to the Minister of National Defence. It is not appropriate, or necessary, for the minister to

perform this quasi-judicial function. The minister should have no role in minor disciplinary matters, including redress of grievance. A person relying on an application for redress of grievance in appealing a conviction for minor disciplinary misconduct or sentence can have the application reviewed by at least two, and possibly three, levels of authority before the application reaches the minister. At each level of appeal, the authority has the power to alter the conviction or sentence.¹¹⁸ There is no practical need for the additional level of appeal to the minister.

Nor should the minister be involved in reconsidering the legality of convictions and fitness of sentences for major disciplinary and criminal misconduct. The minister's involvement in these matters is a vestige of an era when there was no right of appeal to the courts. This era has now passed, and adequate rights of appeal do exist.

Appeals of trials of major disciplinary and criminal misconduct should continue to be handled by the Court Martial Appeal Court and, ultimately, by the Supreme Court of Canada.

Reforming and Replacing Military Justice Institutions

Abolishing the Office of the Judge Advocate General

40.35 The National Defence Act be amended to

- (a) replace the office of the Judge Advocate General with two independent institutions:**
 - (i) the office of the Chief Military Judge, to assume the judicial functions now performed by the office of the Judge Advocate General; and**
 - (ii) the office of the Director General of Military Legal Services, to assume the prosecution, defence and legal advisory roles now performed by the office of the Judge Advocate General;**
- (b) specify that the office of the Director General of Military Legal Services consists of three branches: a Directorate of Prosecutions, a Directorate of Advisory Services, and a Directorate of Legal Defence;**
- (c) provide that the Director General of Military Legal Services reports to the Minister of National Defence;**
- (d) provide that the Chief Military Judge and all other judges be civilians appointed under the federal Judges Act; and**
- (e) state that judges trying serious disciplinary and criminal misconduct are totally independent of the military chain of command.**

The office of the JAG is another unfortunate vestige of the past. The very title, Judge Advocate General, highlights the inherent conflict of interest - that between judge and advocate - and the lack of independence within the present military justice system (see

Figure 40.2). Abolishing the office of the JAG would go beyond a cosmetic name change and would have profound significance for the rule of law and the integrity of the military justice system.

Image: [Present Structure of the Office of the Judge Advocate General](#)

Although defence and prosecution directorates would be housed under one organizational roof, professional interaction between the two would not be permitted. However, advisory services lawyers could interact professionally with lawyers from the prosecution or legal defence directorates, as there would be no conflict of interest in their doing so.

The Chief Military Judge, and all other judges appointed to adjudicate military misconduct, would be civilian appointees, appointed under the federal Judges Act. Thus, military judges would stand completely outside the chain of command. The sole function of judges would be to adjudicate or assist at courts martial, and the Chief Military Judge would also carry out administrative tasks relating to adjudications.

Reform along these lines is clearly necessary in the Canadian military context (see Figure 40.3). First, it would sever the judicial from the legal advisory function, resolving the current conflict of interest in the office of the JAG. Second, it would sever the judicial from the prosecution and defence functions. It would also enhance independence in the exercise of prosecutorial authority and in the conduct of legal defence.

Establishing the Office of the Inspector General

The changes proposed here to the structure of the military justice system (see Figure 40.4) will help resolve many of the individual deficiencies of the system. However, as with any civilian justice system, the military justice system needs a mechanism for its overall and continuing review. Many countries have independent agencies, such as law reform commissions and policy bodies within government departments, to review justice issues. The same need clearly exists for the military justice system. As well, a mechanism is needed to ensure civilian control of the military - a fundamental principle of Canadian society.¹¹⁹

In Volume 2, Chapter 16, Accountability, we discussed the need for an Office of the Inspector General of the Canadian Forces. The Inspector General would incorporate the concepts of a military inspector general and an ombudsman. The Inspector General would perform several roles in relation to the military justice system.

Image: [Proposed Replacement of Office of the JAG](#)

Image:

[Main Organizations and Players in the Proposed Restructured Military Justice System](#)

Inspector General's Military Justice Functions

40.36 The National Defence Act be amended to establish an Office of the Inspector General, headed by an Inspector General with the following functions relating to military justice:

(a) Inspection: Inspections would focus on systemic problems within the military justice system.

(b) Investigations: The Inspector General would receive and investigate complaints about officer misconduct and about possible injustices to individuals within the Canadian Forces. Among the types of officer misconduct the Inspector General could investigate are the following:

(i) abuse of authority or position (for example, failure to investigate, failure to take corrective actions, or unlawful command influence); and

(ii) improper personnel actions (for example, unequal treatment of Canadian Forces members, harassment (including racial harassment), failure to provide due process, reprisals).

(c) Assistance: among the Inspector General's functions would be to correct or assist in correcting injustices to individuals.

The Inspector General would be in charge of planning the measures to fulfil the mission of the office. However, the Governor in Council, the Minister, or the Chief of the Defence Staff could also direct the Inspector General to investigate a specific issue relating to the military justice system.

Inspector General's Military Justice Powers

40.37 The Inspector General have the power to inspect all relevant documents, conduct such interviews as may be necessary, review minor disciplinary proceedings and administrative processes, and make recommendations flowing from investigations.

Bringing Issues to the Attention of the Inspector General

40.38 Any person, Canadian Forces member or civilian, be permitted to complain to the Inspector General directly.

There should be no need to report the complaint to a superior or ask the superior's permission to make the complaint.

In Chapter 16, we reported that some members of the CF who appeared before this Inquiry did so against a backdrop of fear and intimidation. We concluded that because of the past actions of the chain of command, there must be a mechanism available to redress any reprisals that may be taken against witnesses after the Inquiry issues its report. We also called for a specific process to protect soldiers who bring reports of wrongdoing to the attention of their superiors. These are both roles that the Inspector General could perform.

Other Military Justice Recommendations

Publication of QR&O and CFAO

At present, regulations made under the authority of section 12 of the National Defence Act are exempt from publication.¹²⁰ The lack of ready access to the information contained in the QR&O and the CFAO impedes the fair operation of the system.

40.39 To the extent that such regulations and orders contained in the QR&O and CFAO can be made public without compromising overriding interests such as national security, the QR&O and Canadian Forces Administrative Orders be published in the Canada Gazette.

Ensuring Adequate Numbers of Legal Officers

40.40 Adequate numbers of legal officers be deployed with units to allow them to perform their respective functions - prosecution, defence, advisory - without putting them in situations of conflict of interest.

The number of legal officers accompanying units should not be affected by manning ceilings. A shortage of legal officers on missions creates a situation where these officers may have to combine functions - prosecution, defence, advisory - putting them in a situation of conflict of interest.

40.41 Legal officers receive increased training in matters of international law, including the Law of Armed Conflict.

40.42 Legal officers providing advisory services be deployed on training missions as well as actual operations.

40.43 Legal officers providing advisory services guide commanding officers and troops on legal issues arising from all aspects of operations, including Rules of Engagement, the Law of Armed Conflict, Canadian Forces Organization Orders and Ministerial Organization Orders.

40.44 Legal officers providing advisory services educate Canadian Forces members before and during deployment on local law, the Law of Armed Conflict, and Rules of Engagement.

40.45 A Law of Armed Conflict section of legal officers be established and staffed as soon as possible within the office of the Judge Advocate General and moved to the office of the Director General of Military Legal Services once that office is established.

Annex A

Somalia-Related Incidents

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* While serving with the CARBG, Somalia, a CF member failed to ensure his weapon was cleared after a vehicle search causing it to fire.

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record of investigation.
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Disciplinary and Administrative Action Taken, #18

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111-tab I

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* Tilly hats went missing between

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<u>*</u>	<u>*</u>	<u>*</u>	<u>*MPI</u> R	<u>*</u>	<u>*</u>	<u>*Sgt</u> Barr ow	<u>*</u>	<u>*</u> Unk now n	<u>*</u> <i>DN</i> <i>D</i> <i>0140</i> <i>37</i>
<u>*</u>	<u>*</u>	<u>*</u>	<u>*SI</u>	<u>*</u>	<u>*</u>	<u>*Lt</u> Vaill anco urt	<u>*</u>	<u>*</u> Unk now n	<u>*64</u> <i>--</i> <i>tabs</i> <i>25</i> <i>and</i> <i>27</i>
<u>*</u>	<u>*</u>	<u>*A</u> Cana dian Biso n vehi cle with two crew	<u>*SIR</u>	<u>*</u>	<u>*</u> N/A	<u>*LCd</u> r McE wen	<u>*No</u> recor d of inve stiga tion. *	<u>*</u> Non e	<u>*</u> <i>DN</i> <i>D</i> <i>0271</i> <i>34</i>

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	93.0 1.21	CF mem ber fell out the back door of a movi ng milit ary vehi cle. He susta ined back injur y but no spin al lesio n.	SIT- REP	N/A		CJF S	recor d of inve stiga tion. *	Non e	<u>41B-</u> <u>tab 8</u>
<u>*</u>	<u>*</u>	<u>*</u>	<u>*SI</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>
		Loss of a mail bag.				Capt Robi chau d	That corre ctive actio ns be take n agai nst the CF mem	Non e	<u>DN</u> <u>D</u> <u>0649</u> <u>64</u>

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<u>*</u>	<u>*</u>	<u>*A</u> milit ary vehi cle struc k a mine . No pers onne l casu alitie s.	<u>*SIT-</u> REP	<u>*N/A</u>	<u>*</u>	<u>*CJF</u> S	<u>*No</u> recor d of inve stiga tion. *	<u>*Non</u> e	<u>*41B</u> -- <i>tab</i> <i>14</i>
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<u>*</u>	<u>*</u>	<u>*Alle</u> ged mistr eatm ent of detai nees, by holdi ng them up to publi c ridic ule, by mem bers	<u>*MPI</u> R	<u>*</u>	<u>*</u>	<u>*MW</u> O Dow d p. 2 Ross Maj Gesn er	<u>*Thos</u> e awar e of phot ogra phs depi cting mistr eatm ent took what they belie ved was appr opria	<u>*Non</u> e	<u>*DN</u> <i>D</i> <i>0190</i> <i>04</i> <i>DN</i> <i>D</i> <i>0190</i> <i>05</i>
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number of soldiers took pictures of, and posed with, the prisoners.

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		Canadian			N/A	LCdr	record of	None
		Bison				McEwen	investigation.	<i>DN</i>
		vehicle struck a land mine five kilometres north of the town of Ah Hassan. No personnel					*	<i>2334</i>
		casualties						<i>35</i>

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	93.0	patrol		N/A	Maj	recor	Non	--
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		Alle ged \$202 .46 short age in CJF S HQ Cant een.			N/A	Capt Ken ned y	Loss attri bute d to spoil age, ship ment and possi bly stole n item s. Reco mme nded loss be writt en off, prop er acco untin g, stoc ktaki	Non e	<i>DN</i> <i>D</i> <i>1920</i> <i>3</i> <i>DN</i> <i>D</i> <i>0650</i> <i>3</i>

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		the		N/A		N/A	recor	Disc	<i>111-</i>
		Inter					d of	iplin	<i>tab</i>
		conti					inve	ary	<i>10</i>
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		CF				N/A	recor	Disc	<i>DN</i>
		mem					d of	iplin	<i>D</i>
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		faile					stiga	and	<i>59</i>
		d to					tion.	Adm	
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		Vehi				CAR	now	now	<i>DN</i>
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allegedly took place between a vehicle rented by an ARF OR CO and CAR

<u>*</u>	<u>*</u>	<u>*In</u>	<u>*SIR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*No</u>	<u>*</u>	<u>*</u>
		the			N/A	N/A	recor	Non	<i>DN</i>
		town					d of	e	<i>D</i>
		of					inve		<i>3696</i>
		Bale					stiga		<i>05</i>
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		Inter				N/A	recor	Disc	--
		conti					d of	iplin	<i>tab</i>
		nent					inve	ary	34
		al					stiga	and	
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<u>*</u>	<u>*</u>	<u>*A</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>
		.38	MPI		93.0	MW	Susp	Non	<i>DN</i>
		calib	R		6.18	O	ende	e	<i>D</i>
		re				Goss	d.		<i>0139</i>
		revol				e			<i>87</i>
		ver				Sgt			<i>DN</i>
		was				Dall			<i>D</i>
		seize				aire			<i>0139</i>
		d							<i>88</i>
		from							<i>DN</i>
		a							<i>D</i>
		Som							<i>0140</i>

Somali driver during a vehicle search by a WO. The WO told his OC that he had returned the weapon to the Somali owner but later admitted this was not true. The weapon had been mailed to

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<u>*</u>	<u>*</u>	<u>*An</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>
	93.0	armed	MPI		94.0	Maj	Susp	Resti	<i>DN</i>
	2.15	Canadian	R		2.24	Wilson	ended.	tution	<i>D</i>
		soldier				Sgt		n for	<i>0140</i>
		allegedly				Barr		the	<i>55</i>
		stole				ow		swor	<i>DN</i>
		a				WO		d	<i>D</i>
		copper				Jess		was	<i>0140</i>
		swor				ome		mad	<i>56</i>
		d						e by	<i>DN</i>
		from						DN	<i>D</i>
		a						D to	<i>0207</i>
		Som						com	<i>79</i>
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		.							
<u>*</u>	<u>*</u>	<u>*</u>	<u>*CR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*No</u>	<u>*See</u>	<u>*</u>
		Near				N/A	recor	Disc	<i>111-</i>
		the					d of	iplin	<i>tab</i>
		village					investi	ary	<i>42</i>
		of					gation.	and	
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		Alle ged theft of a case of frag ment ation gren ades. due to misc ount of gren ades ship ped on 93.0 2.15.			N/A	Web b	Erro r in acco untin g.	Non e	0454 82 DN D 0373 12
<u>*</u>	<u>*</u>	<u>*</u>	<u>*SIR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*No</u>	<u>*</u>	<u>*52</u>
		Riot at the Bail ey brid ge (one kille d /			N/A	N/A	inve stiga tion cond ucte d until 93.0 5.07.	Non e	-- tab 5

two injured).

* * * *SIR * * * *No * *52
- - - - - - - - - -
N/A N/A investigation conducted until 93.05.07. Non e -- *tab 7*

* * * *MPI * * * *MW * *Non * *52A
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R Conclud ed. e -*tab*
Gosse Sgt Gipp 25

* * *A *MPI * * * *MW * *Non * *DN
- - - - - - - - - -
civilian claimed that a captain had sold him two Canadian army knives. R Stew art Sgt Kent ed. e *DN D01 4165*

* * *At *CR * * * *No * *See * *111
- - - - - - - - - -
the villa ge of Tree N/A record of investigation and Disc iplinary -- *tab 44*

Centro, Somalia, a CF member failed to properly complete unloading drill for his C7 rifle, there by causing a round to be negligently fired.

tion. Administrative Action Taken, #24

<u>*</u>	<u>*</u>	<u>*A</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>
		Somali boy was treated at the Service Command	MPI R			MW O Goss e Sgt Gipp	Conclud ed.	Non e	<i>DN D 0600 94 DN D 0600 81</i>

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<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u> MPI R	<u>*</u> 94.0 3.22	95.0 3.08	<u>*</u> Sgt Gass eau p. 2 Ross	<u>*</u> This alleg ation was not confi rmed .	<u>*</u> Non e	<u>*</u>
<u>*</u>	<u>*</u>	<u>*A</u> Cou gar vehi cle struc k a mine . No pers onne l casu altie	<u>*SIR</u>	<u>*</u>	<u>*</u> N/A	<u>*</u> Maj Moff at	<u>*No</u> recor d of inve stiga tion. *	<u>*</u> Non e	<u>*</u> DN D 0543 96

		s.							
<u>*</u>	<u>*</u>	<u>*</u>	<u>*SI</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>
	93.0 2.21	Dam age to non- peris habl e food stoc k duri ng ship ment to Bele t Hue n.				Capt Hill		Non e	<u>DN</u> <u>D</u> <u>0649</u> <u>4.</u>
<u>*</u>	<u>*</u>	<u>*A</u>	<u>*SIR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*No</u>	<u>*</u>	<u>*</u>
	93.0 2.22	Cou gar vehi cle struc k a mine . No pers onne l casu altie s but exte nsiv e dam age to the vehi			N/A	Maj Pars ons	recor d of inve stiga tion. *	Non e	<u>DN</u> <u>D</u> <u>0543</u> <u>92</u>

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<u>*</u>	<u>*</u>	<u>*</u>	<u>*SIR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*No</u>	<u>*</u>	<u>*</u>
		Riot			N/A	Maj	recor	Non	<u>DN</u>
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Military Police were investigating the initial incident; they uncovered concerns about potential cover-up in Somalia, and then investigated this. The two were reported together. After submitting

MW O Bernier Maj Buonami
Evidence to support Major Buonami's findings.
Disciplinary and Administrative Action Taken,
#25
48A-tab 6
48C-tab 31

the report of incident cover-up, a further investigation was commenced into an allegation of a cover-up at ND HQ.

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*At Mata baan, a CF member failed to ensure that his weapon was prop

*CR

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N/A

*No record of investigation.
*

*See Disciplinary and Administrative Action Taken, #26

* 111-tab 16

erly cleared, there by causing it to fire.

<u>*</u>	<u>*</u>	<u>*At</u>	<u>*CR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*No</u>	<u>*See</u>	<u>*</u>
	93.0 3.09	Bele t Hue n, whil e clea ning his wea pon, a CF mem ber faile d to ensu re that his wea pon was clear ed, causi ng it to fire.				N/A	recor d of inve stiga tion. *	Disc iplin ary and Adm inistr ative Acti on Take n, #27	<i>111- tab 28</i>
<u>*</u>	<u>*</u>	<u>*At</u>	<u>*CR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*No</u>	<u>*See</u>	<u>*</u>
		Bele t Hue n,				N/A	recor d of inve stiga	Disc iplin ary and	<i>111- tab 12 NS</i>

while cleaning their weapons, two CF members failed to ensure that their weapons were properly cleared, there by causing them to fire.

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<u>*</u>	<u>*</u>	<u>*</u>	<u>*CR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*No</u>	<u>*See</u>	<u>*</u>
		While on sentry duty at the Canadian Engineer Camp, a				N/A	record of investigation.	Disciplinary and Administrative Action Take n, #30	111- tab 40

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the condition and descent was initiated. Subsequent impact caused collapse of main landing gear.

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<u>*</u>	<u>*</u>	<u>*</u>	<u>*BOI</u>	<u>*</u>	<u>*</u> N/A	<u>*</u> Maj Mag ee	<u>*</u> Susp ende d.	<u>*</u> N/A	<u>*</u>
<u>*</u>	<u>*</u>	<u>*</u>	<u>*MPI</u> R	<u>*</u>	<u>*</u>	<u>*</u> MW O Dow d Maj How ell	<u>*</u> Con clud ed.	<u>*See</u> Disc iplin ary and Adm inistr ative Acti on Take ns-- s#32 -#38	<u>*38,</u> 38A and 38B
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<u>*</u>	<u>*</u>	<u>*A</u> Red Cros s guar d was wres tling with a Som ali and his wea pon disc harg ed into the grou nd near a CF soldi er. The Cana dian fired on the guar d and kille d	<u>*SI</u>	<u>*</u>	<u>*</u>	<u>*</u> Capt Rolli n	<u>*No</u> admi nistr ative /disc iplin ary actio n shou ld be take n agai nst mem bers of 2 Com man do.	<u>*</u> Non e	<u>*43-</u> tab 22I
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<u>*67</u>	<u>*</u>	<u>*An</u> A Squa dron milit ary vehi cle struc k the Bail ey brid ge. All six pers onne	<u>*SI</u>	<u>*</u>	<u>*</u>	<u>*Lt</u> Fleet	<u>*</u> Reco mme nded disci plina ry or admi nistr ative actio n agai nst the drive r / and /	<u>*See</u> Disc iplin ary and Adm inistr ative Acti on Take n, #39.
								<u>*</u> DN D 0648 36

l on board were injured. The vehicle sustained damages in the amount of \$57,625.08

or senior passenger, and preventive action.

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*A CF member hit the duty sergeant in the ribs with his left elbow. He said to the duty sergeant

*CR

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N/A

No record of investigation.

*See Disciplinary and Administrative Action Taken, #40.

*111
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tab
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in a loud voice, while vigorously pointing his finger in his face, "You don't have the right to talk to me like that," or words to that effect.

*69

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* Accidental discharge. A C7 rifle was unde

* SIT-REP

* N/A

* N/A

* CAR BG

*No record of investigation.
*

* Non e

* DN D 0401 41

r a seat loaded without the safety on and fired when the seat was lowered. Bullet hit hard surface and fragmented, spraying a CF member's forearm and hand. Superficial injuries only.

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Corporal

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0111

acted in a disgraceful fashion while drunk in Mombassa, Kenya.

on Sgt Barron ed. ary and 01412
Administrative Action Taken, #41

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*At the Reef Hotel in Mombassa, Kenya, a CF member was drunk, grabbed an officer's steak from his plate, taking a

*CR *
* N/A * N/A *
No record of investigation.
*See Disciplinary and Administrative Action Taken, #42
* 111-21

bite of it and then spitting it out. The member behaved in a disorderly manner bringing discredit on the Canadian Forces.

<u>*</u>	<u>*</u>	<u>*CF</u> member negligently performed a military duty.	<u>*CR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*No</u> record of investigation.	<u>*See</u> Disciplinary and Administrative Action Taken, #43	<u>*</u>	111- tab 41
<u>*</u>	<u>*</u>	<u>*At</u> the Reef Hotel,	<u>*CR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*No</u> record of investigation.	<u>*See</u> Disciplinary	<u>*</u>	111- tab 22

l, Mombassa, Kenya, a CF member was in lobby of hotel, drunk and nude, bringing discredit to Canadian Forces.

stigation. Administrative Action Taken, #44

<u>*</u>	<u>*</u>	<u>*</u>	<u>*SIR</u>	<u>*</u>	<u>*</u>	<u>*No</u>	<u>*</u>	<u>*</u>
		CAR		N/A	Capt	recor	Non	DN
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vehicle sustained extensive damage.

<u>*</u>	<u>*</u>	<u>*A</u>	<u>*SIR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*CO</u>	<u>*</u>	<u>*</u>
		Bison			N/A	LCol	CAR	Non	DN
		vehicle struck a mine. No personnel casualties. Both right rear tires, the right intermediate rear support arm and brake lines were destroyed.				You	BG	e	D
						ng	ordered		0542
							vehicles to avoid unnecessary movement on secondary tracks.		34

<u>*</u>	<u>*</u>	<u>*At</u>	<u>*CR</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*No</u>	<u>*See</u>	<u>*</u>
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*78 * *At *CR * * * *No *See * *79 * *A * *
 Belet Hue n, two CF mem bers while on sentry failed to wear fighting order. N/A record of investigation. * Disciplinary and Administrative Action Taken, #46 and #47 111-tab 32 photo of Mr. Arone's body was possibly withheld from Military Police.

*80 * *Col * * * *Sgt * * *40
 93.0 Labbé officers in a mission to clear and secure an area at or near Mog MPI R 94.0 3.22 Gasséau p. 2 Ross Concluded. Non e -- tab 15

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soldiers were sitting and talking. During the conversation a CF soldier put a magazine on a C7 rifle which he subsequently cocked and fired. Projectile hit Cpl Abel in head and killed him.

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* * *At *SIR * * * *No *See *
Kis may o a CF mem ber was drun k and diso beye d a direc t orde r by a serg eant to ceas e swi mmi ng in Kis may o Harb our. The N/A N/A recor d of inve stiga tion. * Disc iplin ary and Adm inistr ative Acti on Take n, #49 DN D 0679 35

member was forcefully recovered by Belgian combat divers.

<u>*</u>	<u>*</u>	<u>*</u>	<u>*CR</u>	<u>*</u>	<u>*</u>	<u>*</u> N/A	<u>*No</u> recor d of inve stiga tion. *	<u>*111</u> -- tab 23
<u>*</u>	<u>*</u>	<u>*An</u> ID card was foun d that had been lost and not repo rted.	<u>*M</u> PI R	<u>*</u>	<u>*</u>	<u>*Maj</u> Wils on	<u>*Con</u> clud ed.	<u>*Non</u> e DN D 0141 0 DN D 0141 0
<u>*</u>	<u>*</u>	<u>*</u> Duri ng a food conv oy esco rt, a light	<u>*SIR</u>	<u>*</u> 93.0 5.17	<u>*</u> N/A	<u>*</u> N/A	<u>*No</u> inve stiga tion until 93.0 5.16.	<u>*Non</u> e DN D 2492 44 DN D 2492 57

machine gun and combat webbing were stolen from the rear of an AV GP.

<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>
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young Somali boy who had run in front of the vehicle to get some food that one of the passengers threw away.

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during the redeployment from Somalia to Canada. The equipment was improperly packed and sustained water damage.

plinary action could not be taken. BGen Benoto directed the 2 Field Ambulance to produce an SOP for deployment and packaging, supervising and shipping of sensitive medical equipment

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		Man y inco nsist enci es were disc over ed in the ND OC logs, inclu ding miss ing seria l num bers, seria l num bers	MPI R			MW O Dow d Sgt Bern ard S/Sg t Ham pel (RC MP)	Ther e was no evid ence of delib erate delet ion infor mati on. The inco nsist enci es can be attri bute d to "ins uffic	Non e	-- tab 1 101 As-- stab 1 101 Bs-- stab 1

out of sequence, and blank database records.

ient training, lack of audits and poor operating procedures".

*102 * *A *CR * * * *No *See *
96.0 4.26 CF member conducted media interviews and published a book that were critical of the military. He also left the Citadel with
N/A record of investigation.
*4 Disciplinary and Administrative Action Taken, #51

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* The Inquiry received no record of an investigation; this does not necessarily mean that no investigation took place.

1. After reviewing Capt Hope's SI, Col Labbé characterized it as "incomplete and in places misleading" and therefore wrote, on March 23, 1993, his own report on the incident which he sent to the DCDS, VAdm Murray (Document Book 48B Tab 16). The DCDS forwarded Col Labbé's report to JAG for a legal review. JAG then requested Capt Hope's SI in order to complete this process. The SI report was provided by Col Labbé on April 2, 1993. LCol Watkins reviewed both reports and wrote his legal opinion which was finally given to VAdm Murray on April 14, 1993 (Document Book 48ABs--sTab 2). LCol Watkins concluded that a further MP investigation was needed.
2. The MPIR indicates that this transpired in May 1993. However, HMCS Preserver left for Canada on March 7, 1993, and naval officers were present during the incident. Therefore the incident must have occurred sometime in the early part of the in-theatre phase.
3. The Inquiry obtained charge reports pertaining to only one of the individuals.
4. The Inquiry is aware that an investigation took place, but no supporting documents were provided to us.

Annex B

Disciplinary and Administrative Action Taken

<u>*</u>						
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Absent</u> without leave (9ONDA)	<u>*Absent</u> without leave from CAR.	<u>*Guilty/\$20</u> fine.	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Neglect to</u> the prejudice	<u>*Failed to</u> ensure his	<u>*</u> Guilty/\$1,100	<u>*</u>

			of good order and discipline (129 NDA)	weapon was unloaded properly, resulting in an accidental discharge.	fine.	
<u>*</u>	<u>*</u>	<u>*Tpr</u>	<u>*Drunkness (97 NDA) Conduct to the prejudice of good order and discipline (129NDA)</u>	<u>*While on board HMCS Preserver, was drunk. While on board HMCS Preserver, behaved in a disorderly manner, by trying to take over the ship.</u>	<u>*Guilty/30 days detention for both offences.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*MCpl</u>	<u>*Neglect to the prejudice of good order and discipline (129NDA)</u>	<u>*Failed to ensure his weapon was unloaded properly resulting in an accidental discharge.</u>	<u>*Guilty/\$1,200 fine.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Pte</u>	<u>*Neglect to the prejudice of good order and discipline (129NDA)</u>	<u>*At Baledogle, Somalia, failed to ensure his weapon was unloaded properly, resulting in an accidental discharge.</u>	<u>*Guilty/\$900 fine.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Negligently performed a military duty (124 NDA)</u>	<u>*As a medical assistant, failed to secure four morphine</u>	<u>*Not indicated.</u>	<u>*N/A.</u>

				auto injectors adequately, thereby causing their loss.		
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*An act to the prejudice of good order and discipline (129NDA)</u>	<u>*Fabricated an untrue statement to cover up the firing of a warning shot.</u>	<u>*Guilty/\$100 fine and Recorded Warning.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Capt</u>	<u>*Struck a subordinate (95 NDA) Conduct to the prejudice of good order and discipline (129NDA)</u>	<u>*While on board HMCS Preserver, struck a subordinate. While on board HMCS Preserver, he fought with a subordinate.</u>	<u>*Guilty/\$1,200 fine and Severe Reprimand. Dismissed.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*MCpl</u>	<u>*Negligently performed a military duty imposed on him (124NDA)</u>	<u>*At Belet Huen while cleaning his weapon, failed to ensure that his weapon was cleared, causing it to fire.</u>	<u>*Guilty/\$1,500 fine</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Pre</u>	<u>*Neglect to the prejudice of good order and discipline (I29NDA)</u>	<u>*At Belet Huen, failed to handle his weapon properly causing an accidental discharge.</u>	<u>*Guilty/\$1,000 fine.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Maj</u>	<u>*Negligently performed a military duty</u>	<u>*At Belet Huen, while preparing for</u>	<u>*Guilty/\$2,400 fine.</u>	<u>*</u>

			imposed on him (124 NDA)	patrol, failed to ensure that his weapon was cleared, causing it to fire.		
<u>*</u>	<u>*</u>	<u>*Pte</u>	<u>*Neglect to the prejudice of good order and discipline (129NDA)</u>	<u>*At Mogadishu, failed to load his weapon properly.</u>	<u>*Guilty/\$500 fine.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Pte</u>	<u>*Negligently performed a military duty imposed on him (124NDA) Neglect to the prejudice of good order and discipline (129NDA)</u>	<u>*While on escort duty, failed to ensure his weapon was on safety, thereby causing a negligent discharge. Failed to ensure that his personal weapon was on safety, thereby causing a negligent discharge.</u>	<u>*Guilty/\$250 fine. Dismissed.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Lt</u>	<u>*Negligently performed a military duty imposed on him (124NDA)</u>	<u>*At Belet Huen while cleaning his pistol, failed to ensure that his weapon was cleared causing it to discharge wounding him in the left arm.</u>	<u>*Guilty/\$1,400 fine.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*MCpl</u>	<u>*Negligently</u>	<u>*Failed to</u>	<u>*Guilty/\$200</u>	<u>*</u>

performed a military duty imposed on him (124 NDA) ensure that a pistol he was handling was clear, causing it to fire. fine

* * *Sgt *Disobeyed a *A CF *Guilty/\$250 *

lawful command of a superior officer (83 NDA) An act to the prejudice of good order and discipline (129NDA) A CF member was improperly dressed when he wore a baseball cap contrary to the orders given by his platoon commander. A CF member mixed a military uniform with civilian clothing by wearing a baseball cap. fine and reprimand. Dismissed.

* * *MCpl *Behaved *Behaved in *Guilty/\$200 *

with contempt toward a superior officer (85 NDA) a contemptuous manner toward a captain by waving his arm in the air as if to brush him off, stating, "I do not have to wait for you either sir." fine and reprimand.

* * *Cpl *Negligently *While *Guilty/\$ *

performed a military duty imposed on him (124 NDA) While serving with the CARBG, Somalia, failed to 1,300 fine.

NDA) ensure his weapon was cleared after a vehicle search causing it to fire.

*

*

*LCol

*Negligently performed a military duty imposed on him (124 NDA)

*While he was the Commanding Officer for CARBG, he issued orders to his subordinates to shoot looters leaving the Canadian compound and, by doing so, failed to observe the Canadian rules of engagement for Operation Deliverance while it was his duty to do so.

*Acquitted/Relieved of his command and transferred to LFC HQ on 93.09.17. The prosecution's appeal was allowed and a second court martial was ordered. Second court martial acquitted.

*N/A

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*Pte

*Conduct to the prejudice of good order and discipline (129 NDA) Drunkenness (97 NDA)

*While drunk at the Intercontinental Hotel in Nairobi, a CF member struck a hotel security guard in the chest without any apparent reason. While on

*Dismissed. Guilty/14 days detention.

*

				leave, a CF member was drunk at the Intercontinental Hotel in Nairobi.		
<u>*</u>	<u>*</u>	<u>*Pte</u>	<u>*Neglect to the prejudice of good order and discipline (129NDA)</u>	<u>*Failed to properly carry out the safety precautions for the C7 rifle before cleaning thereby causing a round to be negligently fired.</u>	<u>*Guilty/\$1,000 fine.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Drunkenness (97 NDA) Conduct to the prejudice of good order and discipline (129NDA)</u>	<u>*At Intercontinental Hotel, Nairobi, Kenya, was drunk. At the Florida 2000 Club, Nairobi, Kenya, broke a telephone booth window.</u>	<u>*Guilty of both offences/14 days detention.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Tpr</u>	<u>*Neglect to the prejudice of good order and discipline (129 NDA)</u>	<u>*Near the village of Raqso, Somalia, was wearing a green bandana, contrary to 3 Commando Standing</u>	<u>*Guilty/seven days extra work and drill.</u>	<u>*</u>

*	*	*Tpr	*Neglect to the prejudice of good order and discipline (129NDA)	Orders.	*At village of Tree Cento, Somalia failed to properly complete the unload drill for the C7 rifle thereby causing a round to be negligently fired.	*Guilty/\$900 fine.	*
*	*	*Capt	*An offence punishable under section 130 of the NDA, that is to say, unlawfully causing of bodily harm, contrary to section 269 of the Criminal Code of Canada (130 NDA) Negligently performed a military duty imposed on him (124 NDA)	*Unlawfully causing harm to Abdi Hamdure by authorizing the use of excessive force against Abdi Hamdure. Authorized his subordinates to apprehend any persons trying to enter the Canadian compound and, by doing so, failed to instruct his subordinates adequately on the proper use of force according to the Canadian Rules of Engagement	*Acquitted ¹	*N/A	

for Operation Deliverance.

<u>*</u>	<u>*</u>	<u>*Pte</u>	<u>*Negligently performed a military duty imposed on him (124NDA)</u>	<u>*At Matabaan, while handling a pistol, failed to ensure it was properly cleared, thereby causing it to fire.</u>	<u>*Guilty/\$1,000 fine.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Negligently performed a military duty imposed on him (124NDA)</u>	<u>*At Belet Huen, while cleaning his weapon, failed to ensure that his weapon was cleared, thereby causing it to fire.</u>	<u>*Guilty/\$1,400 fine.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Negligently performed a military duty imposed on him (124NDA)</u>	<u>*At Belet Huen, Somalia, while cleaning his weapon, failed to ensure that it was properly cleared, thereby causing it to fire.</u>	<u>*Guilty/\$500 fine.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Negligently performed a military duty imposed on him (124NDA)</u>	<u>*At Belet Huen, Somalia, while cleaning his weapon,</u>	<u>*Guilty/\$500 fine.</u>	<u>*</u>

				failed to ensure that it was properly cleared, thereby causing it to fire.		
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Negligently performed a military duty imposed on him (124NDA)</u>	<u>*While on sentry duty at the Canadian Engineer Camp, failed to ensure a 12-gauge shotgun was on safety, causing it to fire.</u>	<u>*Guilty/\$1,000 fine.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Disobeyed a lawful command of a superior officer (83 NDA) Conduct to the prejudice of good order and discipline (129NDA)</u>	<u>*At Belet Huen, refused to remove a lean-to structure and relocate his accommodation to tentage, when ordered to by a captain. At Belet Huen, refused to carry out a legitimate order given to him by a captain.</u>	<u>*Guilty/\$150 fine. Dismissed.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*MCpl</u>	<u>*An offence punishable under section 130 of the NDA that is to say, murder, contrary to</u>	<u>*In the Canadian military compound did commit second degree murder of</u>	<u>*Found unfit to stand trial. Released from the CF.</u>	<u>*N/A</u>

section 235(1) of the Criminal Code of Canada (130 NDA)
 An offence punishable under section 130 of the NDA, that is to say, torture, contrary to section 269.1 of the Criminal Code of Canada

Somali detainee, Shidane Abukar Arone.
 In the Canadian military compound did torture a Somali detainee, Shidane Abukar Arone.

*

*

*Pte

*An offence punishable under section 130 of the NDA, that is to say, torture, contrary to section 269.1 of the Criminal Code of Canada (130 NDA) Negligently performed a military duty imposed on him (124 NDA)

*In the Canadian military compound did torture a Somali detainee, Shidane Abukar Arone. Failed to ensure that a Somali detainee, namely Shidane Abukar Arone, was safeguarded.

*Acquitted on both charges. Prosecution's appeal to CMAC dismissed.

*N/A

*

*

*Sgt

*An offence punishable under section 130 of the NDA, that is

*In the Canadian military compound did torture a

*Stayed. Pleaded guilty/ 90 days imprisonment

*N/A

to say, torture, contrary to section 269.1 of the Criminal Code of Canada (130 NDA) Negligently performed a military duty imposed on him (124NDA)

Somali detainee, Shidane Abukar Arone. Failed to ensure that a Somali detainee, namely Shidane Abukar Arone, was safeguarded.

, education in rank. CMAC increased the sentence to one year imprisonment .

*

*

*Pte

*An offence punishable under section 130 of the NDA, that is to say, murder, contrary to section 235(1) of the Criminal Code of Canada (130 NDA) An offence punishable under section 130 of the NDA, that is to say, torture, contrary to section 269.1 of the Criminal Code of Canada (130 NDA)

*In the Canadian military compound did commit second degree murder of a Somali detainee, Shidane Abukar Arone. In the Canadian military compound did torture a Somali detainee, Shidane Abukar Arone.

*Guilty of manslaughter and torture/five years' imprisonment and dismissal with disgrace. Appeals by both parties to CMAC denied. Leave to appeal to SCC denied.

*N/A

*

*

*Capt

*An offence

*In the

*Acquitted.

*N/A

<p>punishable under section 130 of the NDA, that is to say, unlawfully causing bodily harm, contrary to section 269 of the Criminal Code of Canada (130 NDA) Negligently performed a military duty imposed on him (124 NDA) An act to the prejudice of good order and discipline (129 NDA)</p>	<p>Canadian military compound did unlawfully cause bodily harm to a Somali detainee, Shidane Abukar Atone. Failed to properly exercise command over his subordinates, following the capture of a Somali detainee, Shidane Abukar Atone. While briefing his section commanders, passed on information that any prisoners captured as a result of a forthcoming patrol could be "abused", or words to that effect.</p>	<p>Guilty/severe reprimand, reduction rank. Stayed/appeal to CMAC dismissed. Retention in CF without restriction.</p>
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*Sgt

*Negligently performed a military duty imposed on him (124

*While acting as 2 Commando Duty Officer, failed to

*Not guilty/ bypassed for promotion in 1995. Unit recommends

*

NDA) Negligently performed a military duty imposed on him (124NDA) remain awake as was his duty to do so. Failed to intervene in the mistreatment of a Somali national in custody, Shidane Abukar Arone, as was his duty to do so. promotion.

*	*	*Maj	*An offence punishable under section 130 of the NDA, that is to say, unlawfully causing bodily harm, contrary to section 269 of the Criminal Code of Canada (130 NDA) Negligently performed a military duty imposed on him (124NDA)	*Did unlawfully cause bodily harm to Shidane Abukar Arone. While an officer commanding 2 Commando failed to issue instructions to prevent the mistreatment of prisoners.	*Acquitted. Guilty/severe reprimand and retention in CF without restriction. On appeal to CMAC sentence increased to three months imprisonment and dismissal from CF Leave to appeal to SCC dismissed.	*
*	*	*Cpl (driver) Capt (senior passenger) WO (NCO i/c)	*Careless driving	*A vehicle accident involving a Bison vehicle and the Bailey bridge, which	*Cpls--sRecorded warning and administrative deduction of \$250. Capts--	*

				was caused by the vehicle being driven at an excessive speed.	sReproof for neglect of duty. WOs-- sReproof for neglect of duty.
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Used violence against a superior officer (84 NDA) Behaved with contempt toward a superior officer (8SNDA)</u>	<u>*Hit the duty sergeant in the ribs with his left elbow. Said to the duty sergeant in a loud voice, while vigorously pointing his finger in his face, "You don't have the right to talk to me like that", or words to that effect.</u>	<u>*Dismissed. Guilty/\$400 fine and 30 days suspension of leave.</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Drunkenness (97 NDA)</u>	<u>*Acted in a discreditable fashion while drunk in Mombassa.</u>	<u>*Guilty/\$500 fine reprimand and Recorded Warning</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Drunkenness (97 NDA) An act to the prejudice of good order and discipline (129 NDA)</u>	<u>*At the Reef Hotel in Mombassa, Kenya was drunk and behaved in a disorderly manner bringing discredit on the Canadian Forces. At the Reef</u>	<u>*Dismissed. Guilty/\$50 fine.</u>

				Hotel in Mombassa, Kenya, behaved in a disorderly manner by grabbing an officer's steak from his plate, taking a bite of it and then spitting it out.		
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Negligently performed a military duty imposed on him (124 NDA)</u>	<u>*Circumstances are not legible on the charge sheet.</u>	<u>*Guilty/\$1,300 fine.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Drunkenness (97 NDA) Conduct to the prejudice of good order and discipline (129NDA)</u>	<u>*At Reef Hotel, Mombassa, Kenya, was in lobby of hotel drunk. At Reef Hotel, Mombassa, Kenya, was in lobby of hotel, nude, bringing discredit to Canadian Forces.</u>	<u>*Not indicated. Guilty/\$300 fine and reprimand.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Conduct to the prejudice of good order and discipline (129 NDA)</u>	<u>*At Camp Holland, Matabaan without authority or proper knowledge of the weapon did load a C-</u>	<u>*Guilty/\$500 fine.</u>	<u>*N/A</u>

				S mounted gun on a Grizzly turret and while trying to unload it caused it to fire.		
<u>*</u>	<u>*</u>	<u>*Pte</u>	<u>*Neglect to the prejudice of good order and discipline (129 NDA)</u>	<u>*At Belet Huen, Somalia, while on sentry failed to wear his fighting order.</u>	<u>*Guilty/\$200 fine.</u>	<u>*N/A</u>
<u>*</u>	<u>*</u>	<u>*Cpl</u>	<u>*Neglect to the prejudice of good order and discipline (129 NDA)</u>	<u>*At Belet Huen, Somalia, while on sentry failed to wear his fighting order.</u>	<u>*Not indicated.</u>	<u>*</u>
<u>*</u>	<u>*</u>	<u>*MCpl</u>	<u>*An offence punishable under section 130 of the NDA, that is to say, criminal negligence causing death contrary to section 220 of the Criminal Code of Canada (130 NDA) Negligently performed a military duty imposed on</u>	<u>*Pulled the trigger of a rifle pointed at another person causing the death of a CF soldier. While handling his rifle, failed to take proper precautions against unsafe discharge of that rifle, as it was his duty to do so.</u>	<u>*Stayed. Pleaded guilty/ 120days' imprisonment , includes reduction in rank. Appeal to CMAC dismissed. Recommended for retention in the CF without restriction.</u>	<u>*</u>

him
(124NDA)

<u>*</u>	<u>*</u>	<u>*MCpl</u>	<u>*</u> Drunkenness (97 NDA)	<u>*</u> Conduct to the prejudice of good order and discipline (129NDA)	<u>*</u> Guilty/\$500 fine and reprimand. Suspension of leave for 30 days. Dismissed.	<u>*</u>
<u>*</u>	<u>*</u>	<u>*MCpl</u>	<u>*</u> An act to the prejudice of good order and discipline (129 NDA) Drunkenness (97 NDA)	<u>*</u> Near the Old Port in Mogadishu, re-entered the confines of 1 Commando camp through the concertina wire fence. Near the Old Port in Mogadishu was drunk.	<u>*</u> Guilty/\$500 fine. Dismissed.	<u>*</u>
<u>*</u>	<u>*96.04.23</u> <u>96.04.25</u> <u>96.04.26</u> <u>96.05</u>	<u>*Cpl</u>	<u>*</u> An act to the prejudice of good order and discipline (129 NDA) [8 counts] Disobeyed an order of a superior (83 NDA)	<u>*</u> The charges related to a book that he published and media interviews that he provided that were critical of the military. He was also charged with leaving the Citadel against charges of his superior. He had left to deliver documents to	<u>*</u> Pleaded guilty to five counts and found guilty on three counts. Charge stayed.	<u>*</u>

the
Commission
of Inquiry.
Left the
Citadel
against the
orders of his
superior to
deliver
documents to
the
Commission
of Inquiry.

1. Note that this CF member was also charged on August 5, 1993 with possession of a prohibited weapon (NDA, section 130, Criminal Code, section 90), and an act to the prejudice of good order and discipline (NDA, section 129). He pleaded guilty to both. Reprimand and \$3000 fine.

Note: In relation to incident 99, the Inquiry is aware that Cmdr Caie was charged with wilfully making a false statement in a document, negligent performance of duty, and conduct to the prejudice of good order and discipline. He pleaded guilty to the second charge. The other two charges were withdrawn. Col Haswell was charged with committing an act to the prejudice of good order and discipline and attempted destruction of a government file. He was acquitted.

NOTES

1. Section 161 of the National Defence Act (NDA, R.S.C. 1985, Chapter N-S, as amended) provides, "Where a charge is laid against a person to whom this Part applies alleging that the person has committed a service offence, the charge shall forthwith be investigated in accordance with regulations made by the Governor in Council." The *Queen's Regulations and Orders* (QR&O) 107.04 confirms the requirement for an investigation of a charge. QR&O 107.03 advises that an investigation should also be conducted before a charge is laid.
2. QR&O 21.46
3. See Annex A to this chapter, Somalia-Related Incidents.
4. In some cases, summary investigations must be ordered. However, in general, commanding officers can order a summary investigation where they require to be informed on "any matter connected with [their] command. ..base, unit or element or affecting any officer or non-commissioned member under [the commanding officer's] command." QR&O 21.01(3) Summary investigations can thus be used to investigate possible misconduct by an individual or systemic problems. Canadian Forces Administrative Order (CFAO) 21-9 sets out detailed guidelines on how to conduct summary investigations, including terms of reference and the briefing of the person conducting the summary investigation, administration of

summary investigations, time limits within which reports should be filed, review, and so on.

5. The first eight incidents are 11, 24, 28, 35, 39, 45, 51, and 55 (see Annex A, Somalia-Related Incidents). In the 27 cases referred to in the text, the Inquiry received no record of any investigation; however, we assume that some kind of investigation did take place, since in 26 cases charges were laid, and the NDA and regulations require an investigation when charges are laid (NDA, section 161 and QR&O 107.04). These cases were incidents 1, 3, 4, 5, 6, 7, 9, 14, 15, 16, 17, 18, 19, 21, 22, 23, 37, 38, 41, 44, 48, 56, 57, 58, 59, and 62. The 27th case that was likely investigated was incident 61 (March 14, 1993), an aircraft accident. Flight safety investigations are required by the regulations in these circumstances.
6. For example, a summary investigation was inappropriate given the circumstances of the March 4th incident. See the conclusions of Military Police Report, Document book 48A, tab 6, p.3/S, and the discussion later in this chapter and in Chapter 38, earlier in this volume.
7. The references are to incidents 33, 2, 8, 13, 26, 30, 31, 20, 42, 43, and 12 respectively. The incidents occurring before March 16, 1993 that were not investigated are as follows: 2, 8, 10, 12, 13, 20, 25, 26, 27, 29, 30, 31, 32, 33, 34, 36, 40, 42, 43, 46, 47, 49, 50, 52, 53, 54, and 60 (see Annex A).
8. Incidents 12, 20, 25, 27, 29, 33, 34, 40, 50, 52, and 53 (see Annex A).
9. Incidents 10 and 36 were investigated within a few months, and incidents 2, 8, 13, 26, 30, 31, 32, 42, 43, 46, 47, 49, 54, and 60 were investigated eventually (see Annex A).
10. Incidents 2, 8, 13, 30, 31, 32, 54, and 60 (see Annex A).
11. Although there were neither adequate numbers of nor adequately experienced Military Police in theatre to deal with anything other than the most minor incidents, commanding officers could have called for additional MP from NDHQ, as was eventually arranged in May 1993.
12. In fact, in Canada, even minor investigations were normally conducted by secondline MP (MP attached to the base, as opposed to the unit, CAR). See "Operation Deliverance After Action Report - Military Police Operations", May 17, 1994, Document book 24, tab 7, p.5.
13. In the After Action Report, Maj Wilson, a security officer, notes that MP were also involved in military confinement and police duties but, significantly, he notes that limited police duties were performed, because "Most incidents were viewed by senior commanders as issues which would be dealt with by other than an MP investigation." See "Operation Deliverance After Action Report - Military Police Operations", p.6.
14. Responsibility for custody of detainees was handed over to 2 Commando.
15. Incident 55 (see Annex A). Message, DCDS Tasking Order, 152301Z Apr 93, "MP Investigation - Alleged use of excessive force, Belet Uen, 4 Mar 93", Document book 48B, tab 20.

16. Memorandum, "MP Investigation - Somalia, Alleged Use of Excessive Force", April 26, 1993, Document book 48B, tab 20. The investigations into the incident of March 4, 1993, and possible cover-up were carried out by different teams but reported in the same MP report.
17. The unit consisted of Maj Wilson, MWO Gosse, Sgt Barrow, Sgt Dallaire, and Sgt Gipp. See Annex A, Somalia-Related Incidents, MP investigations ordered in May and June 1993 for incidents occurring before May 1993.
18. Incident 70: a corporal acted in a discreditable fashion while drunk in Mombassa (see Annex A).
19. DND, "Brief for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia: Military Justice", June 1995, p.11.
20. Security Orders for the Department of National Defence and the Canadian Forces, Military Police Procedures (1991), A-SJ-100-004/AG-000, vol.4, p.15-1-1.
21. QR&O 21.43 and 21.46. Investigations are also required in the following circumstances:
 - 21.1. where there is a claim by or against the Crown (21.21),
 - 21.2. missing or absent officers and non-commissioned members (non-voluntary and not due to action) (21.41),
 - 21.3. illegal absence of longer than 14 days (21.43),
 - 21.4. absence due to enemy action (21.44),
 - 21.5. death otherwise than as a result of wounds received in action, injury a medical officer certifies is serious, likely to cause a permanent disability or suspected to be the result of his own wilful act (21.46),
 - 21.6. aircraft accidents (21.56(3)),
 - 21.7. damage to property caused by fire or explosion (21.61), and
 - 21.8. missing classified material (21.75).
22. Although there are inconsistent statements in QR&O 107.02 and 107.03 about the requirement to investigate an alleged offence ("shall" versus "should"), it appears that an investigation is required only after a charge is laid. See discussion in Volume 1, Chapter 7, Military Justice, under the duty to investigate.
23. See "Operation Deliverance After Action Report-Military Police Operations", p.2/19: "The Commander and some senior staff did not feel MP investigations were required in an operational theatre and that most issues could be adequately dealt with by CO's/unit investigation, summary investigation or board of inquiry."
24. Incident 42 and incident 63 (see Annex A).
25. This investigation is referred to in the MP reports of May and June 1993, although the Inquiry was not given a copy of a report prepared by regimental MP.
26. Testimony of CWO Jardine, Transcripts vol.105, pp.21084-21093; Maj Pommet, Transcripts vol.107, pp.21440-21483; and LCol Mathieu, Transcripts vol.174, pp.35950-35962.

27. Document book 38, tab G, DND 014854.
28. Document book 38, tab B, DND 014834.
29. CFAO 21-9, paragraph 13, note 2, Annex A to CFAO 21-9.
30. If a case involves a claim by or against the Crown, a board of inquiry or summary investigation must be held (QR&O 21.19 and 21.21). Note that it may be possible to interpret these articles as permissive, not mandatory. Boards of inquiry or summary investigations are also required in the following cases:
 - 30.1. missing or absent officers and non-commissioned members (non-voluntary and not due to action) (QR&O 21.41),
 - 30.2. illegal absence of longer than 14 days (QR&O 21.43),
 - 30.3. absence due to enemy action (QR&O 21.44),
 - 30.4. death otherwise than as a result of wounds received in action, injury medical officer certifies is serious, likely to cause a permanent disability or suspected to be the result of his own wilful act. (QR&O 21.46),
 - 30.5. aircraft accidents (QR&O 21.56),
 - 30.6. damage to property caused by fire or explosion (QR&O 21.61), and
 - 30.7. missing classified material (QR&O 21.75).
31. Incidents 24, 28, 43 and 63 respectively. Summary investigations were also held in incidents 4,10, 11,35,36,39,51,55,64, 66, and 83 (see Annex A).
32. These cases are all examples of the types of incidents requiring investigation by a board of inquiry or a summary investigation as described in the text at notes 28 and 29:
 - 32.1. Incidents 8,13,31,32;
 - 32.2. Incident 12;
 - 32.3. Incident 34;
 - 32.4. Incident 42;
 - 32.5. Incident 46;
 - 32.6. Incident 47;
 - 32.7. Incident 49; and
 - 32.8. Incident 80 (see Annex A).
33. Note that incident 49 was investigated by Military Police again in 1994.
34. In war, 'house clearing' typically refers to operations to clear premises of the enemy. See, for example, testimony of Sgt MacAulay, Transcripts vol.54, p.10750.
35. Travelling with Col Labbé were LCol Mathieu, Cmdr Williams, Cpl Richardson-Smith, Capt Mair, and Cpl Polauskas. See testimony of Col Labbé, Transcripts vol.163, p.33206; and Cpl Richardson-Smith, Transcripts vol.109, p. 21946.

36. Testimony of Col Labbé, Transcripts vol.163, pp.33212 and 33222.
37. Section 77 of the NDA makes it an offence to steal any money or property that has been left exposed or unprotected in consequence of warlike operations, or take otherwise than for the public service any money or property abandoned by the enemy. The 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, article 33, paragraph 2, prohibits any act of pillage. It is not clear whether, under international law, the Convention was applicable to the UNITAF operation. However, it seems quite clear that at least the officers of CARBG were advised to comply with the principles of the 1949 Geneva Convention in Somalia; see James M. Simpson, *Law Applicable to Canadian Forces in Somalia 1992/93*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997).
38. Incidents 3, 6,14, 15,16,18,19, 20, 23, 38, 48, 56, 57, 58, 59, 69,76, and 83. Two of these incidents involved two CF members in each case. Incidents 40 and 88 involved the accidental discharge of crew-served weapons (see Annex A).
39. The Board of Inquiry into the leadership, discipline, operations, actions and procedures of the CARBG remarked that accidental discharges occurred "to an unacceptable degree"; see Annex C to the Narrative, Board of Inquiry (CARBG), Phase I, vol. XI, p. C-5.
40. See Chapter 38 for details underlying the following analysis.
41. Document book 48AE, tab 7; and testimony of Maj Armstrong, Transcripts vol.178, pp.36795-36796.
42. Incident 46 (see Annex A).
43. The Commander was in fact asked for compensation by the elders of the tribe of the person killed: letter, Ugas Ali Ugas Hassan Ugas Rage to Commander of the Canadian Troops, May 31, 1993, DND 064267. The request was denied on the grounds that the CF soldiers "were forced to respond to a life threatening situation in accordance with UNITAF and Canadian Forces Rules of Engagement": letter, Col Labbé to Ugas Ali Ugas Hassan Ugas Rage, June 2, 1993, DND 064266.
44. QR&O 21.19 and 21.21.
45. These incidents were the illegal use of military pyrotechnics at a party at the junior ranks' mess at CFB Petawawa; the setting alight of a car belonging to the 2 Commando duty officer; and the setting off of illegally held pyrotechnics and ammunition during a party in Algonquin Park by members of 2 Commando. These are described in more detail in Volume 2, Chapter 18, Discipline.
46. This was the case in the investigation of a 1 Commando initiation party that took place at CFB Petawawa in August 1992, as well as an investigation into a break-in and vandalism of a room at CFB Petawawa in May 1992.
47. Military Police Report, Preface, Memorandum 2106-10-4 VCDS, March 11,1994, DGS 855-05-94, Document book 40, tab A3, p.1/3.

48. Testimony of Maj Buonamici, Transcripts vol.176, p.36271. For further discussion of this issue, see Chapter 38.
49. Incident 54 (see Annex A).
50. Cross-examination of Gen Boyle by Mr. Bright, Transcripts vol.91, pp.17709-17718.
51. Testimony of Gen Boyle, Transcripts vol.91, p.17713.
52. Incidents 49 and 46 (see Annex A). Note that no written statements were obtained from Somali witnesses for the summary investigation of the shootings at the International Committee of the Red Cross compound (incident 64), even though it would have been relatively easy to locate the Somalis employed by the ICRC.
53. Incident 13 (see Annex A).
54. Incident 32 (see Annex A).
55. Incident 80 (see Annex A).
56. Incident 46 (see Annex A).
57. Document book 52A, tab 25, DND 017794, DND 12701. See also Document book 60A, tab 12. The contradictions between the statements and the briefings and the questions left unanswered included the following:
 - Statements indicate that the mission of the soldiers was to protect the bridge; the briefing to the Minister indicates it was to prevent passage of the crowd.
 - Statements describe crowd throwing rocks; the briefing to Minister suggests that the soldiers feared that the rocks were grenades.
 - MP investigator was told that there was no unit investigation of the incident; the briefing to the Minister states that there was.
 - Col Labbé concluded that the CF soldiers were blameless; on what basis?
 - On what basis was Col Labbé able to conclude that the soldiers had acted within ROE?
58. For example, in incident 32 (see Annex A), involving instructions to destroy photos of detainees, potential witnesses (not suspects in relation to this incident) were cautioned on their right to silence on the basis that they were suspects in a similar incident.
59. Incident 43 (see Annex A).
60. Document book 48A, tab 6, section 9, p.9-3.
61. Incident 12 (see Annex A).
62. Incident 34 (see Annex A).
63. Testimony of Maj Philippe, Transcripts vol.159, February 5,1997, pp. 32299-32300, 32434-32435, 32439, vol.160, p.32678, and vol.158, p.32463. Maj Philippe testified that he felt himself to be in a potential conflict of interest on several occasions. For example, while he was providing advice to Col Labbé, Col

- Labbe' asked him to provide what amounted essentially to legal counsel to members of the Reconnaissance Platoon. In addition, the Military Police asked Maj Philippe for assistance.
64. Document book 129, part A, tab 2, p.3 is a message dated April 15, 1993, saying that two legal officers from the defence group were required, referring to them as the "legal team deployed [independently] under authority of JAG". This is a revised version of a document in Document book 38Y, tab 29, p.3, which states that the "legal team forms part of investigating team deployed under authority of DCDS and will remain under DCDS cmd." This change is pursuant to Exhibit 388, DND 210388, a handwritten note saying that "Kirby Abbott will call to have message amended to read 'JAG' vs. 'DCDS', so as to read "legal team forms part of investigating team deployed under authority of JAG and will remain under JAG cmd."
- Recent regulatory changes may have resolved this confusion. The changes make it clear that the JAG has command over all officers and non-commissioned members posted to positions established within the office of the JAG. Furthermore, the changes clearly state that the duties of a legal officer are determined by, or under the authority of, the JAG. Legal officers performing these duties are not subject to the command of officers who are not legal officers: QR&O (Amendment List 1-97), section 2 - Office of the Judge Advocate General, 4.081(2).
65. Office of the Judge Advocate General (JAG), "Lessons Learned - OP Deliverance", February 16,1993.
66. See also memorandum, LCdr MacDougall, D Law/I2, to D Law/I, reporting on her activities as a legal officer in the former Yugoslavia, June 22, 1993, p.2, DND 338900.
67. The importance of lawyers in theatre has been recognized in a number of other jurisdictions. In the U.S. military, for example, 'operational lawyers', as they are called, were closely involved in high-level decision making in an advisory capacity, assisting commanders in determining the legality of various options available to them in a given situation. One U.S. commentator notes that possible responses to a commander's illegal actions include
- 67.1. advising the commander of the potential illegality and the conflict with Army interests,
 - 67.2. asking the commander to reconsider,
 - 67.3. requesting permission to seek a separate legal opinion or decision on the matter,
 - 67.4. referring the matter to the legal authority in the next higher command.
68. See Colonel Fennis F Coupe, "Commanders, Staff Judge Advocates, and the Army Client", *The Army Lawyer* (November 1989), pp.4-10.
69. LCol Watkin's diary, "Personal Involvement in Somalia Incidents", Document book 90, tab 9, p.1, states that he was "astounded that he [Maj Philippe] had not

provided any briefings in theatre to the Cdn Ab Regt and that they had appeared to rebuff his attempts to provide any advice on other than routine per/discipline problems Maj Philippe stated that he had offered to provide briefings on the ROE in theatre but his offers were not accepted: Transcripts vol.160, p.32624. A handwritten memorandum from Capt Blair, Document book 90D, tab 2, p.3, refers to the legal officer's repeated offers, in theatre, of guidance with respect to the ROE.

70. Testimony of Maj Philippe, Transcripts vol.160, pp.32544 and following, 32547 and following, 32575 and following.
71. Testimony of VAdm Murray, Transcripts vol.152, p.31039, and vol.155, pp.31670, 31697.
72. See Annex B to this chapter, Disciplinary and Administrative Action Taken.
73. Actions 33, 34, 36, and 37 (see Annex B).
74. *R. v. Brocklebank*, Court Martial Appeal Court (C.M.A.C.), April 2, 1996.
75. *R. v. Brocklebank*, C.M.A.C., April 2, 1996, p.21.
76. QR&O 4.02.
77. QR&O 4.02.
78. NDA, section 92.
79. NDA, section 129.
80. NDA, section 93.
81. The charges and counts were as follows:*

Charge #1

Count	Description	Disposition
First Count section 129	Conduct Prejudicial to Good Order and Discipline Interview on <i>Enjeux</i>	not guilty
Second Count section 129 (alternative to #3)	Conduct Prejudicial to Good Order... Interview for <i>Journal de Québec</i>	not guilty
Third Count section 129 (alternative to #2)	Conduct Prejudicial to Good Order... expressing opinions without permission for publication in <i>Journal de Québec</i>	not guilty
Fourth Count section 129	Conduct Prejudicial to Good Order... answering questions without permission on CKVL	guilty plea

Fifth Count section 129	Conduct Prejudicial to Good Order... answering questions without permission on CHRC	guilty plea
Sixth Count section 83 (alternative to #7)	Disobeying the order of a superior left the Citadel notwithstanding order to remain on premises	stayed
Seventh Count section 129 (alternative to #6)	Act Prejudicial to Good Order.... left the Citadel in contravention of order	guilty plea
Charge #2		
First Count section 129	Conduct Prejudicial to Good Order... publicly criticized government and departmental decisions and policies in book he published	guilty plea
Second Count section 129	Conduct Prejudicial to Good Order... section 129 made statements tending to discredit his superiors and the CF in book he published	guilty plea

- Document book 11 8B, tab 20L-M.
- Letter, Gen Boyle, Chief of the Defence Staff (CDS), to Chairman of the Commission of Inquiry, September 6, 1996.
- Statement by the Chairman of the Commission of Inquiry, Transcripts vol.66, p.12826 and following.
- CBC Radio, *As it Happens*, April 30, 1996.
- *R. v. Généreux*, (1992] 1 S.C.R. 259,70 C.C.C (3d) 1, pp.34, 35.
- The role of convening authorities in courts martial is discussed more fully in NDA, section 165.1 and QR&O 111.051(4).
- QR&O 106.10(2). Charge sheets are signed by the commanding officer, although the CO does not lay the charge.
- General Court Martial of Kyle Brown, October 18-21, 1993, vol.2, p.239.
- General Court Martial of Kyle Brown, vol.2, p.242.
- General Court Martial of Kyle Brown, vol.2, p.242.
- General Court Martial of Kyle Brown, vol.2, p.242.
- Legal brief addressing whether the actions of the commanding officer and/or the convening authority in the cases of Brown, Brocklebank, Boland and Matchee raised a reasonable apprehension of bias that was incompatible with their involvement in the laying of charges and convening of those courts martial (Document book 90, tab 5). The brief notes (p.3/41) that in late April 1993, LCol Tinsley informed MGen Vernon that he had reservations about LCol Mathieu's

- role. The brief states (p.5/41) that Capt Blair advised the DCDS and the CDS in "the strongest possible terms" that LCol Mathieu should be removed from the process immediately. The brief states (p.6/41) that the issue was discussed at a post-daily executive meeting. Following the execution of search warrants at LCol Mathieu's residence, LCol Tinsley spoke with MGen Vernon with regard to the propriety of LCol Mathieu staying on as commanding officer of the Canadian Airborne Regiment (p.10/41). MGen Vernon said he was not prepared to do anything that would show a lack of faith in LCol Mathieu or prejudge him; therefore he would not consider action to remove him from that position.
- Legal Brief on Reasonable Apprehension of Bias (re Mathieu and Vernon), undated, Document book 90, tab 5, p.5/41. On May 13,1993, Capt Blair advised the DCDS and the CDS in "the strongest possible terms" that LCol Mathieu should be removed from the process immediately.
 - *R. v. Brown* (1995), 35 C.R. (4th) 318 (C.M.A.C.) at 330.
 - Correspondence, Capt W.A. Reed, DJAG, to JAG, November 5, 1993, Document book 90A, tab 25.
 - Correspondence, Capt W.A. Reed to JAG, November 5, 1993.
 - Memorandum, Capt Maybee, JAG Somalia co-ordinator, to MGen Boyle, October 26, 1993, Document book 90A, tab 15, discussing the options available to the CF regarding the general court martial of Pte Brown, p.3, DND 428912.
 - Captain Teresa K. Hollingsworth, "Unlawful Command Influence", *The Air Force Law Review* (1996), p.262.
 - Canadian Forces Personnel Applied Research Unit Report, "Mechanisms of Voice: Results of CF Focus Group Discussions", Sponsor Research Report 95-1 (October 1995), p.20.
 - Ben Shalot, "Discipline", in *The Psychology of Conflict and Combat* (New York: Praeger, 1988), p.128.
 - Compare this with the civilian system, in which police can lay charges or, alternatively, a civilian complainant can do so. If the prosecution subsequently withdraws or stays those charges, this is done in a public forum. This transparent process allows the issues to be placed before the public and, ultimately, holds the individuals involved accountable.
 - We acknowledge, however, that Military Police have major tactical responsibilities. In discharging these tactical responsibilities, they must be part of the operational chain of command.
 - In fact, the unit does not seem to keep such statistics. When asked specifically about this, the senior persons at the MP Platoon, CFB Petawawa, indicated that such statistics were not kept and the only way they would learn about the results of their investigations was through happenstance.
 - Incident 100 (see Annex A).

- During events in Somalia, daily executive meetings lasted as long as 90 minutes. Commission of Inquiry, Meeting with Judge Advocate General, April 20, 1995, per BGen Boutet, p.21.
- Minutes, daily executive meeting (DEM), July 9, 1993, Document book 127A, tab 1.
- Handwritten note, VCDS to CDS, September 20, 1993, Document book 129, part A, tab 5, DND 020915. See also correspondence from Patrick McCann, counsel for Pte Brown, to LCol Tinsley, Assistant JAG, requesting that prosecution of his client be moved to civilian courts, September 15, 1993, Document Book 129, part A, tab 5, DND 020916-020918.
- Memorandum, office of the JAG, November 28, 1995, DND 432200.
- *R. v. Généreux*, [1992] 1 S.C.R 259 at 293.
- Section 2 of the *National Defence Act* defines "service offence" as "an offence under this Act, the *Criminal Code* or any other Act of Parliament, committed by a person while subject to the Code of Service Discipline". For an analysis of the offences contained in the NDA, sections 73 to 130 and 132, see QR&O, chapter 103, "Service Offences".
- NDA, section 2.
- NDA, section 88, section 85, and section 74, respectively.
- The offences referred to in QR&O 108.31(2) include those provided for in the following sections of the *National Defence Act*: 73 (offences by commanders when in action),
74 (offences by any person in presence of enemy),
75 (offences related to security),
76 (offences related to prisoners of war),
77 (offences related to operations),
78 (offence of being spy),
79 (mutiny with violence),
80 (mutiny without violence),
81 (offences related to mutiny),
82 (advocating governmental change by force),
84 (striking or offering violence to a superior officer, but only where striking or using violence to a superior officer is charged),
88 (desertion),
92 (scandalous conduct by officers),
94 (traitorous or disloyal utterances),
98 (malingering or maiming, but (a) and (b) only where on active service or under orders for active service),
99 (detaining unnecessarily or failing to bring up for investigation),
104 (losing, stranding or hazarding vessels),
105 (offences in relation to convoys),
107 (wrongful acts in relation to aircraft or aircraft material), but only where the act or omission is wilful),

111(1) (a) and (b) (improper driving of vehicles),
113 (causing fires, but only where the act or omission causes fire or is wilful),
114 (stealing),
115 (receiving),
119 (false evidence),
128 (conspiracy),
130 (service trial of civil offences), and
132 (offences under law applicable outside Canada).

- Except where the conduct is of a type now covered by QR&O 108.31(2).
- QR&O 4.01 (officers) and 5.01 (non-commissioned members).
- For example, the two regimental MP accompanying the CARBG to Somalia served as bodyguards for Lcol Mathieu.
- QR&O 106.01.
- For example, the federal Crown Counsel Policy Manual (Minister of Justice and Attorney General of Canada, January 1993) provides that, in addition to sufficiency of evidence, Crown counsel should always consider whether the public interest requires a prosecution. Public interest factors that may arise on the facts of a particular case include
 - 1.1. the seriousness or triviality of the alleged offence;
 - 1.2. significant mitigating or aggravating circumstances;
 - 1.3. the age, intelligence, physical or mental health or infirmity of the accused;
 - 1.4. the accused's background;
 - 1.5. the degree of staleness of the alleged offence;
 - 1.6. the accused's alleged degree of responsibility for the offence;
 - 1.7. the likely effect of the prosecution on public order and morale or on public confidence in the administration of justice;
 - 1.8. whether prosecuting would be perceived as counter-productive, for example, by bringing the administration of justice into disrepute;
 - 1.9. the availability and appropriateness of alternatives to prosecution;
 - 1.10. the prevalence of the alleged offence in the community and the need for general and specific deterrence;
 - 1.11. whether the consequences of a prosecution or conviction would be disproportionately harsh or oppressive;
 - 1.12. whether the alleged offence is of considerable public concern;
 - 1.13. the entitlement of any person or body to criminal compensation, reparation or forfeiture if prosecution occurs;
 - 1.14. the attitude of the victim of the alleged offence to a prosecution;
 - 1.15. the likely length and expense of a trial, and the resources available to conduct the proceedings;

- 1.16. whether the accused agrees to co-operate in the investigation or prosecution of others, or the extent to which the accused has already done so;
- 1.17. the likely sentence in the event of a conviction; and
- 1.18. whether prosecuting would require or cause the disclosure of information that would be injurious to international relations, national defence, national security or that should not be disclosed in the public interest.

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The application and weight to be given to these and other relevant factors depend on the circumstances of each case.

The proper decision in many cases will be to proceed with a prosecution if there is sufficient evidence available to justify a prosecution. Mitigating factors present in a particular case can then be taken into account by the court in the event of a conviction.

The guidelines also outline irrelevant criteria, including

- 1.1. the race, national or ethnic origin, colour, religion, sex, sexual orientation, political associations, activities or beliefs of the accused or any other person involved in the investigation;
- 1.2. Crown counsel's personal feelings about the accused or the victim;
- 1.3. possible political advantage or disadvantage to the government or any political group or party; and
- 1.4. the possible effect of the decision on the personal or professional circumstances of those responsible for the prosecution decision.

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- The commanding officer, the officer commanding a command, and the Chief of the Defence Staff.
- M.L. Friedland, *Controlling Misconduct in the Military*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997), p.67.
- *Statutory Instruments* Regulations, C.R.C., Chapter 1509, section 15(1).

THE MEFLOQUINE ISSUE

Mefloquine is a relatively new anti-malarial drug, first made generally available to the Canadian public in 1993.¹ It is used both to prevent malaria (that is, as a prophylactic) and to treat malaria. Mefloquine is used in areas where the local strains of malaria have developed a resistance to other anti-malarial drugs. Somalia is one such area.

The suggestion was made to us that mefloquine caused severe side effects, including abnormal and violent behaviour, among some Canadian Forces (CF) personnel in

Somalia. We were not able to explore fully the possible impact of mefloquine. This would have required additional hearings dedicated specifically to the issue, which time did not permit. However, we report here our general findings about mefloquine and its possible impact on operations in Somalia. Readers will see readily that further investigation is warranted before any firm conclusions about the role of mefloquine can be drawn.

THE NEED FOR ANTI-MALARIAL MEDICATION

Anti-malarial medication was clearly necessary for Canadian troops deployed to Somalia. There is a year-round risk of malaria in Somalia.

A recent U.S. medical journal article reported 48 cases of malaria among U.S. forces stationed in Somalia over the entire duration of the U.S. deployment.² In addition, the malaria produced by *P. falciparum* was considered more severe than some other forms of malaria and therefore warranted strong precautions.³

A September 1992 memorandum from DND's Director, Health Protection and Promotion, entitled "Preventive Medicine Recommendations for Somalia", also discussed the malaria risk. The memorandum recommended the weekly use of mefloquine:

All of Somalia is considered malarious with [*P.*] *falciparum* predominating and chloroquine resistance reported. Mogadishu is said to present a lower but still present risk.... Mefloquine weekly is recommended. DHPP 2 hereby provides blanket approval for mefloquine to be provided to personnel deploying on this mission.... Personnel for whom mefloquine is medically contraindicated as per Ref D, e.g., pilots, can be given doxycycline 100 milligrams per day.⁴

Most CF members stationed in Somalia in 1992 and 1993 were prescribed mefloquine. However, some CF pilots and divers received another anti-malarial drug, doxycycline, because mefloquine was thought to cause dizziness and loss of fine motor control in some users. The post-deployment report of the HMCS *Preserver*, for example, stated that all aircrew on active flying duties used doxycycline.⁵ The report also noted that several CF members who suffered adverse effects from taking mefloquine were switched to doxycycline.

CF members began taking mefloquine one week before deployment and continued to take it weekly during deployment and for four weeks after deployment.⁶ They received a preventive (prophylactic) dose of 250 milligrams once a week. A message of December 25, 1992, confirmed that 3,000 mefloquine tablets were issued on December 23, 1992, and that a further 24,000 tablets were on order.⁷

Mefloquine was taken once a week, on Wednesdays. A standing operating procedure dated November 11, 1992, stated:

Malaria prophylaxis will be provided by the use of once weekly dosing with Mefloquine. The UMS [Unit Medical Services] staff will supervise the distr of this med, and will likely occur at the same time and place each week; i.e. the Wed noon meal. A nom roll will be used to pos check distr.⁸

However, a later standing operating procedure, dated January 2, 1993, stated that "All pers will take the anti-malaria pill mefloquine every Friday."⁹ Still, it appears from the limited information before us that mefloquine was normally taken on Wednesdays. Later in this chapter we discuss the significance of the day on which mefloquine was taken.

WHO RAISED THE CONCERN ABOUT THE POSSIBLE IMPACT OF MEFLOQUINE ON BEHAVIOUR?

The first public suggestion that mefloquine might have caused, or contributed to, abnormal behaviour in Somalia appears to have been made by Maj Barry Armstrong, the officer commanding the surgical section of the medical unit in Somalia. Speaking to the Canadian Forces Medical Services Group Conference, Operational Medicine, October 26, 1993, Maj Armstrong argued as follows:

I believe that the UN's failures in Somalia are rather exceptional, considering previous peacekeeping successes. I believe that a simple reason may exist. Canadian and American troops may have been impaired by the use of mefloquine....

Mefloquine is well known to have neurologic side effects. The manufacturer's literature states that reactions are rare, but include convulsions, psychosis, nightmares, dizziness, headache, confusion, anxiety and depression. There are over 100 case reports of such serious reactions requiring hospitalization. From the medical literature, it seems that such reactions occur in 1 per 2,000 people when prophylactic doses are given, or up to 1 per 200 when stronger, treatment doses are given. [Treatment doses are given only to those who contract malaria; no suggestion has been made that any non-infected CF member in Somalia received the stronger treatment dose.]

Less severe reactions (not requiring hospitalization) are more common, but the incidence is not known. We had one psychiatric hospitalization in Belet [H]uen, which did not respond to the usual treatment of battle stress. The diagnosis made by psychiatrists at NDMC [National Defence Medical Centre], after he was

evacuated, was an organic brain syndrome, probably due to mefloquine. The suicide attempt in theatre may also be mefloquine related.¹⁰

There are three of us presenting on Somalia today. Two of us had minor neuropsychiatric problems which occurred regularly in the 24 to 48 hours after our weekly mefloquine doses. If there are two of us, these reactions aren't so 'rare'. Burke in *The Lancet*, June 1993, writes, "As a demographer with a quarter of a century's experience, I know that if I encounter finite numbers of a supposedly rare occurrence, the true rate is higher." He goes on to recommend alternatives to mefloquine.

In 1992, mefloquine was the best choice as an anti-malarial. However, we realized some of the risks and did not prescribe this medication for pilots. The U.S. military has also rejected mefloquine use for their aircrew, because of the neuropsychiatric side effects.

The mechanism of mefloquine effects on the brain (like its effects on malaria) is unknown. However, it is structurally similar to quinine and quinidine. Mefloquine can cause additive effects with these drugs. Quinine and quinidine are known to be blockers of the fast sodium channel. This sodium channel is found on the cell membrane of nerve cells, and is activated early when nerve cells fire. Specifically, it is believed that agents similar to mefloquine block the sodium channel by locking closed the 'inactivation gate' in the channel. Some sodium channel blockers, such as Dilantin (diphenylhydantoin), have been clearly shown to have adverse effects on cognition. According to my literature review, these neuropsychiatric tests have not been done on any subjects taking mefloquine.

Further, it should be better known that the mefloquine malaria pills taken by the Canadian Forces are 10 per cent stronger than those given to the American Forces, despite both being labelled as 250 milligrams. (250 milligrams of mefloquine base in the Basel manufactured pills, versus 250 milligrams of mefloquine salt in the U.S. produced pills).

I believe that mefloquine causes sub-clinical adverse effects on cognition. The usual soldier taking the drug is not aware of any problems. Nevertheless, his thinking could be impaired. Like many people tipsy after 2 or 3 alcohol-based drinks, he would not recognize that his judgement was diminished. He would not recognize this because the adverse effect is on cognition, including impaired insight. Like the impaired driver who feels fine, our soldier would feel fine, despite his impairment....

Definitive proof regarding the effects of mefloquine on thinking would require a randomized, double-blind, placebo-controlled study. The measurements should be

taken by neuropsychiatric testing (the same techniques used to prove the adverse neurologic effects of low-dose alcohol). Such a study would be much less expensive than the costs of flying MIAI tanks to Mogadishu. The real difficulty in Somalia might be drug side-effects. It would be wiser to conduct such a study of mefloquine, than to simply abandon the concept of international peace-making.

On October 6, 1994, John Cummins, a member of Parliament, issued a press release relating to the death of Shidane Arone.¹¹ The press release, although referring (apparently mistakenly) to a drug to combat cholera, not malaria, raised the possibility that the drug (presumably mefloquine) may have contributed to the violent behaviour of MCpl Matchee:

Another element of this unfortunate affair which has not been addressed was that every Thursday troops in Somalia were given an experimental drug to combat cholera.¹² The day the drug was administered in Somalia was known as "psycho Thursday". What effect this drug and the beer he consumed may have had on the behaviour of Corporal Matchee has never been discussed.

Mr. Cummins raised the same issue later that month in the House of Commons:

[T]he minister and the military establishment ignored the well known effect of Mefloquine, a malaria drug administered to Canadian troops in Somalia. Side effects include violent dreams, hallucinations, confusion, anxiety and mental depression. Mefloquine could have precipitated the murder of the prisoner and Master Corporal Matchee's attempted suicide.¹³

In a letter dated October 26, 1994, to the Minister of National Defence, Mr. Cummins restated his concern about mefloquine:

The Department should have known of the problems associated with the combination of mefloquine and alcohol prior to Somali[a], and certainly would have known afterwards but has so far failed to conduct either field or clinical research....

I would ask that you initiate the process for the release from military detention of Trooper Kyle Brown pending an investigation.¹⁴

The Minister of National Defence replied to the letter from Mr. Cummins on December 11, 1994.¹⁵ The Minister's letter stated that mefloquine "was, at the time of deployment to Somalia, and continues to be, the drug of choice for the prevention of malaria in Africa." The Minister also noted that recent CF use of mefloquine in Rwanda showed that side

effects might occur in 10 to 20 per cent of users. These side effects included bad dreams and nausea. However, only three of 650 CF members in Rwanda had to be switched to another drug because of significant side effects from mefloquine.

The Minister's letter continued:

A close review of the relevant scientific literature does not indicate that mefloquine, when used to prevent malaria, impairs thinking or judgment.... On specific questioning, CF medical authorities in Rwanda have not expressed any particular concern about mefloquine-related effects on thinking or behaviour among the CF units deployed in Rwanda; further, their operational commanders have not expressed any such concerns. ...

In summary, after careful review, the Department of National Defence believes that mefloquine did not play any significant role in the tragic events in Somalia.

Before he had received this reply from the Minister, Mr. Cummins made a formal Inquiry of the Ministry on November 14, 1994.¹⁶ The inquiry asked what field studies were undertaken or funded by the Department of National Defence into the possible adverse effects of mefloquine, including the impairment of judgement of CF personnel in Somalia and on their return to Canada. Mr. Cummins asked a similar question about possible studies relating to Canadian Forces in Rwanda. He also asked how much alcohol CF personnel were allowed to have daily in Somalia and Rwanda, what adjustments were made to the dosage of mefloquine as a result, and what advice was given to persons required to take mefloquine who might be expected to use alcohol during their tour of duty.

The response by the Minister indicated that no studies had been undertaken into the possible adverse effects of mefloquine, and none were considered necessary. The Minister replied that the specific policy regarding the consumption of alcohol was left to the field commander who determined the amount of alcohol permitted per day during deployment. The reply stated that, in Somalia, members were not permitted any alcohol during the first six weeks of their deployment, following which each member was allowed two beers per day, except on special occasions where no restrictions were imposed - for example, a regimental birthday.

The Minister's reply also asserted that until quite recently, there was no scientific evidence that personnel taking mefloquine were at an enhanced risk of a serious adverse interaction when drinking alcohol. Further, the prescribing information for mefloquine did not at that time mention concern about such an interaction. Thus, when CF members were deployed to Somalia and Rwanda, the Minister believed that there was no evident need to warn those taking mefloquine about an interaction with alcohol. However, the Minister acknowledged that a 1995 Canadian medical journal reported a single case of a

likely interaction between mefloquine and copious alcohol ingestion that resulted in a temporary psychotic state in the patient.¹⁷ The Minister maintained that this was the first reasonably documented reported case among the millions of persons who have taken mefloquine worldwide in the last decade, many of whom had likely consumed alcohol, even in substantial amounts. For this reason, the Minister argued that the risk of such an interaction would seem to be quite small.

The Minister did note that, in light of this medical journal report, the Surgeon General felt it prudent to caution members taking mefloquine specifically against the concurrent excessive use of alcohol. A direction to that effect was being prepared at the time.

THE ISSUES

Two main issues arise from the use of mefloquine by Canadian troops in Somalia:

1. What was known about mefloquine when it was prescribed in 1992-93 as an anti-malarial drug? Did the Department of National Defence (DND) prescribe it responsibly?
2. Given what is now known about mefloquine, could mefloquine have been responsible for, or could it have contributed to, any of the incidents being investigated by this Inquiry?

What was Known about the Possible Harmful Effects of Mefloquine at the Time of the Somalia Deployment

Even before the deployment of CF members to Somalia, DND believed that mefloquine might not be suitable for certain individuals - for example, pilots and divers - for whom some of the adverse effects, such as dizziness and loss of fine motor control, could be dangerous.

However, there was no indication from correspondence we have reviewed that DND knew of any frequent *major* side effects of mefloquine. In fact, DND medical advisers would have no reason to have such knowledge. Almost all the medical literature at the time of deployment claimed that serious neuropsychiatric effects from mefloquine used as a prophylactic were rare. For example, one study published in 1991 examined neuropsychiatric effects in subjects who had used mefloquine and suggested that serious neuropsychiatric effects occurred in only about one in 13,000 cases.¹⁸ The 1991 Canadian Recommendations for the Prevention and Treatment of Malaria Among International

Travellers stated the following:

Mild, non-specific reactions (nausea, heartburn, and mild dizziness) have been described in up to 20 per cent of users. Rarely, severe vertigo, seizures, and psychosis have been reported with weekly mefloquine prophylaxis, but these problems appear to be more frequently observed with higher doses as used for treatment....

Contraindications to the use of mefloquine include ... [s]eizure disorder or history of severe depression or psychosis.¹⁹

Only one of the studies we reviewed from the early 1990s suggested that mefloquine might interact adversely with alcohol, and that study simply stated that "[i]n four cases, the reporting physician mentioned exertion, fatigue, sun exposure or alcohol as potential co-factors."²⁰ In fact, the first firmly documented reference to the possible harm of combining mefloquine and alcohol appeared in a 1995 *Canadian Medical Association Journal* case study involving only one individual.²¹

In-Theatre Experience with Mefloquine

One weekly medical situation report from Somalia gave some indication that some CF members were encountering possible side-effects relating to mefloquine.²² The report, dating from mid-December 1992, noted "several" instances of gastrointestinal upset, headache and thought disturbance, "temporally related to mefloquine use".

The post-deployment report of HMCS *Preserver* discussed the use of mefloquine and identified several side effects:²³

Malaria Prophylaxis: The ship's company began taking Lariam (Mefloquin) 250mg weekly on 26 November 1992. Three members on B/P medication commenced Doxycycline 100mg daily. All aircrew on active flying duties started Doxycycline. Numerous reactions to mefloquin were reported. One patient contracted Falciparum malaria and denied missing medication. A large percentage of the reactions were GI related: with nausea, burning epigastric pain and diarrhoea. Several patients were switched to Doxycycline. Ten patients experienced nightmares, with one patient having feelings of unease and paranoia. One patient heard voices and talked to himself. All were switched to Doxycycline with no subsequent problems.

In-theatre experience with mefloquine was also touched on in a few interviews conducted by Inquiry staff and in testimony. Several of the CF members interviewed reported that mefloquine caused or may have caused side effects, but they did not report the side

effects as serious. Among the symptoms they reported experiencing themselves or that they heard about from others were queasiness, euphoria, depression, inability to sleep, vivid dreams and nightmares.

Some of those interviewed about mefloquine were asked about the possible effects of combining alcohol and mefloquine. None noticed any additional change in behaviour associated with alcohol consumption.

Maj Mansfield testified about mefloquine :

I didn't have any adverse reactions to mefloquine, people might argue that I did, but there were others who clearly did and they would report things like really bad dreams. And ... you took the time to open the bottle and read the list of possible side effects and this was enormous ... [W]e used to joke at the time that ... if you get somebody angry he's just going to walk into the old church tower and waste 20 people, oh sorry, bad mefloquine trip.... But me, personally, I didn't have any problems with it. A couple of my troops did and it typically was bad ... dreams ... inability to sleep.²⁴

CWO (ret) Jardine was also asked whether he had experienced any particular reaction to mefloquine:²⁵

No, other than it made you feel weird for the first day after you took it. You know, you sort of got that queasy feeling about it, your stomach unsettled and then it would go away.

CWO (ret) Jardine also testified that he never experienced any unusual effects that seemed to be attributable to alcohol and mefloquine.

As mentioned above, Maj Armstrong described one case of organic brain syndrome in Belet Huen that NDMC concluded was "probably" due to mefloquine. Maj Armstrong also argued that the suicide attempt in theatre may have been mefloquine-related. As well, he reported that two of the three presenters at the 1993 conference had had recurrent minor neuropsychiatric problems in the 24 to 48 hours after their weekly mefloquine doses.

There was no indication from any of the reports we reviewed concerning in-theatre medical problems that mefloquine may have interacted adversely with alcohol. It is, of course, possible that such adverse effects did occur but were not noticed or reported in the documents we reviewed, in the interviews we conducted, or in the testimony we heard.

What is Known Now about Mefloquine

Interaction with Alcohol

The first firmly documented mention in the English-language medical literature of a possible adverse interaction between mefloquine and alcohol appears to be a case note in a 1995 Canadian *Medical Association Journal*. The case note reported one adult male's acute psychosis and depression associated with the combination of mefloquine and alcohol, "an association not previously reported."²⁶ The man was taking a weekly dose of mefloquine and twice consumed about a half-litre of whisky. He experienced paranoid delusions and auditory and visual hallucinations, and felt depressed and suicidal. The authors concluded: "The circumstances of this case strongly suggest that it was the combination of [mefloquine] and ethanol that caused [the] two episodes of severe psychiatric disturbance."

We located no other published studies identifying a possible adverse interaction between mefloquine and alcohol, apart from the 1992 study, mentioned above, that briefly mentioned alcohol as a possible risk factor.²⁷

Adverse Effects of Mefloquine Alone

A U.S. study published in 1993 noted that in Somalia only rarely would mefloquine be withdrawn from U.S. military populations during operational use. "In Somalia, only 1 of 344 soldiers surveyed changed anti-malarial medication due to an adverse event, a severe headache".²⁸ The study concluded that weekly mefloquine (the prophylactic dose) was well tolerated. "Sleep disturbance and increased dream activity were detected in two to three times more individuals in the mefloquine groups. Depressive feelings were noted in two to three times more individuals in the mefloquine groups than in the chloroquine group early in the course of the study, and resolved in the majority of subjects as tolerance developed."²⁹

In late 1993 or early 1994, a draft letter was prepared for the signature of the Surgeon General. The letter appeared to be a response to Maj Armstrong's assertions that mefloquine caused serious problems in Somalia. It concludes,

"[w]e are not aware of any data to support the suggestion that [mefloquine] is perhaps causing previously unrecognized, widespread, subclinical impairment of cognition". Dr. J. S. Keystone, Director of the Tropical Disease Unit at The Toronto Hospital, was asked by DND to review the letter. In his February 1994 reply, Dr. Keystone stated:

Based on my experience with hundreds of returned travellers who have used mefloquine and an examination of the medical literature on the subject, I fully concur with the conclusions reached by your staff concerning the potential adverse effect of mefloquine. I too am not aware of any data which support the

suggestion that mefloquine causes "previously unrecognized, widespread impairment of cognition."³⁰

Much of the reference literature since the time of the Somalia deployment continues to identify mefloquine as an appropriate anti-malarial drug for some regions of the world. A 1995 supplement to the *Canada Communicable Disease Report* describes mefloquine as the drug of choice of most travellers to chloroquine-resistant regions.³¹ It calls mefloquine "an effective chemosuppressive and therapeutic agent against drug resistant *P. falciparum*. It is significantly more effective than the combination of chloroquine and proguanil for malaria chemosuppression in sub-Saharan Africa."

The supplement reports that in chemosuppressive (prophylactic) doses, mefloquine is well tolerated:

Adverse effects are similar in frequency and severity to those reported with weekly chloroquine use. Approximately 25 [per cent] of travellers will experience side effects from mefloquine, most of them mild and self-limited. The most frequent minor side effects from mefloquine use are nausea, strange dreams, dizziness, mood changes, insomnia, headache, and diarrhea.... Severe neuropsychiatric reactions (psychosis, convulsions) are infrequent with prophylactic doses and occur in approximately 1/10,000 to 1/13,000 individuals.... Excessive consumption of alcohol should be avoided due to a possible enhanced risk of neuropsychiatric reactions...³²

The supplement identifies several situations when mefloquine should not be used, among them, where individuals have a history of severe psychiatric illness.

The 1995 Physician's Desk Reference notes that post-marketing surveillance of Lariam (mefloquine) has identified several adverse reactions, including central nervous system disturbances (psychotic manifestations, hallucinations, confusion, anxiety and depression).³³ The Desk Reference also issues the following general precautions:

Caution should be exercised with regard to driving, piloting airplanes and operating machines, as dizziness, a disturbed sense of balance, neurological or psychiatric reactions have been reported during and following the use of Lariam.... During prophylactic use, if signs of unexplained anxiety, depression, restlessness or confusion are noticed, these may be considered prodromal to a more serious event. In these cases, the drug must be discontinued. Lariam should be used with caution in patients with psychiatric disturbances because mefloquine use has been associated with emotional disturbances.

Therefore, even by 1995, although there was a continuing awareness in medical literature of possible severe neuropsychiatric reactions to mefloquine, there was also a continuing

perception that these reactions were rare.

The 1996 Compendium of Phannaceuticals and Specialties carries several warnings about the use of mefloquine.³⁴ Among them is one about the impact of mefloquine on behaviour: "Patients with a past history of psychiatric disturbances or convulsions should not be prescribed mefloquine prophylactically." The Compendium identifies the following adverse effects of mefloquine:

Overall the most frequently reported adverse effects are nausea, vomiting, dizziness or vertigo, loss of balance, somnolence, sleep disorders, (insomnia, abnormal dreams), loose stools or diarrhea, and abdominal pain.

Less frequently reported symptoms include: Central and Peripheral Nervous System: sensory and motor neuropathies (including paresthesia), convulsions or seizures, visual disturbances, tinnitus and vestibular disorders, emotional problems (anxiety, restlessness, depressive moods, psychotic or paranoid reactions), forgetfulness, confusion, hallucinations.

Note: In the literature, the incidence of moderate to severe neuropsychiatric adverse drug reactions (e.g., seizures, psychotic reactions) with mefloquine has been reported at 1/215 following treatment and 1/13 000 following prophylactic use. [The latter figure would apply to CF members, since they were given mefloquine as a prophylactic.]

However, there is recent controversy about the frequency of severe neuropsychiatric symptoms after taking prophylactic doses of mefloquine. In June 1993 *The Lancet* printed a letter from a person who reported severe nightmares, reduced sensation in his legs and "occasionally wondering what it would be like to jump the eight floors from my hotel room":

Later, when I consulted on another matter a British doctor who has been in Kampala some thirty years, he stated that he "never advises patients to take mefloquine. It is a very dangerous drug".³⁵

A letter from Dr. G.C. Cook, a physician at the Hospital for Tropical Diseases in London, England, was published in the *British Medical Journal* in July 1995:

Advocates of widespread use of mefloquine have produced figures purporting to support a rarity of side effects (in particular neuropsychiatric ones), which are seemingly far less common when this agent is used in chemoprophylaxis than when it is used in chemotherapy. *A great deal of clinical experience indicates, however, that these reports seriously underestimate the prevalence of side effects*

in travellers: only rarely does a week pass in which I am not informed (at the Hospital for Tropical Diseases) by at least one traveller of his or her personal experience of side effects of mefloquine (many of them severe) or of similar symptoms in a colleague or fellow traveller. Many travellers refuse to take mefloquine in the light of their experience of its neuropsychiatric side effects.

Mefloquine should be reserved for chemotherapy [treatment] of infection with *P. falciparum* that is resistant to quinine.³⁶

As well, the *British Medical Journal* published a letter in June 1995 expressing concern about the recommended wider use of mefloquine for British travellers.³⁷ The author of the letter wrote that of 250 mining engineers and their families based in West Africa, more than 162 developed problems, including malaise, lethargy, headache and dizziness.

Another letter to the *British Medical Journal* indicated that the U.K. Ministry of Defence had, since January 1995, been conducting a double blind, randomized, controlled trial of chemoprophylaxis with mefloquine versus chloroquine-proguanil. The letter noted:

The subjects of the trial are British troops exercising in Kenya. Of the total trial population of 624 soldiers, 317 were randomly assigned, by means of random numbers generated by a computer, to receive mefloquine and 307 to receive chloroquine-proguanil. A questionnaire on "unusual" symptoms or illnesses was administered at eight weeks of chemoprophylaxis and was returned by 145 (46%) soldiers in the mefloquine arm of the trial and 142 (46%) in the chloroquine-proguanil arm.

The preliminary results of the trial show that both mefloquine and chloroquine-proguanil have a much higher mild toxicity than has commonly been recognised. Altogether 131 (90%) respondents given mefloquine reported some toxicity as a result of their (unknown) chemoprophylaxis, as did 126 (89%) responders given chloroquine-proguanil.³⁸

A table accompanying the letter showed reports of adverse reactions of three to seven days' duration. Using these criteria, three per cent of those using mefloquine reported paranoid feelings, and two per cent had anxiety attacks.

We are not in a position to resolve the debate within the medical community about the true frequency of severe side effects from mefloquine use. DND or individual members of the CF may wish to pursue this issue in another forum.

In fact, we learned that DND intends to conduct further study on the effects of mefloquine. In April 1997, the Surgeon General, MGen Clay, responded to recent media

stories about the possible effect of mefloquine on the behaviour of CF troops in Somalia. MGen Clay explained:

Subjects for the study will be military personnel who are scheduled for deployment to a malarial region and are prescribed mefloquine as part of their usual pre-deployment preparation. Baseline psychometric testing will be conducted before and after personnel take the drug, to determine whether there are any objectively measurable neuropsychological effects associated with this drug.

Since receiving approval two years ago, the study has not been conducted simply because CF personnel have not been deployed in sufficient numbers to a region where the use of mefloquine is required. It was never planned to include soldiers deployed to non-malarial regions, nor was it planned to include a mefloquine-alcohol component in the study.

The study will be conducted under the direction of military medical personnel, using civilian experts as scientific advisers...

Mefloquine is the accepted prophylaxis when travelling in areas where chloroquine-resistant malaria is found. The Canadian Forces Medical Service will continue to monitor all developments concerning mefloquine, and will continue to use the expertise available in centres such as the Toronto Hospital's tropical disease unit.³⁹

Was There any Evidence of Misbehaviour Caused, or Contributed to, by Mefloquine?

It is clear that mefloquine caused some minor problems in Somalia, as might be expected from a review of the medical literature. We learned of several incidents of gastrointestinal upset, vivid dreams, nightmares and inability to sleep following the use of mefloquine. There were also a limited number of more serious events that may have been linked to mefloquine. Side effects -- or at least the minor side effects, and possibly also the major side effects -- appeared to be most pronounced in the 24 to 48 hours after taking mefloquine. It appears from the evidence before us that most CF members took their mefloquine on Wednesdays. Thus, if mefloquine were implicated in misbehaviour, one would expect the misbehaviour to occur in the few days after the weekly mefloquine pill was taken.

Among the violent incidents in 1993 that we investigated were the following:

Wednesday, February 17 - two Somali nationals shot at riot

Thursday, March 4 - two Somali nationals shot at compound

Tuesday, March 16 - Shidane Arone killed

Wednesday, March 17 - one Somali national shot at International Committee of the Red Cross compound

Friday, March 19 - apparent attempted suicide by MCpl Matchee

We can, of course, draw no firm conclusions from this information. We do not know whether those involved in these incidents had in fact taken mefloquine. We do not know what day they took it if they did. Most important, without extensive further investigation, we cannot even hope to judge whether their behaviour may have been influenced by mefloquine. That is for psychiatric and other medical experts to determine.

As a case in point, the following additional investigation would be necessary to determine whether mefloquine might have been a factor in the behaviour of MCpl Matchee on the night of Mr. Arone's death and when MCpl Matchee later apparently attempted suicide:

- We do not know whether MCpl Matchee was taking mefloquine (the vast majority of CF personnel in Somalia did), or whether he had been prescribed an alternative anti-malarial drug; even if he had been prescribed mefloquine, we do not know whether in fact he took it.
- If MCpl Matchee did take mefloquine, we do not know on what day he took it (many, perhaps most, CF personnel apparently took it on Wednesdays).
- Even if MCpl Matchee did take mefloquine, we do not have sufficient evidence before us to judge whether his behaviour was influenced by the mefloquine, or whether his actions were consistent with his personality, the stressful environment of Somalia, his alcohol consumption, or other influences. Even if there were sufficient evidence to suggest that mefloquine influenced his behaviour, we would likely require extensive expert evidence to assess the *degree* to which his behaviour was influenced by the drug.⁴⁰ It seems unlikely that experts could determine precisely the degree to which mefloquine may have influenced his behaviour.

CONCLUDING OBSERVATIONS

If mefloquine did, in fact, cause or contribute to some of the misbehaviour that is the subject of this Inquiry, CF personnel who were influenced by the drug might be partly or totally excused for their behaviour. However, for reasons described above, we are not able to reach a conclusion on this issue. We can offer only general observations about the

decision to prescribe mefloquine for personnel deployed to Somalia.

1. DND's decision in 1992 to prescribe mefloquine for CF personnel deployed to Somalia appears to be consistent with the medical practice at the time. This view is based on medical literature from that time suggesting that mefloquine was an appropriate anti-malarial drug for troops in Somalia and that severe neuropsychiatric symptoms were rare - in the order of one in 10,000 to one in 13,000 users. U.S. troops also used mefloquine, although in a weaker form. We cannot say, however, whether DND took adequate precautions to ensure that persons with psychiatric disorders did not receive mefloquine, since even in 1992 it was known that mefloquine should not be prescribed to such individuals.
2. At the time of the deployment, there seems to have been no strong evidence that mefloquine might interact with alcohol to produce or increase the risk of abnormal behaviour or to magnify such behaviour. The possible adverse effects of mixing alcohol with mefloquine were analyzed in detail in the medical literature only after the Somalia deployment. DND, therefore, cannot be faulted for failing to restrict alcohol consumption while mefloquine was being used.
3. More recent medical information suggests that severe adverse effects from mefloquine used as a prophylactic are not as rare as first thought, but views on this point conflict, and further investigation may be necessary.
4. Mefloquine use *could* have been a factor in the behaviour of some troops in Somalia. However, one cannot begin to determine whether mefloquine contributed to the behaviour of the individuals in question without answers to the following questions:
 1. Did the members in question use mefloquine?
 2. Did any of the CF members in question receive a more powerful 'treatment' dose of mefloquine? This would happen only if they had contracted malaria. The more powerful treatment doses were known, even at the time of the Somalia deployment, to carry a greater risk of neuropsychiatric disorders than the weaker dose that most troops received to prevent malaria.
 3. Did any of the CF members in question have a history of psychiatric disorders that could increase the risk of severe side effects from mefloquine?
 4. On what day of the week did they take mefloquine? On what day, or days, of the week did their misbehaviour occur?

5. Did they complain at any point about any symptoms, mild or severe, that are now known to be associated with mefloquine?
6. Did anyone notice abnormal behaviour on the part of the CF members in question in the few days after the latter consumed mefloquine? If so, what was the behaviour? Is it reasonable to say that mefloquine was, or might have been, a cause? Might some other factor instead have caused or contributed to the behaviour (alcohol consumption, racist attitudes, generally belligerent or aggressive nature of the individual, stressful environment, official tolerance of extreme behaviour)?
- 7.

NOTES

1. Mefloquine hydrochloride. In Canada, mefloquine is sold under the trade name Lariam.
2. M.R. Wallace et al., "Malaria among United States troops in Somalia", *American Journal of Medicine* 100/1 (January 1996), pp. 49-55.
3. Briefing note, Gen A.J.G.D. de Chastelain, Chief of the Defence Staff (CDS), and Mr. R.R. Fowler, Deputy Minister (DM), to the Minister of National Defence (MND), November 10, 1994, Document book 124, tab 12A, P. 1/3. The briefing note was prepared by Capt (N) R.C.D. Climie, Director, Health Protection and Promotion (DHPP), NDHQ.
4. Memorandum, LCol M.L. Tepper, DHPP, and Capt (N) R.C.D. Climie, DHPP, "Preventive Medicine Recommendations for Somalia", file 6600-15 (DHPP 2), September 1992, DND 115004.
5. Letter, Capt (N) R.W Allen, Commanding Officer, HMCS *Preserver*, to Regional Surgeon, Maritime Forces Atlantic Headquarters (MARLANT HQ), "Post-Deployment Report Op Deliverance, 16 November 1992-7 April 1993", Document book 124, tab 5, p. 5.
6. Briefing note, CDS and DM to MND, November 10, 1994, Document book 124, tab A, p. 1/3.
7. Document book 23, tab 8.
8. Canadian Airborne Regiment, Standing Operating Procedures for United Nations Operations, 11/14/92, DND 178140, Control 000119.
9. CJFS Somalia and HQ and Signal Squadron Standing Operating Procedures, Foreword, January 2, 1993, p. 14/14, DND 385818, Control 004027.
10. This appears to be a reference to MCpl Matchee. Maj Barry Armstrong, Document book 124, tab 6, DND 129924.

11. Press release, "Delta MP Urges Defence Review of Military Sentences in 'Somali' Case", October 6, 1994.
12. Mr. Cummins may also have erred about the day on which the drug was taken. Other information before us suggests that mefloquine was normally taken on Wednesdays. However, Mr. Cummins may have had specific information about when MCpl Matchee took his medication and what medication he took.
13. House of Commons, *Debates*, October 18, 1994, p. 6847.
14. Letter, John Cummins, M.P., to the Honourable David Collenette, Minister of National Defence, regarding the case of Trooper Kyle Brown of the Airborne Regiment, October 26, 1994, DND 093991, Control 022469.
15. Letter, Honourable David Collenette to John Cummins, M.P., Investigation of Pre Brown, December 11, 1994, DND 093988, Control 022468.
16. Inquiry of Ministry, Mr. John Cummins (Delta), November 14, 1994, Q-105.
17. The Minister was almost certainly referring to a February 1995 article in the *Canadian Medical Association Journal* 152/4 (February 15, 1995), pp. 515-517.
18. T Weinke et al., "Neuropsychiatric Side Effects after the use of Mefloquine", *American Journal of Tropical Medicine and Hygiene* 45/1 (1991), pp. 86-91. The authors note, however, that the incidence of adverse effects could in fact be higher, since they were relying on information about the number of doses of mefloquine sold, which would almost certainly be higher than the number consumed. In other words, some individuals might have received a prescription for mefloquine but not used it.
19. Committee to Advise on Tropical Medicine and Travel, *Canada Diseases Weekly Report* (Health and Welfare Canada), vol. 17S2 (February 1991) "Canadian Recommendations for the Prevention and Treatment of Malaria among International Travellers", P. 5.
20. J.L. Bem, L. Kerr and D. Stuerchler, "Mefloquine prophylaxis: an overview of spontaneous reports of severe psychiatric reactions and convulsions", *Journal of Tropical Medicine and Hygiene* 95 (1992), p. 169.
21. *Canadian Medical Association Journal* 15 2/4 (February 15, 1995), p. 515.
22. Weekly medical situation report, December 13-20, 1992, Document book 124, tab 3.
23. Letter, Capt (N) Allen to Regional Surgeon, MARLANT HQ, "Post Deployment Report Op Deliverance, 16 November 1992-7 April 1993", p. 5.
24. Testimony of Maj Mansfield, Transcripts vol. 103, pp. 20421-20422.
25. Testimony of CWO (ret) Jardine, Transcripts vol. 105, pp. 20972-20973.
26. *Canadian Medical Association Journal* 152/4 (February 15, 1995), p. 515.
27. Bem, Kerr and Stuerchler, "Mefloquine prophylaxis", pp. 167-179.
28. J. Sanchez et al., "Tolerability of prophylactic Lariam regimens", *Tropical Medicine Parasitology* 44 (1993), p. 257.

29. Sanchez et al., "Tolerability of prophylactic Lariam regimens", p. 257. However, Maj Armstrong noted in his address to the Canadian Forces Medical Services Group Conference in October 1993 that the mefloquine pills taken by the CF were 10 per cent stronger than those given to U.S. forces in Somalia (Document book 124, tab 6).
30. Letter, Dr. J.S. Keystone to Capt (N) R.C.D. Climie, DHPP, NDHQ, February 7, 1994, Document book 124, tab 8.
31. Committee to Advise on Tropical Medicine and Travel (CATMAT), *Canada Communicable Disease Report* (Health Canada), Supplement 1995, "Canadian Recommendations for the Prevention and Treatment of Malaria among International Travellers", October 1995, p. 6.
32. CATMAT, "Canadian Recommendations", p. 6.
33. *The 1995 Physician's Desk Reference*, vol. 85 (Medical Economics Co. Inc.).
34. "Larium", in *Compendium of Pharmaceuticals and Specialties* (1996), p. 752.
35. B. Meredith Burke, letter to the editor, *The Lancet* 341 (June 19, 1993), p. 1605.
36. Ashley Croft, Senior Registrar in public health medicine, Army Medical Directorate, Ministry of Defence, Aldershot, letter to the editor, *British Medical Journal*, July 15, 1995 (emphasis added).
37. I.C. Perry, Consultant in occupational medicine, letter to the editor, *British Medical Journal*, June 24, 1995.
38. Ashley Croft, letter to the editor, *British Medical Journal*, July 15, 1995.
39. Letter to the editor, *The Ottawa Citizen*, April 22, 1997, p. A13.
40. Evidence at the court martial of Pre Brown gave some information about the state of mind of MCpl Matchee on the evening of Mr. Arone's death (March 16th). However, the descriptions of MCpl Matchee's moods were not entirely consistent. In any event, we are not in a position to state whether mefloquine contributed to his particular state of mind without further, and likely extensive, evidence.

THE INQUIRY'S UNFINISHED MANDATE

THE TRUNCATION OF THE INQUIRY

We have set aside this portion of our report to address the Inquiry's unfinished mandate.

Under the revised terms of reference given to us in the aftermath of the Federal Court judgement that characterized as unlawful the Government's decision to curtail our Inquiry, we were instructed to report on the predeployment phase of the Somalia operation and were given discretion to report on all other matters in our original mandate, to the extent that we deemed advisable. In compliance with this adjusted mandate, our report describes, in detail, all the many matters that we have been able to canvass in the time available. It also traces the outline of what we were originally asked to investigate but were unable to complete because of the truncation of our work.

There is an obvious public interest in discovering what remains to be inquired into with regard to the Somalia affair.

The Senate passed a motion and established a special committee on the Somalia deployment in an endeavour to pick up where we had left off, but that committee soon aborted its proceedings. Despite this initial setback, Senators have expressed an interest in attempting to resurrect this committee in the next Parliament. Whether they do so, or whether the task of completing this investigation must fall to historians, there is merit in promoting a greater understanding of what we had accomplished, in a preparatory sense, regarding our hearings for the remainder of the in-theatre phase and in relation to the post-deployment phase. The full dimensions of the problems we were actively probing and wished to explore before our efforts were cut short deserve to be known.

Before describing what, in our view, remains to be done, we offer a brief summary of the events that led to the truncation of our Inquiry.

The Inquiry's original terms of reference stipulated a reporting deadline of December 22, 1995. Recognizing soon after we began that the time allotted would be insufficient to investigate and report effectively, we requested additional time to complete our mandate. In the end, however, we were prevented from completing the assigned task by a Government decision to end the Inquiry.

As a result, although we have been able to report on almost all of the 19 items set out in our original terms of reference, we have not necessarily been able to do so to the extent initially contemplated.

We have completely and exhaustively inquired into and reported on all nine of the items listed in the order in council under the heading Pre-Deployment (prior to IO January 1993).

Regarding the nine items listed under the heading In-Theatre (10 January 1993 to 10 June 1993), we have been able to probe effectively the institutional and systemic issues raised there. We were able to do so by combing through and analyzing the myriad documents we had accumulated, while conducting and amassing a wealth of research on these subjects. This effort was supplemented by our consideration and evaluation of the voluminous testimony received in our hearings on the in-theatre phase of the deployment.

Where we were hampered and where our efforts were curtailed is with respect to certain key incidents and events, such as the death of Shidane Arone, and with reference to our ability to pursue the central issue of coverup from the operational theatre in Somalia into the boardrooms of National Defence Headquarters (NDHQ). (We were able to trace the origins or genesis of cover-up in relation to the March 4, 1993 incident involving the shooting death of a Somali citizen.) We were also prevented by the truncation of our mandate from pursuing more exhaustively "the manner in which the chain of command of the Canadian Forces (CF) responded to the operational, disciplinary and administrative problems related to the Somalia deployment",¹ that is, the nature of the response of the upper ranks and senior officials at NDHQ to the problems encountered.

This chapter begins with an account of our efforts to gain the time needed to do justice to the Inquiry's mandate. We go on to examine the Government's decision to truncate that

mandate. We conclude with a review of the portions of the mandate that we were forced, by reason of the Government's decision, to abandon - the Inquiry's unfinished business.

All these considerations were built into the request for an extension of time that would have led us to report by December 1997, as opposed to June 1997. We were ready to proceed with these matters. Issues and witnesses had been identified, and interviews of witnesses had begun.

REQUESTS FOR SUFFICIENT TIME

There were three requests for additional time to complete our mandate: in June 1995, just over two months after the Inquiry was established; in March 1996; and in November 1996. Some additional time was given following each request, but never the full amount of time requested on the basis of our analysis of the task and a work plan for completing it.

The First Request

The first request took the form of a letter from the Chairman of the Inquiry to the Clerk of the Privy Council and Secretary to the Cabinet, dated June 2, 1995. In it the Chairman identified the factors that prompted the Inquiry's request to extend the reporting deadline to the end of September 1996:

- the fact that the parties had underestimated the amount of time required to prepare a report of the magnitude required by the Inquiry's mandate;
- the lag time between the appointment of a new commissioner and the date when he was able to take up his duties;
- delays in the hand-over of documents from the Department of National Defence to the Inquiry;
- the large volume of material expected to be delivered from DND to the Inquiry - at that time anticipated to consist of some 7,000 documents;
- the emergence, during the Inquiry's early hearings, of new issues requiring the Inquiry's attention (specifically, allegations of additional cases of killing and torture); and
- the unavailability of certain military witnesses during the summer months to be interviewed and to prepare for subsequent hearings.

In the period leading up to this request, the Government's public statements, in the House of Commons and elsewhere, focused on the Inquiry as a vehicle for eliciting all the relevant facts surrounding the Somalia deployment and answering all the questions raised about it. Indeed, the press release issued when the Inquiry was established stated that its

terms of reference were broad enough to "answer all allegations made concerning the activities of the Airborne Regiment and the actions and decisions taken by all levels of the chain of command and the Department of National Defence during the pre-deployment, in-theatre and post-deployment phases of the Somalia operation."²

Government spokespersons also said that there was "nothing to hide" and an independent commission" was needed to get at the truth.³ The Minister of National Defence told the House that to "get to the bottom of all the sorry events that unfolded in Somalia [the Inquiry had been given] the most wide-sweeping investigative powers probably in Canadian history."⁴

Despite this emphasis on the Inquiry's exceedingly broad mandate and the thoroughness with which the Government expected us to approach the task, the Government did not give the Inquiry the full amount of time requested, and the reporting deadline was extended only to June 28, 1996 three months short of the time sought. No reasons were given for the decision or for the Government's implicit rejection of our assessment of the projected time frame as one that was both realistic and expeditious.

The Second Request

Three months before the June 1996 deadline set in the first extension, developments in the conduct of the Inquiry necessitated another extension request. By the spring of 1996, evidentiary hearings on the pre-deployment phase had been completed, but several new factors had come into play. (These are described further in Chapter 39.) As the Chairman of the Inquiry explained in his letter requesting the extension:

- there had been further delays on the part of the Department of National Defence in handing over essential documents and material, despite assurances that all material would be provided by June 30, 1995;
- the number of documents received had increased to 80,000 from the original estimate of 7,000; and
- the hearings would inevitably be prolonged by the fact that 17 counsel had already been given standing to appear at evidentiary hearings, and more grants of standing were expected.

This was also the period in which evidence of missing or destroyed documents came to light, raising the troubling issue of cover-up. Given these factors, the Chairman wrote in his letter of March 6, 1996, that a new reporting date of September 30, 1997 would be realistic and expeditious.

While the March 6th request was under consideration by the Government, the Prime Minister and the Minister of National Defence again expressed confidence that the Inquiry was doing the job it was supposed to be doing. The Prime Minister told the House of Commons that the earlier deadline had been extended to "make sure that

everything is in the open and that the people of Canada know what happened".⁵ The Minister of National Defence, responding to questions in the House, affirmed the propriety and relevance of the inquiry's investigation. "The Inquiry is to look into cover-up," he told the House on April 17, 1996. "The inquiry is to look into the destruction of documents. The inquiry is to determine if there is wrongdoing ... We will get the answers from an impartial commission which is doing its job and doing it well."⁶

The Minister repeated these and similar assertions throughout the month of April. On April 30th he was joined by the Minister of Justice, who stated that "the government does not question for a moment the right and jurisdiction of the inquiry to look into the whole question of cover-up. That is well within the mandate of the commission ." ⁷ Added the Minister of National Defence on May 3rd:

... we owe all those people involved in this matter the courtesy of being allowed to give their views at the commission so that it is done in a very systematic, calm and rational way. I think most Canadians feel that is the appropriate way to go about it.⁸

Again, the Government agreed to the Inquiry's request for an extension, but again, the time given fell short of the time requested. The reply from the Clerk of the Privy Council, dated June 21, 1996, extended the reporting deadline to March 31, 1997, six months short of the Chairman's request, and added, "The Commission's progress can be assessed further in the fall."

The Third Request

By the fall, it was clear to us that although progress had been substantial, work remained to fulfill the terms of reference. The Chairman wrote to the Government on November 27, 1996, outlining progress to date and the elements of the terms of reference still outstanding. By the date of the letter, we had completed preliminary policy (background) hearings; hearings relating to the predeployment period; and hearings relating to the early part of the in-theatre phase of the deployment (the arrival of Canadian Forces in Somalia); and we were conducting hearings relating to the shooting incident of March 4, 1993.

The matters still to be dealt with to fulfill the terms of reference were completion of hearings on the March 4th incident; receipt of evidence from LCol Mathieu and Col Labb6 up to and including the March 4th incident; evidence relating to the March 16th incident; evidence on other in-theatre incidents; evidence relating to the actions and decisions of key figures at National Defence Headquarters, including the Chief of the Defence Staff, the Deputy Minister of National Defence, and the Minister of National Defence; and evidence relating to issues of cover-up at the highest levels in the chain of command and within the civilian staff of NDHQ.

In addition, to ensure procedural fairness, an opportunity was to be given to parties with standing at the hearings to reply to evidence or provide supplementary evidence related to all phases of the deployment and for parties and affected individuals to make submissions.

Finally, by this time the number of documents received from DND and in the process of being reviewed by Inquiry staff had grown to 150,000, totalling more than 600,000 pages. This was nearly double the number of documents received by the time of the second extension request, and more than 20 times the number estimated by DND in the initial stages of our work.

The Chairman's November 27th letter went on to outline a plan for the expeditious completion of our work - including briefings by DND and the military on changes in policies and practices since the Somalia deployment and to propose three scenarios for completing the Inquiry. The earliest proposed deadline was the end of December 1997, which we emphasized was the minimum time needed to complete the work assigned in a comprehensive, reasonable, and effective manner.

In the meantime, the Government continued to assure Canadians that they wanted "the inquiry to finish the job". "As soon as we get the report from the commission," the Prime Minister told the House, "we will be able to see what happened, what is wrong, and what action is required."⁹The Minister of National Defence reiterated the Government's commitment to a thorough, careful approach:

This demonstrates...why we had to have the inquiry in the first place ... to put it in ... an impartial setting so that everyone could be heard fairly and all the evidence could be examined clearly and thoroughly.¹⁰

On October 4, 1996, however, the Hon. David Collenette resigned as Minister of National Defence. The new minister, the Hon. Doug Young, said on October 8th that he was prepared, if he had the support of the House of Commons, to ask the Inquiry to report by the end of March 1997 and that he would encourage the Inquiry to report "as quickly as possible on what happened, why it happened, and who was responsible for what happened in Somalia."¹¹ The following day he said in the House that he wanted a "thorough investigation of everything that happened in connection with the situation in Somalia" and that he wanted the Inquiry to "report as scheduled on March 31, 1997".¹²

The Minister informed the House of Commons on December 10th that the Inquiry had requested an extension. He sought members' views on the extension request in these words:

I hope all members of this House will express their views on whether or not the Inquiry should continue on, if they would like it to go for a year, two years, three years or four years, or if they think there might be some value in trying to learn the lessons of what happened in Somalia so that we can avoid a repetition of the intolerable incidents that took place there... I guess it is all a question of whether it happens in our lifetime or not.¹³

THE DECISION TO TRUNCATE THE INQUIRY

With this apparent change in attitude on the part of the Government, it was perhaps not surprising that the Government responded to our third extension request with a letter, dated January 10, 1997, stating that even the shortest scenario proposed by us was "not in

the national interest". The letter also specified a final reporting date of June 30, 1997. Despite our explicit request, in the November 27, 1996 letter, for guidance on which items in the terms of reference could be eliminated or shortened in the interests of achieving the shorter time frame, the Government's letter of response was silent on this issue.

It was not until April 3, 1997 - following a court decision on a case brought by an individual who might have been called as a witness had the Inquiry not been truncated - that the Government amended our terms of reference to specify which items must be reported on and which items we could leave aside if we determined that the time frame was inadequate.¹⁴

Effects of the Truncation

The six-month extension requested in November 1996 would have given us until the end of December 1997 to report. This would have allowed the Inquiry to canvass all the major issues set out in the original terms of reference and discussed in the next few pages. Instead, the Government's decision of January 10, 1997, and the amended terms of reference of April 3, 1997, severely restricted the Inquiry's ability to examine crucial aspects of the original mandate.

More specifically, in summary, the Inquiry would not be able to consider fully:

- the nature and adequacy of the response of NDHQ to the events in Somalia;
- the nature and scope of the events of concern that occurred during the deployment;
- a possible cover-up in the upper reaches of NDHQ and the Canadian Forces;
- whether the failure to provide information and documentation to us was evidence of a continuing cover-up; and
- the testimony of military, bureaucratic and political officials at the highest levels.

The messages implicit in the Government's decision are as important as the issues left unexplored by truncation of the Inquiry. First, after giving every indication for a period of 18 months that the Inquiry would be allowed to complete its comprehensive, systematic approach to gathering and analyzing evidence and reaching conclusions and recommendations, the Government abruptly changed course. We saw this decision as unwarranted interference with the independence of a public inquiry, interference that is also alien to our political traditions and endangers principles of democratic accountability.

The Government's January 10th decision and subsequent statements also reflected and reinforced attitudes, already apparent in dealings between Government officials and the Inquiry, of antagonism toward the work of our Inquiry. This also established a foundation for some parties to bring motions in court, arguing that the Inquiry would not or could not afford them the fundamental fairness required by law and should therefore be stopped from proceeding or issuing a report. The Department of National Defence was also given

an opportunity, by virtue of the truncation, to delay the production of documents - many of which were already long overdue - until they would be of little or no value in completing our work.

Also of concern to us was the message that would be sent to young soldiers about the accountability of the upper ranks compared to their own. The Inquiry was established, in part, to alleviate concerns about imbalance in the official reaction to the events in Somalia. The feeling was that the military justice system had paid too much attention to the behaviour of soldiers of lower rank, and that not enough effort had gone into examining the role and responsibility of the leaders, higher-ranking officers, senior bureaucrats, and government officials. The imposed deadline made it difficult to redress this imbalance properly.

What follows is a summary of the unfinished business before the Inquiry.

THE UNFINISHED MANDATE

We have fully investigated and completed the pre-deployment phase. With respect to the in-theatre phase of the deployment, we received and considered sufficient testimony and extensive documentary evidence pertaining to the vast majority of the matters specified in our terms of reference. In this context, the extensive probing of the shootings in the back of two fleeing Somali civilians on the night of March 4, 1993, has provided substantial, significant, and cogent evidence for the fulfillment of almost all items of our terms of reference.

However, some of our work remains undone. We obviously cannot address, in full detail, the overall post-deployment response of the chain of command to the problems encountered during the Somalia mission or the behaviour of senior officers and officials for the purpose of assessing their personal accountability, because our hearings were brought to an end before the most important witnesses relevant to that issue and time period could be called. Our schedule was aborted just as we were beginning to question the highest levels of leadership of the Canadian Forces and the Department of National Defence and to explore the allegations of cover-up with respect to some incidents. An immediate result was the withdrawal of a number of notices already sent to individuals warning them of possible adverse comment on their conduct. Thus, we could address systemic issues arising out of in-theatre and post-deployment events, but could not, in our report, identify any individual misconduct or failings involved. The Government's decision effectively allowed many of those in senior leadership positions during the deployment to avoid entirely accountability for their conduct, decisions, and actions during and after the mission.

More specifically, we were not able to hear all relevant testimony of the senior leaders, who, at the material times, held the offices of Minister of National Defence, Deputy Minister of National Defence, judge Advocate General (JAG), and Chief of the Defence Staff. These were the very officials ultimately responsible and who would, in the normal course of events, have been ultimately accountable for the conduct of the deployment; the policies under which it was carried out; errors, failures and misconduct that may have

occurred in its planning, execution and aftermath; and ensuring that appropriate responses were made by the Canadian Forces and the Department of National Defence to problems that arose or were identified.

We would also have called to testify the executive assistants and senior staff in the offices of these senior officials and leaders, not only to receive their evidence with respect to their own conduct and that of their superiors and associates, but also to understand how their offices were managed; the functions, roles and responsibilities they and their staff were assigned and performed; and the policies or operating procedures in place to guide the management of their offices.

Further, in accordance with the mandate given to us to inquire into and report on the manner in which the chain of command of the Canadian Forces responded to the operational, disciplinary and administrative problems encountered during the Somalia deployment, we also would have received evidence from senior officials associated with the earlier internal de Faye Board of Inquiry; officials who conducted investigations of events and incidents in theatre; and officials in the office of the judge Advocate General who managed the response of the military justice system.

Government spokespersons have frequently asserted that the decision about whether and when to call senior leaders or officials to testify was entirely our responsibility and within our discretion. They have stated that we could easily have called anyone we wished within the time allotted to us to complete our work. One need only examine the terms of reference drafted by the Government, however, to recognize immediately how unrealistic these assertions were. Clauses relating to senior leadership essentially directed us to examine their responses to the "operational, administrative and disciplinary problems" encountered during the deployment. In order to assess those responses, it was first necessary to identify, independently and painstakingly, what the problems were (and they were legion). Had the military admitted to some of the problems at the beginning, it would have simplified our work. But their persistent denial - until overwhelming evidence was adduced in our proceedings and emerged from incidents in Bosnia - made this exercise necessary. We would have been justly criticized had we relied on the very leaders and investigators whose conduct and responses we were examining and assessing to define the problems arising out of the deployment for us. Even more, we would have been justly criticized had we examined senior leaders about their possible involvement in a cover-up without first establishing or receiving evidence from which it could be inferred that a cover-up might actually have occurred or been attempted; the nature and scope of any cover-up; what information had been covered up; and how the leader in question might have participated.

Our findings on the March 4th incident (see Chapter 38) illustrate the effectiveness of proceeding from the ground up, as it were, in investigating a cover-up, and clearly indicate what we might have achieved if left to finish our work.

Mr. Young, then Minister of National Defence, also asserted frequently and to our amazement that all that needs to be known about what happened in Somalia is known. We continue to believe that important facts concerning both the deployment and its aftermath are not yet known or remain obscure. We thought, because of its public statements, that the Government also believed that it was essential, and in the interests of

the Canadian military and its renewal, publicly and in an independent, non-partisan setting, to expose, understand, confront, and analyze the facts and address all the important matters raised in the terms of reference. Obviously, we were mistaken in our belief, as the Government abandoned its earlier declared interest in holding to account senior leaders and officials who participated in the planning and execution of the mission and responded to the problems that arose. Once again, history repeats itself. Only the lower ranks have been made to account for the marked failures of their leaders.

We fear that implementing hastily crafted and mostly cosmetic reforms, coupled with the abandonment of an interest in accountability, and implementing reforms unrelated to specific facts and problems identified and assessed in a thorough, independent, and impartial process, will serve merely to postpone the day of reckoning that must surely come. In this regard, one might well ponder whether the incident of March 16, 1993 might have been avoided if the March 4th incident had been investigated properly, the facts had been quickly exposed, efforts had been made to identify and remedy defective policies immediately, and those ultimately responsible for the conception and execution of the activities of March 4th had been required to account, along with those who more directly erred, engaged in misconduct, or displayed a lack of discipline. One might also ponder, on a broader scale, whether the sad and strikingly similar events and problems that happened during the Bosnia deployment, as identified in the board of inquiry and the Thomas report, might have been avoided if greater efforts had been made, early on, more directly and objectively to identify, confront, and insist on accountability for the personal and systemic problems, errors and failures surrounding the deployment to Somalia. Many who were in the senior chain of command for Somalia also had responsibilities for what transpired during the Bosnia deployment.

Although the truncation of our investigation and hearings has prevented us from fully addressing some significant facts, problems, errors, and failures associated with the deployment, we have concluded that it is our duty and in the interests of the Canadian public and the Canadian Forces, at least to identify unresolved questions and issues arising from some of the significant incidents that occurred and from the actions, inactions, decisions and responses of senior leadership related to those incidents. It is to be hoped that these issues and questions will be addressed and resolved and appropriate remedial measures taken.

INCIDENTS IN THEATRE

The February 17th Riot at the Bailey Bridge

On February 17, 1993, two Somali nationals were shot by CF members and one was killed during a riot in Belet Huen. We know from documents provided to us and interviews conducted that some segments of the Belet Huen population were upset with LCol Mathieu's handling of the local population and the organization of their local government committees. We have received information that could support a conclusion that the Canadian Forces made some faulty decisions that resulted in elements of Belet Huen society feeling that Canadian Forces were showing favouritism among warring

factions. The CF has suggested the riot was an orchestrated event instigated by the clan leader Mohammed Farah Aideed. While it is doubtful that our hearings could have determined its real causes, we would have examined more thoroughly what the CF did to understand the dynamics and make-up of the local society and how it distributed benefits to the local population. Information received on this issue would have been directly relevant to our assessment of the preparation, planning for, and execution of the mission and the relevant actions and decisions of leadership. Had we been able to examine and report on the facts, our conclusions would likely have been useful in planning CF involvement in future missions in like circumstances.

Documentation in our possession also suggests that the CF went on this mission without clear parameters for the use of crowd control mechanisms and was poorly equipped for such situations. Decisions about the use of chemical riot control agents were reserved for the Commander of the Unified Task Force (UNITAF). It became necessary to approach UNITAF Headquarters during the disturbance itself for permission to use tear gas. Permission was refused. We would have explored whether the failure to obtain advance approval for the use of chemical or other riot control agents, and for the type of agents that could be used, reflected planning deficiencies. It seems apparent that, in a mission intended in part to deliver supplies to a starving population, crowd control should have been a primary concern and that the identification of agents that could be used to control crowds would have been settled in advance with the UNITAF Commander. As the decision not to use tear gas was made in the middle of the event itself, and by the UNITAF Commander instead of personnel on the ground who were aware of the circumstances, we would also have explored whether the CF agreed to unreasonable limits on its discretion to deal with some matters within its sector when it joined UNITAF.

Information in our possession suggests that the crowd may, in fact, have been incited by the fact that the bridge was blocked. According to statements from Somalia provided to us, the demonstrators had earlier demonstrated peacefully in the town and simply wanted to conduct a second march through town. If this was so, we would have examined more closely the reason the CF members blocked the bridge. If the facts supported a conclusion that this decision reflected bad judgement on the part of CF leadership and eventually resulted in the use of deadly force, we would have considered whether and to what extent the eventual result was traceable to a lack of preparation, poor planning, poor intelligence, or weak leadership.

There is also a question whether the deployment of personnel in the vicinity was adequate in the circumstances (one platoon to deal with a crowd of 300). The rationale for this would also have deserved further exploration. We might have concluded that a more substantial deployment of personnel would have avoided the need for use of deadly force.

In general, our information suggests that the CFs training and preparation for crowd control should be examined and compared with that of other organizations having similar responsibilities.

The Incident of March 4, 1993

We were able to explore thoroughly the in-theatre aspects of the March 4th incident. In essence, we canvassed elements of the incident with the exception of the role of persons in high office in NDHQ who may have contributed to, or been responsible for, a cover-up in relation to this incident.

We concluded in our chapter addressing the March 4th incident (Chapter 38) that a number of specific actions and omissions by the chain of command in Somalia and at NDHQ delayed the required military police investigation and, initially at least, served to cover up the truth about this incident from the Canadian public.

The cover-up in Somalia and at NDHQ manifested itself in a number of ways. There appeared to be no pressure from anyone at NDHQ to have Col Labbé deliver the report of the Commanding Officer's investigation when it was delayed. We have questioned why NDHQ appeared to take a hands-off approach to the suspicious behaviour in Somalia. We have expressed our concern about what NDHQ knew or chose to know about the incident at material times, particularly with regard to the fact that those in the chain of command were almost immediately aware of the seriousness of Maj Armstrong's allegations and that Col Labbé was in daily contact with NDHQ. We have concluded that NDHQ used an after-the-fact questioning of the understanding of the Rules of Engagement as justification for its failure to order an immediate investigation by military police. Further, parallel actions in Somalia and by NDHQ senior officials produced a complex 'damage control' project that attempted to mislead the media and the Canadian public. Finally, we have concluded not only that a cover-up was carried out of the actual events of March 4th, but also that fundamental problems were not adequately disclosed through the chain of command in Somalia and not resolved by this chain of command in a timely fashion.

Although the evidence we heard enabled us to draw these conclusions, some questions remain. Because of the compressed time frame allotted to our work, we were unable to call key witnesses who might have enabled us to determine the identity of all who may have participated in, and were responsible for, the cover-up mounted in connection with this incident, particularly the full nature and extent of involvement, if any, of NDHQ and its personnel.

We had intended to, but could not, question the officials then in office: the Chief of the Defence Staff, Adm Anderson, the Deputy Minister, Robert Fowler, the Minister of National Defence, the Rt. Hon. Kim Campbell, the judge Advocate General, and relevant officials employed in their offices about what they knew or information they received concerning the events of March 4th. We also could not question them about what they knew about the cover-up that was mounted; the 'go slow' policy applied to the investigation of the incident; the failure to press Col Labbé for the long-delayed report on the CO's investigation; and the development of the ROE justification for failing to mount a timely military police investigation. We would also have questioned them about the inquiries they made, responses they received, or discussions they participated in about the incident, in light of the fact, as we have found, that the seriousness of the incident and allegations surrounding it were known almost immediately at NDHQ.

We had intended to, but could not, question the CDS about any efforts he may have made to obtain information, or information he may have received when he visited the troops in Somalia from and after March 8, 1993. During this visit, in the presence of Maj Armstrong, he toured the hospital in which the wounded Somali was housed, and he had meetings with Col Labb6 in Nairobi. We would have questioned him about what he did with any information he received about the incident or its handling during this visit, and whether he discussed it with the Deputy Minister, the Judge Advocate General or the Minister of National Defence. We do not know whether he saw or discussed a draft of Capt Hope's initial investigative report at that time; whether he was aware the report should have been completed within 48 hours; what he did to obtain the report when it was delayed; and when he was actually given copies of the reports prepared by Capt Hope and Col Labb6. We do not know whether he was briefed before receiving them or what his responses or reactions, if any, were on reading them. We do not know when, or whether, he was told that there would be a Military Police investigation; by whom or by what means he might have been told; the rationale he thought applied or was given for ordering the Military Police investigation; or what his response was on being advised that it was to take place.

There were other questions about the March 4th incident and the related actions and decisions of senior leadership that would have been explored, had time permitted. What was Adm Anderson's rationale, when visiting the troops in Somalia shortly after March 4th, for advising them to keep a low profile? Had he been specifically advised or instructed to do so, or did he, on his own initiative, simply pass on the Deputy Minister's message at the Daily Executive Meeting (DEM) of March 1, 1993, that "the department should take as low a profile as possible" and recognize "the extreme sensitivity in all matters relating to public statements, speeches, press releases, etc. by all members in the department over the next few months, in view of the expected candidacy of the Minister for the leadership of her party"?¹⁵

We have concluded that this message set the tone for many of the questionable activities that followed. Since the Minister did not announce her candidacy until March 25, 1993, we would have inquired whether the Deputy Minister acted on speculation or whether the Minister, or anyone acting on her behalf, had already advised him of her plans and asked him to pass on to participants in the DEM her concerns about the departmental profile.

As we noted in our chapter addressing the openness of the Department of National Defence in its dealings with our Inquiry and the public (Chapter 39), almost immediately after the Minister assumed the defence portfolio in early January 1993, the DM, Mr. Fowler, reminded those attending the DEM of January 22, 1993, that "the MND enjoyed excellent relations with the media, and that she was not about to jeopardize this relationship."¹⁶ What message was intended to be conveyed by this statement, and how did those receiving the message interpret it? Again, was the DM asked by the Minister to pass on her concerns, or did he make the statement on his own initiative? To what lengths were the Minister, the Deputy Minister and those receiving the message prepared to go to protect the Minister's media relations or image? We would also have explored the extent to which the senior leadership believed it was appropriate to inject political considerations into military deliberations and operations.

We would have explored the reactions of others attending the DEMs or the troops on receiving these directives. Did the CDS or the JAG have any views about the wisdom of directing (or receiving instructions to direct) the troops to relate their conduct to political considerations? How did the desire to avoid interference with the Minister's political aspirations or media relations influence or relate to the 'damage control' policy mounted in relation to the incident? Further, by what process and with whose authority or approval was the damage control policy, revealed at our hearings, put in place? Were the CDS, the DM, the JAG, or the Minister involved in the decision of April 14, 1993, to send the Military Police to investigate the incident? Who actually made the decision and by what process? When and why was that decision made? Did the CDS or the JAG have any concerns about the involvement of the Deputy Chief of the Defence Staff (DCDS), VAdm Murray, Col Labb6, or LCol Mathieu, in investigating their own conduct and actions?

We intended to ask officers in the office of the judge Advocate General to testify about legal advice sought by and given to the DCDS and the chain of command throughout the March to May 1993 period, on issues such as the development and implementation of the Rules of Engagement (ROE); the decision not to call in Military Police in the days following the March 4th incident; the response to Col Labb6's report received March 23, 1993; the decision to demand a copy of Capt Hope's report; their inquiries, if any, about why Cot Labb6 did not send it to Ottawa immediately; their reaction to LCol Watkin's report of April 14, 1993, which criticized Cot Labb6's report; the decision of April 14th to call in the Military Police; their reaction to the Military Police report; their reaction to Cot Wells' "inexplicable delay" comment; their decisions about who should be charged and what charges should be laid; and the conduct of the courts martial. Finally, we would have explored whether and, if so, to what extent, claims of solicitor/ client privilege were used to enable senior officials to mask or deny knowledge of information that had, in fact, been forwarded through either the operational or the JAG chain of command.

We would also have probed whether the office of the JAG was consulted about the directives issued by the DM and the CDS and any opinions they might have held or expressed about their advisability. We would have considered, further, the evidence of other military police investigators, as well as prosecutors who were involved at various stages of the incident and its aftermath. We would have questioned LCol Watkin further about his report on the ROE and examined the consideration and assessment of the ROE by the de Faye Board of Inquiry.

We would also have explored the Chief of the Defence Staff's understanding of the ROE and whether the DCDS advised him or the DM about any misunderstandings of them that the troops may have had. We heard evidence that the office of the JAG did not inform the DCDS of Maj Armstrong's allegations related to the March 4th incident until April 14, 1993. We would have asked why there was this delay, in light of evidence we heard that the office of the JAG had a document containing the allegations in its possession on April 2, 1993. If, as we were told, there was such a concern in Ottawa about the application of the ROE and a desire to prevent further incidents, why did officials wait so long for an incomplete report from the field? One would have thought that the March 16th incident would have generated even more pressure to review previous incidents, the reports on them, and the ROE to which they were connected. The order to abuse prisoners, issued

by Maj Seward on March 16th, suggested that an imperfect policy was still being applied and that the troops' interpretation was still incorrect. Hence, we would have explored further why officials failed to take corrective measures more quickly in the wake of the March 4th incident.

Finally, we would have explored more fully whether and to what extent, if any, NDHQ itself, and/or the present or previous Government, in collusion with NDHQ personnel, participated in a campaign to smear the character and reputation of Maj Armstrong; the nature and extent of efforts generally to discredit persons who were perceived to be ready to dissent publicly from the military's official version of the March 4th incident; and the extent to which any such campaign or effort, if established, might have been part of a broader, continuing attempt to cover up elements of the March 4th incident. Our investigation of this matter would have added significant insights into leadership in the CF chain of command; the ethics and values of the leaders; the willingness of senior officials to be held accountable for their conduct and decisions; their manner of responding to problems that arose during the Somalia deployment; and their willingness, generally, to confront problems in the military.

On March 9, 1997, a Toronto Star reporter, Allan Thompson, wrote that, in November 1994, he had unwittingly been used by senior DND officials in a sophisticated attempt to discredit Maj Armstrong's credibility by releasing a pathology report that contradicted Maj Armstrong's conclusions about the March 4th shooting, while keeping other less helpful police documentation "under wraps"¹⁷. According to Mr. Thompson, DND officials reportedly did not want the release to be seen as an overt attempt to discredit Maj Armstrong, so they "decided to orchestrate a leak of the document that wouldn't look like a leak". Mr. Thompson was told by a DND source that if he were to call and ask the Defence department for a copy of the autopsy report, it would be made available. Mr. Thompson called a public affairs officer, Lt (N) Al Wong, and was faxed a copy of the previously undisclosed report the same day.

Mr. Thompson concluded that this action was carefully masked by a paper trail "laid down by Defence officials to "cover their tracks".¹⁸

In a subsequent newspaper article, it was revealed that Mr. Thompson's unnamed "trusted government source" was John Williston, then Press Secretary to the Minister of National Defence. Mr. Williston was quoted as stating he "did nothing wrong" and that what he had done did not amount to leaking information. However, it was revealed that Mr. Williston had not notified any other media organization that the report was available. It was also noted that, when Maj Armstrong's allegations were first released, the reporter who "broke the initial story" suddenly began to receive anonymous phone calls slandering Maj Armstrong - "calling him everything from a drunk to a loose cannon".¹⁹

We would have made further inquiries about these events, at least for the purpose of determining whether the release was a component of broader continuing efforts to reinforce the official version of the March 4th incident promoted by the Department and the chain of command and to suppress or discredit any other interpretation.

We would have explored further whether this alleged attempt to discredit Maj Armstrong was an isolated event or was part of a broader patterns.²⁰ If a more pervasive pattern

became evident, it would have been of interest to examine the manner in which military regulations governing the public release of information have generally been applied in practice and whether they are used to restrict the freedom of speech of members of the Canadian Forces unduly. The existence of a broader pattern of questionable practices relating to the release of information would also have spoken loudly to our assessment of cover-up, its possible systemic dimensions, and the values, ethics and leadership of any officers and officials involved.

The March 16th Incident

The incident of March 16, 1993, involving the torture and death of Shidane Arone and the subsequent attempted suicide of MCpl Clayton Matchee, shocked Canadians and were significant influences on the decision of the Government to establish our Inquiry. We had intended to examine this incident in some detail, because, contrary to popular belief and to assertions made on behalf of the Government, many questions remain about the handling of the investigation and the issue of cover-up. We would have probed the alleged severe beatings of two Somalis by members of 2 Commando on the preceding nights, March 14th and 15th. We found the following entries in MWO O'Connor's personal diary:

March 14: 2 Cdo caught a Somali in their wire last night. I guess they kicked the living shit out of him.

March 15: Apparently 2 Cdo caught a thief at the airport, they kicked the living shit out of him just like they did the one yesterday.²¹

A number of entries in this diary are significant, indicating uncontrolled aggressiveness in 2 Commando and excessive alcohol consumption. As early in the deployment as December 25 and 26, 1992, MWO O'Connor wrote:

December 25: All of 2 Cdo has this kill-crazy attitude and it does not seem as if the NCOs have a grip on the troops.

December 26: Everyone is getting geared up for the upcoming operations (air mobile), even kill-crazy 2 Commando.²²

The diary contains numerous references to heavy alcohol consumption throughout the deployment, both during the day and at night, including the entries for the following dates in 1993: January 5th, 12th, 14th, 27th, 28th and 29th; February 2nd, 7th, 11th and 22nd; March 13th, 14th, 17th, 25th and 31st; April 15th, 22nd, 27th and 29th; and May 4th, 14th, 19th, 25th and 26th.

In fact, the actions, decisions, and responses of the senior political and military leadership in relation to the March 16th incident have yet to be thoroughly and adequately explored and understood.

The March 4th and March 16th incidents raise questions about the adequacy of policies applicable to military investigations of unusual deaths or the deaths of detained individuals. A policy appears to exist whereby a criminal investigation is started only if there is hard evidence pointing to the involvement or guilt of one or more specific individuals, when an investigation should actually start when there is a reasonable suspicion that a criminal offence has been committed. The failure to treat the March 16th death of Shidane Arone as a possible culpable homicide from the beginning resulted in the potential loss of physical evidence from the scene and evidence that might have been found on potential suspects. It resulted in the detention of MCpl Matchee in a very sloppy and inappropriate way. We would have examined whether he was allowed to keep in his possession a camera that might have contained vital evidence and that was never recovered. We would also have examined whether MCpl Matchee wrote a document amounting to a confession, and whether this document was destroyed. We would have probed further into the exact details of the confession and whether it incriminated others. Although we have information suggesting that the method and circumstances of MCpl Matchee's detention would have allowed him to attempt suicide, we were unable to hear evidence that would have clarified the extent and nature of the failures to take measures for MCpl Matchee's safety as a detainee and the adequacy of CF policy applicable in these circumstances.

We would have explored whether there were any similarities between the plan for the March 4th mission and the plan for the mission organized by Capt Sox on March 16th, including the use of bait to lure the local population into the Canadian compound. We would have explored the conduct of the investigation into the March 16th incident. We would have tried to determine whether the investigation reached appropriate conclusions about who participated in the torture and killing of Shidane Arone; whether appropriate charges were laid against those who participated; and the reasons for any deficiencies in investigating or charging that might have been established on the evidence. We would have explored whether Capt Gibson and Maj Seward acted diligently in carrying out their duties in relation to the investigation of the March 16th incident and the extent to which any lack of diligence by either in initiating or pursuing aspects of the investigation, if established, reflected poor training, ignorance, or ineptitude or, on the other hand, their possible participation, or the participation of others, in an attempt to cover up or prevent exposure of the true facts.

No matter what the conclusion might have been, it is essential that the adequacy of policies and procedures guiding medical and senior personnel with respect to the investigation and handling of an unexplained death be reviewed. The apparent absence of even rudimentary examinations of bodies for signs of the cause of death and the lack of any protocol, let alone the failure to conduct an autopsy, would have been obvious questions deserving further exploration. We would have explored why Capt Gibson failed to record that Shidane Arone had a broken nose, even though he apparently knew that this was the case, because he later informed his superiors of it. There appears to be no equivalent of provincial legislation requiring coroners' inquests in CF policy or practice. Had the incident occurred in Canada within provincial jurisdiction, it is likely that suspicion of a murder would have arisen and been acted on much more quickly. We

would, therefore, have tried to determine whether there was a vacuum in CF policy, its nature and extent, and what needs to be done to remedy the situation, if it still exists.

Aside from the horrific facts, the most disturbing aspect of the information we received about this incident relates to the possibility that it was either the subject of another, separate cover-up or that the cover-up initiated in relation to the March 4th incident expanded to include the circumstances of this incident as well. Around the time of the March 16th incident, allegations were made in the media and by opposition members of Parliament that the Minister of National Defence, the Hon. Kim Campbell (who announced her candidacy for her party's leadership on March 25, 1993), had failed to make adequate public disclosure of, or had covered up, information of which she was aware or that she should have pursued more diligently. Some suggested the former Minister of National Defence had misled Parliament about what she knew and when she knew it. On the other hand, suggestions also surfaced that the Deputy Minister of National Defence or the CF chain of command, either independently or in concert, might have concealed information about the incident from the Minister. We have received documents, including affidavits, raising disturbing questions about the working relationships among personnel in some senior leaders' offices at the time and the management of those offices. We would have explored the decisions and actions, in the aftermath of the March 16th incident, of the highest ranking officers and officials of DND and CF, and the Deputy Minister and Minister of National Defence.

We have already referred to the directives of January 22 and March 1, 1993, issued by the Deputy Minister, Robert Fowler, at daily executive meetings, reminding those present that the Minister was "not about to jeopardize her excellent relations with the media" and urging all in the Department to be sensitive to her political aspirations, to tailor their public statements accordingly, and to keep a low profile. We have stated that we believe there was a relationship between these directives and the cover-up ultimately mounted in relation to the March 4th incident. We would also have explored their relationship to the responses of senior leadership and the chain of command to the March 16th incident. We would have explored whether those direction

tives were issued at the request, on the instructions of, or with the actual or tacit approval of the Minister, or whether the Deputy Minister issued them on his own initiative.

We do not know whether the Minister reviewed DEM minutes, was interested in or was briefed on what took place or decisions made there, or otherwise came to learn of the Deputy Minister's directions. We would have questioned her about her reaction to them and her reaction on learning of the related admonition of the CDS to the troops in Somalia. We would have explored whether the Minister was aware of, or approved in advance, Adm Anderson's intention to admonish the troops to keep a low profile in light of her expected candidacy for the leadership of her party. If the Minister did not know or approve in advance, we would have sought her views about what might have motivated the CDS to make the statement and what steps, if any, she took when she did learn about it. If the Minister did not appear to know of these extraordinary directives issued and statements made at the DEMs by her Deputy Minister, we would have asked Mr. Fowler whether the Minister was advised or knew of his intentions in advance or, if not, why she

was not informed, and what might have motivated him to issue these directives on his own initiative.

One document filed in our proceedings reveals that Mr. Fowler, on October 14, 1993, wrote to the Assistant Deputy Minister for Policy and Communications, with copies to the Vice Chief of the Defence Staff, the Deputy Chief of the Defence Staff, and the Assistant Deputy Minister (Personnel), criticizing a response to query that had been prepared by the Public Affairs

Branch and expressing a keen interest in controlling "the agenda".²³ According to evidence received when we considered the adequacy of the production of documents pursuant to our order, Mr. Fowler was fully, if not excessively engaged in the management of the information flow within and from NDHQ, and he monitored closely the release of Somalia-related information to the media." We would have inquired of Mr. Fowler and other witnesses the role he played in managing the flow of information within and from NDHQ at the time of the March incidents. We would have questioned Mr. Fowler about what "controlling the agenda" might have involved in practice, both in general terms and, more specifically, in relation to the March 4th and 16th incidents. We would have explored the lengths to which he might have been prepared to go, or to direct others to go, to affect the information flow within and from NDHQ as a means of either controlling the agenda, accommodating or promoting the Minister's political ambitions, or promoting any damage control or cover-up process that might have been implemented or ongoing. We would have questioned him about his perception of the extent, if any, of the Minister's approval of, knowledge of or involvement in attempts to control the agenda.

Appearing on March 21, 1995 before the House of Commons Committee on Foreign Affairs and International Trade, in connection with his appointment as Ambassador to the United Nations, Mr. Fowler stated that, in his role as Deputy Minister of National Defence, he made all efforts necessary to ensure that he was aware of all matters that should be brought to his attention as Deputy Minister and then made sure that the Minister was, at all times and in a timely fashion, made aware of such information.²⁵ On the other hand, Mr. Fowler told the Toronto Star, on September 20, 1996, that details of the March 16th torture and killing could not be made public until investigators "had established what happened that night in Belet Huen" and that, in any event, it "wasn't his job as Deputy Minister to tell (Minister) Campbell what Canadian soldiers had done." As he was quoted:

It sounds like I'm passing the buck and I hope you will agree that I'm not, but I was never responsible for telling the Minister what the troops did or didn't do.²⁶

We would have asked the Deputy Minister what kinds of matters he believed should have been brought to his attention; the nature of the efforts he made to ensure he was aware of those matters; and what categories of information, of which he was aware, he ensured were forwarded to the Minister and when he did so. We would have attempted to probe, with the Deputy Minister and also the CDS and the judge Advocate General, what specific information they had about the March 16th incident and "what happened that

night"; when they learned it and by what means; and whether any of them withheld any of the information they learned from the Minister or from each other, because it fell within the definition "what the troops did or didn't do" or, for that matter, for any other reason. We would further have explored who, in their view, would have had the responsibility to advise the Minister of that information and to decide what information might be withheld, and whether any of them took steps to ensure that the responsible official did advise the Minister. We would have inquired whether, in their view, the commission of serious criminal acts, breaches of international law, or breaches of the Geneva Conventions by Canadian troops would have or should have been included in the category "what the troops did or didn't do", so as to justify a decision to withhold that information from the Minister. We would have asked them what information about the March 16th incident the Minister was in fact told or should have been told and when, to enable her to carry out her duties, under the National *Defence Act*, to direct and manage the Canadian Forces.

We would also have considered whether there were ambiguities in the definitions of these leaders' responsibilities and changes in legislation or policy that might be appropriate now to clarify them. We would have questioned witnesses about, and brought the former Deputy Minister's attention to, documents and information in our possession that could support a conclusion that the former Deputy Minister issued directions related to military operations and the conduct of the troops, and could suggest that, even if he states now that he did not have certain responsibilities, powers or duties, he nevertheless, over time, may have usurped them.

We would have inquired whether the opinion or views of the JAG were sought or offered on these issues or on courses of action proposed by senior officials during the relevant period and what the content of any advice given might have been.

In sum, we would have explored and revealed what the former Deputy Minister, the former CDS, the DCDS, the former Minister and the judge Advocate General in fact knew or were advised about the March 16th incident at material times; when they knew it; what efforts they made to obtain information about the incident; and what they did with information they did receive. We could not explore what steps were taken by senior officials either to inform or conceal information from the Minister, or to ensure the Minister was informed. We would also have wanted to ask these officials and others what effect the directive to keep a low profile, issued only two weeks earlier, might have had when they came into possession of 'sensitive' information or information they believed might damage the Minister's political interests or aspirations. The answers to these questions would ultimately have allowed us to consider and possibly reach conclusions about more fundamental issues directly relevant to the terms of reference, including the response of senior leadership to problems arising out of the deployment; whether there was an attempt to cover up information about the March 16th incident; and, if there was a cover-up, whether it represented an effort, even if Misguided, to protect or promote the career or ambition of the Minister of National Defence or to protect the image and reputation of the Department of National Defence. We would have explored whether, and to what extent, any attempt to cover UPI if established, might have had more fundamental, systemic roots in the culture of the military that had evolved at the time, a culture that had perhaps become excessively secretive and inward-looking, alienated

from the surrounding society; that had come to tolerate a progressive erosion of its moral and ethical standards, lawlessness, a lack of discipline, and the dominance of careerism; and that may have developed a hostility to the 'civilian' values of respect for the rule of law and accountability.

We also do not know the purpose or content, or the use the Minister of National Defence made, of lists of issues "that could be sensitive if not handled carefully", which the Deputy Minister directed all group principals to prepare at the DEM of March 1, 1993 or whether, contrary to Mr. Fowler's assertion, those lists might have included reference to "what the troops did or didn't do". At the DEM of March 8, 1993, the Deputy Minister indicated that the lists were discussed at weekly Monday afternoon meetings held with the Minister. We asked to be provided with the lists but were told they could not be located. It would appear that even the copies retained by the various group principals who prepared them could not be located. The lists and issues clearly were discussed regularly with the Minister. Did the Minister ask, or perhaps even direct the former Deputy Minister to issue the directive at the DEM to produce them? We would have inquired, of appropriate witnesses, whether information about the incidents of March 4th and March 16th, of which the Minister to date has denied knowledge, was considered sensitive enough to be included in the lists and discussed at the weekly meetings. We would have questioned appropriate witnesses about what was thought to be 'sensitive' and what 'careful handling' meant or was intended to mean, in practice.

Further, although a Somalia briefing was a regular feature of almost every DEM before March 1993, our review of the DEM records from March 1993 onward revealed a striking absence of references to Somalia-related issues. We would have explored the reasons for the change, whether it was a response to the specific instructions of specific officials, and whether it was a component of the "careful handling" policy applied to sensitive issues that was described at the DEM of March 1, 1993. Finally, we would have questioned why, when there seemed to be such intense concern at NDHQ to be fully apprised of and to manage and discuss sensitive issues in a timely way, officials there at the same time seemed unable to accomplish the same goal in relation to information about incidents occurring in Somalia.

Ms. Campbell has asserted publicly on numerous occasions that, although she was briefed the next day that a death had occurred, it was not until March 31, 1993, that she learned that criminal conduct of some kind might have been involved; that it was only on that date that she first learned that Shidane Arone had been tortured to death; that soldiers, including MCpl Matchee, were being investigated for his murder; and that 'trophy pictures' had been taken of soldiers and the body.²⁷ Ms. Campbell asserts in her memoir that, on March 17, 1993, the CDS and the DM together briefed her in her office about the death of Shidane Arone and that she was told only that Mr. Arone had been apprehended trying to rob the Canadian camp in Belet Huen and was later "found dead in his cell". She states she was further told that there had been a scuffle at the time of his arrest and that his injuries did not appear serious enough to explain his death. The Minister asserts that it was suggested that some sort of pre-existing condition may have caused his death and that she was told that an investigation would be carried out. She asserts that "no indication was given to me that there was anything to be concerned about" and that she asked to be kept informed. The Minister was also informed of MCpl

Matchee's suicide attempt, but asserts that "no connection was made between the death of Arone and the attempted suicide of Matchee".²⁸ Later in her memoir, she states that Adm Anderson said, in the days following, "that the department knew as early as March 18th of possible criminal intent in the death of Arone" and thereby led the media and opposition to suggest she was engaged in covering up what she knew about the death. She also states that she did not know why, as Minister responsible for administering the Canadian Forces, she should first have learned the CDS's views on the subject from a magazine. Further, although acknowledging that as Minister of National Defence she held a position in the military justice hierarchy as well as having responsibility for the administration of the Canadian Forces, she could not understand why the CDS could express himself in a way that she had been advised was inappropriate for the Minister.²⁹

Therefore, the former Minister has suggested that, although the chain of command knew criminal intent was involved on March 18th, she was not informed of criminal implications until March 31st. In the alternative, the former Minister suggests that, if she was informed before then, she was somehow constrained in revealing, or intimidated not to reveal publicly what she knew. We would have questioned her more closely about what she knew and when; what she believed or now believes she should have known or been told and when; and what she might reasonably have inferred from the information she did obtain. For example, we note that Marianne Campbell, a policy adviser to the Minister at the time, states in an affidavit dated January 26, 1997, and filed in our proceedings that on or soon after March 19, 1993, she reviewed a March 19th memorandum sent to her office under the signature of the DCDS, copied to the DM and others, that stated that, on the advice of the Commander, Canadian Joint Force Somalia, the DCDS had directed that a Military Police investigation be conducted into the events surrounding Mr. Arone's death in custody; that an investigation team of two Military Police and a JAG-appointed defence counsel would arrive in theatre March 23, 1993; and that, as a result of the CO's ongoing investigation, a master corporal had been placed under close custody the previous afternoon, later attempted suicide, and remained unconscious. The memorandum further stated that the role of the master corporal in the incident was unknown.³⁰

We would have asked whether this memorandum was passed to or discussed with the Minister and whether the references to the dispatch of a JAG-appointed defence counsel and the information that a master corporal had been placed under close custody "as a result of the CO's ongoing investigation into this matter"³¹ alerted or ought to have alerted the Minister, who had been Minister of Justice and Attorney General for a number of years, that the death and MCpl Matchee's situation were connected and that the investigation might be taking on a criminal dimension. We would also have explored the efforts, if any, the Minister made or directed her staff to make to learn more before March 31st. We would have asked the CDS what information, from what source, led him to conclude by March 18th, and later disclose to the media, that criminal intent was involved in the March 16th incident; who, if anyone, he discussed his conclusion with at the time; and what efforts, if any, he made or directed his staff to make, to obtain and to disseminate the information received to appropriate officials. We would have asked the former Minister and others what proportion of her time was being spent attending to her ministerial responsibilities, as opposed to planning for her upcoming candidacy for the

leadership of her party, and whether the time spent on the latter might have prevented her from being available to receive or digest information or otherwise attend to departmental business in a timely way.

Disturbing events and conflicts among personnel are disclosed in the affidavits of John Dixon and Marianne Campbell, both policy advisers in the office of the Minister at the time. Both affidavits were filed in our proceedings in late January 1997 and were appended to their applications for standing before our Inquiry. The affidavits raise questions about the timeliness and adequacy of information about the March 16th incident provided to them by the chain of command. They allege that the Department mounted a campaign of misinformation or cover-up in relation to the March 16th incident. The affidavits refer to the destruction of documents by the former Deputy Minister of DND and the former CDS and state that an assistant to the former CDS attempted, unsuccessfully, to induce the Minister's Chief of Staff to destroy documents; that an officer in the office of the judge Advocate General wrote a note regarded as a serious threat to the Minister; that Military Police were tasked to seize and destroy computer equipment in the residence of that JAG officer; that the Minister, in a telephone conversation, directly alleged to the Deputy Attorney General that a note sent to her by that JAG officer amounted to "intimidation and blackmail"; that the JAG officer, in a note written on November 2, 1994, admitted knowing, on March 26, 1993 that members of 2 Commando may have been involved in torture; that the same JAG officer's assertion on November 22, 1994 that the Minister's staff were given this information on March 26, 1993 was an "utter and complete falsehood";³² that the failure to pass on this information to the Minister or her staff until March 31, 1993 was evidence of a cover-up; and that such withholding of vital information by senior officials made the Minister vulnerable to allegations that she was a party to a cover-up.

We would obviously have explored these allegations in greater detail. We would have inquired into the relationships, both personal and professional, that developed between the offices and personnel of the JAG and the Minister; and also among the offices and personnel of the JAG, the CDS and the DM. We would have sought the testimony of Capt (N) Blair to hear his reaction to Mr. Dixon's allegations and to discuss his own apparent statement that the Minister's advisers were told of torture and the involvement of 2 Commando members on March 26th. If the Minister's staff were told on March 18th or March 26th, did they choose not to tell the Minister, or did they follow the Minister's instructions, direct or tacit, not to tell her? Or, was the former Minister not available to receive the information because of other commitments? If the Minister did not know until March 31st, did the DM or the CDS keep the information from her? What information about the incident passed between Somalia and NDHQ, and to whom was that information distributed?

We would also have probed into ambiguities, inconsistencies and omissions in the affidavit filed by Mr. Dixon, and between his affidavit and related public statements of the former Minister. For example, Mr. Dixon states in his affidavit that after he became aware of the allegations about destruction of documents and his own perception of threat to the Minister described earlier he "wrote a note to Minister Campbell about the affair."³³ However, this note³⁴ contains no reference to an alleged destruction of documents by the CDS and the DM or to a threat to destroy computer equipment, or any

suggestion that Mr. Dixon perceived that Capt (N) Blair's note amounted to a threat to the Minister. Mr. Dixon states in his affidavit that he told the Minister about these matters on an unspecified date when he "next had an opportunity to physically meet with her".³⁵ He asserts that the Minister was "thunderstruck",³⁶ and she immediately telephoned John Tait, the Deputy Attorney General of Canada, read Capt (N) Blair's note to Mr. Tait, and alleged to him that it amounted to "intimidation and blackmail."³⁷ However, the former Minister, in her memoir, does not mention having telephoned Mr. Tait and alleging intimidation and blackmail, or that Mr. Dixon told her about document destruction by the CDS and the DM and an attempt to have him destroy documents. She states only that, on reading the note, she "hit the roof" and sent her Executive Assistant, Richard Clair, to see the Deputy Attorney General to seek legal advice of a better quality than she perceived she was getting from the JAG. Her memoir, although referring to her pursuit of a request made to the Department of Justice about her "options in pursuing the Somalia issue",³⁸ does not refer to any further pursuit of a resolution of the issue that had purportedly caused her so much consternation.

It is interesting to note from these events the reluctance of the parties to commit accusations of serious wrongdoing to paper at the time and the absence of any such reluctance now. We would have explored, further, what Ms. Campbell was told by Mr. Dixon or other staff members about these matters and when she was told. We would have considered whether Capt (N) Blair's note could reasonably have been regarded as containing a 'threat' to the Minister. We would have questioned her about the alleged telephone call to Mr. Tait and whether she made the allegations to Mr. Tait that Mr. Dixon has sworn she did. If she did make the allegations, what did Mr. Tait do about them? We would have asked relevant witnesses whether Mr. Dixon at any time advised Ms. Campbell, either in writing or orally, of the alleged destruction of documents, the demand that he should destroy documents, or that he perceived a threat to her in the note received from the office of the JAG. We wonder why no suggestion that he did is made in Ms. Campbell's memoir or Mr. Dixon's note to her, or why she did not mention, in her memoir, her perception of a threat and the call to Mr. Tait. We note that, in a statement to the press on January 31, 1997, Ms. Campbell stated that she did see Capt (N) Blair's note as a threat at the time.³⁹

We would have explored why nothing, apparently, was done, at the time or subsequently, to pursue further the various serious allegations made by Mr. Dixon if he in fact communicated them to the Minister and the Minister then communicated them to Mr. Tait. The answers to these questions might have ultimately affected assessments that we cannot now make about the handling (or mishandling) of information by senior officials at the time of the Somalia deployment; the reason why information was handled as it was; the attitudes of those officials toward information management and recording generally; and their attitudes toward the legal and policy requirements imposed on them in relation to their handling, retention and disposal of documents. Such evidence would have enabled us ultimately to draw conclusions about the relationships between these alleged events and the actions of senior leaders and their staff and also about the more fundamental issue specified in the terms of reference, the response of the chain of command and senior leadership to the problems arising from the Somalia mission and

whether the response might have included an attempt to cover up information about the March 16th incident.

Finally, one important issue with systemic dimensions was raised in this material, and its resolution might have been most relevant in determining recommendations relating to the fundamental issue of the appropriate roles and functions of the Minister of National Defence in relation to the military justice system. The conflicts described above flowed from an apparent disagreement that developed between the Minister's office and the office of the judge Advocate General about the extent to which the Minister could seek, obtain, or publicly disclose information about incidents occurring in Somalia, in light of the duties she might have been called on to perform within the military justice system in relation to those same incidents and the implications of doing so. The Minister received opinions from the JAG in essence warning her (or, as some have alleged, threatening her) that seeking or obtaining information might be construed as attempting improperly to exercise political influence over the course of military justice proceedings. The Minister and her staff, for reasons that are not entirely clear, disagreed with or were not satisfied with these opinions. The affidavits filed in our proceeding suggest that this problem was a matter of serious, if not all-consuming concern to the Minister and her staff, during the whole period of her tenure as Minister. This concern eventually caused her, on April 22, 1993, to formally direct the Deputy Minister to seek an alternative opinion from the Deputy Attorney General on the matter.⁴⁰ The former Deputy Minister wrote to Mr. Tait seeking the opinion on the same day.⁴¹ However, after this letter was sent, the concerns of the Minister and her staff seem to have evaporated completely. We would have questioned witnesses to ascertain whether the opinion was ever produced and if not, why not, and if the matter was of such concern, why no effort was made to have it produced or to pursue the issue further and have it resolved. Further, we presume that, if the matter was of such great concern then, it would continue to be of concern even now. However, we note that the Hon. Doug Young did not even ask the special panel he commissioned as Minister of National Defence to review the military justice system to look into the matter. Their report did not address the issue.

Perhaps the most striking aspect of these events that would have deserved further examination was the relative indifference displayed by senior officials to the fact that a brutal and senseless torture and killing had occurred, an indifference that contrasted sharply with their concern about publicity the incident might receive, the management of information about the incident, and the potential effect publicity might have on the image of the Canadian Forces.

The March 17, 1993 Killing of a Red Cross Guard

On the day following the torture and killing of Shidane Arone, a guard at the compound of the International Committee of the Red Cross was wrestling with a Somali national and his weapon discharged into the ground near a CF soldier. The Canadian fired on the guard and killed him.

The Commander CJFS, Col Labb6, had decided to allow non-governmental organization (NGO) guards to carry weapons for defence of their compounds. CF soldiers were providing security for convoys delivering supplies to NGOs. We received information

that no co-ordination plans existed between these armed units. It was not clear who had responsibility for what area, or what the arcs of fire would be, and there seemed to be no communication link between them or, if there was one, it was not used. When a crowd of protesters gathered around the ICRC compound on March 17, 1993, the convoy proceeded to make the delivery, even though they were obviously outnumbered. A person who was actually trying to maintain the security of the compound and working in conjunction with the CF was shot and killed by a Canadian soldier.

This incident raised a number of questions. Was there any co-ordination of plans between the NGOs and the CF regarding security and use of weapons during delivery of supplies? If not, why not? Was there adequate training regarding the deliveries? Why was the delivery not aborted when the security problem became apparent? Why did the description of the guard who was shot and killed change in reports written about the incident? The guard was carrying his weapon with the approval of the CE. Why then, after initial situation reports described him as a Somali or ICRC guard, did the briefing note forwarded soon afterward by the DCDS, VAdm Murray, to the Minister of National Defence, describe the guard as an "armed thug"?⁴² As is the case with the March 4th incident, we again see the body of a report about an event embellished with a judgemental, pejorative description of the person shot and killed. We sense a warning sign of 'spin', as we did in relation to the March 4th incident, when those reporting on an event felt compelled to describe Somali civilians as "armed thugs", rather than simply setting out the facts. We would have explored whether the investigation of this incident was defective and whether the defects bore similarities to those found in the March 4th investigation. Was there also reason, in this case, to question the wisdom of relying on the reporting of an incident by the very parties who later might have been accountable for any failures in planning, preparation, or training in relation to the same incident? One would think that, in both peacekeeping and war, the accuracy of information about events and incidents is and would be considered vital to a military organization.

The Detention of Alleged Thieves

We are aware of evidence that, in early January 1993, Col Labb⁶ advised LCol Mathieu that he did not want to see Somali nationals detained in a fashion that would humiliate them. Yet the practice seems to have continued through January and February. In fact, there is evidence that it continued in May at the Royal Canadian Dragoons camp in Matabaan. This clearly suggests some kind of breakdown. We would have explored further this evidence as it would have related to the clause in the terms of reference requiring us to consider the attitude of all rank levels toward the lawful conduct of operations, including the treatment of detainees. We would have examined whether any apparent mistreatment of detainees reflected a communication problem, a lack of discipline, individual or personal failure, systemic defects, or whether it was, in fact, reasonable in the circumstances.

THE ACTIONS, DECISIONS, RESPONSIBILITIES, AND ACCOUNTABILITY OF SENIOR LEADERS AND OFFICIALS

We therefore could not conduct the thorough examinations and analyses of some of the significant incidents in Somalia during the deployment that were mandated by various clauses of the terms of reference, particularly paragraph (k), which asked us to inquire into the manner in which the Task Force conducted its mission and tasks in theatre; other paragraphs that indirectly required us to identify operational, administrative, and disciplinary problems encountered in theatre before assessing the responses of the chain of command and others to those problems; and specific clauses referring to issues transcending individual incidents, such as the "attitude of all rank levels towards the lawful conduct of operations, including the treatment of detainees",⁴³ an issue that could be assessed only by examining a possible pattern of conduct and attitudes of CF members over a longer period of time.

Many unanswered questions relating to the conduct of senior leaders and officials have already been raised in the preceding discussion focusing on incidents. However, it would ultimately have been necessary to consider the actions and decisions of senior leaders and officials from the wider perspective of their personal responsibility and accountability for the planning and execution of the mission as a whole and the actions and decisions involved. For this purpose, we would have been required to focus on the adequacy with which they discharged the duties and responsibilities of their respective offices and commands. This would have required the application of a wider perspective transcending specific incidents and events. We have already stated our view that assessments of these matters are an essential prelude to meaningful renewal of the Canadian Forces. We had painstakingly prepared the groundwork for an examination of essential issues involving senior leaders and officials, but without the necessary calling and questioning of witnesses we are unable to draw all the conclusions on these vital issues. At the risk of repetition of some matters already considered in our discussion of questions arising out of incidents, we can only define some issues and ask some questions.

We would have examined the roles, duties, authorities and responsibilities of these officials and how they and their offices managed information and made decisions. Ultimately, we would have assessed whether, and to what extent, organizational decisions and methods of operating within NDHQ, at senior levels affected accountability and responsibility for the actions and decisions of officials and leaders involved. We would have examined whether there were effective checks and audits on the actions, decisions, and record keeping of senior officers and executives, and whether any weaknesses in this regard may have contributed to poor decision making and provided opportunities for senior officers and officials to obfuscate their actions and decisions, as well as accountability for those actions and decisions. We would have explored whether, and to what extent, the so-called 'diarchy' of the CDS and DM at the pinnacle of NDHQ obscures accountability for actions and decisions, particularly of these two leaders, and the ultimate effect such a state of affairs might have on the ability of

Parliament to supervise and control the activities and management of the Canadian Forces and the Department of National Defence.

To demonstrate the functioning of the organizational relationships and decision-making processes in practice, and to demonstrate how authority was exercised by relevant leaders and officials, and how decisions were routinely made in this joint organization, we would have examined the actions and decisions of the leaders in relation to selected critical issues, for example, the establishment of personnel ceilings for Operation Deliverance, the decision to order or authorize a Military Police investigation of an incident, and so on, by hearing the testimony of the leaders involved, their executive assistants, and members of their staffs.

The Deputy Minister

We would have considered the extent to which the Deputy Minister is accountable and responsible for the actions and decisions of officials in the Department of National Defence and the extent to which, by custom and practice at NDHQ, the DM is jointly accountable and responsible with the CDS for actions and decisions within NDHQ affecting the CF and DND.

We would have probed the extent of the Deputy Minister's influence on decisions taken at NDHQ, by examining the role he played in NDHQ committees, particularly the DEM, and by reviewing his actions and decisions at NDHQ regarding recommendations to Ministers and to the Government in relation to specific issues that arose in relation to the mission and its aftermath. This includes, among other matters, the composition of the force, the personnel ceiling, the in-theatre public information program, the conduct of investigations, the formation and composition of the internal Board of Inquiry and the disposition of its findings, the formation of the Somalia Working Group, Directorate General Public Affairs, reactions to criticisms of DND and NDHQ, and the management of the release of information under the *Access to Information Act*. Evidence of the Deputy Minister's actions and decisions in relation to these matters would have enabled us to judge the extent, if any, of his accountability and responsibility for many significant decisions in the CF, DND and NDHQ, notwithstanding the roles and functions nominally assigned to him as head of the Department; to assess whether, and to what extent, he may have usurped aspects of the authority and responsibility of the CDS in the period leading up to, during and after the mission, and acted, in important ways, to "control and administer" the CF and should therefore have been correspondingly accountable for his decisions and actions in this regard; to assess to what extent, if any, the CDS might have abdicated some or all of his responsibilities in favour of the Deputy Minister; and to assess whether, and to what extent if any, the lines of responsibility at NDHQ may have been blurred because of the ambiguity inherent in the NDHQ diarchy, thus preventing anyone from being accountable, in practice, for actions and decisions taken at NDHQ.

We would have examined the extent, if any, to which the Deputy Minister was responsible for decisions on the strategies, plans and responses to 'incidents involving' the CF in Somalia, including investigations, reports to Ministers, and responses to requests for information about them.

We would further have examined the extent, if any, to which, under his direction, the management of the Department and the control of information flowing within and from it came to be linked; and the extent to which the Deputy Minister's management of the information flow may have been used, with his approval or concurrence, or under his direction, to implement damage control in relation to, or a cover-up of information about, the incidents occurring in Somalia, at the expense of addressing operational deficiencies that may have been involved. We would also have considered what role, if any, he played in the recruitment of staff and the control of staff agencies concerned with the information flow to and within NDHQ generally during the Somalia deployment and, later, in DGPA. We would further have probed whether he personally participated in any cover-up or process of damage control with respect to the incidents occurring in theatre or with respect to the transmission of information to our Inquiry. We would have considered his role, if any, in the alteration or destruction of documents at DOPA and the extent to which he might have been responsible for problems, failures, or deficiencies in relation to the management of the Department's responses under the *Access to Information Act*.

The Chief of the Defence Staff and the Deputy Chief of the Defence Staff

We would have examined the extent to which the Chief of the Defence Staff and the Deputy Chief of the Defence Staff holding the offices at relevant times adequately carried out their respective responsibilities for "control and administration" of the CF under the *National Defence Act* and in relation to the Somalia mission, including the adequacy of their involvement in decisions about operational matters, including the Canadian Forces plan, force structure, command arrangements, orders issued to Col Labb6, the Rules of Engagement, and the logistics plan. We would have probed further their participation in any cover-up or process of damage control with respect to the incidents.

We would also have assessed whether the occupants of these offices during the deployment adequately monitored and took appropriate measures to respond to and rectify logistical, support, operational, disciplinary, and other problems that arose in Somalia during the deployment, for example, the incidents that occurred and the problems that became apparent with respect to the ROE. We would have considered their involvement in the determination of how incidents would be investigated and the adequacy with which they monitored and reported on the progress of the investigations as well as the adequacy with which they provided information and timely advice to the Minister of National Defence with respect to the incidents and operational matters generally. We would have considered whether, and the extent to which, they might have participated in a cover-up or process of damage control with respect to the incidents or other problems that occurred in theatre. Finally, we would have considered the extent to which the CDS signalled a view that political and public affairs factors should predominate over military considerations when, in the summer of 1993, he acquiesced in the decision to turn over the 'Somalia file' to the Associate Assistant Deputy Minister (Policy and Communications), rather than to the Vice Chief of the Defence Staff, the DCDS, or the Assistant Deputy Minister (Personnel).

The Minister of National Defence

The Minister is responsible and accountable to Parliament for the significant actions and decisions of leadership within DND and for the outcomes of the decisions and actions taken in response to the operational, administrative, and disciplinary issues encountered during and after the deployment to Somalia. We would have explored whether the Minister adequately fulfilled her responsibility to "preside" over the Department of National Defence; to manage and direct the Canadian Forces, in respect of the deployment to Somalia, as required by sections 3 and 4 of the *National Defence Act*; and to account to Parliament for the manner in which she, the Canadian Forces, and the Department performed their tasks and carried out their duties and responsibilities.

We would have received evidence to help us assess whether the Minister diligently attended to her duties in relation to the deployment after she assumed office in January 1993. We would have explored whether she took adequate steps to ensure the receipt of the information and advice necessary to enable her to carry out her duties. We would also have explored whether the Minister adequately informed Parliament of what she knew about the incidents in Somalia and the response to them at NDHQ. We would have considered whether she actively participated in or approved or tolerated, in any way, a cover-up or process of damage control with respect to the incidents.

The Judge Advocate General

In addition to questions already noted that we would have posed to the Judge Advocate General in relation to the March 4th incident, we would have questioned him and other witnesses about the manner, adequacy and effectiveness with which he generally carried out his functions, duties and responsibilities in relation to the deployment and its aftermath. At the time, the judge Advocate General essentially had four roles: to superintend the CF system of courts and military justice, to act as senior legal adviser to the CF, to act as senior legal adviser to the Department of National Defence, and to manage and direct the legal branch. We would have considered his role, and the role of legal officers under his supervision, in relation to the investigation of serious incidents; and the legal advice that may have been sought of and given by the office of the JAG, in relation to actions and decisions taken and problems that arose throughout the deployment. We would have inquired into his role in relation to and advice he may have given with respect to the duties to be performed by legal officers and the numbers to be deployed; the deployment and tasking of Military Police; decisions made as to whether and what kind of investigations of incidents should be conducted; monitoring of the progress of the investigations; the decisions made as to who should and should not be charged or otherwise dealt with in relation to incidents that occurred; the role he may have played in the development and understanding by the troops of the ROE and in bringing to the attention of the CDS, all other CF commanders, the Minister, and other Department of National Defence officials, Canada's obligations under the Laws of Armed Conflict; and the role JAG lawyers may have played, under the direction of the Deputy Minister, in preparing the terms of reference for the internal Board of Inquiry created to examine the problems that arose during the deployment.

We would have inquired into whether the duty of the JAG to provide legal support to peace support operations would also have included an obligation to conduct a legal review Of, and input into, the ROE, the nature of any formal process for such review in existence at the time, and whether it was followed. We would have asked about any authority (or the adequacy of any authority) the JAG might have had to ensure the legality of the ROE.

We also would have inquired as to whether recommendations on the Somalia ROE were made by, or on behalf of, the JAG before, during, and after the deployment and, if so, what they were. We would have asked the JAG to explain evidence that the DCDS, in early April 1993, indicated that the JAG had reviewed the ROE and was satisfied they were suitable to the mission, whereas a legal review conducted by LCol Watkin on April 14, 1993 suggested that legal officers were not sufficiently involved and that the ROE contained gaps and ambiguities.

We would have explored further information we received through documents that the JAG has a duty to oversee the review and validation for legality of headquarters and command operations, plans, and orders, and to provide legal guidance in the execution of those plans and orders. How did this process occur within the Somalia context? Were proposed operations, plans, and orders checked for conformity to the rule of law? If so, what was the process and what was done? To what extent, if any, was the JAGs involvement subject to the discretion of the CDS or other military authority? Did the JAG identify any problems in relation to the roles assigned to legal officers in theatre?

We would have considered the perceptions of the JAG about the necessity for independence of his office and functions from the chain of command and NDHQ officials; the extent to which the independence of the JAG was maintained and reinforced in the period surrounding the deployment; and whether he identified any impediments, policies or practices or conflicts of interest that impaired his ability to maintain an appropriate measure of independence. As previously indicated, We would have explored the extent, if any, to which solicitor/client privilege may have been used to conceal the extent of knowledge of the facts by the chain of command. We would have explored who could properly give and who actually gave instructions or orders on specific matters to the JAG at the time and to what extent the JAGs office was subject to and accommodated undue or unlawful command influence. We would have explored whether proper distinctions were drawn, particularly in relation to the investigation of conduct at NDHQ relating to the handling of *Access to Information Act* requests, between advice given by the JAG to the CDS personally as opposed to in his official capacity. Further, in light of information we received that, after 1990, the JAG regularly attended the daily executive meeting, we would have sought the views of the JAG and others as to whether such attendance was and is appropriate, having regard to the possibility that matters might be discussed on which the JAG might later be called on to exercise his role in relation to the management of the military justice system. We would also have explored the role of JAG in reviewing and advising on the release by the CF and DND of information about the deployment and the incidents and investigations that occurred.

Allegations of Cover-Up

We have previously referred to our ruling of August 3, 1995, in which we stated our view that the issue of cover-up was an example of a matter we could investigate and were investigating, that might be "of an ongoing nature". We noted that decisions could still be taken to destroy or suppress existing evidence and that it was within our terms of reference to investigate any such decisions to determine whether they were or are part of an alleged cover-up. We have also noted the statement of the Minister of justice agreeing with our interpretation of the terms of reference in the House of Commons on April 30, 1996. We have considered, in detail, evidence relating to the response of the chain of command to allegations of cover-up in relation to the March 4th incident. Regrettably, we have concluded that efforts were made, in various ways, to cover up or conceal information about that incident.

However, we could not, even in relation to the March 4th incident, explore the full scope of cover-up efforts and of participation in the conception and execution of those efforts. In considering this question we would have received and addressed evidence clarifying the relationship to possible cover-up of a number of actions, decisions, and issues arising during and after the deployment, including

1. the facts, already discussed, that have come to our attention, and further evidence that might have come to our attention, with respect to the management of information relating to the March 16th incident;
2. the manner in which investigations of other significant incidents were conducted and disposed of;
3. the extent to which the internal Board of Inquiry commissioned to investigate the problems that arose out of the deployment may have been structured and used to avoid focusing on the accountability and responsibility of the senior leadership of the CF and DND, taking into consideration criticisms that were later expressed about its structure, process, and conclusions;
4. recording, record-keeping, and record-disposal policies and practices that may have been implemented either in theatre or at NDHQ to preclude investigation into facts and accountability for conduct, actions, and decisions, for example, the already noted change in recording of information at daily executive meetings as incidents in Somalia began to occur;
5. the possible manipulation of legal mechanisms, such as solicitor/client privilege and Cabinet confidence, to preclude scrutiny of documents and disclosure of information contained in them;⁴⁴
6. as already referred to, the selective leaking of information designed to discredit individuals having views or willing to disclose information deviating from 'official' positions; and
7. advice and comments provided to the Government, by senior officials in the very Department under investigation, that may have been designed to induce the Government to curtail our investigations and proceedings, or at least to create an atmosphere that would make the Government receptive to taking such action. In

this regard, we refer particularly to speaking notes provided by LGen (ret) Fox, then head of the Somalia Inquiry Liaison Team, to the CDS, Gen Boyle, and the DM Mme Fr6chette, at the request of the CDS, to be used by them in discussing, with the Minister of National Defence, our request for an extension dated March 6, 1996, in which LGen Fox, among other things, suggested that we were embarking on a "dangerous road" by not accepting or by questioning the original Military Police investigations into the incidents; that any versions of events deviating from the conclusions reached in investigations already conducted would only be "speculative"; and the fact that we were challenging the validity of previous investigations in order to "prove cover-up". In addition, the speaking notes suggested that our work was becoming irrelevant because "change was already taking place in the CF" and "no new facts [were] being uncovered".⁴⁵

SYSTEMIC ISSUES

We would have addressed one further systemic issue. We would have considered comprehensively the issue of prosecutions in the military justice system, including (a) jurisdictional issues, such as those surrounding the choice of military or civilian jurisdiction; (b) issues relating to the choice of trial, including summary trials by commanding officers, delegated officers, or by referral to a superior commander; (c) the process of summary trial, including the role of the CO or delegated officer; the status of the prosecutor; the procedures involved, including, among others, the right to an assisting officer; and (d) the process of the general court martial, including issues relating to the appointment and role of the prosecutor, the military trial judge, and the panel; the appointment process; the verdict that can be rendered by majority vote; the right to counsel; sentencing; and appeals.

CONCLUSION

Although many other questions might be raised about the conduct of the Somalia deployment and the more than 100 incidents of varying seriousness that occurred related to it, we always recognized that our mandate was not to try to identify every possible issue and answer every question. Our terms of reference directed us to address specific issues, and we attempted to confine our investigation to significant matters that would enable us to answer the specific questions posed.

Some of the general but perhaps most profound questions are these: What was the motive for the torture and killing of Shidane Arone? How could the values and culture of the Canadian military and its leadership have allowed the atrocities in Somalia to occur and tolerate subsequent attempts to cover them up? Why did so many soldiers look the other way in relation to the incidents of March 4th and March 16th? Why did any ethical sense or sense of compassion for the victims appear to be almost totally absent during the deployment and its aftermath?

How did discipline and cohesiveness in some parts of the Canadian Forces become dysfunctional to the point where walls of silence were erected, accountability was

shunned, and little value, if any, was perceived in admitting and confronting errors and deficiencies? Why have so many in the junior ranks been held to account or punished, while the higher ranks have escaped accountability?

The death of Shidane Arone, the initial stimulus for our Inquiry, might have been given a greater meaning had Commissioners been permitted to complete their work. The same might also be said of the demise of the Canadian Airborne Regiment, the ending of military careers, and the sullyng of the good name of Canada's soldiers. As Commissioners, we were given an opportunity to turn all of this to a greater purpose. We were in a position to allow the next generation of Canada's soldiers and the Canadian public to remember this as the point in our history when we corrected the mistakes of the past and resolved the systemic problems that appear to have plagued the Canadian Forces long before Somalia.

The Government apparently believes that the problems with which Commissioners have wrestled for the last two years are simply a matter of issuing new policies and guidelines. This is evident in its decision to truncate the Inquiry and to proceed with change in the Canadian Forces and the Department of National Defence behind closed doors, without reference to Commissioners' conclusions and recommendations, and without exploring such issues as the response of the senior political and military leadership to the problems encountered during the Somalia deployment. As Commissioners we wish we could share the Government's confidence that this approach will be successful in resolving the problems that led to the establishment of our Inquiry.

All the unanswered questions raised here were on our agenda and incorporated in our work plan when we provided the Government, on November 27, 1996, with various scenarios for the completion of our work that committed us to providing a comprehensive report on all matters in our terms of reference by the end of 1997. This proposal went into considerable detail, outlining a schedule of hearings and providing a list of important witnesses that we would call.

We were confident that we could examine all the issues outlined here in a thorough and meaningful way, and complete our report by the end of 1997. We were fully aware of the need for economy and efficiency in public inquiries when we made this commitment. We had experienced extreme frustration when delays we encountered in obtaining important documents and in investigating reports of the destruction of military records forced us to ask for more time. Had it not been for these unforeseen developments, we certainly would have completed our work in little more than two years from the date of our appointment.

By the end of 1996, we were clearly on schedule to submit a report by the end of 1997 that would have covered all the concerns we have just listed.

NOTES

1. Minutes of a meeting of the Committee of the Privy Council, March 20, 1995, article (s).

2. Press release, March 22, 1995.
3. House of Commons, Debates, November 17, 1994, p. 793 1, and May 12, 1995, p. 12534.
4. House of Commons, Debates, May 12, 1995, pp. 12535-12536.
5. House of Commons, Debates, March 28, 1996, p. 13 69.
6. House of Commons, Debates, April 17, 1996, pp. 1587, 1589.
7. House of Commons, Debates, April 30, 1996, p. 2138.
8. House of Commons, Debates, May 3, 1996, p. 2308.
9. House of Commons, Debates, September 16, 1996, pp. 4224, 4225.
10. House of Commons, Debates, September 20, 1996, p. 4499.
11. House of Commons, Debates, October 8, 1996, p. 5 243.
12. House of Commons, Debates, October 9, 1996, p. 5 289.
13. House of Commons, Debates, December 10, 1996, p. 7314.
14. Order in Council PC. 1997-456.
15. Document book 127, tab 12, p. 2.
16. Document book 50A, tab 9, p. 2.
17. Allan Thompson, "Liberal aide's leak targeted whistleblower", *Toronto Star*, March 9, 1997, p. A1.
18. In Mr. Thompson's view, the paper trail originated with a memorandum dated November 21, 1994, written by Ruth Cardinal, Director General Public Affairs, NDHQ, to MGen Jean Boyle, at that time Associate Assistant Deputy Minister for Policy and Communications. The memorandum put on the record the fact that the pathology report was released only after a reporter called to request it. Ms. Cardinal wrote that the JAG was consulted on whether the document could be released without a formal Access to Information request and the JAG had given his approval. In another letter to file, the Deputy Chief of the Defence Staff, VAdm Lynn Mason, wrote that "the release of the independent pathologist's report was entirely proper. The pathologists' reports were released only upon receiving a request for them" (Thompson, "Liberal aide's leak targeted whistleblower", p. A1).
19. See Mark Bonokoski, "The Smearing of a Name", *Ottawa Sun*, March 11, 1997.
20. We note the occurrence of other instances of improper leaks of information about individuals who presumed to criticize publicly military policies, conduct, or decisions or attempted to probe military records for information, as well as attempts to prevent some members, for example, Cpl Purnelle, from disclosing information to our Inquiry. A complaint, brought before the federal Privacy Commissioner, that in 1994 the former Deputy Minister, Mr. Robert Fowler, in letters to various government departments, including the Canadian Security Intelligence Service and Revenue Canada, had improperly identified and questioned the motives of an individual who had made numerous Access to Information requests of the department, was held to be "well founded". Also of

- interest was the treatment accorded Maj Buonamici when he questioned the responses of senior military officers to incidents in Somalia, questioned the exercise of improper command influence over the course of investigations, and sought to expose and counter the 'damage control' policy relating to the March 4th incident. See Jeff Sallott, "Identifying gadfly breach of rules", *Globe and Mail*, March 6, 1997, p. A8; and see generally testimony of Maj Buonamici, Transcripts vol. 176, pp. 36261-36267.
21. DND 395316,395317.
 22. DND 395265, 395266.
 23. Exhibit P-181.
 24. Testimony of Mr. Gonzalez, Transcripts vol. 58, pp. 11544-11545.
 25. House of Commons, Standing Committee on Foreign Affairs and International Trade, Minutes of Proceedings and Evidence, March 21, 1995, pp. 19:44-19:45.
 26. Allan Thompson, "Fowler calls Somalia coverup 'preposterous'", Toronto Star, September 20, 1996, p. A2.
 27. See, for example, her memoir, Time and Chance (Toronto: Seal Books, McClelland-Bantam Inc., 1997), p. 281.
 28. Campbell, Time and Chance, p. 281.
 29. Campbell, Time and Chance, p. 282.
 30. Document book 38X, tab 27, p. 1.
 31. Document book 38X, tab 27, p. 1.
 32. Affidavit of John Dixon, Motion Book Application for Standing for John Edward Dixon, paragraph 41.
 33. Affidavit of John Dixon, p. 14, paragraph 35.
 34. Affidavit of John Dixon, Exhibit 1.
 35. Affidavit of John Dixon, pp. 14-15 paragraph 35.
 36. Affidavit of John Dixon, paragraph 35, p. 15.
 37. Affidavit of John Dixon, paragraph 35, p. 15.
 38. Campbell, Time and Chance, p. 280.
 39. Allan Thompson, "Letter was 'clear' bid to intimidate: Campbell", Toronto Star, January 31, 1997, p. 1.
 40. Document book 3 8AA, tab 11C.
 41. Document book 3 8AA, tab 11E.
 42. Briefing note for Minister of National Defence (MND), March 17, 1993, Document book 43, tab 11D.
 43. Commission of Inquiry, Terms of Reference, paragraph (m).
 44. See, for example, Document book 118A, tab 15, suggesting that, with the approval of the JAG, information was set out in a document under the JAG's

signature in order to "preserve the protocols of access to info..." in relation to recommendations made.

45. Speaking notes for the CDS and the DM, meeting with MND, "Commission of Inquiry Request for Extension", DND NS 180309, DND 448172-3 (unfiled).

THE MILITARY IN CANADIAN SOCIETY

Just as the Somalia mission has raised the need to examine the relationship between the military and the civil authority, so too has it afforded an occasion to review the relationship between the military and the larger Canadian society. Such a review is important, given the impact of the Somalia expedition on the reputation of the Canadian Forces (CF) and on the esteem in which Canadians have traditionally held the military. This chapter reviews the place of the military in Canadian society; assesses the degree to which the military, as a culture within that society, reflects and represents the characteristics and values of the larger society and the degree to which members of the military may be expected to differ from society; and suggests remedies aimed at returning the military to the position of confidence and trust it has customarily held in Canada.

We take as a given that Canada, as a sovereign nation, will continue to need a professional armed force to ensure its security.

Some readers may view the CF as a monolithic organization. It is not. The CF comprises an army, navy, and air force. Its members are diverse, including both men and women and representatives of the Canadian ethnic mosaic.¹ This chapter concentrates primarily on the army, the combat army in particular. This is a logical consequence of the subject matter of the Inquiry, given its focus on the Canadian Airborne Regiment.

FACTORS AFFECTING ARMED FORCES IN SOCIETY

The military in Canada has been shaped by Canada's unique culture, history, and political ideology. Canadians' support for their armed forces varies over time, often in relation to the degree of perceived military threat. Historically, the general population has held the military in high esteem and celebrated its achievements. Also, many communities have had special connections with particular military units.² The strength of these ties continues to affect the degree to which people see the CF as an honourable and worthy part of Canadian culture.

On the other hand, a community's trust in, and support of, the military can be ruptured, sometimes dramatically.

There is a popular perception of the military and its place in society. The strength of that perception depends on the level of public awareness, which in turn is affected by the role

played by the media. Military leadership must be sensitive to this public perception and work continually to stay abreast of changing attitudes in society. Whenever military leaders ignore their relation to the larger society, they put the relationship between the armed forces and society at risk.

Canadians have had a tradition of valuing peace, order, and good government. However, few Canadians today consider Canada threatened in the traditional military sense. There is no enemy at the gate and little support for those who point to distant and potential opponents. The assumption that Canada is inherently secure yields a certain indifference to questions of military efficiency and readiness. This natural sense of security tempts Canadians to divorce themselves from the details of national defence policy and to treat the strategic direction and the control of the CF as a less pressing concern.³

It has been said that Canadians see themselves as an "unmilitary people" who, in the past, have armed themselves reluctantly and only for good causes.⁴ This self-image was reinforced when Lester Pearson won the Nobel Peace Prize for proposing that the United Nations deploy peacekeeping units between the belligerents in the 1956 Suez crisis.

Since that time, peacekeeping has come to be regarded as a national vocation. Peacekeeping, seen as a neutral, non-violent activity focused essentially on soldiers as mediators, has some considerable allure, since the missions involved generally have some chance of success, do not involve the CF in war-like operations, and present little risk to members of the CF.⁵

Regrettably, in recent times little interest has been shown in our armed forces, and national discussions about defence policy or the operations of the CF have been rare. This relative indifference has been interrupted only occasionally when some significant event captures headlines or when insecurity grips the nation, as it did, for instance, during the FLQ crisis in 1970 and the events at Oka in 1990.

Overall, the military tends to make a faint imprint on the consciousness of many Canadians. There is a risk of this increasing as the size of the CF shrinks and as the Department of National Defence continues to withdraw its bases and stations from urban centres across the country. The CF is increasingly out of the public mind. More and more, Canadians know less and less about their military, despite the fact that the CF has earned an enviable reputation for its work, and Canadians took justifiable pride in the award of the Nobel Peace Prize to United Nations peacekeepers in 1990.

Members of the CF are often frustrated by the lack of attention paid to the actual circumstances of the armed forces by society's leaders, the media and the public. They are also irritated by the excited response a perceived (crisis) garners when some event brings a new reality before the public eye. The military, we have been told, feels that, if the media better appreciated the needs and the often stressful and difficult situations

facing the CF, there would be a greater public understanding of the actions and responses of the CF at home and abroad.

MILITARY CHARACTERISTICS AND VALUES

A Closed Society?

A number of features of the Canadian Forces make it different from the rest of society. Indeed, the military's penchant for introspection is perhaps a good place to start.

The military is generally held to be a closed society, a unique culture within the larger Canadian community, made so by the special nature of its calling, and by its special ethos and values, which are peculiar to the tasks it faces. Canada's professional soldiers, like those of any liberal democracy during protracted periods of peace, inexorably have come to regard the values to which they must subscribe and the purposes they must pursue as necessary for the effective conduct of operations in the modern world, as being in some sense different from those of society.

Canada's military understandably seeks to conserve values proven on the battlefield by its predecessors. This is in part attributable to the fact that, in general, the values held by the military find their most severe test in combat and, more particularly, because the CF has not been in serious and prolonged combat since the Korean conflict in the early 1950s.

While many institutions tend to be conservative by nature, the military is particularly so. Attempts to preserve values tested decades ago, even as the pace of change in society accelerates, reflect this conservatism. The degree to which society fails to be sensitive to the military's felt need to preserve values that may seem quaint, idealistic, and outdated to the average citizen is troubling for those within the institution. CF members, we are told, harbour an apprehension that only members of the profession of arms understand the nature of their calling or truly appreciate their contribution to the nation.

If this is an accurate portrayal, it can only lead members of the military to harbour feelings of alienation from the larger society of which they are a part. Such feelings can breed a kind of insularity as members seek, from within, an affirmation of the worthiness of the group's endeavours. Another face of alienation may also occur when members limit their commitment to the military by treating their calling as just another job.⁶

Insularity and isolation can produce a resistance to open dealings by members of the military in their relationship with the rest of society. It is not surprising, against this backdrop, to find that military leaders who encounter a critical or flawed incident tend to put the incident in the best possible light, if only to protect their beleaguered profession.

Sustained criticism, such as the CF has experienced as a result of the Somalia mission, arguably has led the military to adopt a siege mentality, to admit to no failures, to countenance no deserters, and to accept no truce.

In our view, one of the profoundly troubling features of the Somalia experience was the failure of leaders to admit, openly and frankly, that problems had developed and that things had gone wrong. The decision to pretend that all was well, despite mounting evidence to the contrary, led to a series of events that seemed to spiral downward, increasingly out of control, until what started as an attempt to control information became 'spin-doctoring', manipulation and, in the end, a cover-up. The casualty in all of this was one of the most cherished of military values - integrity.

Public Affairs and Public Relations

Gen (ret) Gerry Theriault, Chief of the Defence Staff between 1983 and 1986, in an address to the Canadian Institute of Strategic Studies in November 1996, made some important observations on the relationship between the military and the media:

In a democracy, the fourth estate plays an essential role. Media relations represent the Forces' principal channel of communication with the broader public and are difficult only if one believes that they can and must be managed, in the sense that public information and the press can be manipulated.⁷

There is little doubt that the CF should change its approach to public affairs. The Somalia operation has underscored the urgent need for openness and transparency on the part of DND in its dealings with the public. Raising public awareness about the distinct nature and role of the military in Canadian society is, therefore, one of the principal challenges for the future.

There are, we believe, a number of modest but important ways to keep the armed forces more involved with the mainstream of public life. Some of these are new, while others have proven effective in the past.

The reserve force, particularly the militia, traditionally have formed a bridge between the military and the public. Reservists spread across the country bring to their local communities a perspective shaped by military values and the military way of life. The reduction of the reserves, which again is under active consideration, may serve, unintentionally we believe, to weaken that bridge. Any final decision about the future role, size, and importance of the reserve force component should be made with this consideration in mind.⁸

Similarly the cadet movement could have a greater impact on the public consciousness than is currently the case. It is an under-appreciated resource. The cadet movement continues to offer pride in citizenship, self-discipline, and love of country. It prepares thousands of young Canadians for responsible adulthood every year. Unfortunately, the movement is attracting fewer than 60,000 young people at present. An enhanced public commitment to this program is warranted, given the great dividends it can generate for the Canadian public and the military as a whole.

Maintaining strong public awareness of the armed forces reality is a difficult task but, here too, there are a number of groups, associations, and programs whose assistance and effectiveness would be markedly enhanced with a relatively small infusion of funding. The Conference of Defence Associations and its information branch, the Defence Associations Network, and the Pearson Peacekeeping Centre are three examples from among many that possess considerable potential for contributing to public awareness.⁹

Nevertheless, the principal source of greater public awareness of the armed forces remains the media. The Canadian Forces is badly in need of an improved media relations or public affairs policy, one founded on a real commitment to openness and transparency, particularly at times of crisis. Such a policy is unlikely to succeed, however, unless there is an accompanying attitudinal change within the upper reaches of both the CF and DND. As part of this transformation, the free exchange of views between CF officers and the public must be actively encouraged. The beneficiaries of a bona fide policy of this kind will include not only the military but the public and the media as well.

MILITARY VALUES

Purpose of Armed Forces, Their Training and Development

An enhanced public understanding of the military and military matters begins with a firm grasp of the purpose of armed forces. An appreciation must be developed that, in the end, it is the nation's citizens who are responsible for its national defence. The basic purpose in having an armed force is to provide, when required, for the controlled application of force in pursuit of the national interest. The military may be employed in a range of missions, many requiring no application of force at all, but at its most basic, the military must be ready to defend, with force of arms if necessary, the nation, its values, and its way of life.

The military must constantly resist the temptation to overemphasize the pre-eminence of war fighting. While war is acknowledged as the most elementary basis on which to affirm the core values of the military, it is the requirements of peacekeeping and peace enforcement - roles at the 'lower end' of the spectrum - that the military must learn to accommodate better within its self-image. These roles contribute to peace and stability and, in their application, call for an approach with more nuance and adaptability. This can be achieved only if the necessary tools are imparted in the education and development of personnel through their military training.

As our chapter on training makes clear, greater emphasis must be placed on the application of military skills in specifically considered and developed scenarios or situations (see Volume 2, Chapter 21). Far greater attention must be paid to the attitudes of troops to the complex tasks they are being asked to perform around the globe. It is in this respect that we have called for enhanced training in the laws of war and in international humanitarian law. It is also in this respect that we have recommended that

the CF promote greater sensitivity to the cultural, ethnic and social differences that soldiers might be expected to face in each prospective mission. As Berel Rodal states in a study we commissioned,

... the involvement of armed forces in peace operations in support of human rights and law and in which the maintenance of legitimacy is important places a premium on the democratic character and commitment of forces, without diminishing the role of proper military virtues. Soldiers must themselves be conscious of these values, and experience them, if they are to be expected to protect them and foster them abroad..¹⁰

We regard the *Canadian Charter of Rights and Freedoms*, with its fundamental declaration of national values, as the firm base on which a soldier's development should proceed. The values Canadians expect their soldiers to demonstrate in their actions and conduct abroad as makers and keepers of peace may be gleaned from the Charter. These values include fairness, decency, respect for human rights, compassion, and a strong sense of justice. We believe that the characteristics and values of the CF - founded on the traditional core values as reinforced through great sacrifice in waging war and securing peace - can and must be adapted to accommodate the evolving character of Canadian society.

Aggressivity and Discipline

To apply force effectively, soldiers must be well trained and fit, but first and foremost they must be highly disciplined. They must be confident of their abilities and aggressive in their application of force, when force is required and justified. Their lives, the lives of their comrades, and the success of their operations depend on it. Aggressivity is analyzed in Volume 2, Chapter 18 (Discipline), where we conclude that controlled aggressivity, applied by disciplined troops under good leadership, is a necessary feature of effective soldiering.

It is discipline that controls aggressivity and, indeed, the most important defining characteristic of the contemporary military can be said to be discipline.

Respect for the Law

Members of the CF are Canadian citizens and, save for what they voluntarily relinquish as a condition of entry into the service, they have the same rights and obligations as every other citizen. For military men and women, respect for the law, an obligation they share with all Canadians, also includes subjection to military law. Military law provides the foundations of the discipline necessary for operations..¹¹

The requirement to observe military law in addition to civilian law thus imposes obligations and demands on soldiers that go beyond those experienced by their civilian counterparts. Soldiers also have a special responsibility under the law that arises by

virtue of the authority entrusted to them to use deadly force in the national interest.

Rights and Obligations

A soldier knowingly and willingly forgoes certain rights and obligations on joining the CF. These include certain limitations on freedom of speech in the area of public dissent, on freedom of association, and on the right to engage in certain political activities." Such limitations are regarded as necessary in support of the group and in the interests of good order and discipline.

Military life stresses the obligation to subordinate individual interests, concerns, and fears to the needs of the group. Military history is replete with examples showing that the unit is capable of prevailing against great odds, provided all members act as a cohesive whole. Together, individuals in a unit can endure grave danger in demanding and difficult circumstances. Apart, they would be doomed to defeat.

Core Values

Nothing distinguishes the soldier from the civilian more strikingly than the acceptance that one of the basic rights that may have to be forgone in the national interest is the right to life. This requirement to give up one's life for one's country is spoken of in the military literature as the clause of "unlimited liability".¹³ This is the essential defining or differentiating characteristic separating soldiers from fellow citizens.

This remarkable quality depends for its existence on two conditions. The first is discipline, which begins with the example of self-discipline that leaders impart. Leaders must be the first, in terms of readiness, to sacrifice themselves for their troops. In response, soldiers undertake to do their duty willingly, offering their lives if need be. The second is respect for the military ethos, with its emphasis on the core values of integrity, courage, loyalty, selflessness, and self-discipline. Every military operation from Vimy to Dieppe, Ortona to Caen, Kapyong to the former Yugoslavia has reaffirmed the need for such an ethos.

Some contend that there is a danger that the ethos of the CF is weakening. Recent trends toward more civilian and business-oriented practices, although of assistance in the management of DND, are seen by some within the military as affecting the CF negatively. Their belief is that, as military members attempt to accommodate not only the practices but also the characteristics and values that underlie those practices, essential military values are being put at risk.

In light of the Somalia experience, it may not be enough simply to articulate an ethos and exhort soldiers to follow it. It would seem that a more fundamental need exists for a kind of confirmatory and probative exercise to demonstrate that all soldiers, but particularly the senior leadership, live by the military ethos and personify its core values.¹⁴ The

military, led by its senior officers, needs to reclaim the ethical high ground.

We urge senior leaders of the CF to redefine the characteristics and values of the Canadian military and to establish the capability to monitor the CF on an ongoing basis. In that process it will be critical to confirm those core values without which the health of the military profession in Canada cannot be restored. In the process of this re-assessment, the CF leadership should be guided by the imperative that they must be prepared to conduct operations in peace and war in accordance with Canadian standards, values, laws, and ethics.

STANDARDS EXPECTED OF THE MILITARY

Soldiers wear the official uniform of Canada. They display the Canadian flag on those uniforms when on missions out-of-country. Society's expectations of the nation's flag bearers are indeed higher than for the average citizen. Those expectations include the notion that soldiers serve as a symbol of all that is best in the national character.

General Sir John Hackett has attested that the military profession plays a special role in the nation as "the repository of the nation's values".¹⁵ We believe that the military profession in Canada does indeed regard itself as occupying the role General Hackett describes.

CONCLUSION

Canadians likely have differing perceptions of their military and its values, but an increased public awareness of the special nature of the military culture and its values can overcome this obstacle. An enlightened public, we believe, will accept that its modern military, even when striving to be sensitive to changes in society, cannot shift away from its core values. A failure of military values lies at the heart of the Somalia experience. It is to be hoped that the public, the politicians and the media will support the military in its endeavour to occupy a special position in the public imagination as the repository of the nation's values.

NOTES

1. The CF, like many other parts of Canadian society, including business, politics and other professions, does not yet reflect all parts of the ethnic mosaic, at least in numerical terms. As amplified in Volume 2, Chapter 20, Personnel Selection and Screening, a CF employment equity project was introduced in 1992 in recognition of the need for the CF to reflect Canada's cultural diversity.

2. Indeed they resist attempts to change them. Examples include the Brockville Rifles, The Royal Canadian Regiment and London, Ontario, the Military Engineers and Chilliwack, British Columbia, and the Navy and Halifax, Nova Scotia.
3. J.S. Finan and S.B. Fleming, "Public Attitudes Towards Defence and Security in Canada", in *Canada's International Security Policy*, ed. D.B. Dewitt and D. Leyton-Brown (Scarborough: Prentice-Hall Canada Inc., 1994), p. 298.
4. Desmond Morton, *Canada and War, A Military and Political History* (Toronto: Butterworths, 1981), p. 1.
5. Finan and Fleming, "Public Attitudes Towards Defence and Security in Canada", pp.304-308.
6. Maj C.A. Cotton, "Military Attitudes and Values of the Army in Canada", Research Report 79-5 (Willowdale, Ont.: Canadian Forces Personnel Applied Research Unit, 1979).
7. Gen (ret) Gerry Theriault, "Democratic Civil-Military Relations: A Canadian View", address to the Canadian Institute of Strategic Studies, in *The Canadian Strategic Forecast 1996: The Military in Democratic Society*, p. 12.
8. Special Commission on the Restructuring of the Reserves (Dickson report), October 30, 1995.
9. Others, such as the Canadian Institute of Strategic Studies, the new Defence Management Studies Program at Queen's University and Université Laval, and the chairs of strategic and defence studies at Canadian universities, all have the potential to raise public awareness of defence issues.
10. Berel Rodal, *Defending Democracy: The Military in a Free and Democratic Society at the Turn of the Century*, study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia (Ottawa: Public Works and Government Services, 1997), p. 90.
11. On operations, soldiers are also subject to international law and the law of armed conflict.
12. We make recommendations to broaden the ability of soldiers to speak out on issues of concern and enhance their rights of free expression in Volume 2, Chapter 16.
13. General Sir John Hackett, *The Profession of Arms* (London: Times Publishing Company Ltd., 1962), p. 63.
14. It is instructive to note, in Gordon R. Sullivan and Michael V. Harper, *Hope Is Not a Method* (New York: Random House, 1996), pp. 9-10, that the U.S. Army is receiving similar advice:
15. As we talked about the vision [of the U.S. Army], we emphasized that hope is not a method: talking about what we stand for and what we could become would not be enough. The Army's transformation would have to be grounded in action - positive, aggressive action guided by the vision and consistent with our values, action that people could see and understand. Leaders would have

to think and act purposefully, to make good things happen, and to keep bad things from happening. We would have to demonstrate the future so that people would understand it and stick with us as we helped them build it.

16. Hackett, *The Profession of Arms*, p. 58.