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Learning lessons (and how) in the war on terror

The Canadian experience

LEARNING LESSONS IS AN UBIQUITOUS URGE. Armies do it; international organizations such as the United Nations practice it; businesses engage in it; individuals rely on it to get on with life. The internet teems with examples of our appetite. Casual perusal of the amazon.com books site reveals thousands of current titles on learning lessons, spanning everything from business guides to success, to learning from nature and even, sadly, one's pets. The list speaks to a societal activity that seems both frenetic and routine.

Yet in the world of security and intelligence, the practice of learning lessons has typically been viewed as more problematic. Resistance is generated by a host of factors, some unique to the culture of security and intelligence agencies. Internal exercises in learning lessons can be resource intensive, and therefore low in priority. They rarely have an obvious bureaucratic home, especially in decentralized systems, and can involve painful processes of self-criticism. They are seen as difficult to translate into practical, sustained measures. Perhaps most important, they cut against the grain of an intensive focus on current operations

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and forward-looking strategic assessments. To be willing to engage in learning lessons, security and intelligence communities have to be prepared to value the past, and to believe that there are important lessons to be learned from history. Such beliefs are rare. To add to the friction, externally generated exercises in learning lessons are often perceived by security and intelligence communities not just as diversions from important ongoing requirements but as exercises in scapegoating, coming as they usually do on the heels of scandal and failure. This only reinforces a reluctance to engage in an analysis of past performance and can create a climate in which failure or weakness is always cast off as an orphan.

But the events of 11 September 2001 and the Iraq war have rocked the foundations of the world of intelligence. The enormity of the intelligence and policy failures that characterized both the al Qaeda strikes of 11 September and the origin and conduct of the war in Iraq have had two significant side-effects. One is the onset of a crisis of public confidence in security and intelligence services, along with enormous confusion about where the boundaries between intelligence and policymaking do and should lie. The reputation of intelligence services has been laid low, perhaps lower than at any previous moment in their modern history.

An equally powerful side-effect of these recent events has been an enhanced desire and demand for greater transparency and accountability. In an age of counterterrorism and global preemption, where much rides on intelligence services getting it right, and where expanded government powers raise natural anxieties about threats to civil liberties, citizens want to know more, profoundly more, about hitherto secret or secretive institutions of the state.

In the context of these twin effects—rock bottom confidence and greater public assertiveness—the practice of learning lessons takes on new meaning and gravity. Craig Whitney of the *New York Times*, in his introduction to an edition of the 9/11 commission report, gave efforts to learn lessons in the public domain a high calling: “demanding accountability from the elected and appointed officials of government, and insisting on revealing and correcting their shortcomings, are the most basic rights and duties of citizens in a democracy.”¹

¹ Craig R. Whitney, “Introduction,” *The 9/11 Investigations*, Steve Strasser, ed. (New York: PublicAffairs, 2004), xi.

The US 9/11 commission report is only one, albeit the most famous, of a spate of high-level reviews and inquiries into the performance of security and intelligence agencies that have flourished in a variety of countries since September 11. In addition to an intensive effort in the United States, the United Kingdom, Australia, and Israel have all embarked on significant public efforts to learn lessons about the failures of intelligence since September 11. This cumulative activity suggests that learning lessons in the arena of security and intelligence is now seen as an urgent political necessity, as a way of improving performance, and as a form of public accountability.

The official Canadian response has been far more cautious. No independent public review has been launched of the performance of the Canadian security and intelligence sector despite some calls for such a thing, including recently at the conference of the Canadian Association for Security and Intelligence Studies, held in October 2004.²

The picture so far in Canada is one of missed opportunities, minimalist exercises usually conducted far from the public gaze, and a process of change and reform of the security and intelligence sector that remains disconnected from any explicit lessons-learned process. The picture is dismaying and warrants some probing to understand the Canadian process. Whatever the answer might be to the question of why the Canadian government has not embarked on a more vigorous effort to learn from recent international security disasters, it cannot be that there are no useful lessons or no need.

The first of the missed opportunities in Canada came nearly two years before the attacks of 11 September, when the country experienced its first significant brush with al Qaeda-sponsored terrorism. On 14 December 1999, while public attention was focused on a series of hyped millennium threats, including potential power blackouts, computer meltdowns, and hacker attacks, a Canadian refugee claimant of Algerian descent named Ahmed Ressay was arrested at the US border. His rental car was packed with bomb-making equipment and explosives. Ressay's arrest was purely fortuitous, a product of an alert US customs agent and a terrorist plotter who succumbed to a fit of nerves. When arrested, Ressay was on a mission to attack the Los Angeles airport, a target he had previously reconnoitered.

² Michelle Shepard, "Experts push for security review," *Toronto Star*, 17 October 2004, A6.

The full significance of the Ressam capture took years to emerge in public. The recent 9/11 commission report indicated that Ressam had trained in Afghanistan and had joined with a cell of Algerians to plan an attack on targets in the United States. Ressam regarded himself as a proxy of al Qaeda and went so far as to ask his contacts in the organization whether bin Laden wanted to take public credit for the attack he planned. The CIA's now infamous presidential daily brief of 6 August 2001, entitled "Bin Ladin determined to strike in US," regarded Ressam as a pioneering al Qaeda operative. The CIA believed that "the millenium plotting in Canada in 1999 may have been part of Bin Ladin's first serious attempt to implement a terrorist strike in the US."³

If the Ressam arrest was fortuitous, the obvious question that it posed was: why so? Richard Clarke, the US counterterrorism "czar," was caustic about the Canadian handling of the Ressam affair. "How the Canadians had missed the [Algerian mujahedeen] cell was difficult to understand..." Clarke wrote in his memoirs.⁴ US officials were clearly shaken by the Ressam case, and by additional evidence of a concerted al Qaeda millennium plot. These discoveries led the American authorities to engage in a full-scale exercise to learn lessons in the aftermath. Oddly, no similar effort was made in Canada, despite the centrality of Ressam and the lucky near-miss his case represented. Canadian agencies, including the RCMP and CSIS, participated in the post-arrest investigation of Ressam's activities, but that was the extent of it. Instead, it was left to one of the government's external review agencies, the Security Intelligence Review Committee, to conduct a retrospective study. SIRC is a committee of privy councillors appointed by the government, with a small research staff. Its job is to review the operations of the Canadian Security and Intelligence Service (CSIS) on an annual basis and report to the minister responsible and to parliament. SIRC's mandate is institutionally narrow, as are its fundamental purposes—to provide a check on CSIS's conduct to ensure it operates within the law and according to official policy requirements. SIRC was never designed to engage in lessons-learned

³ The 6 August PDB was released as part of the 9/11 commission investigations. See *The 9/11 Commission Report* (New York: Norton, 2004), 261-2 for the text.

⁴ Richard A. Clarke, *Against All Enemies: Inside America's War on Terror* (New York: Free Press, 2004), 212.

exercises. But in the absence of any other official will, SIRC held the Ressam lessons-learned bag.

A three-page summary of SIRC's study of the Ressam affair was published as part of the committee's 2002–2003 annual report to parliament. This summary appeared four years after the Ressam arrest. The delay is hard to fathom, and meant that the SIRC exercise was inevitably overshadowed by the tragedy of September 11.

SIRC could provide, in its very brief public report, little more than reassurance that the Canadian Security Intelligence Service had not lacked “vigilance” in the case and that it had performed according to existing standards of legality, policy, and ministerial direction. It drew no lessons of its own from the case. As to what CSIS might have learned, SIRC limited itself to a carefully circumscribed observation, rather than any critique. In the closing paragraph of its summary of the Ressam investigation, SIRC noted:

The Service [CSIS] also briefed the Committee on the lessons it drew from the Ressam case—lessons that, for reasons of national security, cannot be discussed in detail here. Although CSIS did not believe changes to operational policy were necessary, these events have influenced the Service's methods respecting an overall approach to the Sunni Islamic extremist threat.⁵

Influence short of policy change does not sound very dramatic or deep. But the reader, in any case, is left without any independent purchase on the issue by the invocation of official secrecy. Recourse can be had to Canada's deeply flawed Access to Information Act process, but the released version of the full SIRC study (a 58-page document) is so heavily excised as to render it worthless.

The conclusions that one can draw from the Ressam affair are not reassuring. It would appear that CSIS learned only limited lessons. SIRC chose not to learn or propagate any lessons itself. As a result, the Canadian parliament and public were left unable to draw any useful lessons at all beyond a generalized and superficial reassurance that CSIS was on the case. Unfortunately, the pattern suggested by the response to the Ressam case was to be repeated.

The very limited nature of the effort to learn lessons from the Ressam affair was a prequel to 11 September. This time around, the

⁵ SIRC report, 2002–2003, 28 October 2003, 7, www.sirc-csars.gc.ca.

damage done was not potential but real, the scale and shock of the terrorist attack devastating, and the evidence of intelligence failure dramatic. While Canada was not the target on 11 September, and although early concerns about some part of the plot having been hatched in Canada quickly proved baseless, nevertheless questions lingered. Some of these had to do with a Canadian “share” of the intelligence failure burden. Even though Canada was not the target or any kind of facilitator for the attacks, we still needed to know the state of Canadian intelligence understanding of the capabilities and intentions of al Qaeda on the eve of September 11. Other questions had to do with immediate and longer-term capacities to handle a vastly heightened level of threat from terrorism associated with the al Qaeda network in the post-September 11 environment.

As with the Ressam affair, it was the Security Intelligence Review Committee that took the public lead. But SIRC set about the task of learning lessons from the September 11 attacks with a self-imposed and circumscribed mandate that spoke of great caution. Although it was able to produce a report more quickly than had been the case with regard to the Ressam affair, the irony was that SIRC appears not to have learned any lessons of its own from the Ressam investigation as it embarked on its September 11 inquiries.

The first fruits of the SIRC study of CSIS knowledge of Islamic terrorism were revealed in its annual report for 2001-2002, released in late September 2002.⁶ Some of the atmosphere surrounding the study was captured in the prologue, which noted that “[t]he Review Committee believes that its work must transcend events and politics, and that continuity of principle, meticulous research and sober judgement are its chief assets.” These are fine sentiments, but not ones that suggest urgency or a grasp of the fundamental shift in the security environment that the September 11 attacks marked.

Although SIRC formally described its study of CSIS’s knowledge of al Qaeda and related terrorism as “broad,” this was belied by two realities. One was the short-term chronological focus of the study, which was largely restricted to the period from 1 April 2001 to 12 September; the other was SIRC’s determination to make the study “chiefly informational” in scope. SIRC softened the blow by arguing

6 SIRC report, 2001-2002, 30 September 2002, www.sirc-csars.gc.ca.

that its investigation would serve as a prerequisite for future studies of the counterterrorism performance of CSIS. But the willingness to defer the process illustrates the degree to which SIRC, while taking the public lead, did not really conceive of itself as an agency for reflecting on lessons learned.

What SIRC produced was a truncated, but highly laudatory, public judgement. CSIS's investigation of al Qaeda was extensive and aggressive. Its reporting to government was fulsome. SIRC found that CSIS was "aware" of the potential for al Qaeda-inspired attacks but, not surprisingly, possessed no actionable intelligence on the specifics of the September 11 plot. In short, SIRC found no fault whatsoever with CSIS's performance prior to September 11. This unblemished finding is, in itself, astonishing. No other major intelligence service in the world has garnered such high marks for its counterterrorism performance prior to September 11. Astonishing is, in fact, unbelievable.

The longer version of the SIRC study, summarised in the annual report, is so heavily censored in its public form as to be rendered mum. SIRC did ask its CSIS interlocutors whether the service had revisited any of its pre-September 11 intelligence findings, but whatever answer it received is blanked out. The only thing the SIRC study gives away is that its research staff were conscious of the fact that the Canadian public were "looking for reassurance that those organisations charged with the security of Canada were, and are, fully engaged in addressing the threat of Sunni Islamic terrorism."⁷ The wish evidently became father to the thought. What SIRC delivered in public was nothing more than a dollop of public reassurance, a significant corruption of its mandate, and an illustration that SIRC was simply not equipped, by mandate or inclination, to engage in any real lessons-learned process.

Any effort to seriously engage in a study of the security lessons of the recent past seemed, in the public eye, to have come to a standstill after the release of the SIRC annual report for 2001-2002. But carefully sheltered from public gaze, an internal process was unfolding within the walls of the Canadian security and intelligence community. News of this process became public only as a result of a study conducted by the Office of the Auditor General. The security and intelligence sector is certainly not exempt from the strict gaze of

⁷ SIRC study 2002-2001, "CSIS investigation of Sunni Islamic extremism," 22 October 2002. Classified "top secret," version released under Access to Information Act.

the government's financial watchdog, but "audits" of the sector remain rare and beset by definitional pitfalls and the inevitable gaps in experience between government auditors and professional intelligence staff. Even so, Sheila Fraser's office has proved determined to hold the security and intelligence sector to some form of accounting. The auditor general's office seized on the issue of the government's performance in the expenditures of new money for security as promised in the aftermath of September 11, and especially with the December 2001 "security" budget promulgated by Paul Martin as one of his last acts as finance minister in the Jean Chrétien government.

The auditor general's report on national security spending, released in March 2004, was critical of the government's management of security issues on a range of fronts, while recognising that a conscientious effort had been made to tackle priorities and channel funding appropriately. Perhaps its most curious observation concerned the government's failure to assess intelligence lessons. What made the observation curious is that, on the face of it, the lessons function would seem to have little to do with fiscal management. But the auditor's general's critique was spot on, and there was a link between management and lessons that the auditors had their teeth into. Thanks to that tenacity, we know something about a flawed process that would otherwise have remained within the usual shadows.

The auditor general's office observed that "it is unreasonable to expect that the government can gather sufficient intelligence to protect Canada from all attacks. What is reasonable to expect is that after any significant incident, an organisation will analyse how it responded, identify the lessons it learned, and apply those lessons in the future."⁸ The observation was eminently sensible. The actual practice uncovered was not at all to the AG's liking. A little known, inter-departmental government committee (the assistant deputy minister committee on public safety) had been beavering away to produce lessons-learned studies and action plans but had achieved little with regard to the Ressam affair. While the committee commissioned an overall study of the September 11 attacks, the effort clearly ran out of steam by the fall of 2002. Elsewhere in the government, the effort to learn lessons from September 11 was uncoordinated, piecemeal, and

8 Auditor general's report, March 2004, chapter 3, "National security in Canada—the 2001 anti-terrorism initiative," 17, www.oag-bvg.gc.ca.

of varying quality and seriousness. The auditor general's office was not pleased, commenting that "in some cases, extensive analyses were carried out but never endorsed by senior management; lack of support by senior management undermines any effort to implement change."

The only bright spot appeared to be the effort made by the most senior of the government bodies dealing with security and intelligence, the interdepartmental committee on security and intelligence (ICSE). ICSE is chaired by the clerk of the privy council and secretary to the cabinet, and its membership consists of the heads of all the relevant government agencies and departments with a security and intelligence function. But the ICSE mandarinatone proved no more apt at learning lessons than did lesser mortals. It allowed the effort to peter out at an informal dinner gathering at which the heads of the RCMP and CSIS were not present, and no further action was taken.

The auditor general's report opened an important window on government practice and advocated for changes in the way the government operated to learn lessons. The Privy Council Office duly bent its knee and agreed with the recommendation that the national security adviser "should carry out government-wide lessons-learned analysis after any significant security incident." The public safety department's response to this recommendation was, on the other hand, more opaque, and suggested that it was already doing what the auditor general required.

What the auditor general was interested in, quite properly, was government process. An ill-managed lessons-learned exercise was of concern because it was ill-managed and reflected an unwillingness to create more effective methods for dealing with national security crises in future. What was not reflected in the auditor general's account was anything of the substance of what the government might have learned, or attempted to learn, from the Ressam and September 11 episodes.

The substance of these efforts has, to put it mildly, proved elusive. The government has not made public any of their lessons-learned studies and my own efforts to gain some insight into the matter using Access to Information Act requests were effectively stymied. Efforts, for example, to obtain copies of the minutes of the relevant meetings in March 2002 of the interdepartmental committee on security and intelligence generated nothing more than a list of the participants.

In the absence of Canadian documentation, the worry persists that some Canadian lessons were pressed hot into the hands of Canadian officials by their American counterparts. There is a revealing illustration of this process in Richard Clarke's memoir, where the former American counterterrorism chief discusses a trip that he and his White House deputy, Roger Cressey, made to Ottawa in February 2000 to discuss the results of the US's own "Millenium after action review." Clarke notes that the American review contained "specific proposals for joint action with Canada, in light of the discovery of the Montreal cell, including conforming our visa and asylum policies. It was clear that if you could get into Canada, you could get into the United States." According to Clarke, the visit was a success, as he "gained concurrence from our Canadian counterparts on a list of joint actions. Discovery of the Montreal cell had shaken the Prime Minister's office as well."⁹

Even though American recollections may speak louder than Canadian silence, it seems clear that there was at least a made-in-Canada effort at learning lessons, even if the process produced only superficial words of reassurance in the public domain, and generated little traction within government. What we have in fact witnessed in Canada since September 11 is an implicit, rather than explicit, exercise. While this may sound paradoxical, it comes closest to the reality of how the Canadian government actually responded to the challenges of the new security environment.

In a speech delivered to the Canadian Club of Ottawa on 25 March 2004, the deputy prime minister and minister for public safety, Anne McLellan, gave an upbeat assessment of Canadian responses to terrorist threats since September 11, arguing that the Liberal government's record was one of "action and progress" and that "we are in a strong state of readiness." The speech was substantive, unusually so for a government address on issues of national security. It was, perhaps, designed to draw the sting from the imminent release of the auditor general's more critical report. Minister McLellan closed the address in rousing fashion, arguing that "[w]e must always be vigilant about new threats, and we must always be looking for ways to improve and coordinate our intelligence, our prevention strategies and our emergency response capabilities. We must continuously review our plans, update

⁹ Clarke, *Against all Enemies*, 219.

our systems and test our people. Lessons learned must be lessons applied.”¹⁰

The minister’s remarks seemed a teaser. What lessons was she referring to? After all, we have seen that there was little real effort to learn explicit lessons from the recent past. The speech’s content provides the clue. The minister was reflecting the reality that the Canadian government practice in the aftermath of September 11 was event-driven and reactive. It is in a reading of the key measures that the government has taken to boost national security capabilities since September 11 that we can discern a pattern of “lessons”—implicit, not explicit.

Canadian security responses to 9/11 came in two distinct waves. Each contained its own set of measures and each suggested that the government was “learning” on the fly about critical vulnerabilities. The first wave incorporated responses in the early months from September to December 2001, a time of sustained crisis and uncertainty about where and in what form the next round of terrorist strikes might land. In this period, three major security initiatives were embarked upon, touching three key issues—legal powers, money, and Canada-US trade. My purpose here is not to discuss these measures in detail but rather to draw out the question of what hidden lessons they were designed to tackle.

Of the three first-wave initiatives, the most contentious and hotly debated involved new legal powers. In October 2001, the government introduced a draft bill C-36, an omnibus package of antiterrorism measures. Debate raged over such issues as a definition of terrorism as a criminal act, such draconian emergency powers as preventative arrest and compulsory testimony in investigative hearings, and the fairness of measures to list and proscribe terrorist entities and charitable organisations that might be used, wittingly or otherwise, to facilitate terrorist fundraising.¹¹ After an amending process, bill C-36 was passed into law on 24 December 2001. It is now, as I write, the subject of a mandated parliamentary review which will continue throughout the year 2005.

10 Anne McLellan, “Securing Canada: Laying the groundwork for Canada’s first national security policy,” 25 March 2004, www.psepc-sppcc.gc.ca.

11 Ronald J. Daniels, et al., eds., *The Security of Freedom: Essays on Canada’s Anti-Terrorism Bill* (Toronto: University of Toronto Press, 2001).

The lesson embedded in bill C-36 was itself a controversial matter. The government argued that it needed new legal powers to tackle terrorism; its critics argued that terrorism itself was not new and that the existing criminal code would suffice. The government won the day but the limited use to which bill C-36 powers have been put since December 2001 sustains the question of new legal powers for what purpose? Part of the answer is for an emergency that was anticipated in the immediate aftermath of September 11, a terrorist plot in Canada that hasn't yet been—and may never be—realized. Another part of the answer takes us into the realm of symbolic politics. The government realised, in the wake of the September 11 attacks, that it needed to be seen to wield a more powerful legal stick, specifically targeted against terrorism, than the existing laws provided. It needed greater legal powers to meet pressures from a number of directions: from domestic public opinion; from a United States suddenly cast into a “war” on terrorism; and even from the United Nations, which was pressing ratification of a series of international conventions against terrorism to boost international law. There was also the classic, if little realised, hope of the law—to deter. Canada needed to digest an unfamiliar warning about terrorism, about its actuality and globalization. One way to do this was through a law that would criminalize terrorism, yet would, in the government's view, adhere to all the standards of Canadian legal culture and be “charter proof.”

A second major initiative undertaken in the crisis months after September 11 involved a package of new spending, ultimately coordinated and defined in a December 2001 “national security” mini-budget, the first of its kind since the Korean War. Not only was the idea of a national security budget unprecedented in modern times in Canada, so was the amount. Over 7 billion dollars in new money was announced, to be spent over a five year period—a figure that has in the interim risen to \$8.3 billion. Money talks, so the adage goes, but what was it saying?

The most obvious thing the December 2001 budget was saying was that critical areas of national security spending were underfunded. This was a response, in the first place, to the new demands of the post-September 11 environment. But it was also a recognition that the budget rollbacks of the early to mid-1990s, taken in pursuit of an illusory “peace dividend” at the end of the Cold War, had been unwise. Spending on national security and intelligence had been particularly

affected by this search for a peace dividend, and the matter had to be righted urgently after September 11.

The shape of the budget outlay also signalled that there were multiple areas of vulnerability where resources would need to be increased. The budget looked shotgun, but it was not a problem of a government inability to differentiate between priorities, but rather a product of so many competing demands. Thus money was spread between intelligence and law enforcement enhancements, and marine security surveillance (this package totalling \$1.6 billion); improvements in the security screening of immigration flows and refugees claims (\$1 billion); military-related measures in critical infrastructure protection, emergency preparedness and strengthening of the JTF-2 special operations capacity (\$1.6 billion); border security (\$1.2 billion); health security, including stockpiles of key antibiotics (\$162 million); and improvements to aviation security (\$2.2 billion).¹²

The December 2001 budget also recognised that even new spending on a seven-plus billion dollar scale might not be enough, and that new fiscal resources might need to be on hand rapidly to face emergencies and unforeseen events. So the government wisely decided to create a “security contingency reserve,” initially salting away \$345 million, to which has been added \$75 million in 2003 and another \$605 million in 2004.

If there was a weakness revealed in the fiscal strategy, it was not in the outlay, which was probably all that could be absorbed prudently by key departments in the government, or in the scattergun spending pattern, itself a product of necessity, but rather the fact that money was being made to talk without a script. That is, there was no strategic dimension to the spending, no indication of thought given to institutional reforms or new ways of thinking about national security in the 21st century. All that would have to wait a further two years, until the second wave of security initiatives began to be unveiled in December 2003.

The last of the major first-wave efforts became public on 12 December 2001 with the signing of the “smart border” declaration and 30-point action plan with the United States. The declaration was a

¹² These figures reflect the original December 2001 outlay, with subsequent budget supplements to March 2004. As summarized in “Backgrounder: Public safety and emergency preparedness,” 25 March 2004, www.psepc-sppcc.gc.ca.

product of high-level negotiations between Deputy Prime Minister John Manley and his US counterpart, Tom Ridge, who then headed the Office of Homeland Security (later to become the Department of Homeland Security).¹³ The smart border plan was designed to find a bridge between starkly different Canadian and US conceptions of the border security issue. From the US perspective, the critical matter was to seal the border to any terrorist activity—recall the Richard Clarke comment quoted above (“if you could get into Canada, you could get into the United States”). From the Canadian perspective, securing the border meant a counterterrorist seal, but it also meant sustaining an open border for legitimate trade and travel, the lifeblood of the Canadian economy. The greatest shock that had been dealt to Canada by September 11 was precisely economic, felt in terms of border trade slowdowns, snarled transport, production shortfalls, and factory layoffs. Its impact had been temporary, but also cautionary. It left the stamp of concern behind about what might happen were a renewed al Qaeda offensive to take place in the United States, or if terrorist attacks were mounted cross-border.

The smart border declaration was, in fact, a triumph for Canadian diplomacy and the Canadian vision of the border security problem.¹⁴ But it did require a commitment to work closely with US authorities, to engage in joint intelligence and law enforcement activities, and to acquiesce in some degree of harmonization of policies. The price paid was small in comparison to the possible economic consequences of the more security-focused American approach.

More lessons on the fly were being learned. Canadian officials did not need to be told about the importance of border trade and travel. They didn't live on Mars. But what they did need to learn about was the new mindset in Washington, where security concerns, post-September 11, could trump all other issues. Negotiations leading to the smart border declaration undoubtedly contributed to a better appreciation of the new American outlook; they also helped establish some clearer sense of the degree of American flexibility in negotiations—the extent to which the US was prepared to balance its security

13 The declaration can be accessed at www.dfait-maeci.gc.ca.

14 See Reg Whitaker, “Living with Bush's America,” *Literary Review of Canada* 13 (January/February 2005): 3-5, for a discussion of the smart border plan in the context of a defence of Canadian sovereignty.

concerns with other issues such as trade flows and a friendly bilateral posture. The smart border talks also let Canadian officials better gauge the true nature of official American thinking on the degree to which Canada could be trusted as a security partner, separating this from the more extreme punditry that sometimes surfaced in the right-wing media. The lessons learned in the exercise were, on the whole, reassuring for Canada. Canada was a trusted partner; negotiations and compromise were feasible even with security on the table; Canada would be listened to (on the border security issue, at least).

With the smart border declaration, the first wave of Canadian government activity in the new war on terror came to an end. A sigh of relief was perhaps uttered in Ottawa. A crisis had been survived and new tools found to deal with it. Stasis set in, soon to be confronted by an issue on which the Canadian and US governments came to loggerheads and over which US willingness to compromise proved very limited—the confrontation with Iraq.

For whatever reason—the distractions of Iraq policy, official exhaustion, the painfully slow ebb tide of the Jean Chrétien regime—a waiting period of two years ensued before additional national security measures were undertaken by the Canadian government.

The second-wave initiatives had to wait until the arrival of Paul Martin as Jean Chrétien's successor as Liberal party leader and prime minister in December 2003. Their high tide was marked between that December and April 2004. The new Martin government certainly began with a bang, unveiling on 12 December 2003 major institutional changes in the Canadian government designed to improve security practice and policymaking. These changes included the creation of a new Ministry of Public Safety and Emergency Preparedness, to be headed by a senior cabinet minister, the formation of a new cabinet committee on "security, public health and emergencies," the appointment of a national security adviser to report directly to the prime minister and assist in the coordination of government national security policy and operations, and the proposal for a standing parliamentary committee on national security.¹⁵ All of these measures were new and institutionally unprecedented. It was an impressive and ambitious package, made all the more so because there was so little sign of its

15 "Changes to government," 12 December 2003, www.pm.gc.ca.

coming. Although these reforms were belated, they signalled that the new Martin government had learned, through a process that remains mysterious, something about the more dysfunctional aspects of Canadian national security policymaking. The creation of the public safety department and the formation of a cabinet committee on security were responses to a shift in power and national priorities in senior political decision-making. They were a recognition that, unlike virtually any other period in Canadian history outside of the two World Wars, the post-September 11 environment had made national security a top priority and an issue where concentration of power and authority was important. The new public safety department added considerable musculature to what had previously been regarded as a second-tier ministry, the old department of the solicitor general, which it replaced. Appointment of the deputy prime minister to head the new department was another sign that national security had acquired a new prominence. This was further underscored by the move to create a cabinet committee on security, which effectively replaced ad hoc cabinet machinery established by John Manley to manage the immediate crisis after September 11. The more permanent cabinet structure was a sign that national security deliberations were understood to be likely to continue to require serious political attention for the foreseeable future.

Two other lessons learned were hinted at in the December reforms. One was the need for greater attention by the prime minister to national security matters, and with that need a service to sustain the attention. Hence the post of national security adviser, designed to be the senior bureaucratic pipeline to the prime minister on issues of national security threats, intelligence assessments, and coordination of government policy. The other lesson confronted by the Martin government concerned the need for greater public knowledge of security issues. An understanding was emerging that public confidence in national security capabilities and practices was of fundamental importance. The other side of the coin, public ignorance, skepticism, or mythologization of security and intelligence, was being newly conceptualised as a form of "security risk," something at odds with older traditions of secrecy surrounding national security. The most important catalyst for this shake-up in thinking was probably the public unease regarding the treatment of the Syrian-born Canadian citizen Maher Arar, detained by US authorities in September 2002 while in transit to

Canada, deported to Syria under suspicion of terrorist activities, and reportedly tortured in that country during his 12-month-long imprisonment. Arar's return to Canada focused sustained and impassioned public attention on the role and performance of Canadian intelligence and law enforcement agencies in his particular case, and more broadly brought into question the balance that had been struck between counterterrorism operations and the protection of Canadian civil liberties since September 11.

The Martin government's first step into the field of public knowledge was radical in its way—there had never before been a parliamentary standing committee devoted to national security issues. But it was just a first step. It was soon followed, in February 2004, by a decision, previously resisted, to create a public inquiry into the role of Canadian officials in the detention and deportation of Arar. The purpose of a public inquiry was not simply to discover the facts about how the Arar case had been handled. This, the government could easily have found out for itself by asking the relevant agencies and officials. Instead the Arar inquiry was designed to provide a public answer to what the government probably already knew. A public answer was presumably deemed important as a measure to restore public confidence in national security practices in Canada.

While its mandate is narrowly focused, the Arar inquiry, headed by Justice Denis O'Connor, is also the closest Canada has come to any general review of security and intelligence practices in the post-September 11 world. There are already signs that the government may be having second thoughts about the wisdom of a public inquiry into security practices, as evidenced by the fierce battles that have been waged between the inquiry and the government over the issue of "national security confidentiality," in essence over publishing what the government regards as sensitive information on intelligence and law enforcement matters. It is too soon to tell whether the O'Connor inquiry will ultimately be wrapped in thick layers of government-imposed secrecy, or whether it will be able to offer its own "lessons-learned" about counterterrorism.¹⁶

Beyond the December 2003 reforms and the February 2004 decision to establish the Arar inquiry, the Martin government made one

¹⁶ "Commission of inquiry into the actions of Canadian officials in relation to Maher Arar." The Arar commission maintains a valuable website at www.ararcommission.ca.

last substantial foray into national security policy before succumbing to the distractions of the “sponsorship scandal” and a summer election that resulted in a Liberal minority government. In April 2004, the government published Canada’s first-ever statement on national security policy, entitled “Securing an open society.”¹⁷ The document is substantial, and came attended with rumours of a difficult birth. It sets out three broad national security objectives: enhancing domestic security, ensuring that Canada is not used as a launch site for terrorist attacks against other countries, and—more nebulously—“contributing to international security.” As with the other Martin government second-wave initiatives, there were hidden lessons in this exercise. They included, yet again, a recognition that in democratic societies, public confidence in national security policy is vital, and that public confidence can only be purchased with public knowledge and open debate. The national security policy document was designed to fill a void by explaining to Canadians the government’s outlook on new security threats and appropriate objectives. The document was also a recognition that the government needed, for its own purposes, a strategic framework to rationalize decision-making and guide action. This was something that had been sorely missing amid the reactive and ad hoc responses to policymaking since September 11. Finally, the emphasis given in the document to intelligence suggested that the government had learned one more, and by historical lights, un-Canadian lesson. Chapter three spelled this out: “Intelligence is the foundation of our ability to take effective measures to provide for the security of Canada and Canadians. To manage risk effectively, we need the best possible information about threats we face, and about the intentions, capabilities and activities of those who would do us harm. The best decisions regarding the scope and design of security programs, the allocation of resources and the deployment of assets cannot be made unless decision-makers are as informed as possible.” The statement is a straightforward expression of a new fact of the post-9/11 security situation. But it is also a recognition that a long history of peripheral Canadian intelligence operations had to come to an end.¹⁸

17 The text is available on the Privy Council Office website at www.pco-bcp.gc.ca.

18 Wesley Wark, “Waking up to the threat,” *Time* (Canada), 10 May 2004, 34.

Will there be third and fourth and nth waves of national security initiatives in Canada? No doubt there will. The question that we need to pose is will we learn any lessons from our recent history of security policymaking? This essay is meant to suggest that one hidden weakness in all our Canadian efforts to date has been a failure to base new policy on any systematic effort to learn lessons from past deficiencies. We can learn, surely, from our own mistakes, and the mistakes of our more volatile allies and partners. Think of the wealth of documentation that now surrounds the September 11 attacks and the failures of intelligence on Iraqi weapons of mass destruction.

Part of the problem is simply that prior to September 11, and for much of the time thereafter, no mechanisms really existed in Canada for learning lessons, certainly not for learning lessons in public. Existing external review agencies such as the Security Intelligence Review Committee have proved unsuited to the task. The auditor general's function is a valuable one, but must remain primarily dedicated to issues of fiscal probity and good management.

Internal exercises, on the evidence of what took place with regard to the Ressam and September 11 after-action studies, were poor bets to engineer sustained reflection and action.

The most significant "lessons" in the critical months after September 11 were simply learned and put into practice on the fly. This is not a good model for the future. The Canadian security and intelligence community needs a dedicated capacity to conduct and implement lessons-learned studies. It must be built—but must not be hidden away inside the walls of the intelligence world. The government needs to align proposals for change to such studies. The Canadian public has a need and a right to know how well, or how badly, they are served by their national security agencies. This need and this right cannot be served by the current system, which provides no opportunity for the generation of an independent, public judgement on such critical issues.

But the future is not altogether bleak. Many of the recent reforms proposed by the Martin government hold the promise of a broader capacity to assess the past performance of security and intelligence agencies, learn lessons, and work towards improved effectiveness in counterterrorism. As the Arar inquiry gathers steam, a parliamentary security committee is established, and advisory councils begin to work alongside government on aspects of national security policy, we

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may enter a new landscape of decision-making and a new environment of public knowledge. But for this to happen, past practices have to be abandoned, and promissory agendas need to be turned into reality.