CANADA COMMAND

AND

UNITED STATES NORTHERN COMMAND

14 February 2008

CANADA – US CIVIL ASSISTANCE PLAN (CAP)

CANUS CAP-08

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CANADA - US CIVIL ASSISTANCE PLAN (CAP)
BASE PLAN

Note: Annexes are pre-decisional plans and cannot be disclosed per 5 USC 552(b)(5).

1. Situation

a. General. The purpose of the Canada-United States Civil Assistance Plan (CAP) is to provide a framework for the military of one nation to provide support to the military of the other nation in the performance of civil support operations (e.g., floods, forest fires, hurricanes, earthquakes, and effects of a terrorist attack).

(1) Support covered under this plan will only be provided when agreed to by appropriate authorities in both the Government of Canada and the United States Government.

(2) When approved, military forces from one nation augment the other nation's forces in civil support operations. Support under this plan is not provided directly to civil authorities, but rather to the other nation's military.

(3) Support for law enforcement operations is not covered in this plan and will be included in the Canada – United States Combined Defense Plan (CDP).

(4) Guidance and direction to develop this plan is derived from the Canada – United States Basic Defense Document (BDD), 08 July 2006 (Ref 1f). This plan may be used alone, or concurrent with the Canada-US Combined Defense Plan or other national plans. The Commander, Canada Command (Comd Canada COM) and Commander, US Northern Command (CDRUSNORTHCOM) are the designated planning agents for the development of this plan.

b. Federal Coordination of Emergency Response. The Canadian Department of Foreign Affairs and International Trade (DFAIT), acting on behalf of the Government of Canada (GoC), and the US Department of State (DOS), acting on behalf of the United States Government (USG), will, upon receipt of a formal request for, or offer of mutual assistance, coordinate an agreed upon bilateral response that may include military support.

(1) In the United States, coordination of foreign assistance for a disaster in the United States is conducted per the International Assistance System Concept of Operations.

c. Area of Responsibility (AOR). AOR is defined as the common areas of responsibility for Primary Agencies (Public Safety Canada (PS) and Department Of Homeland Security (DHS)), and the Canada -US (CANUS) Region (i.e., Canada and the Continental United States (CONUS), Alaska, US Virgin Islands, and Puerto Rico, including each nation's territorial seas).

d. Opposing Force. Opposing forces are not expected during the conduct of operations described in this plan. However, when planning and conducting operations where the military forces of one nation are supporting the military forces of the other nation that are conducting civil support operations, commanders should consider the following Anti-Terrorism/Force Protection issues: (1) Terrorists organizations could conduct operations against the Canadian or US force, or in the civil support operations area; (2) State/provincial and local police capabilities could be severely degraded in the area of operations, allowing a corresponding rise in criminal activity that could affect the Canadian or US force; and (3) Environmental factors ranging from weather to contamination and disease could significantly affect the Canadian or US forces.

e. Friendly

(1) CANADA

(a) The Department of Foreign Affairs and International Trade (DFAIT). DFAIT is responsible on behalf of the GoC for facilitating requests for international military assistance.

(b) Public Safety Canada (PS). The Minister of Public Safety is assigned primary responsibility within the GoC to coordinate the federal response in crisis and consequence management situations within Canada.

(c) Department of National Defence (DND) / Canadian Forces (CF). The CF may, upon request, provide support to PS, other federal departments and agencies, provincial/territorial and municipal authorities pursuant to the National Defence Act (NDA), or other legal authority. Comd Canada COM is the responsible CF operational commander within the Canada COM AOR defined as Canada, the continental United States, Mexico, and the maritime approaches to North America.

(2) UNITED STATES

(a) Department of State (DOS). The Department of State is responsible for coordinating with other nations for disaster assistance, including military assistance. (Ref 3l).

(b) Department of Homeland Security (DHS). The Secretary of DHS is the principal federal official (PFO) for US domestic incident management.

(c) Department of Defense (DOD). In accordance with the National Response Plan (Ref 3k) DOD may, upon request, provide support to DHS and other federal agencies for domestic Defense Support of Civil Authorities (DSCA). Upon Secretary of Defense approval, CDRUSNORTHCOM is the supported combatant commander with responsibility to coordinate defense support to federal agencies within that portion of the United States within CDRUSNORTHCOM's AOR.

f. Assumptions

(1) Requirements for military support of civilian authorities could be fulfilled by either nation's military. However, the nation providing cross-border military support will not fulfill these requirements directly to the other nation's civilian authorities, but rather to the other nation's military.

(2) Operations will typically occur in a permissive environment.

g. Legal Considerations. The United States and Canada are Parties to the North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA), dated August 23, 1953.

(1) Military Emergency Response

(a). Canadian Forces (CF). In Canada, as per Canada Command Direction for Domestic Operations (Ref 2i), local commanders are expected to respond promptly to a request for assistance, within their approval authority, by providing an immediate CF response to an emergency to save lives, prevent human suffering, or mitigate property damage. However, for foreign disaster assistance, the GoC must approve the request.

(b). US Armed Forces. In emergency situations the SecDef can provide foreign disaster assistance in order to save human lives, where there is not sufficient time to seek the prior initial concurrence of the Secretary of State. The SecDef shall advise, and seek the concurrence of the Secretary of State as soon as practicable thereafter (Ref 3b).

(2) US Foreign Consequence Management versus US Foreign Disaster Assistance

(a) Only the President may order US military forces to execute foreign consequence management missions. DOS is the lead agency (Ref 4f).

(b) When directed by the President or by the Secretary of Defense, with the concurrence of the Secretary of State, DOD provides foreign disaster assistance support in coordination with DOS. DOS is the lead agency (Ref 3b and 4g).

(3) Use of Force

(a) CF Rules of Engagement (ROE). If ROE are required for CF personnel deployed in the United States to support the US forces engaged in Defense Support of Civil Authorities, the ROE will be requested by the Canadian commander and authorized in accordance with B-GG-005-004/AF-005 dated 2001-06-01 Use of Force in CF Operations (Revision 1).

(b) Standing Rules of Engagement (SROE) for DOD forces. Implementation guidance on the application of force for mission accomplishment and the exercise of self-defense is contained in (Ref 4d). DOD forces will be trained on SROE before employment.

(4) Right of Self Defense

(a) Canadian Forces. Both international law and Canadian domestic laws recognize the authority to use appropriate force in self-defense, up to and including deadly force. Without further written or oral direction, CF personnel are entitled to use force in self-defense to protect oneself; other members of the Canadian Forces; and non-Canadian military personnel who are attached or seconded to a Canadian force against a hostile act or hostile intent (Ref 2c).

(b) US Forces. US unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent (Ref 4d).

(5) There are no standing CANUS rules of engagement or rules for the use of force. Consequently, every mission will require unique guidance to deployed forces. Forces from one nation deployed to support the forces of the other nation will comply with authorized ROE and right of self-defense consistent with the laws of the supported nation. The ROE and right of self-defense will be designated in respective national operation / execute orders.

2. Mission. When directed by the Government of Canada and the US President or Secretary of Defense, the commander(s) of designated Canadian and US military forces will provide support to the other nation's military force that are engaged in civil support operations in order to save lives, prevent human suffering and mitigate damage to property.

3. Execution

a. Concept of Operations

(1) Commanders' Intent. A timely response to a federal request for military assistance in a national or cross-border civil emergency will be critical to save lives, prevent human suffering and mitigate damage to property. The role of the military in civil emergencies is to provide support to Primary Agencies and first responders. As such, it is essential that Canadian and US military forces work closely in support of federal authorities to coordinate national and bilateral civil support when requested and authorized. As the nature of every emergency situation will be unique, Canadian and US military forces must maintain a flexible, adaptive approach that supports rapid decision-making and a collaborative response to requests for bilateral support. The key to success will be the mechanisms used to coordinate this support in an emergency. Thus, the establishment, maintenance, and regular exercise of bilateral coordination mechanisms are the principal requirements of this plan.

(2) Concept for the Military Forces of one Nation to Support the Military Forces of the other that are engaged in Civil Support Operations. Close coordination and synchronization with the respective lead federal agencies responsible for national and international crisis and consequence response is essential to the provision of effective support. DHS is principally responsible for the coordination of a response to a US domestic incident. PS is assigned primary responsibility to coordinate the federal response in crisis and consequence management situations within Canada. Responsibility for the detailed coordination of a Canadian response to a US incident will depend upon the nature, severity and location of the incident; DFAIT and PS are the designated coordination agencies with the lead among departments determined on a case-specific basis. The Department of State (DOS) and DHS will normally coordinate the provision of a US response to a Canadian incident. DFAIT and DOS provide the formal diplomatic mechanism for requests, offers and acceptance of bilateral assistance on behalf of their respective Governments.

(3) In concert with and in support of these diplomatic efforts, the CF, represented by Comd Canada COM, and the US Armed Forces, represented by CDRUSNORTHCOM, will develop potential options for the military forces of one nation to support the military forces of the other nation that are engaged in

civil support operations, subject to direction received from the Chief of the Defence Staff (CDS) and Chairman of the Joint Chiefs of Staff (CJCS) and/or SecDef respectively. In Canada, Comd Canada COM will present military options to the CDS, who will subsequently present options and seek the approval of the Government of Canada to deploy military forces to the United States. In the United States, CDRUSNORTHCOM will present military options to the SecDef who will subsequently seek the approval of the President to deploy military forces to Canada.

(4) Civil Support operations described in this plan will be conducted in accordance with the host nation's civil support plan(s).

b. End State

(1) A cooperative and well-coordinated timely response to national requests for military assistance in relation to natural disasters or other major emergencies in Canada or the United States.

(2) Forces have completed all assigned missions and redeployment is complete.

c. Tasks to Commanders Supporting the CAP

(1) Commander, Canada Command (Comd Canada COM)

(a) Maintain situational awareness and information sharing with CDRUSNORTHCOM.

(b) Coordinate planning for the possible employment of US forces in support of Canada Command's support of civil authorities in Canada.

(c) On order, coordinate the provision of CF assistance to designated US Armed Forces conducting DSCA in the United States.

(d) On order, task subordinate commanders to support US forces engaged in USNORTHCOM DSCA operations in the United States.

(e) Maintain national procedures to coordinate requests for US military forces and integrate those forces into Canada COM operations in support of civil authorities in Canada.

(f) Conduct a review of this plan as required or at a minimum every two years.

(g) Plan and conduct combined exercises in support of this plan.

(2) Commander, US Northern Command (CDRUSNORTHCOM)

(a) Maintain situational awareness and information sharing with the Commander, Canada COM.

(b) Coordinate planning for the possible employment of Canadian forces in support of USNORTHCOM's support of primary civil agencies in the United States.

(c) On order, coordinate the provision of US Armed Forces assistance to designated Canadian forces conducting support of civil authorities in Canada.

(d) When directed by the SecDef, task supporting commanders to provide forces and resources to support Canadian forces engaged in civil support operations.

(e) Request forces and resources via a Request for Forces to the US Joint Staff.

(f) Maintain national military procedures to coordinate requests for and integrate Canadian forces in DSCA operations in the United States.

(g) Conduct a review of this plan as required or at a minimum every two years.

(h) Plan and conduct combined exercises in support of this plan.

d. Coordinating Instructions

(1) Implementation. This plan is effective for planning upon receipt.

(2) Liaison and Planning. Direct liaison is authorized (DIRLAUTH) between the militaries of both nations for planning, information sharing and situational awareness. The state Governors and provincial authorities in the Pacific Northwest, Prairie and Northeastern regions have established mutual aid compacts for cross border emergency support to save lives, prevent human suffering, and reduce great property damage. Every effort should be made to maintain situational awareness of these existing bilateral civilian regional

planning groups to ensure support to the other nation's forces is effective and efficient.

(3) Execution Authority. Execution authority rests with Commanders Canada COM and USNORTHCOM.

(4) Situational Awareness. Both nations will take advantage of existing communications infrastructure to maintain situational awareness required to plan for bilateral support. Both nations will share information to the maximum extent allowed by national laws, agreements, and policy.

(5) Training. In accordance with international agreements and implementing procedures, cross-border movement of military resources is authorized for training and exercises in preparation for bilateral military-to – military civil support. Activities in support of civil authorities beyond the scope of this plan will require mission specific training to be conducted prior to employment.

4. Administration and Logistics

a. Concept of Support. Each nation will be responsible for providing support to its own forces. However, where and when it is feasible, every effort should be made to use existing mutual support agreements, memoranda of understanding, and implementing arrangements to support and sustain Canadian and US military forces. Military planners will submit their transportation requirements through respective national channels for determination of which agreements/programs will be used to provide the necessary support.

5. Command and Control

a. Command

(1) Command Relationships. Bilateral support described in this plan will occur under existing structures and command authorities. Command relationships for supporting forces will be defined based on the circumstances of the operation and delineated in respective national operation and execution orders.

(a) Canada. Comd Canada COM exercises operational command (OPCOM) of CF forces assigned by the CDS for the purposes of coordinating assistance to civil authorities. Regional Joint Task Force Commanders (RJTF Comds) exercise OPCON of forces assigned by Comd Canada COM for the execution of an operation. In Canada, OPCOM is the authority granted to a commander to assign missions or tasks to subordinate

commanders, to deploy units, to reassign forces, and to retain or delegate operational/tactical command or control as may be deemed necessary. OPCON is the authority delegated to a commander to direct forces assigned so that the commander may accomplish specific missions or tasks that are usually limited by function, time, or location; to deploy units concerned and to retain or assign tactical control of those units. If the requirement develops for separate employment, the higher commander must approve the change. (Ref 2y).

(b) United States. CDRUSNORTHCOM exercises operational control (OPCON) of all allocated US forces (less CDRUSTRANSCOM). In the United States, OPCON is command authority that may be exercised by commanders at any echelon at or below the level of combatant command. OPCON is inherent in combatant command (command authority) and may be delegated within the command. (Ref 4jj).

b. Command, Control, Communication and Computer (C4) Systems. As directed by the BDD, Canada COM and USNORTHCOM will ensure network-enabled capabilities to enhance information sharing, collaborative planning and rapid decision making to support bilateral operations described in this plan.

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