

**A Letter to the Standing Committees on Foreign Affairs & International Trade and National  
Defence & Veterans' Affairs  
16 January 2002**

**To:** The members of the Standing Committee on Foreign Affairs and International Trade and The members of the Standing Committee on National Defence and Veterans' Affairs

Dear Honourable Members of Parliament,

I am glad to have learned, from a staff person in the office of The Hon. Bill Graham, that your two Standing Committees will be meeting jointly tomorrow to ask questions about the decision of the Government of Canada to deploy Canadian troops in Afghanistan to participate in an American military mission operating in the area of Kandahar.

As always, the courage and generosity of Canadians in uniform who are willing to risk personal harm to come to the aid of global neighbours in need is something to rejoice in. As always, the willingness of the Government of Canada to build international peace is a precious public good. Yet this particular decision raises disturbing questions.

For my own information, and for the information of many colleagues in the inter-church networks concerned with international justice and peace, I wish to place these questions in your hands. My colleagues and I intend to pursue these questions with the Department of Foreign Affairs and International Trade and with the Department of Defence until we are clear about the answers.

The framework for the questions I am about to raise emerges from the discussions that took place immediately after September 11, 2001, within this Council's Commission on Justice and Peace in conjunction with our colleagues at Project Ploughshares. I attach for your information the letter about the so-called "war on terrorism" which we addressed to the Prime Minister on September 21, 2001. The concerns named in that letter about accountability, due process, proportionality, ethical and legal limitations on the use of force, and a balanced, long-term, genuinely global perspective are the concerns underlying my questions today.

Our Commission on Justice and Peace has not yet had the opportunity for a meeting with the recent decision about military deployment on its agenda. However, I raise the following questions with the approval of the Chair of the Commission on Justice and Peace, Rev. Dr. David Pfrimmer, and in continuity with the consultations we held in September and afterwards.

Here are some of the questions pressing on my mind:

1. In setting up a prison camp offshore, so that United States civil legislation on the rights of prisoners will not apply; and in refusing to call the captured men "prisoners of war" so as to avoid the restraining effect of the relevant Geneva Conventions, the United States seems to have designed a process that will allow its operatives to behave "lawlessly", without accountability to international standards and conventions which both Canada and the USA have signed.

- a. Has the Government of Canada officially objected to this law-avoiding procedure and to the dangerous precedents it sets?
- b. If so, will Canadian soldiers refuse to hand over to American commanders any fugitives they might capture, in the absence of guarantees of lawful, humane treatment whose minimum standards will be those of the relevant international conventions?
- c. If Canada has not officially objected to the American policies underlying the Guantanamo Bay solution, then how does the Government of Canada propose to promote, under today's circumstances, Canada's traditional opposition to a "might makes right" mentality?

How does the Government of Canada propose to meet Canada's obligation to uphold international law, and Canada's long-standing policy in favour of multilateral restraints on unilateral power in international situations?

How will Canada's credibility be preserved so that the next time we rebuke a state for violation of international norms, we have a leg to stand on?

2. There seems to be normal legal and ethical justification for pursuing, arresting and interrogating members of the al-Qaeda network, since there is sufficient evidence that their movement planned and carried out terrorist attacks on Western targets, and intended to continue to do so. But Kandahar, we learn from the press, was the centre of the Taliban movement and the government it produced, not the centre of the al-Qaeda operations.

Has the Government of Canada accepted the opinion (commonly expressed in press conferences by American leaders) that there is no important distinction between Afghans who supported the Taliban government or who joined its army (their own national army), and members of the al-Qaeda network? The Taliban movement and government, harsh and extreme though its regime was, never declared war against the United States. It never carried out terrorist attacks on Western targets. Officials and religious authorities attempted to negotiate?in my opinion, seriously?at the time of the American ultimatum after September 11. How is it legally justifiable to criminalize, and to treat as active enemies, the Afghans who were soldiers under that government?

3. More fundamentally: has the Government of Canada objected to the Bush doctrine: "If you're not with us (in the so-called war on terrorism) then you're with the terrorists"? corollary, and therefore we can treat your government and your population as enemies. This doctrine seems to fall far short of the best traditions of diplomacy, the careful standards of good international law, and very far short of the traditional "just war doctrine" historically held by many churches. To be honest, it seems to me like an overt regression to imperialism in global affairs? the assumption that a great power can make its own rules and need not be accountable to restraining rules originating from multilateral wisdom.

Has Canada made its disagreement with the Bush doctrine clear in international conversations? If not, are we to conclude that Canada has accepted the Bush doctrine?

4. In the case of the war against Afghanistan, there have been specific American actions and policies with which a great many Canadians have disagreed on moral grounds. One example is the use of cluster bombs and of the horrific "daisy-cutter" bombs. Another is the continued practice of intense bombing even on occasions when the new, internationally accepted government of Afghanistan has requested the cessation of bombing. Yet the Department of Defence has decided to deploy Canadian soldiers under unilateral American command in Afghanistan, even though opportunities to participate under multilateral auspices existed. This decision gives the impression that the Government of Canada thoroughly approves of the way American military policy has treated the people of Afghanistan. Is this the case?

If it is not the case, how has the Government of Canada shown its opposition to the elements of ruthlessness and of disregard for "collateral damage" that have so grieved the many Canadians I hear from?

What were the reasons of state that grounded the decision to deploy Canadian soldiers in this particular way?

I should make it clear that it is not the decision to send Canadian military forces to Afghanistan which I am questioning. The fact that our fellow-citizens are prepared to risk injury and danger in, for example, clearing land-mines and protecting humanitarian supply routes, and perhaps protecting civilians from aggression by local war-lords or bandits, is inspiring. Those Canadian men and women will be accompanied by chaplains who come from this Council's member churches, and we follow both soldiers and chaplains with prayer and loving concern.

But to deliberately decide to join at this moment an American-commanded operation? That is indeed questionable. At this moment, it looks like a stamp of Canadian approval of U.S. actions and tendencies of which very many of us do not approve. It is certainly possible to imagine many circumstances under which Canadian armed forces could appropriately work under non-Canadian command. However, only one country represents a serious, day-by-day, many-faceted challenge to Canadian sovereignty. That country is the United States of America. It is true that national sovereignty is not an absolute good; there are many human values that are far more fundamental. But national sovereignty is in practice connected to the ethical and moral realm because sovereignty helps us, as Canadians, take and maintain responsibility for our own policies and our own collective actions. And that is important.

My colleagues and I are seriously interested in hearing the answers that the Government of Canada would offer to the above questions. We applaud your decision to hold hearings, and we hope that the work of the hearings will contribute to public awareness of what is at stake.

Yours sincerely,

**Janet Somerville**

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