



Interview Summary: The Honorable Anita Anand, Minister of National Defence

Background

The Honorable Anita Anand was appointed Minister of National Defence on October 26, 2021. In this role, she oversees the Department of National Defence, manages and directs the Canadian Armed Forces (**CAF**) both in Canada and abroad, and has legal responsibility for the administration of the *National Defence Act*, RSC 1985, c. N-5 (**NDA**).

Minister Anand is principally supported by Deputy Minister of Defence Bill Matthews and Chief of the Defence Staff General Wayne Eyre, who are responsible for separate authorities defined under the *NDA*. Deputy Matthews assists in the day-to-day administration and policy functions of the Department except for those relating to the CAF. General Eyre, as the most senior officer of the Canadian Armed Forces and primary military advisor to the Prime Minister, is charged with the control and administration of the CAF. All orders and instructions to the CAF required to give effect to the decisions of the Government of Canada must be issued by the Chief of the Defence Staff.

Deputy Minister Matthews and Associate Deputy Minister Stefanie Beck were interviewed in a panel format separately from Minister Anand. This interview summary should be read alongside the summary of that panel interview.

Minister Anand was interviewed by Shantona Chaudhury, Gordon Cameron, Yves Côté and Nusra Khan on September 5, 2022. Questions about this summary should be directed to Mr. Cameron.

Text contained within square brackets consist of explanatory notes provided by Commission Counsel for the assistance of the reader.

Minister Anand's Involvement in the Federal Response to the Convoy

Minister Anand was travelling abroad for official engagements pertaining to the deployment of NATO troops in Ukraine at the end of January 2022. As such, she was not directly involved in the federal government's response to the protests occurring over January 29-30. Minister Anand was kept abreast of the events by her staff who provided briefings and updates on the protests during this period.

Following her return to Canada in early February, Minister Anand attended the meetings of the Cabinet Committee on Safety, Security, and Emergencies (**SSE**) and the Incident Response Group (**IRG**). [The SSE Committee met on February 3, 6, and 8, 2022. Cabinet discussion of the protests then migrated to the IRG, which held its first meeting on February 10, 2022. The IRG met again on February 12, 13 and 16, and daily thereafter until February 23, 2022. The IRG served as the dedicated forum for federal Ministers, including the Prime Minister, to provide and receive operational updates, deliberate, and make decisions



pertaining to the protests through an accelerated Cabinet process].

At the IRGs, Minister Anand provided operational updates on behalf of the Department of National Defence as well as policy advice to the Prime Minister. From her perspective, the daily meetings of the IRG were an effective and efficient decision-making process. This was especially apparent to her given the intensity of government business at the time, as Canada was responding to both the imminent war in Ukraine and the protests in Canada in February 2022.

The Legal and Operational Role of the CAF

Minister Anand was firmly of the view that the CAF is not an appropriate first line of response to the protests in Ottawa or elsewhere. She described this view as being rooted in the language of section 273.6(2) of the *NDA* which permits the Minister to authorize CAF assistance to law enforcement only if the situation cannot effectively be dealt with except with the assistance of the Canadian Forces. [Section 273.6(2) provides that CAF assistance in respect of any law enforcement matter may be authorized if: (a) the assistance is in the national interest and that (b) the matter cannot be effectively dealt with except with the assistance of the Canadian Forces.] Her Deputy Minister and the Chief of Defence Staff were in agreement with this view.

Minister Anand also noted that the Armed Forces are not trained to manage protests or perform crowd control. Any deployment of the CAF would have therefore created additional risks for both officer and civilian safety. The CAF had crowd control capability at one time, but it no longer does. When asked whether the Armed Forces could benefit from expanded training in this respect, Minister Anand responded that it is the legal parameters set out by the *NDA* that define and constrain the functions of the CAF to a force of last resort pursuant to section 273.6(2) and that she would refer this issue to the Chief of Defence Staff for particulars.

Further still, Minister Anand considered that CAF deployment could have had the added effect of escalating tensions amongst protestors and police, as occurred historically during the Oka Crisis.

Nonetheless, Minister Anand, Deputy Matthews and General Eyre saw the need for a coordinated federal government response to the protests and instructed the Department to provide logistical, technical, and administrative support. Minister Anand described this as a two-fold approach: although the CAF should be the force of last resort to assist in law enforcement matters, the Department of National Defence was available to assist with the government's response to the protests in every other manner possible.

Minister Anand made her views about the CAF being a force of last resort well known, both publicly (she tweeted about it) and within government. Minister Anand also had many informal discussions with Minister Mendicino and Minister Blair about issues relating to the protests and requests for assistance.



Requests for Federal Assistance

[Under section 4(1)(h) of the *Emergency Management Act*, SC 2007, c. 15, the Minister of Public Safety and Emergency Preparedness is responsible for coordinating the provision of assistance to provinces in respect of a provincial emergency. A request for federal assistance (**RFA**) is the formal communication by which such a request is made by a provincial government. There is an established process in place for the management of RFAs through the Government Operations Centre (**GOC**) at Public Safety, which includes coordination and consultation with the Department of National Defence where the RFA includes a request for assistance to law enforcement from the CAF under section 273.6(2) of the *NDA*. The RFA process requires that resources at the local and provincial level be exhausted before federal assistance is provided.]

Minister Anand noted that she works closely with the Chief of Defence Staff General Eyre and her Deputy Minister to quickly assess and respond to RFAs for CAF assistance. Generally, the Department receives an informal “heads up” from the GOC about an incoming RFA and will take steps to ascertain the scope of the request, consult with Ministers Blair and Mendicino and their staff, and assess the Department of National Defence’s readiness to respond. General Eyre then prepares a recommendation for final approval by Minister Anand.

Minister Anand recalled that the Department received two formal RFAs for CAF support during the protests. The first was for access to a CAF parking lot at the beginning of the crisis. [On January 29, 2022, Minister Anand approved an RFA for CAF infrastructure assistance in the form of access to Cartier Square Drill Hall parking lot in Ottawa. It is owned by the Department of National Defence. The RFA was made by the Solicitor General of Ontario on behalf of the Ottawa Police Service to Public Safety for the purpose of providing a staging area for police operations. On General Eyre’s recommendation, Minister Anand found the RFA to meet the requirements set out under section 273.6(2) of the *NDA*.¹]

The second RFA was for CAF provision of 1200 dry meal packs. [On February 18, 2022, the Department received a formal request from Public Safety on behalf of the Parliamentary Protective Service (**PPS**). PPS was planning for the possibility of a lockdown of the Parliamentary Precinct for operational reasons and was taking steps to secure adequate supplies of food and water for employees who might have been unable to leave the premises. Minister Anand approved the request by email the same day.² The CAF provided 1200 dry rations on February 19, and an additional 600 hundred rations at later date, to provide a total of 1800 rations in total to PPS.]

Minister Anand and her staff also took steps to prepare a response for an anticipated RFA from the province of Alberta. She noted that the Department of National Defence did not

¹ SSM.CAN.00003512_REL.0001

² SSM.CAN.00003736_REL.0001



ultimately receive the RFA, and therefore, no response was conveyed.

The Anticipated RFA from Alberta

On February 2, 2022, Minister Anand received a text message from Premier Kenney asking to discuss the situation at the Coutts border in Alberta. She replied saying that she was out of the country and redirected Premier Kenney to Minister Mendicino.³

[On February 5, 2022, Ministers Blair and Mendicino received an RFA in the form of a letter from Alberta's Minister of Municipal Affairs, Ric McIver, and Acting Solicitor General and Minister of Justice, Sonya Savage, requesting federal equipment and personnel to assist with the removal of commercial and personal vehicles parked at the Canada-US border in Coutts, Alberta.⁴]

Minister Anand noted that she became aware of this letter through Minister Blair's office. Other than the brief text exchange with the Premier of Alberta on February 2, 2022 Minister Anand did not discuss the RFA or communicate with any officials from Alberta.

After informally learning of the RFA, and in accordance with the normal protocol, Minister Anand, Deputy Matthews, and General Eyre discussed whether resources from the Department of National Defence or the CAF could be leveraged to respond to the request. These discussions took place internally in anticipation of the receipt of the formal RFA.

Minister Anand assessed that the request may be difficult to support under section 273.6(2) of the *NDA*. She mentioned that she was always asking herself whether the Province in issue had exhausted its own resources, but that her main considerations were that there were only a small number of trucks available to assist, and the use of these heavy tow trucks would damage roads. Minister Anand was also concerned that any CAF involvement could escalate the risks of violence and inflame tensions between protestors and law enforcement, both at the Coutts blockade and protests occurring elsewhere.

Minister Anand stated that the Department of National Defence did not receive a formal request [under s. 273.6(2) of the *NDA*] in respect of Alberta's RFA. As such, this assessment was never formally communicated.

No Aid to Civil Power Requests

The Department did not receive a written requisition from any provincial Attorneys General under section 275 of the *NDA*. [This provision permits the CAF to be called out for service in aid of civil authorities to suppress, prevent or deal with a riot or disturbance of the peace that is beyond their powers to suppress, prevent or deal with. Such requests do not fall under the scope of the RFAs made under section 4 of the *Emergency Management Act* and are separately governed under Part VI of the *NDA*.]

³ SSM.CAN.00007717_REL.0001

⁴ SSM.CAN.00000082_REL.0001



Minister Anand considered whether the *aid of the civil power* framework could be utilized in the context of the convoy but was of the view that it would not have been a prudent use of the CAF.

While Minister Anand had heard through informal channels that the Attorney General of Ontario was considering filing such a requisition, none was received. She did not have any conversations with officials from the province of Ontario in this respect.

Threats to DND Officials

Minister Anand noted that she was very concerned about her family and loved ones' safety as well as her own and the safety of her staff during the protests in Ottawa. Many of the employees of at the Department of National Defence were working from home at the time due to the COVID-19 pandemic, and the Department advised employees to continue working from home during the protests in Ottawa.

Participation of CAF Members in the Protests

Minister Anand is aware that several CAF members were actively participating in or publicly expressing sympathy for the convoy. She explained that most of these individuals were veterans and "not active members" whose conduct may not be governed by CAF rules.

As the Chief of the Defence Staff of the CAF, General Eyre oversaw the investigations into those individuals who were actively in service with the CAF. General Eyre would provide verbal updates to Minister Anand on a case by case basis.

Lessons Learned

Minister Anand noted that there was significant public pressure to call in the Armed Forces to resolve the protests in Ottawa and the blockades that took place across the country. She reflected that there needs to be a greater awareness of the limited and specialized role of the Armed Forces during emergencies.