

# DISHONOURED LEGACY

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The Lessons of the Somalia Affair

Report of the  
Commission of Inquiry into the  
Deployment of Canadian Forces to Somalia

Executive Summary



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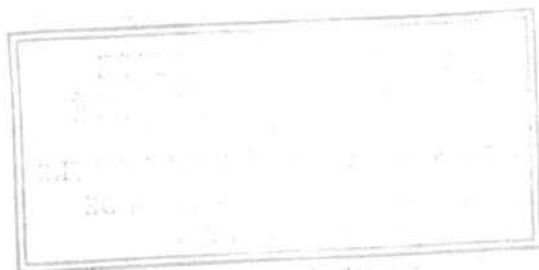
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## EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

This was the response of the Government to our letter setting out reporting date options and requesting an extension until at least December 31, 1997, a period of time that would have allowed us to conclude our search for the

truth. That search had already involved, among other things, thousands of hours of preparation and cross-examination of the individuals who played various roles in the Somalia deployment — and as time progressed, the superior officers to whom they reported. As our investigation progressed, we were able to move closer to the key centres of responsibility as we moved up the chain of command. Unfortunately, the Minister's decision of January 10, 1997, eliminated any possibility of taking this course to its logical conclusion and prevented us from fully expanding the focus to senior officers throughout the chain of command who were responsible before, during and after the Somalia mission.

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

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

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

Giving testimony before a public inquiry is no trivial matter. It is a test of personal and moral integrity that demands the courage to face the facts and tell the truth. It also involves a readiness to be held to account and a willingness to accept blame for one's own wrongdoings. Many soldiers, non-commissioned officers, and officers showed this kind of integrity. They demonstrated courage and fidelity to duty, even when doing so meant acknowledging personal shortcoming or voicing unwelcome criticism of their institution. We are cognizant of institutional as well as peer pressure facing the witnesses who appeared before us. These soldier-witnesses deserve society's respect and gratitude for contributing in this way to the improvement of an institution they obviously cherish.

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



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

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

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

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

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

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

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

## INTRODUCTION

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

## Terms of Reference

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

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

of command of the Canadian Forces responded to the operational, disciplinary, and administrative problems arising from the deployment.

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

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

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

We had also intended to address the scope of the responsibility and duty of the Deputy Minister of National Defence to keep the Minister of Defence informed of significant events or incidents occurring in theatre, and the

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

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

## Sources of Information

The information relied upon for this report came to us from a variety of sources. Of major importance was the production of relevant documents by the Department of National Defence (DND), the Department of Foreign Affairs and International Trade (formerly the Department of External Affairs) and the Privy Council Office. At the Department of National Defence, a Somalia Inquiry Liaison Team (SILT) was created to collect and convey documentation and other forms of information ordered by the Inquiry. As it turned out, we eventually received over 150,000 documents from various government departments, all of which were painstakingly categorized by the Inquiry's staff according to relevance and issue.

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

Document disclosure remained incomplete throughout the life of the Inquiry. It took the form of a slow trickle of information rather than an

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

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

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

## Organization of the Report

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

**Volume 1** introduces the general approach taken by the Inquiry, followed by discussion of the major themes and principles stemming from our terms of reference that guided our approach. These major themes appear throughout the report and form an integral part of our analysis and recommendations. This volume also contains a number of background chapters describing things as they were at the time of the Somalia mission. Their purpose is to give the reader a basic familiarity with the nature and organization of

the military in Canada, as well as with the military, legal, and cultural factors that shaped Canada's participation in the Somalia mission during 1992-93. The volume concludes with a narrative account of what actually happened before, during, and after Canada's involvement in Somalia. As well as describing events and actions, it points to where we suspect systemic problems exist.

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

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

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

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

## MAJOR THEMES

Chapter 2 introduces the major themes that are central to our terms of reference. They establish a benchmark from which to judge the deviation apparent in the subsequent narrative account of what actually transpired in the desert of Somalia and across the boardroom tables of National Defence Headquarters. These themes are as follows:

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

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

## THE SOMALIA MISSION IN CONTEXT

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

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

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

Chapters 12 to 14 provide a narrative account of the Somalia mission — it begins with the deteriorating situation in Somalia in 1992 and ends with the Government's decision to curtail the proceedings of the Inquiry in January 1997. Based on the testimony and documentation available to us, it provides as complete and balanced an account as possible of what actually happened as the basis for a full analysis of the issues we were charged specifically to investigate.

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

## INTRODUCTION TO FINDINGS

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



## LEADERSHIP

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

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

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

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

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

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

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

### Leadership Qualities, Attributes, and Performance Factors

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

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

## ACCOUNTABILITY

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

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

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

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

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

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

Even if the superior official is successful in demonstrating appropriate, prudent, diligent personal behaviour, the superior remains responsible for the errors and misdeeds of the subordinate. However, in such circumstances, when assessing the appropriate response to the actions of the superior whose subordinate or delegate has erred or has been guilty of misconduct, the authorities may be justified in selecting a penalty or sanction of lower order or no penalty or sanction whatsoever.

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

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

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

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

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

1. Official reporting and record-keeping requirements, policies, and practices throughout DND and the Canadian Forces are inconsistent, sometimes ineffective, and open to abuse. We have seen that, in some cases (for example, Daily Executive Meetings records and minutes), as publicity regarding Somalia matters increased, records were deliberately obscured or not kept at all, in order to avoid later examination of views expressed and decisions made.
2. In Chapter 39, describing the document disclosure phase of our hearings, we demonstrate the existence of an unacceptable hostility toward the goals and requirements of access to information legislation, an integral aspect of public accountability. There appears to be more concern at higher levels to manage the agenda and control the flow of information than to confront and deal forthrightly with problems and issues.
3. The specific duties and responsibilities inherent in many ranks, positions, and functions within NDHQ are poorly defined and understood. Further, the relationship between officers and officials in NDHQ and commanders of commands as well as officers commanding operational formations in Canada and overseas is, at best, ambiguous and uncertain.
4. The nature and extent of the duties and responsibilities of superiors to monitor and supervise are unclear, poorly understood, or subject to unacceptable personal discretion. Justification for failure to monitor and supervise seems to be limited to the assertion that the superior trusted the person assigned the task to carry it out properly.
5. The current mechanisms of internal audit and program review, which are the responsibilities of the Chief of Review Services (CRS), are shrouded in secrecy. Reports issued need not be publicized, and their fate can be determined at the discretion of the Chief of the Defence Staff or the Deputy Minister to whom the CRS reports. The CDS or the DM, as the case may be, retains unfettered discretion as to follow-up and as to whether there is to be outside scrutiny of a report. The CRS has no authority to initiate investigations. No mechanism exists for follow-up or independent assessment of CRS reports or suggestions for change.
6. A disturbing situation seems to exist with respect to after-action reports and internally commissioned studies. These reports and studies can serve an accountability purpose once produced, provided they are

considered seriously and their recommendations are properly monitored and followed up. While requirements to produce evaluations and after-action reports are clear in most cases, no rigorous and routine mechanism exists for effective consideration and follow-up. We have numerous examples of the same problems being identified repeatedly and nothing being done about them and of recommendations addressing and suggesting remedies for problems being ignored. Their fate seems to be determined by the absolute discretion of officials in the upper echelons, who can, and often do, reject suggestions for change without discussion, explanation, or the possibility of review or outside assessment.

7. Mechanisms for parliamentary oversight of the Department of National Defence and military activities are ineffective. A 1994 examination by a joint committee of the Senate and the House of Commons was unanimous in support of the view that there is a need to strengthen the role of Parliament in defence matters. We do not envision Parliament playing an extraordinary supervisory role with regard to military conduct, but clearly, it can and should do more. Parliament is particularly effective in promoting accountability when it receives, examines and publicizes reports from bodies with a responsibility to report to Parliament (as would be the case, for example, with the responsibilities that we propose entrusting to an inspector general).
8. We identify numerous deficiencies in the operation of more indirect accountability mechanisms, such as courts martial and summary trials, Military Police investigations and reports and the charging process, personnel evaluations, mechanisms for instilling and enforcing discipline and investigating and remedying disciplinary problems and lapses, training evaluations, declarations of operational readiness, and so on. These are the subject of close examination in several chapters of this report.
9. Leadership in matters of accountability and an accountability ethic or ethos have been found seriously wanting in the upper military, bureaucratic, and political echelons. Aside from the platitudes that have now found their way into codes of ethics and the cursory treatment in some of the material tabled by the Minister of National Defence on March 25, 1997, the impulse to promote accountability as a desirable value or to examine seriously or improve existing accountability mechanisms in all three areas has been meagre.

10. There also appears to be little or no interest in creating or developing mechanisms to promote and encourage accurate and timely reporting to specified authorities, by all ranks and those in the defence bureaucracy, of deficiencies and problems, and then to establish or follow clear processes and procedures to investigate and follow up on those reports.

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

## CHAIN OF COMMAND

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

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

As one example, the failure of the chain of command at senior levels was striking with regard to how commanders came to understand the state of the Canadian Airborne Regiment in 1992. Many senior officers in the chain of command, from MGen MacKenzie to Gen de Chastelain, testified that they were ignorant of the state of fitness and discipline of the CAR.

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

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

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

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

It is not as though problems in the structure for the command and control of the CF on operations in Canada and overseas was a new issue for CF leaders. Studies ordered by the Chief of the Defence Staff as early as 1985, to inquire into the continuing confusion in NDHQ concerning operational planning, confirmed this issue. One of these warned the CDS and the Deputy Minister that NDHQ could not be relied upon to produce effective operational plans or to be an effective base for the command and control of the Canadian Forces in operations. In 1988 the weaknesses in plans for CF operations in Haiti prompted yet another study into authority and planning responsibilities in NDHQ. This report found no agreed concept for the operation of the CF in wartime; that NDHQ was inappropriately organized for command functions; that the responsibilities of the CDS and DM were blurred;



and that “the most complex issue dealt with” was the relationship between the Deputy Chief of the Defence Staff (DCDS) and the commanders outside Ottawa. None of these problems was resolved satisfactorily.

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

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

## DISCIPLINE

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

that these accidental discharges occurred “to an unacceptable degree”. These incidents call into question the standard of self-discipline in the Canadian contingent.

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

The chief purpose of military discipline is the harnessing of the capacity of the individual to the needs of the group. The sense of cohesion that comes from combining the individual wills of group members provides unity of purpose. The group that achieves such cohesiveness is truly a unit. Effective discipline is a critical factor at all levels of the military, and nowhere more so than at the unit level. Much of Chapter 18 is concerned with the CAR as a unit, or with its various parts, the sub-units of the battalion.

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

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

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

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

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

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

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

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

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

## SUITABILITY AND COHESION

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

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

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

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

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

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

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

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

## PERSONNEL SELECTION AND SCREENING

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

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

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

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

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

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

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

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

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

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

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

## TRAINING

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

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

In preparing its forces for peace support missions, the CF relied almost exclusively on general purpose combat training, supplemented by mission-specific training during the pre-deployment phase. This traditional approach to training was not adequate to provide military personnel with either a full

range of skills or the appropriate orientation necessary to meet the diverse and complex challenges presented in post-Cold War peace support missions. There was a failure to incorporate the required generic peacekeeping training, both in the individual training system and in the regular operational training schedule.

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

The absence of CF peacekeeping training doctrine, together with a lack of guidelines for the development of training plans for UN deployments or a standard package of precedents and lessons learned from previous missions, placed an undue burden on the CAR's junior staff in the initial stages of designing a training plan for Operation Cordon. Such an absence represents a clear and inexcusable failure by the military leadership, particularly at the senior levels, given Canada's decades of involvement in peacekeeping missions. The CAR staff went to great lengths to attempt to compensate for this lack of doctrine, guidelines, and materials.

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

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



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

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

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

With such a short period between warning and deployment, there was virtually no time to conduct preparatory training for Operation Deliverance. There is no evidence to suggest that any consideration was given to training requirements for the new mission by the officials responsible for the decision to commit Canadian troops for the new mission, nor is there any evidence of training guidance or direction being provided to the Canadian Airborne Regiment Battle Group by higher levels of command. This represents a significant failure.

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

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

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

## RULES OF ENGAGEMENT

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

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

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

More specifically, we find that the ROE reached Canadian soldiers in a piecemeal, slow, and haphazard manner. Multiple, inconsistent versions of the soldier's card explaining the ROE coexisted in theatre. Moreover, the interpretation of the ROE was changed substantially during operations. The ROE

themselves were substantively weak and incomplete. They failed, among other things, to address the crucial distinction between a “hostile act” and “hostile intent.”

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

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

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

## OPERATIONAL READINESS

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

Clearly, it was unlikely that the CDS and his commanders at Land Force Command and Land Force Central Area could know the state of any unit without some reliable method for checking operational readiness. Yet the extant system, the Operational Readiness and Effectiveness Reporting System (ORES) was unreliable, and little effort was made to install a dependable process before the assessments for deployment to Somalia commenced. Therefore, because the CDS and his commanders could not and did not know the ‘start-state’ of any unit in 1992, they could not reliably determine what training or other activities, including resupply of defective equipment,

would be necessary to bring any unit to an operationally ready 'end-state' without a detailed inspection at unit level. Moreover, because the specific mission for Operation Deliverance was not known in detail until after Canadian Joint Force Somalia arrived in theatre, no specific assessment of mission operational readiness and no assessment of operational effectiveness could be made before the force deployed.

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

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

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

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

Commanders were satisfied to attribute all failures of readiness to LCol Morneault's "poor leadership", even though other serious problems in the unit and in its preparations were evident. While such a sequence might be possible when, for example, a commanding officer is found to be unfit

and no other readiness problems exist, this was not the case in the CAR. Clearly, leaders failed to assess rigorously in the field all aspects of mission readiness of the CAR after they issued orders to the unit.

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

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

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

## MISSION PLANNING

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

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

## THE FAILURES OF SENIOR LEADERS

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

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

The individual failures or misconduct that we describe were previously identified and conveyed to individuals by means of the device referred to as a section 13 notice. This is the provision in the *Inquiries Act* stipulating that “No report shall be made against any person until reasonable notice has been given to the person of the charge of misconduct alleged against him and the person has been allowed full opportunity to be heard in person or by counsel.”

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

The individuals whose actions are scrutinized in this volume of the report are members of the forces who have had careers of high achievement. Their military records, as one would expect of soldiers who have risen so high in the CF, are so far without blemish. The Somalia deployment thus represents for them a stain on otherwise distinguished careers. Justifications or excuses were advanced before us that, if accepted, might modify or attenuate the

conclusions we have reached. These ranged from “the system performed well; it was only a few bad apples” to “there will always be errors”, from “I did not know” or “I was unaware” to “it was not my responsibility” and “I trusted my subordinates”. We do not review these claims individually in the pages of Volume 4, but we considered them carefully.

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

## THE MARCH 4TH INCIDENT

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

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

The planning and execution of the mission by the CARBG's Reconnaissance Platoon that night caused serious concern among some other members of the Canadian Airborne Regiment Battle Group. Immediately after the shooting, Major Armstrong, the medical officer who examined the body of Mr. Aruush, the Somali who died in the incident, concluded that he had been “dispatched” and alerted the Commanding Officer. In the days following, Major Jewer, the chief medical officer, and Captain Potvin, the Padre, met with the Commanding Officer to express similar concerns. Many suspected that the two Somalis had been deceived, trapped, and shot, in violation of the ROE. The authorities at National Defence Headquarters in Ottawa immediately expressed concern that the two men had been shot in the back while running away from the Canadian compounds and that excessive force might have been used.

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

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

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

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

## OPENNESS AND DISCLOSURE OF INFORMATION TO THE INQUIRY

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



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

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

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

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

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

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

Despite these obstacles, we were able to examine a number of issues carefully and thoroughly. Although we made steady progress in our work, the cumulative effect of the document-related setbacks was not limited to inconvenience and delay. Ultimately, in conjunction with other factors, the delay caused by document-related issues resulted in the Government's sudden announcement directing an end to the hearings and an accelerated reporting date. The unfortunate result was that many important witnesses were not heard, and several important questions that prompted the creation of our Inquiry remain unanswered.

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

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

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

## MILITARY JUSTICE

In spite of the time constraints facing the Inquiry, it has been possible to examine the full range of in-theatre and post-deployment disciplinary incidents relating to Somalia. Having done so, it is abundantly clear that the military

justice system is replete with systemic deficiencies that contributed to the problems we investigated. Without substantial change to this system, it will continue to demonstrate shortcomings in promoting discipline, efficiency, and justice.

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

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

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

Military Police may also decide to investigate possible misconduct. They can choose of their own accord to investigate and, within the law, select their investigative methods. However, the powers of Military Police are, in practice, limited because they are in the chain of command. As well, other factors limit their effectiveness in traditional policing roles: their relative lack of investigative experience, their conflicting loyalties as soldiers and Military Police, and the reluctance of superiors to allocate sufficient investigative resources.

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

Chapter 40 identifies a broad range of difficulties, such as conflicts of interest, command influence, and lack of independence, that arose in investigating and responding to misconduct of CF members shortly before, during,

and after the deployment to Somalia, and describes the conditions within the military justice system that contributed to these difficulties. It discusses the factors limiting the effectiveness and fairness of the military justice system, and, ultimately, the ability of the CF to discharge its mandate. The chapter argues for a significantly restructured military justice system to remedy many of the shortcomings of the present system and presents recommendations accordingly.

## THE MEFLOQUINE ISSUE

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

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

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

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

1. DND's decision in 1992 to prescribe mefloquine for CF personnel deployed to Somalia appears to be consistent with the medical practice at the time. This view is based on medical literature from that time suggesting that mefloquine was an appropriate anti-malarial drug for troops in Somalia and that severe neuropsychiatric symptoms

were rare — in the order of one in 10,000 to one in 13,000. U.S. troops also used mefloquine, although in a weaker form. We cannot say, however, whether DND took adequate precautions to ensure that persons susceptible to severe psychiatric disorders did not receive mefloquine, since even in 1992 it was known that mefloquine should not be prescribed to such individuals.

2. At the time of the deployment, there seems to have been no strong evidence that mefloquine might interact with alcohol to produce or increase the risk of abnormal behaviour or to magnify such behaviour. The possible adverse effects of mixing alcohol with mefloquine were analyzed in detail in the medical literature only after the Somalia deployment. DND, therefore, cannot be faulted for failing to relate the consumption of alcohol to the use of mefloquine.
3. More recent medical information suggests that severe adverse effects from mefloquine used as a prophylactic are not as rare as first thought, but views on this point conflict, and further investigation may be necessary.
4. Mefloquine use could have been a factor in the abnormal behaviour of some troops in Somalia. However, one cannot begin to determine whether mefloquine contributed to the behaviour of the individuals in question without answers to the following questions:
  - a. Did the members in question use mefloquine?
  - b. Did any of the members in question receive a more powerful 'treatment' dose of mefloquine? This would happen only if they had contracted malaria. The more powerful treatment doses were known even at the time of the Somalia deployment to carry a greater risk of neuropsychiatric disorders than the weaker dose that most troops received to prevent malaria.
  - c. Did any of the members in question have a history of psychiatric disorders that could increase the risk of severe side effects from mefloquine?
  - d. What day of the week did they take mefloquine? What day or days of the week did their misbehaviour occur?
  - e. Did they complain at any point about any symptoms, mild or severe, that are now known to be associated with mefloquine?
  - f. Did anyone notice abnormal behaviour by the members in question in the few days after the latter consumed mefloquine? If so, what was the behaviour? Is it reasonable to say that mefloquine was or

may have been a cause? Might some other factor instead have caused or contributed to the behaviour (alcohol consumption, racist attitudes, generally belligerent or aggressive nature of the individual, stressful environment, official tolerance of extreme behaviour)?

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

## TRUNCATION OF THE INQUIRY AND THE UNFINISHED MANDATE

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

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

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

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

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

However, some of our work remains undone. We obviously could not address, in full detail, the overall post-deployment response of the chain of

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

More specifically, we were not able to hear all relevant testimony of the senior leaders who held the offices of Minister of National Defence, Deputy Minister of National Defence, Judge Advocate General, and Chief of the Defence Staff at the material times. These were the very officials ultimately responsible and who would, in the normal course of events, have been ultimately accountable for the conduct of the deployment; the policies under which it was carried out; errors, failures, and misconduct that may have occurred in its planning, execution, and aftermath; and ensuring that appropriate responses were made by the Canadian Forces and the Department of National Defence to problems that arose or were identified.

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

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

encountered during the deployment. In order to assess those responses, it was first necessary to identify, independently and painstakingly, what the problems were — and they were legion.

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

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

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

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



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

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

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

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

## THE MILITARY IN CANADIAN SOCIETY

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

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

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

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

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

In light of the Somalia experience, it may not prove sufficient simply to articulate an ethos and exhort soldiers to follow it. It would seem that a more fundamental need exists for a confirmatory and probative exercise to

demonstrate that all soldiers, but particularly the senior officers, live by the military ethos and personify its core values. The military, led by its senior officers, needs to reclaim the ethical high ground.

We urge the senior leaders of the Canadian Forces to redefine the characteristics and values of the Canadian military and to establish the capability to monitor itself on an ongoing basis. In that process it will be critical to confirm those core values without which the health of the military profession in Canada cannot be restored. In the process of this reassessment, the CF leadership should be guided by the imperative that they must be prepared to conduct operations in peace and war in accordance with Canadian standards, values, laws, and ethics.

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

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

## THE NEED FOR A VIGILANT PARLIAMENT

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

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

The quintessential condition for control of the military and all aspects of national defence is a vigilant Parliament. During the period between 1949 and 1989, the missions, tasks, organization, and functioning of the armed forces were largely fixed by the circumstances of the Cold War. The oversight

of the armed services by members of Parliament during this period was largely of a *pro forma* nature. Since 1989, however, the Canadian Forces have increasingly been called on to serve Canada in complex situations involving uncertain alliances, where the missions or the applicable doctrine are not always clear, and resources, too often, are inadequate.

Given this reality, Parliament must exercise greater diligence in critically monitoring the terms agreed to, or set by, the government for the employment of the Canadian Forces overseas, and safeguarding members of the armed forces from unreasonable risks; it must also monitor the operations of commanders and troops in the field. In 1994, a Special Joint Committee of the Senate and the House of Commons reported that "whatever our individual views on particular issues of defence policy or operations, there was one matter on which we agreed almost from the beginning — that there is a need to strengthen the role of Parliament in the scrutiny and development of defence policy." Proponents of a greater role for Parliament also see a need to strengthen Parliament's involvement in other important areas of national defence. Their argument proceeds on the basis that Canada requires a modern and more effective mechanism for the greater control of national defence, one that is better suited to a sovereign liberal democracy and to the circumstances that the CF will most likely encounter at home and abroad.

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

## CONCLUSION

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

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

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

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

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

*Chain of command*, if not effective, consigns the military enterprise to failure. In our Inquiry, where the task is to examine and analyze the sufficiency of the actions and decisions taken by leaders and the effectiveness of the operation as a whole, the importance of an effective chain of command is very clear. Regrettably, our conclusion is that the chain of command, whether in theatre or in Ottawa at NDHQ, failed utterly at crucial points throughout the mission and its aftermath.

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

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

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

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

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

*Operational readiness* entails a rigorous and comprehensive assessment of whether an assigned unit is ready to mount its mission in an operational theatre. In some sense, the concept embraces all the matters described to this point. If a unit is led by competent and accountable leaders who respect and adhere to the imperatives of the chain of command system; if the soldiers serving under these leaders are properly recruited and screened, cohesive, well trained and disciplined; if they have a clear understanding of adequately conceived and transmitted rules of engagement, then one can have confidence that this is a unit that is operationally ready to deploy and to be employed. To our deep regret, we came to negative conclusions about

each of these elements and found that the Canadian Airborne Regiment, in a fundamental sense, was not operationally ready to deploy and be employed for its mission.

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

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

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

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

Many of the senior leaders about whom we have spoken in this report have retired or moved on to other things. In our view, this can only be to the good of the armed forces. It is time for a new leadership to emerge in the Department of National Defence and the Canadian Forces, and it is time for that new leadership to move the forces in a new direction. Our dedicated and long-suffering soldiers deserve at least this much.

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





# RECOMMENDATIONS

## *Chapter 15 – Leadership*

We recommend that:

- 15.1 The Chief of the Defence Staff adopt formal criteria, along the lines of the core qualities of military leadership, other necessary attributes, and indicative performance factors set out in Chapter 15 of this Report, as the basis for describing the leadership necessary in the Canadian Forces, and for orienting the selection, training, development and assessment of leaders.
- 15.2 The core qualities and other necessary attributes set out in Chapter 15 of this Report be applied in the selection of officers for promotion to and within general officer ranks. These core qualities are integrity, courage, loyalty, selflessness and self-discipline. Other necessary attributes are dedication, knowledge, intellect, perseverance, decisiveness, judgement, and physical robustness.
- 15.3 The Chief of the Defence Staff adopt formal criteria for the accountability of leaders within the Canadian Forces derived from the principles of accountability set out in Chapter 16 of this Report, and organized under the headings of accountability, responsibility, supervision, delegation, sanction and knowledge.
- 15.4 The Canadian Forces make a concerted effort to improve the quality of leadership at all levels by ensuring adoption of and adherence to the principles embodied in the findings and recommendations of

this Commission of Inquiry regarding the selection, screening, promotion and supervision of personnel; the provision of appropriate basic and continuing training; the demonstration of self-discipline and enforcement of discipline for all ranks; the chain of command, operational readiness and mission planning; and the principles and methods of accountability expressed throughout this Report.

## Chapter 16 – Accountability

We recommend that:

- 16.1 The *National Defence Act*, as a matter of high priority, be amended to establish an independent review body, the Office of the Inspector General, with well defined and independent jurisdiction and comprehensive powers, including the powers to:
- (a) evaluate systemic problems in the military justice system;
  - (b) conduct investigations into officer misconduct, such as failure to investigate, failure to take corrective action, personal misconduct, waste and abuse, and possible injustice to individuals;
  - (c) protect those who report wrongdoing from reprisals; and
  - (d) protect individuals from abuse of authority and improper personnel actions, including racial harassment.
- 16.2 The Chief of the Defence Staff and the Deputy Minister of National Defence institute a comprehensive audit and review of:
- (a) the duties, roles and responsibilities of all military officers and civilian officials to define better and more clearly their tasks, functions and responsibilities;
  - (b) the adequacy of existing procedures and practices of reporting, record keeping, and document retention and disposal, including the adequacy of penalties for failures to comply; and
  - (c) the duties and responsibilities of military officers and departmental officials at National Defence Headquarters in advising government about intended or contemplated military activities or operations.

- 16.3 The Chief of the Defence Staff incorporate the values, principles and processes of accountability into continuing education of officer cadets at the Royal Military College and in staff training, command and staff training, and senior command courses. In particular, such education and training should establish clearly the accountability requirements in the command process and the issuance of orders, and the importance of upper ranks setting a personal example with respect to morality and respect for the rule of law.
- 16.4 To strengthen the capacity of Parliament to supervise and oversee defence matters, the *National Defence Act* be amended to require a detailed annual report to Parliament regarding matters of major interest and concern to the operations of the National Defence portfolio and articulating performance evaluation standards. Areas to be addressed should include, but not be limited to:
- (a) a description of operational problems;
  - (b) detailed disciplinary accounts;
  - (c) administrative shortcomings;
  - (d) fiscal and resource concerns; and
  - (e) post-mission assessments.
- 16.5 The *National Defence Act* be amended to require a mandatory parliamentary review of the adequacy of the act every five years.
- 16.6 The *Queen's Regulations and Orders* be amended to provide for a special and more effective form of military career review procedure to deal with cases of intimidation and harassment related to the Somalia deployment and this Commission of Inquiry.
- 16.7 Such special career review boards be entirely independent and impartial committees and contain representation from outside the military, including judges or other respected members of the larger community, to ensure transparency and objectivity in this process.
- 16.8 Decisions of these special career review boards be subject to a further effective review by a special committee of the House of Commons or the Senate or a judge of the Federal Court.

- 16.9** In the event that a finding is made that reprisals have occurred and career advancement has been adversely affected, a mechanism for redress be available.
- 16.10** For the next five years, an annual report reviewing the career progression of all those who have testified before or otherwise assisted the Inquiry be prepared by the Chief of the Defence Staff for consideration by a special committee of the House of Commons or the Senate.
- 16.11** A specific process be established, under the purview of the proposed Inspector General, designed to protect soldiers who, in the future, bring reports of wrongdoing to the attention of their superiors.
- 16.12** The *Queen's Regulations and Orders* Article 19 and other official guidelines and directives be amended to demonstrate openness and receptivity to legitimate criticism and differing points of view, so that members of the military enjoy a right of free expression to the fullest extent possible, consistent with the need to maintain good order, discipline, and national security.
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## Chapter 17 – The Chain of Command

We recommend that:

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

- 17.2 The Chief of the Defence Staff ensure that technical networks, such as legal, medical or engineering specialist networks, do not interfere with or confuse the chain of command between commanders.
- 17.3 The Chief of the Defence Staff establish general concepts and principles for the command of Canadian Forces contingents on international operations. These concepts and principles should then be instilled through training and used to frame particular orders for commanders of specific missions.
- 17.4 For greater clarity, and to remedy deficiencies in existing practices, the Chief of the Defence Staff ensure that all commanders of Canadian Forces contingents destined for international operations are given operations orders concerning the chain of command:
- (a) within the contingent;
  - (b) between the Canadian Forces contingent and allied commanders; and
  - (c) between the deployed contingent and the Chief of the Defence Staff or subordinate commanders.
- 17.5 The Chief of the Defence Staff conduct national training exercises routinely to test and evaluate the Canadian Forces chain of command in likely or planned operational settings.
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## *Chapter 18 – Discipline*

We recommend that:

- 18.1 The Chief of the Defence Staff institute an official policy on screening aspirants for all leadership positions, beginning with the selection of master corporals:
- (a) identifying self-discipline as a precondition of both commissioned and non-commissioned officership; and
  - (b) providing for the evaluation of the individual in terms of self-discipline, including the ability to control aggressive and impulsive behaviour.

- 18.2** The Chief of the Defence Staff ensure that the importance, function and application of discipline be taught in all officer leadership training, including Royal Military College, staff and command college courses, and senior command courses.
- 18.3** The Chief of the Defence Staff modify the performance evaluation process to ensure that each individual's standard of self-discipline is assessed in the annual performance evaluation report form, along with the individual's performance in applying discipline when exercising authority.
- 18.4** The Chief of the Defence Staff establish the head of Canadian Forces personnel (currently the Assistant Deputy Minister Personnel) as the focal point for discipline at the senior staff level in National Defence Headquarters, with advice and support from the Director General of Military Legal Services and the Director of Military Police. To this end, the head of personnel should establish and review policy on discipline, monitor all Canadian Forces plans and programs to ensure that discipline is considered, and assess the impact of discipline on plans, programs, activities and operations, both as they are planned and regularly as they are implemented.
- 18.5** The Chief of the Defence Staff emphasize the importance of discipline by reviewing frequent and regular reports of the Inspector General, and by requiring the head of personnel to report at least monthly at a Daily Executive Meeting on the state of discipline throughout the Canadian Forces, both inside and outside the chain of command, and by personally overseeing any necessary follow-up.
- 18.6** The Chief of the Defence Staff establish in doctrine and practice that discipline be identified as a determining factor in assessing the operational readiness of any unit or formation.
- 18.7** The Chief of the Defence Staff establish in doctrine and practice that during operations, all officers and non-commissioned officers must monitor discipline closely; and that the head of personnel oversee and, at the end of each mission, report on discipline.

- 18.8 To remedy deficiencies in existing practices, the Chief of the Defence Staff undertake regularly a formal evaluation of the policies, procedures and practices that guide and influence the administration of discipline in the Canadian Forces.**
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## *Chapter 20 – Personnel Selection and Screening*

**We recommend that:**

- 20.1 The Chief of the Defence Staff enforce adherence to the following principles in the Canadian Forces promotion and appointment system:**
- (a) that merit be a predominant factor in all promotion decisions; and**
  - (b) that the operational needs of the Service always have priority over individual career considerations and administrative convenience.**
- 20.2 To remedy deficiencies in existing practices, and to avoid minimization or concealment of personnel problems, the Chief of the Defence Staff modify the Performance Evaluation Report system to ensure that a frank assessment is rendered of Canadian Forces members and that poor conduct or performance is noted for future reference by superiors (whether or not the matter triggers formal disciplinary or administrative action).**
- 20.3 The proposed Inspector General conduct periodic reviews of appointments to key leadership positions in the Canadian Forces to ensure that the proper criteria are being applied and that such appointments are as competitive as possible.**
- 20.4 The Chief of the Defence Staff ensure that good discipline is made an explicit criterion in all promotion and appointment decisions.**
- 20.5 The Chief of the Defence Staff develop formal criteria for appointment to key command positions, including unit and sub-unit commands, deviation from which would require the formal approval of the Chief of the Defence Staff.**

- 20.6** The Chief of the Defence Staff ensure that, for any future composite combat arms unit (such as the Canadian Airborne Regiment):
- (a) formalized criteria for selection to the unit are established;
  - (b) the Commanding Officer have maximum freedom in selecting personnel for that unit; and
  - (c) the Commanding Officer have maximum freedom to employ personnel as the Commanding Officer deems appropriate.
- 20.7** Canadian Forces Administrative Orders 20-50 and 20-46, which deal with the screening of Canadian Forces personnel for overseas deployments, be amended to:
- (a) place priority on discipline as a criterion for selecting personnel for overseas deployment;
  - (b) make consideration of the behavioural suitability indicators mandatory; and
  - (c) make it clear that although the behavioural suitability indicators listed in Canadian Forces Administrative Order 20-50, as well as the option of referring cases for assessment by behavioural specialists, can assist commanding officers in screening personnel for deployment, they in no way displace or qualify commanding officers' responsibility or accountability for screening personnel under their command.
- 20.8** The Chief of the Defence Staff develop and issue clear and comprehensive guidelines to commanders at all levels regarding prohibited racist and extremist conduct. The guidelines should define and list examples of racist behaviour and symbolism and should include a list and description of extremist groups to which Canadian Forces members may not belong or lend their support.
- 20.9** The Canadian Forces continue to monitor racist group involvement and affiliation among Canadian Forces members.
- 20.10** The Department of National Defence and the Canadian Forces clarify their position on the extent of their obligations under applicable privacy and human rights laws in screening applicants and members of the Canadian Forces for behavioural suitability, including racist group affiliation.



- 20.11** The Department of National Defence and the Government of Canada review their security policies and practices to ensure that, within the limits of applicable privacy and human rights legislation, relevant information concerning involvement by Canadian Forces members or applicants with racist organizations and hate groups is shared efficiently and effectively among all responsible agencies, including the chain of command.
- 20.12** The Department of National Defence and the Canadian Forces establish regular liaison with anti-racist groups to obtain assistance in the conduct of appropriate cultural sensitivity training and to assist supervisors and commanders in identifying signs of racism and involvement with hate groups.
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## *Chapter 21 – Training*

**We recommend that:**

- 21.1** The Canadian Forces training philosophy be recast to recognize that a core of non-traditional military training designed specifically for peace support operations (and referred to as generic peacekeeping training) must be provided along with general purpose combat training to prepare Canadian Forces personnel adequately for all operational missions and tasks.
- 21.2** Generic peacekeeping training become an integral part of all Canadian Forces training at both the individual (basic, occupational and leadership) and collective levels, with appropriate allocations of resources in terms of funding, people and time.
- 21.3** The Chief of the Defence Staff order a study to determine how best to integrate the full range of knowledge, skills, attitudes and values required for peace support operations at all stages of individual and collective training for both officers and non-commissioned members.

- 21.4** The Canadian Forces recognize, in doctrine and practice, that peace support operations require mental preparation and conditioning that differ from what is required for conventional warfare, and that the training of Canadian Forces members must provide for the early and continuous development of the values, attitudes and orientation necessary to perform all operational missions, including peace support operations.
- 21.5** The Chief of the Defence Staff ensure that the development of comprehensive training policies and programs for peace support operations makes greater use of a broad range of sources, including peacekeeping training guidelines and policies developed by the UN and member states, and the training provided by police forces and international aid organizations.
- 21.6** The Chief of the Defence Staff order that the mandates of all Canadian Forces institutions and programs involved in education and training be reviewed with a view to enhancing and formalizing peace support operations training objectives.
- 21.7** Recognizing steps already taken to establish the Peace Support Training Centre and Lessons Learned Centres, the Chief of the Defence Staff make provision for the co-ordination of and allocation of adequate resources to the following functions:
- (a) continuing development of doctrine respecting the planning, organization, conduct and evaluation of peace support operations training;
  - (b) development of comprehensive and detailed training standards and standardized training packages for all components of peace support operations training;
  - (c) timely distribution of current doctrine and training materials to all personnel tasked with planning and implementing peace support operations training, and to all units warned for peace support operations duty;
  - (d) timely development and distribution of mission-specific information and materials for use in pre-deployment training;
  - (e) systematic compilation and analysis of lessons learned, and updating of doctrine and training materials in that light;

- (f) **systematic monitoring and evaluation of training to ensure that it is conducted in accordance with established doctrine and standards; and**
  - (g) **provision of specialist assistance as required by units in their pre-deployment preparations.**
- 21.8 The Chief of the Defence Staff oversee the development of specialist expertise within the Canadian Forces in training in the Law of Armed Conflict and the Rules of Engagement, and in intercultural and intergroup relations, negotiation and conflict resolution; and ensure continuing training in these skills for all members of the Canadian Forces.**
- 21.9 The Chief of the Defence Staff ensure that the time and resources necessary for training a unit to a state of operational readiness be assessed before committing that unit's participation in a peace support operation.**
- 21.10 The Chief of the Defence Staff integrate a minimum standard period of time for pre-deployment training into the planning process. In exceptional cases, where it may be necessary to deploy with a training period shorter than the standard minimum, the senior officers responsible should prepare a risk analysis for approval by the Chief of the Defence Staff. In addition, a plan should be developed to compensate for the foreshortened training period, such as making provision for the enhanced supervision of pre-deployment training activities, a lengthened acclimatization period, and supplementary in-theatre training.**
- 21.11 The Chief of the Defence Staff confirm in doctrine and policy the recognition of sufficient and appropriate training as a key aspect of operational readiness.**
- 21.12 Contrary to experience with the Somalia deployment, where general purpose combat training was emphasized, the Chief of the Defence Staff confirm in doctrine and policy that the pre-deployment period, from warning order to deployment, should be devoted primarily to mission-specific training.**

- 21.13** The Chief of the Defence Staff establish in doctrine and policy that to facilitate pre-deployment training focused on mission-specific requirements, units preparing for peace support operations be provided, on a timely basis, with:
- (a) a clearly defined mission and statement of tasks;
  - (b) up-to-date and accurate intelligence as a basis for forecasting the conditions likely to be encountered in theatre;
  - (c) mission-specific Rules of Engagement and Standing Operating Procedures; and
  - (d) a sufficient quantity of vehicles and equipment, in operational condition, to meet training needs.
- 21.14** The Chief of the Defence Staff establish mechanisms to ensure that all members of units preparing for deployment on peace support operations receive sufficient and appropriate training on the local culture, history, and politics of the theatre of operations, together with refresher training on negotiation and conflict resolution and the Law of Armed Conflict, as well as basic language training if necessary.
- 21.15** The Chief of the Defence Staff establish in doctrine and policy that no unit be declared operationally ready unless all its members have received sufficient and appropriate training on mission-specific Rules of Engagement and steps have been taken to establish that the Rules of Engagement are fully understood.
- 21.16** The Chief of the Defence Staff ensure that training standards and programs provide that training in the Law of Armed Conflict, Rules of Engagement, cross-cultural relations, and negotiation and conflict resolution be scenario-based and integrated into training exercises, in addition to classroom instruction or briefings, to permit the practice of skills and to provide a mechanism for confirming that instructions have been fully understood.
- 21.17** The Chief of the Defence Staff establish in doctrine and policy that an in-theatre training plan be developed for any unit deploying on a peace support operation. The plan should provide for ongoing

refresher training and remedial training in areas where deficiencies were noted before deployment and be modified as required to meet changing or unexpected conditions in theatre.

- 21.18 Canadian Forces doctrine recognize the personal supervision of training by all commanders, including the most senior, as an irreducible responsibility and an essential expression of good leadership. Canadian Forces doctrine should also recognize that training provides the best opportunity, short of operations, for commanders to assess the attitude of troops and gauge the readiness of a unit and affords a unique occasion for commanders to impress upon their troops, through their presence, the standards expected of them, as well as their own commitment to the mission on which the troops are about to be sent.
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## *Chapter 22 – Rules of Engagement*

We recommend that:

- 22.1 The Chief of the Defence Staff create a general framework for the development of Rules of Engagement to establish the policies and protocols governing the production of such rules.
- 22.2 The Chief of the Defence Staff develop and promulgate generic Rules of Engagement based on international and domestic law, including the Law of Armed Conflict, domestic foreign policy, and operational considerations.
- 22.3 The Chief of the Defence Staff establish and implement policies for the timely development of mission-specific Rules of Engagement and ensure that a verification and testing process for the Rules of Engagement is incorporated in the process for declaring a unit operationally ready for deployment.
- 22.4 The Chief of the Defence Staff ensure that the Canadian Forces maintain a data bank of Rules of Engagement from other countries,

as well as Rules of Engagement and after-action reports from previous Canadian missions, as a basis for devising and evaluating future Rules of Engagement.

- 22.5** The Chief of the Defence Staff develop standards for scenario-based, context-informed training on Rules of Engagement, both before a mission and in theatre, with provision for additional training whenever there is confusion or misunderstanding.
- 22.6** The Chief of the Defence Staff develop and put in place a system for monitoring the transmission, interpretation and application of the Rules of Engagement, to ensure that all ranks understand them, and develop an adjustment mechanism to permit quick changes that are monitored to comply with the intent of the Chief of the Defence Staff.
- 22.7** The Chief of the Defence Staff ensure that any change in the Rules of Engagement, once disseminated, result in further training.
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## *Chapter 23 – Operational Readiness*

We recommend that:

- 23.1** The Chief of the Defence Staff ensure that standards for evaluating individuals, units and elements of the Canadian Forces for operational tasks call for the assessment of two necessary elements, operational effectiveness and operational preparedness, and that both criteria be satisfied before a unit is declared operationally ready for any mission.
- 23.2** To avoid confusion between readiness for employment and readiness for deployment on a particular mission, the Chief of the Defence Staff adopt and ensure adherence to the following definitions throughout the Canadian Forces: Operational effectiveness is a measure of the capability of a force to carry out its assigned mission. Operational preparedness is a measure of the degree to which a unit is ready to begin that mission. Operational readiness of any

unit or element, therefore, should be defined as the sum of its operational effectiveness and preparedness.

- 23.3 Contrary to the experience of the Somalia mission, the Chief of the Defence Staff ensure, before any Canadian Forces unit or element of any significant size is deployed on active service or international operations, that a formal declaration is made to the government regarding the readiness of that unit to undertake the mission effectively.
- 23.4 The Chief of the Defence Staff establish a staff, under CDS authority, to conduct no-notice tests and evaluations of the operational effectiveness and preparedness of selected commands, units and sub-units of the Canadian Forces.
- 23.5 The Chief of the Defence Staff order that national and command operational orders issued to Canadian Forces units tasked for active service or international operations state precisely the standards and degrees of operational effectiveness and operational preparedness demanded of individuals, sub-units, units, and commanders.
- 23.6 The Chief of the Defence Staff standardize format, information, and directions concerning declarations of operational readiness and require such declarations to be signed by commanders.
- 23.7 The Chief of the Defence Staff establish clear, workable and standard measurements of operational effectiveness and preparedness for individuals, sub-units, units, and commanders in units and formations of the Canadian Forces.
- 23.8 The Chief of the Defence Staff replace the Operational Readiness Evaluation System with a more reliable and efficient process aimed at collecting information about the effectiveness and preparedness of major units of the Canadian Forces for assigned operational missions.
- 23.9 The new readiness reporting system be capable of giving the Chief of the Defence Staff, senior commanders and staff officers a real-time picture of the effectiveness and preparedness of major operational units of the Canadian Forces for their assigned tasks.

- 23.10** The new operational readiness reporting system identify operational units as being in certain degrees of effectiveness and preparedness, such as high, medium and low, and in certain states of readiness, such as standby-ready and deployment-ready.
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## *Chapter 24 – Canada’s Mission in Somalia*

We recommend that:

- 24.1** The Government of Canada issue new guidelines and compulsory criteria for decisions about whether to participate in a peace support operation.
- 24.2** The Government of Canada define clearly the respective roles and responsibilities of the Department of Foreign Affairs and International Trade and the Department of National Defence in the decision-making process for peace support operations.
- 24.3** In briefings or advice to the Government relating to participation in a peace support operation, the Government of Canada require a comprehensive statement of how the peace support operations guidelines and criteria apply to the proposed operation.
- 24.4** The Chief of the Defence Staff develop Canadian Forces doctrine to guide the planning, participation and conduct of peace support operations.
- 24.5** The Government of Canada establish a new and permanent advisory body or secretariat to co-ordinate peace support operations policy and decision making.
- 24.6** The Government of Canada adopt the policy that Canadian participation in United Nations peace support operations is contingent upon:
- (a) completion of a detailed mission analysis by the Chief of the Defence Staff each time Canada is asked to participate in a peace support operation; and



- (b) inclusion in the mission analysis of the following elements: a determination of troop strengths, unit configuration, resource requirements, and weapons and other capabilities.
  - 24.7 The Government of Canada, as part of its foreign and defence policy, advocate reform within the United Nations, particularly in the following areas:
    - (a) development of a process to ensure that the mandates of United Nations operations, as adopted by the United Nations Security Council, are clear, enforceable and capable of achieving the goals of the mission; and
    - (b) development of a process to enhance the current planning structure at the United Nations to improve co-ordination of peace support operations through proper development of concepts of operations and strategic planning.
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## *Chapter 25 – The Military Planning System*

We recommend that:

- 25.1 To redress the planning problems earmarked by the Somalia mission, the Chief of the Defence Staff reinforce the importance of battle procedure (the process commanders use to select, warn, organize, and deploy troops for missions) as the proper foundation for operational planning at all levels of the Canadian Forces, and that the importance of systematic planning based on battle procedure be emphasized in staff training courses.
- 25.2 Contrary to recent experience, the Chief of the Defence Staff enunciate the principles that apply to planning, commanding and conducting operations by the Canadian Forces in each international operation where these differ from national principles of planning, commanding and conducting operations.
- 25.3 The Chief of the Defence Staff ensure that all states of command, such as national command, full command and operational command, are defined on the basis of Canadian military standards and criteria.

- 25.4 For each international operation, the Chief of the Defence Staff issue clear and concrete orders and terms of reference to guide commanders of Canadian Forces units and elements deployed on those operations. These should address, among other things, the mission statement, terms of employment, command relationships, and support relationships.
- 25.5 The Chief of the Defence Staff clarify the duties and responsibilities of the Deputy Chief of the Defence Staff and, in particular, identify precisely when the Deputy Chief of the Defence Staff is or is not in the chain of command.
- 25.6 In light of the Somalia experience, the Chief of the Defence Staff assert the authority of the Chief of the Defence Staff under the *National Defence Act*, to establish better “control and administration” of the Canadian Forces, taking appropriate steps to ensure that the Chief of the Defence Staff has adequate staff assistance to carry out this duty.
- 25.7 The Chief of the Defence Staff provide commanders deployed on operations with precise orders and unambiguous reporting requirements and lines to ensure that Canadian laws and norms are respected.
- 25.8 The Chief of the Defence Staff ensure that all plans for the employment of the Canadian Forces be subject to operational evaluations at all levels before operational deployment.
- 25.9 The Chief of the Defence Staff establish standing operating procedures for
- (a) planning, testing and deploying Canadian Forces in domestic or international operations; and
  - (b) the conduct of operations by the Canadian Forces in domestic or international operations.
- 25.10 The Chief of the Defence Staff establish principles, criteria and policies governing the selection, employment and terms of reference for commanders appointed to command Canadian Forces units or elements in domestic or international operations.

- 25.11** The Chief of the Defence Staff conduct training and evaluation exercises to prepare and test staff procedures, doctrine, planning and staff officers in National Defence Headquarters and in the chain of command.
- 25.12** The Chief of the Defence Staff establish a uniform system for recording decisions taken by senior officers during all stages of planning for operations. The records maintained under this system should include a summary of the actions and decisions of officers and identify them by rank and position. The records should include important documents related to the history of the operation, including such things as estimates, reconnaissance reports, central discussions, orders, and casualty and incident reports.
- 25.13** The Chief of the Defence Staff or the Chief of the Defence Staff's designated commander identify and clarify the mission goals and objectives before commencing calculation of the force estimate.
- 25.14** The Chief of the Defence Staff base the force estimate for a given mission on the capacity of the Canadian Forces to fulfil the demands of the operation, as determined after a mission analysis has been completed and before recommending that Canadian Forces be committed for deployment.
- 25.15** The Chief of the Defence Staff develop a formal process to review force requirements once any Canadian Forces unit or element arrives in an operational theatre.
- 25.16** To remedy deficiencies in existing practices, before committing forces to an international operation, commanders should:
- (a)** clearly establish the military mission as well as the tasks necessary to achieve the mission;
  - (b)** return to the practice of preparing military estimates before developing the organization and composition of forces to be employed in operational theatres;

- (c) be required to undertake a thorough reconnaissance of the specific area where the forces are to deploy; and
- (d) accept that in the interests of deploying a force that is appropriate, well balanced and durable, proper estimates of the requirements be completed before forces are committed and personnel ceilings are imposed.

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

- (a) a statement confirming the purpose and principles of intelligence gathering for all peace support operations, from traditional peacekeeping to peace enforcement. Where required, a differentiation would be made between the strategic stage, the decision-making stage, and the operational planning stage of the operation;
- (b) a statement confirming the sources of information appropriate for use in the intelligence-gathering process;
- (c) a section outlining anticipated use of intelligence in peace support operations, during both the decision-making stage and the operational planning stage;
- (d) a section outlining the intelligence planning process during the various stages of planning, establishing what needs to be done and by whom, including any procedures required to develop an intelligence plan for the mission or intelligence support for the training of troops; and
- (e) a section describing the dissemination process for all stages, including the manner of dissemination and the personnel involved.

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

- 25.19** The Chief of the Defence Staff ensure that planning doctrine includes appropriate assessment methodology to determine sufficient numbers of intelligence personnel and intelligence support personnel (interpreters) for the operation. In accordance with existing doctrine, the presence of intelligence personnel in the advance party should be ensured.
- 25.20** The Chief of the Defence Staff develop guidelines and procedures for ensuring that cultural training programs are appropriately supported by the intelligence staff by providing adequate and appropriate resources for the intelligence staff well in advance of the operation.
- 25.21** The Chief of the Defence Staff ensure that sufficient resources are available and adequate guidelines are in place for intelligence staff to foster self-sufficiency in the area of intelligence planning and to discourage over-reliance on other intelligence sources.
- 25.22** The Chief of the Defence Staff review the organization and process for intelligence planning to ensure maximum communication and efficiency in the intelligence-gathering and dissemination processes.
- 25.23** To remedy deficiencies in existing practices, the Chief of the Defence Staff ensure that logistical planning is finalized only after the mission concept is developed, the size and composition of the Canadian contingent is estimated, and a full reconnaissance of the area of operations has been undertaken.
- 25.24** The Chief of the Defence Staff provide guidelines stipulating that sufficient time be taken to assess any changes in areas of operation. Such guidelines should include the stipulation that military considerations are paramount in decisions to change the proposed mission site after materiel has been packed and logistics planning completed for the original site.
- 25.25** When a change in mission is contemplated, the Chief of the Defence Staff ensure that new logistical contingency plans are completed before the new mission is undertaken.

- 25.26** The Chief of the Defence Staff ensure that a National Support Element (that is, an integrated logistics support unit) is included as a separate unit at the commencement of every mission undertaken by the Canadian Forces.
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## *Chapter 39 – Openness and Disclosure*

We recommend that:

- 39.1** The Department of National Defence ensure that the National Defence Operations Centre logs are properly maintained, by implementing the following:
- (a) an audit procedure to ensure that standing operating procedures provide clear and sufficient guidelines on the type of information to be entered and how the information is to be entered;
  - (b) an adequate data base system, which includes software controls to ensure accurate data entry in each field and appropriate training for operators and users of this system; and
  - (c) increased system security to an acceptable standard compatible with the objective of national security, including restricting access to authorized persons using only their own accounts and passwords and extending the use of secure (hidden) fields to identify persons entering or deleting data.
- 39.2** The Department of National Defence and the Canadian Forces take steps to ensure that an adequate record of in-theatre operations is created and preserved thereafter by:
- (a) establishing better systems and procedures to ensure a more complete and permanent record of events, including the recording of each day's activity or inactivity, so that every date is accounted for, to avoid the appearance of non-reporting or deleted records;
  - (b) training soldiers to appreciate the importance of the log and diary and their responsibility to follow proper procedures in creating, maintaining, and protecting the record;
  - (c) providing better procedures for supervising the maintenance of records in theatre to ensure adherence to established procedures;

- (d) improving the integration of secure data collection and storage systems to ensure the integrity of records created; and
  - (e) ensuring that data banks are sufficient and include accurate information concerning individual taskings; the start and finish dates of each log and diary; and the location of records.
- 39.3 The Department of National Defence take the following steps to promote openness and transparency:
- (a) require the Deputy Minister of National Defence and the Chief of the Defence Staff to
    - (i) instil by example and through directives the importance of openness in responding to requests made under the *Access to Information Act*;
    - (ii) ensure that military and civilian personnel in the Department of National Defence are better trained to respond to *Access to Information Act* requests, particularly with regard to legal obligations and procedures; and
    - (iii) ensure that staff fully understand the requirement to report, as a significant incident under existing regulations, any suspected document alteration or improper response to *Access to Information Act* requests;
  - (b) begin consultations with the Information Commissioner, within three months of the submission of this report to the Governor in Council, to determine the most effective way of improving departmental responses to *Access to Information Act* requests; and
  - (c) ensure that public affairs policy and practices reflect the principles of openness, responsiveness, transparency and accountability expressed throughout this report.
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## Chapter 40 – Military Justice

We recommend that:

- 40.1 The *National Defence Act* be amended to provide for a restructured military justice system, establishing three classes of misconduct:
- (a) **Minor disciplinary:** Any misconduct considered minor enough not to warrant detention, dismissal or imprisonment should

be considered minor disciplinary misconduct. Examples might include a failure to salute and quarrelling with another Canadian Forces member. Minor disciplinary misconduct would not include service offences now listed in the *Queen's Regulations and Orders* (QR&O) 108.31(2);

- (b) Major disciplinary: Any misconduct considered serious enough to warrant detention, dismissal or imprisonment should be considered major disciplinary misconduct triable only by a court martial. This would include infractions such as some of those listed in QR&O 108.31(2). Examples might include being drunk while on sentry duty during a time of war, insubordination and showing cowardice before the enemy. Major disciplinary misconduct would not include crimes under the *Criminal Code* or other federal statutes; and
- (c) Criminal misconduct: Any misconduct that would constitute a crime and is to be the subject of a charge under the *Criminal Code* or other federal statute or foreign law, and triable only by court martial or a civil court.

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

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

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



- 40.5** The guidelines in Canadian Forces Administrative Order 21-9 be amended to provide that
- (a)** summary investigations be restricted to investigation of minor disciplinary misconduct or administrative matters;
  - (b)** those conducting summary investigations have some minimum training standard in investigations, rules of evidence, and the recognition of potential criminality;
  - (c)** those conducting summary investigations have a specific duty to report matters of potential criminality directly to Military Police; and
  - (d)** those conducting summary investigations be free from any conflict of interest.
- 40.6** Military Police be independent of the chain of command when investigating major disciplinary and criminal misconduct.
- 40.7** Military Police be trained more thoroughly in police investigative techniques.
- 40.8** All Military Police, regardless of their specific assignment, be authorized to investigate suspected misconduct of their own accord unless another Military Police investigation is under way.
- 40.9** Control of the conduct of Military Police investigations of major disciplinary and criminal misconduct be removed from the possible influence of the commanding officer or the commanding officer's superiors. Military Police attached to units or elements of the Canadian Forces should refer major disciplinary and criminal misconduct to the Director of Military Police through dedicated Military Police channels.
- 40.10** The Director of Military Police oversee all Military Police investigations of major disciplinary and criminal misconduct and report on these matters to the Solicitor General of Canada.
- 40.11** The Director of Military Police be responsible and accountable to the Chief of the Defence Staff for all Military Police purposes, except for the investigation of major disciplinary or criminal misconduct.

- 40.12** Commanding officers have the power to request Military Police to investigate any misconduct, but commanding officers have no power to control the method of the investigation or limit the resources available to Military Police conducting investigations.
- 40.13** The Director of Military Police and all Military Police under the command of the Director have a system of ranking different from the general Canadian Forces system, so that Military Police are not seen or treated as subordinate to those they are investigating.
- 40.14** Professional police standards and codes of conduct be developed for Military Police.
- 40.15** To give effect to these new policing arrangements, Military Police be given adequate resources and training to allow them to perform their tasks.
- 40.16** Adequate numbers of appropriately trained Military Police accompany Canadian Forces deployments.
- 40.17** In general, the results of investigations into all types of misconduct — minor disciplinary, major disciplinary or criminal — be reported to the commanding officer of the unit or element to which the Canadian Forces member concerned belongs.
- 40.18** Results of investigations of major disciplinary and criminal misconduct be reported to an independent prosecuting authority under the direction of the Director General of Military Legal Services.
- 40.19** Control of the decision to charge for major disciplinary or criminal misconduct be removed from the commanding officer and vested in an independent prosecuting authority.
- 40.20** The commanding officer have the right to lay charges for minor disciplinary misconduct.
- 40.21** An independent prosecuting authority decide whether to lay charges for major disciplinary and criminal misconduct and have the responsibility for laying charges.

- 40.22 The prosecuting authority be independent in determining whether to charge and prosecute. However, guidelines should be developed to assist in the exercise of prosecutorial discretion.
- 40.23 Military Police serve as advisers to the independent prosecuting authority, but have no authority themselves to lay charges.
- 40.24 Commanding officers have no authority to dismiss charges laid by the independent military prosecutor.
- 40.25 The independent military prosecutor have authority to lay charges for minor disciplinary offences when the prosecutor deems it useful to prosecute multiple acts of misconduct, including minor disciplinary misconduct, at the same trial.
- 40.26 An accused person have a right to counsel when prosecuted for major disciplinary or criminal misconduct.
- 40.27 The standard of proof at a trial for major disciplinary or criminal misconduct be proof beyond a reasonable doubt.
- 40.28 There be no right to counsel in respect of minor disciplinary misconduct, since detention, dismissal or imprisonment would not be a possibility, but the right to counsel may be permitted at the discretion of the commanding officer.
- 40.29 The standard of proof at a trial of minor disciplinary misconduct be proof on a balance of probabilities. An accused person may be compelled to testify at a trial of minor disciplinary misconduct.
- 40.30 Accused persons charged with misconduct carrying a possible penalty of five years' imprisonment or more should have the right to elect trial by jury before a civilian court.
- 40.31 Punishments such as fine options, community service and conditional sentences, which have been made available in the civilian criminal process, be available within the military for minor and major disciplinary and criminal misconduct.

- 40.32** Formal rules be established to permit appeals of summary trials of minor disciplinary misconduct by way of redress of grievance.
- 40.33** All Canadian Forces members convicted at summary trials be served with a notice stating that an application for redress of grievance is available to appeal their conviction.
- 40.34** The *Queen's Regulations and Orders* be amended so that the Minister of National Defence has no adjudicative role in redress of grievance matters.
- 40.35** The *National Defence Act* be amended to
- (a) replace the office of the Judge Advocate General with two independent institutions:
    - (i) the office of the Chief Military Judge, to assume the judicial functions now performed by the office of the Judge Advocate General; and
    - (ii) the office of the Director General of Military Legal Services, to assume the prosecution, defence and legal advisory roles now performed by the office of the Judge Advocate General;
  - (b) specify that the office of the Director General of Military Legal Services consists of three branches: a Directorate of Prosecutions, a Directorate of Advisory Services, and a Directorate of Legal Defence;
  - (c) provide that the Director General of Military Legal Services report to the Minister of National Defence;
  - (d) provide that the Chief Military Judge and all other judges be civilians appointed under the federal *Judges Act*; and
  - (e) state that judges trying serious disciplinary and criminal misconduct are totally independent of the military chain of command.
- 40.36** The *National Defence Act* be amended to establish an Office of the Inspector General, headed by an Inspector General with the following functions relating to military justice:
- (a) **Inspection:** Inspections would focus on systemic problems within the military justice system.

- (b) **Investigations:** The Inspector General would receive and investigate complaints about officer misconduct and about possible injustices to individuals within the Canadian Forces. Among the types of officer misconduct the Inspector General could investigate are the following:
  - (i) abuse of authority or position (for example, failure to investigate, failure to take corrective actions, or unlawful command influence); and
  - (ii) improper personnel actions (for example, unequal treatment of Canadian Forces members, harassment including racial harassment, failure to provide due process, reprisals).
- (c) **Assistance:** Among the Inspector General's functions would be to correct or assist in correcting injustices to individuals.

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

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

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

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

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

- 40.42** Legal officers providing advisory services be deployed on training missions as well as actual operations.
- 40.43** Legal officers providing advisory services guide commanding officers and troops on legal issues arising from all aspects of operations, including Rules of Engagement, the Law of Armed Conflict, Canadian Forces Organization Orders and Ministerial Organization Orders.
- 40.44** Legal officers providing advisory services educate Canadian Forces members before and during deployment on local law, the Law of Armed Conflict, and Rules of Engagement.
- 40.45** A Law of Armed Conflict section of legal officers be established and staffed as soon as possible within the office of the Judge Advocate General and moved to the office of the Director General of Military Legal Services once that office is established.
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## *Conclusion*

We recommend that:

- 1.** The Minister of National Defence report to Parliament by June 30, 1998 on all actions taken in response to the recommendations of this Commission of Inquiry.
- 2.** The transcripts of our proceedings, as amplified and illuminated by the credibility findings in this report, be examined comprehensively by appropriate authorities in the Department of National Defence and the Canadian Forces, with a view to taking appropriate and necessary action with regard to witnesses who by their actions and attitude flouted or demeaned:
  - (a)** their oath or solemn affirmation;
  - (b)** their military duty to assist the Inquiry in its search for the truth in the public interest;

- (c) the trust and confidence of Canadians in them; or
  - (d) the officer's commission scroll, which expresses Her Majesty's special trust and confidence in a Canadian officer's loyalty, courage and integrity.
3. Save for those individuals who have been disciplined for actions in relation to the deployment, all members of the Canadian Forces who served in Somalia receive a special medal designed and designated for that purpose.
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