



The Canadian Forces Snowbirds aerobatic team fly past the Peace Tower during Canada Day celebrations on Parliament Hill, Ottawa, 1 July 2016.

Improving Parliamentary Scrutiny of Defence

by Philippe Lagassé

Philippe Lagassé is an Associate Professor and the Barton Chair at the Norman Paterson School of International Affairs, Carleton University.

Canada's Parliament plays a limited role in the country's defence and military affairs. While most democratic legislatures are secondary to the executive in defence matters, the Canadian Parliament is particularly weak. Consider, by way of contrast, the British and Australian parliaments, with which Canada shares a Westminster-style bicameral legislature. Backbench independence and forceful parliamentary committees give British parliamentarians a remarkable willingness and ability to hold the government to account, including in matters of national defence.¹ For its part, the elected Australian Senate performs legislative and policy scrutiny of the government's defence affairs and the armed forces.² Neither of these parliaments ranks alongside the United States Congress in terms of legislative power and influence, nor are they without critics. Indeed, one would be hard pressed to find a democracy where the legislature's role in defence policy is not considered insufficient, with the possible exception of Germany.³ In Canada,

however, the state of parliamentary involvement in defence matters is particularly troubling.⁴ Strong party discipline and excessive partisanship hobble the defence committee in the House of Commons, while the Senate is no longer as seized of national security and defence as it was in previous decades. Parliament's contribution to Canadian defence is marginal, and there are few efforts to change this reality.

This article outlines three practical steps to improve parliamentary scrutiny of defence in Canada. By practical I mean reforms that do not involve altering Parliament's constitutional functions or structural facets of the legislature. Reforms that aim to give Parliament decision-making authority over defence matters, for instance, are either impractical or cosmetic under our existing system of responsible government.⁵ Rather than aiming to make Parliament a body that governs defence, practical reforms should focus on improving what the legislature has evolved to do in our system: scrutiny. Put differently, instead of trying to make Parliament responsible for defence, reforms should strive to help the legislature hold the executive to account for the military decisions the government makes. A pragmatic approach also avoids reforms to deeply entrenched parliamentary cultures and

practices. Tight party discipline and heated partisanship will remain features of the House of Commons as long as the conditions that produce them, such as our electoral system, the dominance of party leaders, and high member turnover rates, are in place.⁶ To paraphrase a former American Secretary of Defense, a practical approach aims to improve the Parliament we have, not build the legislature we might want.

The proposals put forward here, therefore, seek to better parliamentary scrutiny without demanding that parties, parliamentarians or the legislature significantly transform themselves or the way they do business. With that in mind, the three proposals focus on improving a critical aspect of parliamentary scrutiny: information. Increasing the information available to the legislature is not sufficient for better scrutiny, but it is necessary. Indeed, a well-staffed and independently minded parliamentary committee that lacks good information will struggle to hold the government to account. In contrast, an otherwise dysfunctional committee that nonetheless puts information into the public domain will be performing an important function, even if it leaves it to other actors to make effective use of what they have learned.

With improving parliamentary scrutiny and access to information as the goal, I propose three reforms: 1) requiring the executive to provide detailed information about military deployments to Parliament for take-note debates and committee hearings; 2) establishing a veritable national security committee of Parliament whose members will have security clearances to review classified matters in a parliamentary setting; 3) empowering and resourcing the Department of National Defence (DND) and the Office of the Auditor General (OAG) to cooperate on annual reviews of DND's suite of major capital projects and the Canadian Armed Forces (CAF)'s recruitment and retention efforts. Although much more could be done to improve Parliament's ability to hold the government to account for defence matters, these three reforms are feasible and would increase parliamentary knowledge and scrutiny of defence in Canada.

I. Improving Military Deployment Debates

Granting Parliament control over military deployments has been a recurrent theme in Canadian discussions of the legislature and defence matters. Following the First World War, Liberal prime minister William Lyon Mackenzie King stressed that Canada would not commit to another great power conflict without parliamentary approval. King's motives in stressing parliamentary control were mixed. Having Parliament decide meant that Canada would not be automatically at war if the United Kingdom was. As well, holding a parliamentary vote ensured that tensions between English and French Canadians would be dampened by legislative proceedings and debates. Beyond these political machinations, King likely believed in the democratic principle of a parliamentary decision as well. From that point on, the notion that "Parliament will decide" Canada's international military missions became a common refrain.⁷ Prior to advising the Sovereign to declare war for Canada in 1939, King held a parliamentary vote, making good on his pledge.

In the decades that followed the Second World War, parliamentary control of military deployments was shown to be largely hollow. The House of Commons was not asked to approve Canada's participation in the Korean War, and although a few sporadic votes were held for various United Nations missions, the executive's control of deployment decisions was affirmed during the Cold War. Canada's participation in the 1991 Persian Gulf War reignited debates about Parliament's role in approving deployments, leading the Progressive Conservative government of Prime Minister Brian Mulroney to hold a retroactive vote on the mission. The Mulroney government would consult the Commons on other deployments as well, including the ill-fated mission to Somalia. When Jean Chrétien's Liberals came to power in 1994, however, those votes ceased. Although Canada took on ever more deployments in the mid- to late 1990s and early 2000s, the Commons was only invited to hold occasional take-note debates.⁸

The lack of parliamentary consultation on military deployment decisions made by the Chrétien Liberals led the Reform Party to call for limits on the executive's discretion. Those calls continued when Reform and the Progressive Conservatives merged to form the Conservative Party. One of Prime Minister Stephen Harper's first decisions after forming the government in 2006 was to bring a motion to extend Canada's deployment to Kandahar, Afghanistan, before the Commons for a vote. Harper's Conservatives would hold several votes in the years that followed, notably for a further extension of the Kandahar mission in 2008 and to secure the Commons' support for missions in Libya (2011) and Iraq (2014). Yet, like King's, Harper's principled stance was laced with political posturing. The Kandahar votes exposed rifts in the Liberal opposition and served to deflect responsibility for a controversial mission from the government onto the Commons. Harper and his ministers were also careful to highlight that the executive's underlying discretion and authority over military deployments were unaffected by the choice to consult the Commons.⁹

Whether driven by principle or politics, Harper established the practice that Commons votes would be held regarding military deployments in the future, especially those involving combat. The Liberal government of Prime Minister Justin Trudeau has held only one vote thus far, in March 2016 for an alteration to the CAF mission in Iraq, though this arguably reflects the fact that Canada has not committed a significant number of troops to an international mission in recent years. The next time Canada sends the military to fight overseas, the Commons is likely to be consulted in some fashion.¹⁰ When that happens, however, we should ask what exactly Parliament's involvement is meant to achieve. The votes have not given the Commons a veto in a meaningful sense. And although there has been increased debate leading up to the votes, once they have been held, high-profile parliamentary discussions of the missions have tended to fall off. Indeed, the tendency of these votes to implicate the Commons in deployment decisions may discourage parliamentarians from keeping the debate alive, particularly if they themselves voted in favour of the mission.¹¹

Parliamentarians, however, will turn toward greater scrutiny if controversies arise or when there appears to be a disjuncture between stated mission objectives and developments in theatre.

**"With improving
parliamentary scrutiny
and access to
information as
the goal."**

A notable example was the 2014 deployment to advise and assist Iraqi forces in the battle against the Islamic State. Indications that members of the CAF were involved in combat as part of their advising and assisting mission led to debates about the exact scope of the operation. Concerns about the mission also prompted the government to hold regular press conferences about the operation.¹² This episode and others like it highlight ways to improve parliamentary debates about expeditionary deployments, whether they are subject to a vote or not.



Former Canadian Prime Minister Stephen Harper outlines his government's plan to participate in a military campaign against Islamic State militants, House of Commons, Parliament Hill, Ottawa, 3 October 2014.

At the heart of the parliamentary deliberations about the advising and assisting mission in Iraq were questions about mandates, rules of engagement and operational objectives. As in any partisan exchange, those issues were not treated with much nuance or subtlety. But the discussions pushed the government and CAF leadership to better explain what the military was doing in Iraq and how it was doing it. It is also likely that the opposition's and the media's interest in those aspects of the mission reinforced the need to brief the press and the public about the mission. As in the Afghan detainee controversy, details mattered in this case, which prompted parliamentarians to demand more information, notwithstanding the fact that the Commons had voted in favour of the mission.¹³

To encourage parliamentarians to engage in more detailed scrutiny, they should be provided with greater details about international deployments when the operations begin. Specifically, whether a vote is held or not, the Minister of National Defence should table a mission memorandum to provide the Commons with salient information about the operation. For instance, the memorandum could include a discussion of the legal basis of the mission and how the government expects that the law of armed conflict will be applied. Mission objectives and anticipated timelines could be outlined as well, with any allied agreements about burden sharing and expected rotations highlighted. To the extent possible, the memorandum could detail which formations and/or units will be deployed, the coalition or alliance command arrangements, where the forces will operate, when they will be rotated, and what impact the mission will have on the CAF's ability to manage concurrent operations at home or abroad. Lastly, the memorandum could provide rough order-of-magnitude costing for the mission and explain how the operation will be funded within the defence budget.

Once the mission memorandum has been tabled, a take-note debate on the operation should be held. If the government wishes, the Commons could be invited to vote on the deployment, with the memorandum underscoring the mission parameters that parliamentarians are being asked to support. After the take-note debate and an optional vote, the Commons defence committee could scrutinize the deployment, using the memorandum as a reference point to assess the mission's progress, costs and scope. The defence committee's efforts could be supplemented by sessions of the Committee of the Whole. If the mission requires an extension, the process would begin again, with an updated mission memorandum. If significant changes occur over the course of the mission, the defence minister could brief the Commons and the defence committee accordingly. Once the deployment is concluded, the Senate Committee on National Security and Defence could initiate a retrospective study of the operation, identifying lessons learned and outlining any significant deviations between the memoranda tabled by the government and the actual conduct of the mission.

It might be asked what tangible difference the tabling of a mission memorandum would have on parliamentary scrutiny of expeditionary operations. At the very least, it would provide opposition members with a hook, something with which to hold the government to account, without necessarily questioning the importance of the mission itself. Indeed, therein lies the true benefit as compared with simply holding a vote: more information about the mission would give parliamentarians the opportunity to ask better questions and would provide metrics by which to assess the deployment, whether they voted to support the operation or not. While the quality of debate would still be negatively affected by crass partisanship and the whims of the media, better information should nonetheless lead to better scrutiny.

REUTERS/Alamy Stock Photo/2E5HBN3

Lastly, it might be asked why any government would agree to these reforms. While it may seem that withholding information ultimately benefits the executive, that is not necessarily the case. Indeed, in many instances, providing information dulls attacks. Governments cannot be accused of hiding costs and mission details if they are simply presented to the Commons. As Lagassé and Saideman have argued, opposition criticism thrives when opposition members are uninformed.¹⁴ When there is no information to work with, it is far easier to accuse the government of any and all things. Having the executive willingly divulge information and then put that information through the regular proceedings of Parliament eliminates the controversy surrounding the issue.

II. A National Security Committee of Parliament

In 2017, Parliament passed the *National Security and Intelligence Committee of Parliamentarians Act*. The purpose of the law was to involve parliamentarians in the review of national security and intelligence. The National Security and Intelligence Committee of Parliamentarians (NSICOP) is composed of 11 parliamentarians: 8 from the House of Commons and 3 from the Senate. However, owing to concerns about the security of information and how it might be used in a parliamentary setting, NSICOP is not a parliamentary committee. Instead, it is a committee within the executive whose members are parliamentarians. At first blush, this may appear to be a distinction without a difference. However, it has proved to be significant, particularly since the election of a minority Parliament in 2019. By establishing an executive committee of parliamentarians instead of a legislative committee of Parliament, the *National Security and Intelligence Committee of Parliamentarians Act* set the stage for a confrontation between the government's concerns about classified information and Parliament's constitutional powers to demand documents. To resolve this conflict, Parliament and the government should negotiate the establishment of a veritable parliamentary committee on national security and intelligence, one that will strike an effective balance between the security of information and the legislature's right to be informed.

NSICOP was created with good intentions. Canadian parliamentarians have not had access to classified information as a matter of course, unless they also serve as ministers or have been sworn as Privy Councillors. There are two principal and interrelated reasons why parliamentarians have not been granted clearances. First, parliamentarians could share classified information in parliamentary proceedings without legal consequence. Specifically, one of the core privileges individual parliamentarians enjoy is freedom of speech. This privilege allows parliamentarians to say anything as part of a parliamentary proceeding, without being subjected to legal penalties; as a constitutional protection, the parliamentary privilege of free speech insulates proceedings in Parliament from ordinary laws. For example, this allows parliamentarians to make claims in Parliament against individuals that could be considered libellous outside of Parliament. In the area of national security, parliamentary privilege would also protect the airing of information that would otherwise violate the *Security of Information Act*. Hence, giving parliamentarians access to classified information has been considered a risk, since they could disclose it in Parliament while being shielded from prosecution. Second, partisanship and the lack of a culture of secrecy could lead parliamentarians to abuse their free speech

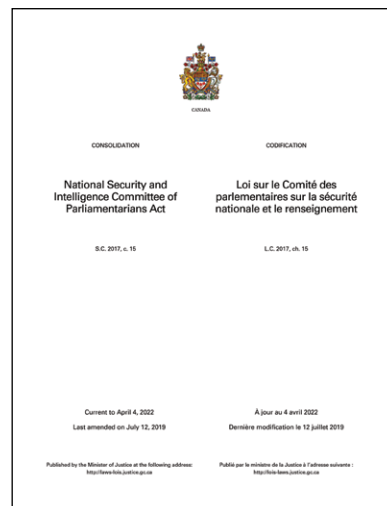
regarding classified information. While the Canadian security and intelligence community may admit that there is value in protecting the disclosure of classified information in Parliament when there is a clear public interest at stake, petty politics and an immature view of the importance of classification could lead parliamentarians to share sensitive information for reasons that fall far below the threshold of the public interest. Simply put, the average parliamentarian is seen as too partisan or immature to be trusted with classified information given the protections of parliamentary privilege.¹⁵

NSICOP was designed to address both these concerns. Section 12 of the *National Security and Intelligence Committee of Parliamentarians Act* prevents members of the committee from invoking parliamentary privilege to shield themselves from the *Security of Information Act*. While the constitutionality of this provision has been questioned,¹⁶ Parliament has the authority to waive its privileges

and to limit how they are exercised by individual parliamentarians. Accordingly, it is unlikely that the courts will rule against this constraint. Were a member of NSICOP to disclose classified information during a parliamentary proceeding, they would therefore be subject to prosecution.

To reduce the effects of partisanship on NSICOP's work, the committee does not meet in public, nor is there a public record of its deliberations. This lessens the temptation for members to engage in partisan grandstanding or political point scoring. In addition, appointments to NSICOP are made by the Governor in Council on the recommendation of the Prime Minister. When naming members from opposition parties, the Prime Minister must consult with their respective party leaders. While opposition leaders may want to have rabid partisans on the committee, the Prime Minister is not obliged to accept them. Instead, the Prime Minister and opposition leaders must come to an agreement about who will serve on the committee. This process and the nature of the committee itself lend themselves to the appointment of measured and discreet parliamentarians who can work across party lines.

Since it began operating, NSICOP has largely worked as the security and intelligence community hoped, issuing reports that touch on security and intelligence governance in Canada, diversity in the national security community, and threats to Canada. Although it is difficult to know how harmoniously the committee worked in the past two parliaments, there were no evident partisan rifts, nor is there any indication that members mishandled or aired classified information. Academics have also praised NSICOP's reports shedding light on a poorly understood aspect of Canadian government. (I should note here that I have been critical of the committee's findings on defence intelligence.¹⁷)



In December 2021, however, the leader of the official opposition, Erin O'Toole, announced that the Conservative Party would be boycotting NSICOP for the 44th Parliament.¹⁸ His announcement followed the Conservatives' rejection of the government's proposal to use NSICOP to resolve a dispute between the Commons and the executive that had erupted in the last months of the 43rd Parliament. At the heart of that confrontation were documents related to the dismissal of two scientists from the National Microbiology Lab in Winnipeg. Opposition parties had demanded that the government provide classified information to the Commons about their firing. Since the government had lost its majority in the October 2019 general election, the opposition controlled the Commons and were able to pass a motion requiring the executive to provide the information. The government resisted, arguing that releasing the documents would be injurious to national security and that the Commons lacked the expertise to properly redact the documents before making them publicly available. Rather than providing the documents to the Commons, the government argued that they should be given to NSICOP. Indeed, as commentators noted, NSICOP was ideally suited to resolve this impasse, as a multiparty committee that could rely on expertise from the security and intelligence community when determining what information should be redacted when reporting on the documents.¹⁹ The Speaker of the House, however, ruled that the government's refusal to provide the documents was a breach of parliamentary privilege, which grants the legislative houses the power to compel the production of all documents. The government, in turn, brought the matter before the Federal Court.²⁰ After Parliament was dissolved in August 2021, the motion ordering the documents ceased to be in effect and the government withdrew the case from the Federal Court. When the general election of 20 September 2021 returned another minority parliament, the standoff over the documents resumed. The Liberals proposed that an ad hoc committee review the documents. The Conservatives rejected that compromise,²¹ then announced their boycott of NSICOP two weeks later.

In retrospect, it is not difficult to understand why NSICOP failed to serve as an acceptable compromise. NSICOP's status as an executive body meant that giving it access to the documents would not satisfy the requirements of parliamentary privilege. Being a committee of parliamentarians rather than a parliamentary committee, NSICOP could act as a compromise solution only if the Commons agreed that it should. Under a majority Parliament, of course, that would not be a problem. NSICOP would be the default solution to any call for parliamentary scrutiny of a controversial national security question, since a government-controlled Commons would not pass a motion demanding documents from the executive. But the true test of NSICOP's viability as a bridge between the Commons and the executive would be during minority parliaments, where the opposition could make full use of the powers of the legislature against the government. In a minority setting, referring a controversial question to NSICOP, with the committee taking months to review the matter, followed by redactions by the executive before the committee's report is tabled before Parliament, is politically unattractive. Opposition parties have an incentive to demand that the question be reviewed quickly—before the controversy and media attention dissipate—by parliamentary

committees they control. And while some opposition members may be concerned about undermining national security by having inexperienced parliamentary staff redact sensitive information, the partisan allure of being able to embarrass the government will overpower those doubts.

To get around the problems NSICOP faces during minority parliaments, the body should be remade as a veritable parliamentary committee; the national security committee of parliamentarians within the executive should become the national security committee of Parliament. This transformation would allow NSICOP to review classified matters in a parliamentary setting, addressing situations where the legislative houses compel the production of classified information and allowing Parliament to scrutinize sensitive files relatively rapidly before they lead to confrontations between the executive and the legislature. To reassure the security and intelligence community, a parliamentary NSICOP would need to be staffed and resourced to properly vet and redact public versions of its reports. This may require secondments or cooperative

agreements between the legislative houses and security officials within the executive. Yet, given that security-cleared parliamentary committees exist in other countries, including other Westminster-style legislatures, this is far from an insurmountable obstacle.²²

Making NSICOP a parliamentary committee could reignite concerns about members abusing their privilege of free speech to air classified information without consequence. This could be addressed in three ways. First, a modified version of the waiver found in section 12 of the current *National Security and*

Intelligence Committee of Parliamentarians Act could be included in new legislation, thereby subjecting unauthorized disclosures to the provisions of the *Security of Information Act*, whether the disclosures were made in Parliament or not. This would involve the houses limiting the privileges of individual members within parliamentary proceedings, which they have the authority to do as self-governing legislative bodies. Second, as in the Australian *Intelligence Services Act 2001*, specific offences and penalties related to the unauthorized disclosure of information to this committee could be outlined in law. Third, the standing orders could be amended to allow the houses to sanction members who disclose classified information provided to the national security committee.

This leaves the question of whether Parliament is too partisan to have a veritable national security committee. NSICOP as it exists today suggests that individual parliamentarians can perform their functions without leaking or mishandling classified information. NSICOP's members have demonstrated that they can rise above partisanship and be mature national security actors. It is unclear why having them perform their role in a legislative setting would change their behaviour. As importantly, NSICOP as it exists today—in the form of an executive committee rather than a legislative committee—highlights that the real risk is *not* having a parliamentary body that can handle classified information. Put differently, the 43rd and 44th Parliaments have shown that an executive-based NSICOP may not be accepted as a compromise when an opposition-controlled Commons demands documents from the government. When this occurs, the absence of a parliamentary national security committee becomes the actual risk, since the

“The national security committee of parliamentarians within the executive should become the national security committee of Parliament.”

legislature may demand classified information without the means to handle it safely. The best means of mitigating this risk is to embed a national security committee within Parliament itself.

Lastly, it might be asked how having a parliamentary national security committee would improve legislative scrutiny of defence. While this committee would primarily focus on Canada's intelligence community, it would also be able to review any classified information related to national defence and the armed forces. Hence, this committee could review military matters that would be too sensitive to discuss at the defence committees. This could include issues ranging from the special forces to procurement to memoranda of understanding with allies. For example, had such a committee been in place during the war in Afghanistan, it would have been the proper body to examine the Afghan detainee controversy in Parliament. Although defence might not feature prominently on such a committee's agenda, the option of referring important military files to the committee would be available.

III. Annual Major Defence Reports

Since the Auditor General is an officer of Parliament, the Office of the Auditor General (OAG) plays a significant role in helping the legislature hold the government to account for matters of national defence. Most importantly, audits performed by the OAG inform the work of the Public Accounts Committee (PACP), a Commons committee that is always chaired by an opposition member. Armed with the OAG's reports, PACP scrutinizes the performance of departmental programs and keeps track of how the departments have responded to recommendations for improvement. In recent years, for example, PACP has leveraged the OAG's report on the military supply chain to press for improvements to the DND/CAF inventory management system.²³ Although it did not garner much media attention, this type of review demonstrates how the OAG contributes to parliamentary scrutiny of defence, and in this case to the oversight of an issue that greatly affected the public accounts of Canada.

The OAG's departmental performance audits do not inform PACP alone. These audits are arguably Parliament's most important tool for understanding how the government policies and programs are working and what shortfalls and failures plague them. In addition, the OAG's performance audits have a significant impact on media reporting and the wider public's understanding of how effectively they are being governed. Indeed, while an attentive observer may learn quite a bit about how a departmental policy or program is faring by

reading committee testimony and submissions, the OAG's pointed and focused reports provide vital information in a more condensed and transparent form. It is perhaps not surprising, then, that the OAG's performance reports can have sizable policy impact. For example, Canada's efforts to replace its aging CF18 fleet were greatly affected by the OAG's spring 2012 report on the project. The OAG's critique of the costing and processes surrounding the initial decision to acquire the F35 Joint Strike Fighter led to a decade-long reconsideration of how to go about buying new fighter aircraft.²⁴

As valuable as they are, the OAG's performance audits have limitations. Above all, they are episodic. Given that it is responsible for auditing all federal entities and that it faces persistent resource constraints,²⁵ the OAG can examine only so many programs and projects. And while DND and the CAF are the subject of regular performance audits, those audits tend to focus on single projects or policies. As a result, the OAG's performance audits of the defence portfolio provide precise snapshots, rather than a wider, if less focused, panoramic view. Although performance audits remain critical, one means of giving both Parliament and the public a better understanding of the defence portfolio would therefore be to broaden the OAG's remit. Specifically, the OAG and DND should be resourced and directed to cooperate on the publication of annual reports on major capital projects and military personnel. Indeed, this initiative would bring Canada into line with practices in other Westminster states.

In Australia, New Zealand and the United Kingdom, national auditors and the defence ministry collaborate in preparing annual reports on the state of their capital acquisition plans. Known as the Equipment Plan study in the United Kingdom and the Major Projects Report in Australia and New Zealand, these documents provide Parliament and the public with an annual review of affordability and schedule risks surrounding major military procurements. The reports therefore provide an overarching view of how particular projects and the capital equipment portfolio are progressing. That information can then be used by parliamentary



Auditor General Karen Hogan holds a press conference after releasing a report in Ottawa, 25 February 2021.

The Canadian Press/Sean Kilpatrick/20210225

committees to assess the viability of the defence department's capital plan and, by extension, the military's expected future capabilities. The auditors' role in these reports, it should be noted, is more limited than a performance audit. They do not examine each project; instead, the auditors essentially provide a statement of assurance that the data and analyses provided in the documents are valid and properly presented, to the best of the auditors' understanding. In the Australian case, for example, the National Audit Office will perform cost, schedule and capability analyses of the Major Projects Report, while in the United Kingdom, the National Audit Office performs a quality assurance assessment of the Equipment Plan.²⁶

Having a Canadian major projects report or equipment plan would help parliamentarians and the public better understand the state of the DND/CAF capital portfolio, how projects are tracking, and what costing and schedule trends are apparent. Providing that information transparently would, of course, be initially uncomfortable for the government and DND/CAF. Suffice it to say, the Canadian executive is not in the habit of freely sharing information. Yet there are reasons to believe that making more data about DND/CAF's capital plan available in the public domain would ultimately benefit the government. The dominant narrative about Canadian defence procurement is that the process is broken beyond repair.²⁷

Certainly, there are enough high-profile controversies to suggest that the military acquisition system struggles to deliver capability on time and within budget. However, in many unsung

and unappreciated cases, the procurement system delivers. Greater transparency around the capital portfolio would highlight routine successes that rarely make the news or become the subject of scathing performance audits. What is more, this type of report would indicate which projects are in trouble well before they become headlines. Pressure from opposition parliamentarians to address these struggling projects early on, moreover, could focus the Minister of National Defence's attention on them earlier, potentially leading to more effective course corrections.

Procurement is not the only area that would benefit from this type of report. Military personnel issues, such as recruitment and retention, diversity, and shortfalls in particular trades, could also be reviewed in an annual report jointly prepared by the OAG and DND/CAF. In the United Kingdom, the National Audit Office provides an overview of personnel issues within the Ministry of Defence and the armed forces with its annual departmental overview. This could be broadened and deepened in a Canadian context with an annual DND/CAF personnel report, one that would provide details about demographic trends for entry and exit from various trades and the military itself, as well as survey data from DND civilian staff and CAF members. Alternatively, reporting on military personnel issues, as well as military justice questions, could be assigned to an Inspector General who would be answerable to Parliament.²⁸ Considering that people are the defence establishment's most important resource and capability, making this type of information readily available to Parliament would improve defence scrutiny and debates.



Canadian Prime Minister Justin Trudeau, Minister of Defence Anita Anand and Chief of the Defence Staff General Wayne Eyre pose with soldiers deployed as part of Op REASSURANCE as they visit the Adazi Military base, Latvia, 8 March 2022.

The Canadian Press/Adrian Wyld/20220308

IV. Conclusion

Canada's Parliament does not perform sufficient scrutiny of the country's defence and military affairs. While certain committees and officers of Parliament do important work to hold the government to account in this area, the legislature lacks information and structures that are needed to scrutinize the defence portfolio effectively. To improve Parliament's performance, it may be tempting to recommend significant overhauls to how parliamentarians do their job and what powers the legislature has at its disposal. Practically speaking, however, that will not get us very far. Most notably, while it is likely true that Parliament would be better placed to hold the government to account if there was less party discipline and more bipartisanship on defence questions, neither of those changes is probable. Therefore, we must look at other measures.

The reforms proposed in this article have emphasized the importance of information. Mission memoranda for international deployments would improve parliamentary debates about operations overseas and mechanisms to hold the government to account, even in cases where opposition parties supported the decision to send CAF troops. A veritable national security committee of Parliament would reconcile the legislature's power to demand documents and the executive's concerns about secrecy. Further, mandating that the Office of the Auditor General and the Department of National Defence cooperate on annual reports on the military's acquisitions and personnel plans would further inform the Public Accounts Committee, the defence committees of the House and Senate, and the wider public about these critical matters. Although these proposals are certainly not exhaustive, they outline initial steps that could be taken to strengthen parliamentary scrutiny of defence in Canada.



NOTES

- 1 Marc Geddes, *Dramas at Westminster: Select committees and the quest for accountability* (Manchester: Manchester University Press, 2019).
- 2 See the work of the Australian Senate's Foreign, Defence and Trade Committee, available at https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade.
- 3 Despite having comparatively robust parliamentary scrutiny of national security, for instance, Australian observers have pointed to the legislature's shortfalls in that respect. See, for example, Anthony Bergin and Russell Trood, *Creative tension: Parliament and national security* (Australian Strategic Policy Institute, August 2015).
- 4 Douglas L. Bland and Roy Rempel, *A Vigilant Parliament: Building Competence for Effective Parliamentary Oversight of National Defence and the Canadian Armed Forces* (Institute for Research on Public Policy, February 2004); Stephen M. Saideman, *Adapting the Dust: Lessons Learned from Canada's War in Afghanistan* (Toronto: University of Toronto Press, 2016).
- 5 Philippe Lagassé, *Accountability for National Defence: Ministerial Responsibility, Military Command, and Parliamentary Oversight* (Institute for Research on Public Policy, March 2010).
- 6 Alex Marland, *Whipped: Party Discipline in Canada* (Vancouver: University of British Columbia Press, 2021); Jean-François Godbout, *Lost on Division: Party Unity in the Canadian Parliament* (Toronto: University of Toronto Press, 2020).
- 7 Norman Hillmer and Philippe Lagassé, "Parliament will decide: An interplay of politics and principle," *International Journal*, vol. 71, no. 2 (2016): 328–337.
- 8 Michael Dewing and Corinne McDonald, *International deployment of Canadian Forces: Parliament's role* (Library of Parliament, May 2006).
- 9 Philippe Lagassé, "Parliament and the war prerogative in the United Kingdom and Canada: Explaining variations in institutional change and legislative control," *Parliamentary Affairs*, vol. 70, no. 2 (2017): 280–300.
- 10 Hillmer and Lagassé.
- 11 Philippe Lagassé and Patrick A. Mello, "The unintended consequences of parliamentary involvement: Elite collusion and Afghanistan deployments in Canada and Germany," *British Journal of Politics and International Relations*, vol. 20, no. 1 (2018): 135–157.
- 12 For an overview of these debates and how the government responded, see Thomas Juneau, *Canada's Policy to Confront the Islamic State* (Canadian Global Affairs Institute, May 2015).
- 13 Canada, House of Commons, Standing Committee on National Defence, Meeting No. 35, 41st Parliament, Second Session, 4 November 2014; Canada, House of Commons, Standing Committee on National Defence, Meeting No. 63, 41st Parliament, Second Session, 17 June 2015.
- 14 Philippe Lagassé and Stephen M. Saideman, "Public critics or secret monitors: Party preferences and legislative oversight of the military in Canada," *West European Politics*, vol. 40, no. 1 (2017).
- 15 For a discussion of these questions between myself and Professors Stephanie Carvin and Leah West, see A Podcast Called Intrepid, episode 164, available at <https://www.intrepidpodcast.com/podcast/2021/8/11/ep-164-nsicop-out-unpacking-the-current-mess-over-parliament-and-intelligence>.
- 16 Anita Balakrishnan, "Law professor Ryan Alford granted standing in national security law challenge," *Law Times*, 21 August 2019.
- 17 A Podcast Called Intrepid, episode 123; <https://www.intrepidpodcast.com/podcast/2020/6/26/ep-123-composing-the-security-and-intelligence-community-pt-1-the-nsicop-review>; Philippe Lagassé, "Defence Intelligence and the Crown Prerogative," *Canadian Public Administration*, vol. 64, no. 4 (2021): 539–560; Philippe Lagassé, "Parliamentarians can be trusted with sensitive security information," *Globe and Mail*, 17 January 2022.
- 18 Joan Bryden, "Tories boycott security committee over refusal to release documents on fired scientists," *Canadian Press*, 21 December 2021.
- 19 Hugh Segal, Ann Fitz-Gerald, Kent Roach, and Wesley Wark, "National Security and Intelligence Committee must return to work," *iPolitics*, 26 January 2022.
- 20 Jim Bronskill and Joan Bryden, "Feds ask court to keep documents related to scientists' firing under wraps," *Canadian Press*, 23 June 2021.
- 21 Steven Chase and Robert Fife, "Conservatives table counteroffer to Liberal proposal on ending standoff over virus lab papers," *Globe and Mail*, 8 December 2021.
- 22 Andrew Defty, "From committees of parliamentarians to parliamentary committees: comparing intelligence oversight reform in Australia, Canada, New Zealand, and the UK," *Intelligence and National Security*, vol. 35, no. 3 (2020): 367–384.
- 23 Canada, Office of the Auditor General, *Report 3: Supplying the Canadian Armed Forces—National Defence*, Spring 2020. Canada, House of Commons, Standing Committee on Public Accounts, Twenty-Eighth Report, 42nd Parliament, First Session, June 2017.
- 24 Canada, Office of the Auditor General, *Chapter 2: Replacing Canada's Fighter Jets*, Spring 2012 Report.
- 25 Chris Nardi, "Federal auditor general says lack of funds leaving him with outdated technology, not enough people," *National Post*, 28 February 2020.
- 26 Australian National Audit Office, 2020-21 Major Projects Report, 13 December 2021; United Kingdom, National Audit Office, *The Equipment Plan 2020-2030*, 12 January 2021.
- 27 Kim Richard Nossal, *Charlie Foxtrot: Fixing Defence Procurement in Canada* (Toronto: Dundurn Press, 2016).
- 28 Christian Leuprecht, "A new approach to military accountability," *Hill Times*, 20 May 2021.