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Canadian
Coast Guard

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Canadian Coast Guard

Maritime Security Framework



Canada

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The Canadian Coast Guard

Maritime Security Framework

This document presents a series of considerations related to the contribution of the Canadian Coast Guard to Canada's national security. It is intended to offer context regarding the Coast Guard contribution within the collective federal effort to enhance Canada's national and maritime security.

The Canadian Coast Guard is at a critical juncture of its history, as the organization considers the implications of an organizational shift from a maritime safety orientation to a culture that is influenced by both safety and national security perspectives. This document is intended to inform and guide the Canadian Coast Guard as it develops and delivers programs and services in support of maritime security and is also relevant to our partners both within the Department and the national and international federal enforcement and intelligence communities in understanding the impact of the incorporation of a national security perspective within the Canadian Coast Guard.



Federal Context

Vulnerabilities in Maritime Transportation

Until 2001, the focus on the maritime transportation system, both in Canada and around the world, was generally on the safe and efficient movement of maritime traffic. All that changed, however, following the events of 9/11. Terrorists' use of aircraft as weapons of mass destruction and subsequent attacks on commuters in Spain and in the UK sparked a reassessment of the vulnerabilities of the international transportation system. That, in turn, prompted government departments and agencies with an interest in the maritime domain to assess what role they might play within this changing environment.

The Multi-Agency Approach

Post 9/11, the Canadian government evaluated its existing capacity in order to determine the right national security solution for Canada. Whereas in the United States, domestic security was moved into one government department, Canada established a multi-agency approach. In relation to maritime security, this involves a network of departments and agencies working collaboratively through the Interdepartmental

Marine Security Working Group (IMSWG) to address gaps in Canada's maritime security fabric. This approach has the advantage of harnessing current capabilities and building on each department's existing organizational strengths and expertise in order to maximize efficiencies and economies of scale.

Federal Policy Direction

Enhancement of Canada's national security has been identified as a fundamental deliverable of Prime Minister Harper's Government. The current National Security Policy established in 2004 has been Canada's overarching security policy document. It acknowledges the importance and validity of the direction and work undertaken to date in the enhancement of Canada's maritime security and

provides a policy umbrella for Canadian national security activities.

Federal Achievements to Date

The Government of Canada has made investments across a wide range of sectors to enhance Canada's national security, including the maritime sector. Consequently, there has been significant progress on maritime security within the Canadian maritime sector, beginning with the announcement of maritime-related Public Security and Anti-Terrorism (PSAT) initiatives in Budget 2001. In total, nearly \$1 billion dollars has been allocated by the federal government to maritime security since 2002.



Photo: DND

Existing Mandates

After 11 September 2001, the need for immediate tangible results from the implementation of an enhanced approach to address gaps in Canada's maritime security fabric did not allow for the commissioning of new studies or even prolonged discussions regarding the precise nature of the Coast Guard's role vis-à-vis maritime security. The situation demanded immediate action.

The National Security Policy outlined a six-point plan that included increasing the Canadian Coast Guard on-water presence. The document includes references

to Coast Guard's on-water assets and information collection and its collation roles in support of national security. The identified roles include Coast Guard participation in Marine Security Operations Centres (MSOCs), Fleet on-water presence, and the networking of Marine Communications and Traffic Services (MCTS) systems for the benefit of the federal enforcement and intelligence communities.

The document did not, however, define a mandated national security role for Coast Guard and was not prescriptive about the support roles and responsibilities expected of the

Coast Guard. The department's value-added contribution instead evolved by means of leveraging current capabilities and capacities in consultation with interdepartmental partners at the IMSWG table.

The Commissioner of the Canadian Coast Guard is accountable for the provision of leadership and management of the national security file within DFO. Representatives from the Canadian Coast Guard also represent other DFO sectors' interests and advance both Coast Guard and DFO solutions at the interdepartmental table.



Photo: RCMP

Canadian Coast Guard Context

Public Expectations

Canadians expect that the federal government has the infrastructure, expertise, training and capability to respond to a coastal or on-water crisis and support the activities of Canada's civilian enforcement community within Canadian waters. Coast Guard's continuing challenge—one that is vital to the long-term sustainability of the organization—is to balance an effective response to maritime incidents with effective management of public expectations.

Given Coast Guard's position as the federal civilian maritime operational organization, there have been and continue to be significant expectations within the federal government and the public of a viable contribution to a robust post 9/11 maritime security regime.

Coast Guard's task has been to assess how the organization can build

on its considerable experience in maritime safety in order to proactively support the emerging imperative of security. In making this assessment, Coast Guard must always be mindful of the federal and departmental contexts in which the organization operates.

Services in Support of Federal Maritime Priorities

The Coast Guard has a long history of delivering maritime programs and services on behalf of the Government of Canada and has well-defined programs and services.

A vital national institution, the Coast Guard plays a key role in maintaining an accessible and sustainable national maritime transportation system by providing stakeholders with a suite of national programs mandated under Canada's *Oceans Act* Section 41.1(a)-(d) and related to:

- ◉ aids to navigation,
- ◉ marine communications and traffic services,
- ◉ marine search and rescue,
- ◉ pollution response,
- ◉ icebreaking, and
- ◉ waterways management.

In addition to its mandated programs, the Coast Guard has another vital obligation under the *Oceans Act* Section 41.1(e): ***The support of departments, boards and agencies of the Government of Canada through the provision of ships, aircraft and other marine services.*** It is under the auspices of this sub-section that an on-water contingency response role, an emphasis on operational readiness and a fisheries enforcement role for Coast Guard are authorized.

It's important to note that Coast Guard support to federal and provincial enforcement agencies did not start with the National Security Policy or solely as a response to 9/11. Fleet personnel have and continue to successfully undertake fisheries enforcement roles. The Fleet has also had an ongoing role supporting the enforcement activities of the RCMP, other federal departments as well as activities of the Navy.

Photo: CCG



KEY CONSIDERATIONS

The *Oceans Act* provides a broad authority for Coast Guard support of the maritime priorities of the Government of Canada. The Act is not prescriptive with respect to how, when and where the Coast Guard can or should provide support to federal maritime priorities. It is for Coast Guard to determine what support it is capable of and able to provide and incumbent upon the Coast Guard to undertake this determination with careful consideration of key factors such as mandate, capacity, capabilities and funding.

This document does not define parameters or prescribe capabilities in relation to Coast Guard operations and training in national security activities. Instead, the following considerations provide context as a basis for decisions to be made by Coast Guard senior managers. The four considerations described below; mandate, collateral versus dedicated capacity, contingency versus ongoing operational capability, and cost effectiveness, are based on observations and evaluations of Coast Guard maritime security activities to date.

These considerations and related questions should be examined by Coast Guard when evaluating the possibility of undertaking new

activities or responsibilities related to national security. Used as a guide, the considerations will assist managers in making informed recommendations and decisions before taking on new duties and responsibilities. For Coast Guard national security partners, these considerations should further assist partners in advancing their understanding of the complexities surrounding the Coast Guard contribution to national security objectives.

CONSIDERATION 1

Mandate

Coast Guard Contributions to Maritime Security Must be Within The Legal Mandate of the Minister of Fisheries and Oceans.

Mandate is little more than a synonym for legal authority. If a Minister has no mandate to carry out a certain act or activity, then in principle, the Minister acts without legal authority in carrying out that act or activity. Thus, it follows that any official act of a Coast Guard employee that fell outside the mandate of the DFO Minister would be an unauthorized or unlawful act. Further, spending associated with an act or activity outside the Minister's mandate may be viewed as unlawful,

as Parliamentary spending authority is normally provided for purposes falling within the legal mandate of the department.

As a service organization mandated to provide support to the federal government's maritime priorities, the Coast Guard's role within the multi-agency approach is articulated as one of proactive support to the federal community. Hence, Coast Guard solutions to addressing maritime security gaps must always be done in partnership with those departments or agencies that have the enforcement, intelligence or security mandate, and therefore the program lead for security solutions. In an effort to clarify and report on the Coast Guard's role in maritime security, the 2007 Departmental Program and Activity Architecture (PAA) has been adjusted to include maritime security. The PAA is the basis of appropriations and allocation of monies for the Agency from the Government of Canada. By means of the revised PAA, Coast Guard has been authorized by the Government of Canada to spend monies on maritime security activities and is obliged to report on these activities to central agencies and House of Commons committees.



Photo: RCMP

CONSIDERATION 2

Collateral Benefits versus Dedicated Capacity

Is the contribution to Canada's national security under consideration a Collateral Benefit, or a Dedicated Capacity?

COLLATERAL BENEFITS

The Coast Guard maritime security support role, along with the Government's endorsement of multi-agency initiatives for the enhancement of Canada's national security, resulted in an emphasis on using existing Coast Guard programs and services to provide a benefit to the federal security and intelligence communities. The notion of collateral benefits emanating from Coast Guard activities to other organizations is, of course, not a new concept and has been consistently recognized within the multi-mission nature of Coast Guard services and programs.

Post 9/11, the demand for Coast Guard support has grown with the evolution of the federal government's maritime security agenda and further identification of gaps in the country's maritime security fabric. The role of the Coast Guard as a platform and as shore-based operational support to the Canadian security community began to be emphasized and recognized by means of injections of dedicated maritime security funding.

The initial post 9/11 evaluation of Canada's national security identified the national security benefits of Coast Guard Fleet on-water capacities and maritime information collected for Marine Communication and Traffic Services Information systems. These programs and capacities have been enhanced to provide a viable and valuable national security collateral benefit.

This approach is efficient in that existing programs are enhanced to provide an increased program benefit, while at the same time creating a significant collateral benefit to the federal enforcement and intelligence communities. For example, the Automatic Identification System (AIS) – the primary purpose of which is an anti-collision maritime safety system – has significant national security benefits in providing a near real time vessel tracking capacity to support the development of actionable maritime intelligence. Coast Guard has received funding to build AIS shore based infrastructure and will use the AIS vessel tracking data to enhance both maritime safety and security in Canada.

DEDICATED CAPACITY

Since 2005, the Coast Guard's role relative to maritime security has evolved somewhat from one of contributing solely by means of collateral benefits emanating

from existing programs and services and general platform support, to the establishment of dedicated capacities.

The joint RCMP/Canadian Coast Guard Marine Security Enforcement Teams (MSET) program establishing an armed, on-water federal enforcement capacity in the Great Lakes-St. Lawrence Seaway is an example of dedicated capacity. The RCMP has the mandate for MSET enforcement and intelligence roles and the Coast Guard provides dedicated competent crews and suitable vessels for the successful joint delivery of the MSET program.

Additionally, Coast Guard is a key integrated participant in the multi-agency Marine Security Operations Centres (MSOCs) on the East and West Coasts and in the Great Lakes-St. Lawrence Seaway System. Coast Guard's role, which is related to the provision of maritime traffic information to the enforcement and defence communities, has evolved from the collection and collation of information into a more dedicated capacity related to tasks that will include the creation of the unclassified recognized maritime picture in support of maritime domain awareness national security objectives.

While the program lead remains with the partner organizations with

mandates for enforcement and/or security, Coast Guard offers program and asset support as well as maritime expertise to enhance the scope and effectiveness of maritime security initiatives.

CONSIDERATION 3

Contingency versus Ongoing Operational Capability

Is the Coast Guard contribution to Canada's national security an ongoing national security initiative or a request for periodic Coast Guard contingency response capability?

Coast Guard has always responded to on-water contingencies including disaster response, support to the RCMP and Navy in their on-water operations and support to periodic requests by other federal agencies including Immigration, Canada Border Services Agency and Transport Canada. Recently, the Coast Guard developed the concept of Fleet Operational and Mission Readiness as the foundation for determining its longer-term capacity requirements. This will enable the Coast Guard to evolve from a narrow operational approach driven by individual program requirements to a more holistic operational approach in which the Agency is positioned as Canada's 'whole of government' maritime solution.

While the operationally ready Coast Guard Fleet is unquestionably an asset to the federal enforcement and intelligence communities, it is important to delineate between the Coast Guard capacity to respond to contingencies and the capacity to support ongoing on-water initiatives realizing national security objectives. An operationally ready Coast Guard includes capacity not only to respond to on-water contingencies including national security incidents, but also to ongoing or routine requirements supporting national security objectives.

CONSIDERATION 4

Cost Effectiveness

As a Special Operating Agency committed to business-like service delivery, the Coast Guard must ensure it is cost effective, which means staying within its funding envelope and providing programs and services only when it has the means to do so. New on-going initiatives concerning security require new funding to ensure no net negative impact on safety programming.

With the current mandate, the focus of the Coast Guard remains a safety-orientated organization. There is no intention to reduce Coast Guard's delivery of mandated safety programs in order to enhance national security activities through resource reallocations.

Of course, as discussed under Consideration 3, Coast Guard will always respond to contingency events and consequentially may temporarily pre-empt non-critical safety programs. However, an increased Coast Guard capacity for the express purpose of enhancing national security would require new funding.

The Automatic Identification System (AIS) project is an excellent example of this principle. AIS, originally a safety system, was recognized as providing enormous maritime security benefits. The federal security community suggested that Coast Guard construct AIS infrastructure and incorporate AIS data in the Coast Guard vessel traffic system. However, if Coast Guard reallocated existing funding to establish an AIS capacity, the viability of the existing vessel traffic system would have been reduced. Hence, new funding was provided from the Department of Finance Public Safety and Anti-terrorism funding envelope.

While it is efficient to adapt or adjust existing or planned programs to support national security objectives, this may come with a price. Coast Guard can only provide additional services with additional funding.

Mitigation of Risk

Given the role of Coast Guard as the owner/ operator of the Canadian Government's civilian fleet and Canada's maritime vessel tracking systems, there are significant governmental and public expectations that Coast Guard be a proactive partner in enhancing Canada's national security. Coast Guard has successfully worked within Canada's multi-agency approach to national security solutions to address post 9/11 expectations but there are associated levels of risk to the Agency that require mitigation.

Legal Risk

The multi-agency solution to national security enhancements may still be problematic from a legal

perspective in that Coast Guard could be seen to be delivering services for which others have legislated accountability but for which Coast Guard is seen to be accountable, without an explicit legislative safeguard. Clearly, the organization must manage its legal risk while ensuring the delivery of a viable contribution to maritime security in Canada.

Legal validation of Public Safety and Anti-terrorism initiatives has been a prerequisite for central agency approval prior to the release of funding to Departments. There are on-going legal discussions related to inter-agency information sharing that continue to shape Coast Guard participation in MSOCs and the sharing of Coast Guard vessel traffic data with the enforcement and intelligence communities.

Significant legal review has also been undertaken in relation to Coast Guard involvement in the MSET program with the RCMP. Such direct program involvement by Coast Guard raises the level of organizational accountability compared to that of a collateral national security benefit to an existing mandated Coast Guard program or service. That accountability includes an ongoing review of legal risk as initiatives evolve.

Operational Risk

It is incumbent upon Coast Guard management to minimize operational risk associated with the organization's contribution to national security. The Fleet's involvement in the MSET program provides a good example of an ongoing assessment of operational risk in a new activity that is mitigated by means of customized training programs and equipment acquisitions. Like the mitigation of legal risk, the management of operational risk is an ongoing requirement.

It is unrealistic to expect that all aspects of legal and operational risk will be eliminated. Coast Guard, in concert with the Department of Justice and our national security partners, will continue to identify risk and mitigation options to minimize risk associated with our national security activities.

Photo: RCMP



Roles and Responsibilities

The role of the Coast Guard Maritime Security group is to fulfill the Canadian Coast Guard Commissioner's departmental accountability, on behalf of the Deputy Minister, to meet Government expectations for a departmental contribution to national security by means of proactive leadership and management of the maritime security file within DFO.

The maritime security file within Coast Guard is a compilation of initiatives aimed at providing value-added service solutions to various government departments and agencies with an interest in the maritime domain. Its success is dependent on communication and information sharing among headquarters staff and the regions responsible for delivering on Coast Guard maritime security commitments. Such communication is vital in positioning DFO as a value-added and proactive partner in the enhancement of Canada's maritime security.

The Maritime Security group works with Headquarters and regional Fleet, Maritime Services and Integrated Technical Services representatives, as well as with program experts in Conservation & Protection and Science, to

assess departmental capabilities in relation to an enhanced departmental contribution to national security. This includes the articulation of the DFO role and associated capacity issues within the department, and the provision of relevant advice and support to DFO senior management on the departmental roles and effective strategies related to DFO's contributions to national security. The group is also responsible for the development and implementation of strategies within DFO consistent with the federal government's priorities concerning the enhancement of national security. This includes legislative and regulatory changes as well as operational changes and support to other sectors within DFO.

Maritime Security staff represent DFO on the Interdepartmental Marine Security Working Group (IMSWG) chaired by Transport Canada and including representation from Canada's security community as well as its various subcommittees. As well, the Director, Maritime Security, represents the department on other federal and international working groups dealing with maritime security issues.

In all activities, the overarching objective is to position DFO as a value-added and proactive partner in the delivery of multi-agency solutions in the enhancement of Canada's national security.



Photo: DND

The Way Forward

This framework is intended to create a consistent policy approach to maritime security within Coast Guard and can be a valuable tool for our federal partners to provide context relative to our contribution to Canada's national security. Coast Guard will continue to be a value-added national security solution provider and work with the federal enforcement and intelligence communities within the parameters of the above considerations.

The considerations articulated above will undoubtedly change as the national security file evolves, and the Government revises its national security policy and operational focus in response to the changing threat environment. It is incumbent upon Coast Guard to proactively review positions on national security and adjust Coast Guard perspectives to reflect evolving Canadian national security realities.



Photo: RCMP



Photo: DND