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Lethal Aid Delivery to Ukraine and Beyond

by LCol Marc Kieley

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POLICY PERSPECTIVE

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In early 2008, then LCol Wayne Eyre, serving as the commander of an Operational Mentoring and Liaison team in Kandahar Afghanistan, was interviewed by the *Canadian Press* regarding a major development in Canada's support to the Afghan National Army (ANA). After a frustrating three-year delay, The Canadian Army finally delivered a modest 2,500 surplus of C7 rifles from its stocks to the ANA. Asked for comment, LCol Eyre noted that the need to adapt the rifles to the shorter stature of Afghan soldiers was one contributing factor for the delay. Fourteen years later, General Eyre, now the Chief of the Defence Staff, would oversee a much more ambitious military aid program that would deliver far more than just surplus rifles in a remarkably short timeline. In response to the full-scale Russian invasion of Ukraine, the Canadian Armed Forces (CAF) and the Department of National Defence (DND) would deliver over $600 million in military aid to the Armed Forces of Ukraine (AFU) in the first nine months of the program. As of December 2024, Canada has provided over $4.5 billion total in military donations to Ukraine. In contrast to the slow and frugal donation to the ANA, in only a matter of weeks Canada donated more military equipment to Ukraine than it donated to all other countries combined since of the end of the Cold War. What changed in Canadian defence policy that allowed such a sudden and dramatic advance in approach to providing both lethal & non-lethal military materiel aid to partner nations?

While the war in Ukraine presented the international community with a compelling call to action, it also provided an opportunity for the CAF and DND to re-discover the legal, policy, and financial mechanisms available to provide military aid - mechanisms that had long been delegated to other government departments or simply forgotten. This article will review the history of Canadian military aid programs as well as provide an examination of the donation mechanisms available to provide military aid. Finally, it will discuss the history of the CAF's most recent military aid programs within Operations UNIFER and IMPACT, including how the military established its aid program for Ukraine, arguing that deliberate military aid programs must become a core component of all future capacity building missions

The History of Canadian Military Aid Programs

The first Canadian military aid project, the Canadian Mutual Aid Programme, was created in 1950 in the aftermath of the Second World War.[1] The programme's objectives were to reduce Canada's post-war surplus of military materiel, sustain the receding Canadian

[1] The British spelling of "programme" was used officially.

defence industry, and allow the Canadian military to further transition from British-pattern to American-pattern equipment, all while supporting the establishment of the North Atlantic Treaty Organization (NATO) alliance. It transferred hundreds of millions of dollars of both surplus and new production materiel to NATO members, including an army division's worth of equipment & ammunition each to the Netherlands, Belgium, and Italy. Ultimately every European nation received equipment under the program, which also included Royal Canadian Navy minesweepers and Royal Canadian Air Force aircraft, including 500 Canadair F-86 Sabres.[2] The total value of this military aid provided to NATO allies between 1950 and 1961, including donations of equipment, aircrew training, logistics support, and contributions to NATO common funds, was estimated at $1.7 billion dollars, equivalent to over $17.1 billion dollars today.[3]

While the Mutual Aid Programme focused on Canada's military allies, diplomats were working to establish new military aid programs targeting countries that were not yet aligned with either NATO or the Warsaw Pact. Military assistance programs by both NATO and Warsaw Pact countries were intended to foster diplomacy, burnish the international standing of the donor country, promote the virtues of democracy or communism, and to seek new export markets for domestic defence industries. In Canada, the Departments of External Affairs and Defence Production advocated for a policy of military assistance in the developing world. These efforts were resisted by a Department of National Defence that was focused on meeting its own commitments to Europe as well as providing training support to NATO allies.[4]

A compromise was ultimately found in 1961 by agreeing that Canadian military training could be delivered to Commonwealth nations on an expeditionary basis, in contrast to previous efforts to have foreign personnel train at Canadian military schools. Canadian training efforts would also be supplemented by a limited and inconsistent equipping program. Throughout the 1960s, training missions were established in Ghana, Tanzania, Nigeria, and Malaysia. While these missions ostensibly shared similar goals in seeking to help their host nations establish professional armies and air forces, there were significantly different approaches towards the provision of military materiel aid between the land and air components. While Army training missions were funded to make modest donations of surplus materiel and establish training facilities, air training missions sought to establish entire air forces as future clients for Canadian aircraft manufacturers.

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[2] A NATO memorandum addressed to Canada recommending the allocation of the Canadian Army items offered by the Canadian Mutual Aid Programme for fiscal year 1957/58 survives in NATO's public archives as an example of the types of military equipment offered to allies, https://archives.nato.int/canadian-mutual-aid-programme-1956-57-canadian-army-equipment.

[3] *Canada Year Book 1961*. Statistics Canada, page 141, available at https://www66.statcan.gc.ca/eng/1961-eng.htm. The Statistics Canada estimate for total aid from 1950-1961 was adjusted for inflation with the Bank of Canada inflation calculator, https://www.bankofcanada.ca/rates/related/inflation-calculator/.

[4] Donaghy, Greg "The Rise and Fall of Canadian Military Assistance in the Developing World, 1952–1971." Canadian Military History 4, 1 (1995): 75-76.

The initial cost estimate to establish and run the army training mission in Tanzania for one year was $4 million dollars, which included $500,000 in surplus army equipment, $182,500 in prefabricated huts, $1 million for construction costs towards a new military academy, with the remaining $2.3 million allocated to operational, personnel, and sustainment costs, equivalent to $38 million dollars today.[5] Practically, the failure to include weapons and ammunition among the donations to the Tanzanian People's Defence Force led to a scenario where Canadian trainers found themselves first learning how to operate Chinese-donated mortars and machine guns, before training their Tanzanian students.[6] This situation would be repeated 50 years later with the establishment of Canada's training mission in Ukraine Operation (Op) UNIFIER in 2015, where Canadian Army trainers first had to master Soviet-era weapons and vehicles before using them to teach Canadian tactical doctrine. In contrast, $10.5 million was approved for the creation of the Tanzanian air wing, including the donation of four Canadian-built Caribou and eight Otter aircraft, the complete inventory of the fledgling air force.[7] The assistance mission to Malaysia was similarly focused on donating Canadian-built aircraft, with $3.5 million of the entire $4 million estimate allocated to the donation of four Caribous and 250 light motorcycles, with the remaining $500,000 allocated to fund the training of air personnel.[8]

The focus on donating defence materiel sourced from Canadian industry is not surprising given the governance structure that oversaw the missions. The Interdepartmental Military Assistance Committee was established in 1964 to provide oversight to the numerous requests for military assistance submitted to Canada in the 1960s, chaired by the Department of External Affairs, and including DND, Defence Production, and the Department of Finance as members. The Department of Defence Production was more enthusiastic than DND to engage in military assistance programs, with the intent to provide initial donations of Canadian-built equipment and then follow on with loans to buy more, for example, to give away Caribous and Otters to generate future orders for Canadair Tutor light ground-attack aircraft.[9]

DND's cooperation with the Interdepartmental Committee towards an expanding military assistance program in the developing world would be short lived. With the 1968 election of Pierre Elliot Trudeau, the government moved to phase out the practice of military assistance. Created in 1963 under the leadership of DND's civilian Assistant

[5] Kilford, Christopher R. *The Other Cold War: Canada's Military Assistance to the Developing World, 1945-1975*. Kingston, Ont.: Canadian Defence Academy Press, 2010: 190.
[6] Godefroy, Andrew B. "The Canadian Armed Forces Advisory Training Team Tanzania 1965–1970." *Canadian Military History* 11, 3 (2002): 40.
[7] Ibid, 35-36, 44.
[8] Kilford, 117.
[9] Kilford 120.

Deputy Minister (ADM) for Policy, the Military Training Assistance Program (MTAP) was allowed to continue with an annual budget of $500,000 although it was specifically precluded from providing military equipment to supported nations.[10] Since renamed the Military Training Cooperation Program (MTCP), today the program uses "military training and capacity building in the area of peace support operations to develop and strengthen bilateral defence relations with countries of strategic interest to Canada." A critical attribute of the MTCP is that it is the only established program within DND that has Vote 10 authorities for grants and contributions, which provides the authority to spend money in support of a partner force. While a more robust discussion of Vote 10 authorities will follow later in this article, it is important to note that the MTCP does not have the authority to provide direct military materiel aid to partner nations, but rather uses this funding to provide language training in Canada (i.e. travel, rations, and quarters), to provide equipment and supplies directly related to training (i.e. computers, projectors, textbooks), as well as funding training specific infrastructure within a partner nation, including entire schools and training related buildings. Jamaica has been a significant recipient of MTCP funds since it entered the program in 1965, and MTCP has provided funds to establish, outfit and operate six Jamaican Defence Force (JDF) centres of excellence. The MTCP operates with a modest annual budget, spending $14.6 million in FY 2017/18.

While the ability to fund training and training infrastructure has allowed the program to make significant contributions to a small number of key partners, the lack of authority to provide actual military equipment to those partners has been a significant limitation of the MTCP. As Canada hands billions of dollars of weapons and military equipment to Ukraine, it is interesting to note that the MTCP 2018 annual report highlights a photo of Op UNIFIER and AFU personnel celebrating the transfer of a computer, projector, and screen for a single classroom. It seems reasonable to suggest that the tactical impact of Canada's materiel aid to Ukraine would have been significantly enhanced if it had been delivered when Canadian soldiers could still train alongside their AFU counterparts in the classroom. Despite the restrictions of the MTCP, the program has contributed significantly to the professional skills of individual foreign officers as well as the training systems of select partners. With the limitations imposed on the DND's only in-house Vote 10 program, the Government has been forced to find alternate means to provide direct materiel support to partners.

[10] Donaghy, 83.

Mechanisms and Authorities for Materiel Aid

When CAF/DND seek to provide military materiel aid to an ally or partner, the three broad options available are to (1) provide surplus military equipment, (2) in-service military equipment, or (3) to expressly purchase materiel to donate. The *National Defence Act* defines materiel as "all public property, other than real property, immovables and money…and includes any vessel, vehicle, aircraft, animal, missile, arms, ammunition, clothing, stores, provisions or equipment so provided."[11] Regardless of the method used to donate military materiel aid to a foreign partner, specific authority must first be received from the Government of Canada. Operations conducted by the CAF, including capacity building activities, are authorized by the exercise of Crown prerogative, generally approved through the submission and approval of a Memorandum to Cabinet (MC), describing the intent, course of action, authorities required, and funding requested to conduct a mission over a set period of three to five years.[12] Specific military activities may also be authorized through the submission of a joint letter between the Minister of National Defence (MND) and the Minister of Foreign Affairs (MINA) to the Prime Minister. Authority for providing military aid would in most cases need to be granted through one of these processes. The MND can independently authorize limited donations of surplus materiel, although in the context of geopolitical instability, any military action would be coordinated with a broader whole of government approach. In any case, CAF/DND are unable to provide any military aid unilaterally without specific authority, beyond the limited provisions of the MTCP program.

DND is also responsible to conduct a mandatory assessment program for arms transfers under Canada's obligations to the United Nations' Arms Trade Treaty (ATT). Canada's accession to the ATT requires that an assessment be conducted before any export of battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and launchers, small arms and light weapons, or any major components of those items.[13] The ATT assessment must consider the consequences of exporting weapon systems or components, including the potential for illicit arms smuggling and the exacerbation of human suffering. Within Canada, Global Affairs Canada (GAC) is responsible to conduct the assessments for commercial exports, while DND conducts them for state-to-state arms transfers. The DND ATT process is coordinated by ADM(Policy), supported by subject matter experts from Canadian Forces Intelligence Command (CFINTCOM), the Strategic Joint Staff (SJS), Canadian Joint Operations Command (CJOC), and the services as required.

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[11] *National Defence Act*, Section 2.
[12] Braden, Alexander J. "Decision Instruments of the Federal Cabinet: Legally Exercising the "War Prerogative"" Journal of Commonwealth Law, Vol 3 (2021). "https://www.journalofcommonwealthlaw.org/article/24255-decision-instruments-of-the-federal-cabinet-legally-exercising-the-war-prerogative
[13] The requirements of the UN ATT were incorporated into Canadian law through Statutory Orders and Regulations (SOR) 2019-223, *Order Amending the Export Control List (Arms Trade Treaty)*. https://canadagazette.gc.ca/rp-pr/p2/2019/2019-06-26/html/sor-dors223-eng.html

The last consideration for the transfer of military equipment is the review of any extant end user agreements under which Canada acquired military materiel. End user agreements are a legally binding and widespread tool used in international arms sales which dictate the intended recipient and purpose for which those arms were exported, and the terms and conditions under which they can be used and/or re-exported. In many cases, re-exportation of weapons and equipment is specifically prohibited without permission from the original exporting nation, and DND would have to solicit diplomatic concurrence to re-export weapons, vehicles, or equipment for donation to another party. Commercial approval could also be required in cases where defense materiel was manufactured in Canada under licensing agreements restricted to CAF use only. Finally, Canada must prepare new end user agreements to be accepted by the receiving country, detailing the specific purpose and partner force(s) they are to be used for, any restrictions that Canada is imposing on their use and further transfer, including a commitment from the receiving nation that they will only be used in accordance with the Law of Armed Conflict and other applicable international laws. No military materiel aid can be transferred from Canada until the complete package of political authority, an approved transfer mechanism, completed ATT assessment, validation of any applicable end user agreements signed by Canada, receipt of diplomatic concurrence to re-export if required, and finally end user agreements signed by an appropriate receiving nation authority are received. There are three distinct pathways available to donate military materiel aid dependent on whether the materiel is surplus, in-service equipment, or specifically purchased for donation.

Surplus Materiel

Historically, Canada has most often donated surplus CAF equipment to provide military aid to partner nations. The application of Government of Canada policies related to divestment of surplus materiel within DND is governed by Defence Administrative Orders and Directives (DAOD) 3013-0, *Disposal of Materiel*. Drawing from a number of federal acts, regulations, and government policies, the DAOD identifies the MND as having the authority to approve the donation of valuable surplus materiel, defined as materiel that is no longer required by DND or the CAF, but that has a market value exceeding the projected cost to the Crown to sell or dispose of the materiel. A key constraint of the surplus donation process is that it cannot be used as a means to facilitate transfers, sales, or donation of equipment that would simply be replaced by future DND/CAF procurements. Accordingly, formal declarations of surplus must be made through an established process by the delegated authorities, with the Vice Chief of the Defence Staff responsible to approve declarations of surplus for major weapons and

support systems. Once declared surplus, an item or piece of equipment cannot be procured again by the CAF. In the case of consumable items, such as combat rations, specific lots could be labelled surplus based on the declaration that they could not be consumed before expiry by the CAF. Older variants of equipment can also be declared surplus without impacting the procurement of modernized replacement, as occurred with the donation of the M2 model of the Carl Gustav 84mm Recoilless Rifle to Ukraine, as any future CAF procurement could only be of the modernized M4 variant.

An obvious limitation of surplus materiel donation is that it is restricted by the nature of surplus currently available. In general practice, the CAF does not maintain large stockpiles of obsolete equipment as it is contrary to government policy to pay for the maintenance and storage of equipment no longer required to deliver the CAF mandate. Clothing is the most common item to have been made available for donation as stockpiles of obsolete clothing are often stored at negligible cost in CAF depots. Since the end of the Military Aid Programme, no functioning vehicles have been provided as surplus, with DND instead seeking to sell vehicles with residual value, including the sale of 44 surplus Cougars to the Uruguayan Army in 2008, or more commonly to demilitarize and scrap end of life fleets as occurred with the M113, Leopard C1, and LAV III. Generally, the CAF divests vehicle fleets once replaced by more modern equipment rather than preserve them in storage. A significant amount of effort by skilled technicians is required to properly prepare complex military vehicles for preservation in restorable condition. Preserved vehicles must also be stored in climate-controlled infrastructure as vehicles stored in open air are quickly degraded by exposure to moisture and ultraviolet light.

In-Service Materiel

Section 11 of the *National Defence Act* provides a procedure to provide in-service defence materiel to other countries:

> The Governor in Council may authorize the Minister to deliver to any department or agency of the Government of Canada, for sale or disposal to any countries or international welfare organizations and on any terms that the Governor in Council may determine, any materiel that has not been declared surplus and is not immediately required for the use of the Canadian Forces or for any other purpose under this Act.[14]

To activate the provisions of Section 11, an Order in Council (OIC) must be signed by the Governor General to serve as the legal instrument providing the statutory authority to donate specified materiel to a designated recipient. The OIC process is initiated by DND

[14] National Defence Act, Section 11.

with the support of the Department of Justice, and requires the MND, as well as the Minister of the implicated department or agency, to recommend the OIC to Treasury Board. In most cases the decision to provide defence materiel, particularly weapons, will also require the approval of the Prime Minister, or potentially the full Federal Cabinet, on the joint advice of the MND as well as the Minister of Foreign Affairs. OICs dating back to 1990 are openly available online, and in the 32 years of records available, the provisions of Section 11 have only been used four times: twice for the provision of defence materiel on a cost recovery or replacement basis during the Gulf War, and three times for the provision of materiel to Ukraine. In 2014, Privy Council (PC) 2014-0907 authorized the MND to deliver to the Department of Foreign Affairs, Trade, and Development (DFATD - now known as GAC), for disposal to Ukraine, in-service non-lethal CAF equipment, including items such as ballistic eyewear and helmets. In March 2022, PC 2022-0250 authorized the MND to deliver to the Department of Public Works and Government Services (PWGSC), for disposal to Ukraine, defence materiel of a value not to exceed $75 million. A subsequent OIC was approved in January 2023 expanding this authority to $200 million. As the NDA provides an expansive definition of military materiel, the Section 11 process could be used to transfer any CAF weapon system, vehicle, vessel, or aircraft in the CAF inventory in accordance with the terms of an appropriately crafted OIC.

Vote 10 Purchases

Votes refer to a type of funding allocated to a government department. Funding votes are derived from appropriations for specific purposes approved by Parliament and can only be used for the purpose for which they were allocated. Within CAF/DND, the most common funding Votes used are Vote 1 – Operations & Maintenance (i.e. fuel & ammunition), and Vote 5 – Capital Procurement (i.e. infrastructure & equipment). Vote 10 is allocated to Grants and Contributions, which are used to "transfer funds to other organizations, individuals, and governments to fulfill the federal government's objectives." When the CAF does not have appropriate surplus or in-service equipment available to donate, grants and contributions allocations can be used to establish Vote 10 programs that directly purchase materiel for a partner nation or ally.

As discussed earlier, the only Vote 10 program historically available to the DND/CAF were the authorities within the MTCP to support training and capacity building with selected partners. The parameters of any Vote 10 program are not open-ended but tightly restricted by the terms and conditions granted to the program by the Treasury Board of Canada. Terms and conditions prescribe the intent of the Vote 10 program, as well as on what types of expenditures and through what methods it can be spent. While the MTCP

was restricted to enabling training, GAC has a suite of Vote 10 programs designed to provide capacity building through both targeted training and engagement, but also the provision of equipment and infrastructure. In a parallel arrangement to the 1960s Military Assistance program, most capacity building missions conducted by the DND/CAF have relied on a partnership where GAC provides policy objectives, funding, and procures materiel as requested by the CAF for partner forces under its internal Vote 10 authorities. The primary GAC capacity building programs include the Anti-Crime Capacity Building Program (ACCBP), the Counter-Terrorism Capacity Building Program (CTCBP), the Peace and Stabilization Operations Program (PSOPs), and the Weapons Threat Reduction Program (WTRP). Each Vote 10 program has its own unique mandate and terms and conditions that determine what type of equipment it can purchase. For example, the WTRP focuses on providing Chemical, Biological, Radiological, and Nuclear (CBRN) protection, sampling, and monitoring equipment. A critical limitation of the GAC Vote 10 programs however is that they are not authorized to procure weapons and ammunition and are used instead to procure equipment that helps protect and enable security forces, for example helmets, gas masks, ambulances, and radios. While DND/CAF and GAC have demonstrated excellent cooperation in delivering capacity building programs over the years, DND's reliance on GAC to procure materiel has at times strained the patience of CAF members conducting operations. Ultimately GAC has its own mandate, missions, and programs, and the department is not staffed to serve as a parallel organization for the CAF. This has led to delays as the CAF must route its procurement requests through GAC's internal project management procedures and priorities, leading to efforts to expand the scope of DND's internal Vote 10 authorities.

Despite frictions, GAC has delivered many equipment and infrastructure projects for CAF-delivered capacity building missions – an impressive effort considering that unlike DND, GAC does not have a significant internal procurement capability. GAC has been able to achieve this by employing a third-party agent to execute these procurements on their behalf. The Canadian Commercial Corporation (CCC) was established in 1946 as a Crown Corporation responsible to procure Canadian goods for export on behalf of foreign governments as well as the United Nations. Originally intended to help global reconstruction efforts following the end of World War Two, CCC quickly expanded into defence procurement. CCC was responsible to purchase materiel for DND until the establishment of the Department of Defence Production in 1951, and to build military housing as the precursor to today's Defence Construction Canada.[15] From 1946 to 1951,

[15] "75 Years of Delivering Canada to the World." The Canadian Commercial Corporation (CCC), January 9, 2023. https://www.ccc.ca/en/about/history/.

CCC purchased materiel worth over $15 billion in 2023 adjusted dollars for DND.[16] CCC now serves as a prime contractor for foreign governments seeking to make major purchases of equipment or infrastructure projects from Canadian companies and supports Canadian companies to secure global contracts. In 1968 CCC became responsible for the procurement of foreign aid through the Canadian International Development Agency (CIDA). In 2007 this federal sourcing program expanded through the signature of a memorandum of understanding (MOU) with GAC, which made CCC responsible to deliver in-kind contributions to foreign recipients on behalf of all GAC Vote 10 programs. By employing this third-party sourcing service, GAC is able to leverage CCC's extensive connections with Canadian industry to procure the materiel required, as well as to deliver infrastructure projects globally in support of capacity building missions. The employment of CCC to provide this service relies on appropriate terms & conditions granted to GAC for the execution of Vote 10 programs, including specific terms mandating whether procurement must be competitive or may be sole-sourced. Operating on a cost-recovery basis, CCC charges a percentage fee which comes out of the total funds allocated to the Vote 10 program. While the use of a third-party agent slightly increases the cost of procuring materiel aid, it allows government departments to rapidly procure and deliver both simple and complex materiel support to foreign partners without relying on in-house procurement staff.

Expansion to Lethal Aid

While the 2008 donation of surplus C7 rifles to the ANA was the first post-Cold War donation of lethal military equipment by Canada, Canada did not deliberately purchase weapons to provide to a partner until 2016. In 2014, Canadian Special Operations Forces Command (CANSOFCOM) began training and advising Kurdish Peshmerga fighters to fight Islamic State of Iraq and Syria (ISIS) in the autonomous Kurdistan Region of northern Iraq as part of Op IMPACT. In 2015, the Government of Canada approved a proposal to train and equip a battalion of Kurdish special forces, including the provision of weapons, or as it was coined at the time, lethal aid. CANSOFCOM planners prepared a representative list of the equipment that would be needed to outfit the proposed force, including weapons, ammunition, helmets, body armour, as well as medical equipment and communications gear. The requirements were brought back to the SJS, where a dedicated Strategic Capacity Building team had been established. The requirement to purchase new weapons, instead of donating from existing

[16] Compiled from the 1st through 5th Annual Reports of the Canada Commercial Corporation, 1946 to 1951 and adjusted for inflation from 1946 to 2023 via Bank of Canada rates, original sources available at the McGill Digital Archive of Canadian Corporate Records, https://digital.library.mcgill.ca/hrcorpreports/search/browse.php?company=C&ID=697&fullname=Canadian+Commercial+Corporation

CAF inventory, presented a challenge to the team. As discussed earlier, the CAF could not purchase weapons and ammunition through GAC Vote 10 programs as those programs were prohibited from purchasing lethal equipment. Ultimately a method was established where two officers from the SJS were embedded within GAC, leveraging GAC authorities but establishing a new MOU directly between DND and CCC. While GAC continued to purchase non-lethal equipment like backpacks and radios, lethal equipment including weapons and ammunition were purchased by CCC under the direction of CAF and DND personnel through a directed procurement program.

The equipment intended for the Kurdish battalion was procured over 2016-17, however rising tensions between the Kurdish Regional Government (KRG) and the central government in Baghdad ultimately doomed the program. Despite Kurdistan's autonomous status, Canadian government policy still required approval from the federal government of Iraq to bring personnel and equipment into the country, including Baghdad's consent to transfer lethal aid to the Peshmerga. In October 2017, armed conflict broke out between Kurdish and Iraqi forces over the KRG's refusal to turn over the city of Kirkuk in the wake of a successful independence referendum that September. Baghdad's consent to the program was quickly rescinded, and the program was canceled without any of equipment transferred to the Peshmerga. Canada's first deliberately purchased lethal aid package, carefully packed, and covered in preservative lubricant, was left to wait in a CAF supply depot.

Ukraine

In October 2021, the SJS began to consider potential options to increase Canada's military support to Ukraine as evidence began to mount of Russian preparations for wholesale invasion. The mandate for Operation UNIFIER was due to expire in March 2022 and work was already underway on the MC renewing the mission. As part of this planning process, the introduction of a new DND Vote 10 donation program for non-lethal equipment had already been proposed, but only at a scale required to support the ongoing professional development of the AFU, not to respond to a looming invasion. Planners and policy staff from the SJS and ADM(Policy) quickly identified that providing military aid to Ukraine would be a central option available to the government, including the provision of weapons and ammunition. The legacy equipment cache from Op IMPACT was identified as the first potential source of equipment. However, as the program had been suspended before it was fully implemented, it was missing key elements that had been planned but not procured, including anti-tank weapons. Planners also had to contend with a lack of precedent for donating equipment which had been procured under authority for another mission to a new recipient.

DND/CAF's reliance on GAC programs to deliver materiel aid had also eroded inherent knowledge of donation policies and authorities, leading to an intensive period of research and legal consultation, including interviews with key officers who had planned and procured the Peshmerga equipment cache, but whose knowledge regarding lethal aid had been quickly lost over routine annual military personnel rotations. Extensive consultations began internally within the CAF and DND with key partners, including the Canadian Army and ADM(Materiel), compiling lists of both lethal and non-lethal military equipment that could be donated to Ukraine through various mechanisms. CCC was also engaged to confirm if they could support a new Vote 10 equipment sourcing program destined for the AFU, and work began to prepare the MOU that would be required to initiate it.

In early 2022, a preponderance of evidence available made it clear that a Russian full-scale invasion of Ukraine was likely. On February 4th, 2022, the Government of Canada announced that it would send non-lethal aid to Ukraine, and shortly after on February 14th the first donation of lethal-aid, including small arms and ammunition, was confirmed. While CJOC staff planned and executed the transportation of the first cache of equipment to the AFU, SJS, ADM(Policy), ADM(Finance), and ADM(Materiel) staff began to identify additional military aid that could be donated, transferred, or purchased. Thanks to a remarkable period of cross-government focus and coordination between CAF/DND, GAC, the Department of Finance, Department of Justice, Treasury Board Secretariat, and the Privy Council, processes that ordinarily should have taken three to six months were completed at record pace. The drafting, approval, and signature by the Governor General of the Order in Council authorizing the donation of in-service CAF equipment was completed within days. The ratification of both a new Memorandum to Cabinet for Op UNIFIER as well as a new Treasury Board submission approving the terms and conditions of DND's own Vote 10 program for Ukraine, a process that can routinely take 6 to 12 months to finalize for routine operations, was completed within weeks.

Through the surplus donation pipeline, the CAF provided weapons and equipment including C6 machine guns, combat rations, and winter clothing. Through in-service donations, thousands of rounds of top-of-the-line 84mm ammunition were provided, alongside M72 light anti-armour weapons, hand grenades, and four M777 howitzers. Finally, the newly established Vote 10 pipeline allowed CCC to source $50 million worth of equipment from suppliers across Canada within weeks, including thousands of sets of ballistic helmets, bullet proof vests, optics, and civilian-pattern long range rifles and ammunition, eight Roshel Senator protected mobility vehicles, as well as WESCAM cameras which saw Canada become the primarily supplier of targeting systems for

Ukraine's TB2 UAV fleet. Initially managed by a handful of desk officers within the SJS and ADM(Policy), the success of the program as well as the continued support of the Government required a more permanent construct to be established. In Spring 2022 the Military Assistance Coordination Cell (MACC) was established, forming a dedicated team drawn from existing expertise within the SJS and ADM(Materiel), with leadership provided from experienced MTCP staff seconded from ADM(Policy). The expanded MACC staff oversaw the planning and expenditure of more than $2 billion in additional military assistance, including establishing contracts with General Dynamics Canada for the purchase of 89 Armoured Combat Support Vehicles, as well as for the delivery of an additional 200 Senator vehicles directly to Ukraine. In early 2023 the MACC also took action to increase the in-service donation ceiling granted under the OIC for support to Ukraine, setting the conditions required to enable the donation of eight Leopard 2A4 tanks as well as an Armoured Recovery Vehicle.

The Future of Canadian Military Aid

The stated mission of Op UNIFIER is to provide military training and capacity building for the AFU. Canada can proudly state that it trained over 35,000 Ukrainian military and security personnel over six years, and that this training supported and enabled the professionalism and skill of those AFU personnel who participated. It is equally true that the capabilities provided by multinational foreign military materiel aid have made a decisive impact in resisting Russia's invasion. Ukraine's war effort has provided a compelling example of the impact of providing both training and capacity building to improve the professionalism, skills, and intellectual foundation of an army, but also providing the weapons and equipment needed to put those foundations into practice. Canada has done both, but without synergy; the CAF spent over six years training the AFU without providing significant equipment, only to deliver billions of dollars' worth of weapons and vehicles once the window for training had all but closed. For Canada, the conflicts in Iraq and Ukraine offer the opportunity to rethink our broader approach to capacity building, and to leverage the reinvigoration of professional knowledge of the pathways and processes available. Canada's efforts to provide military aid to Ukraine have also led to the establishment of a new pathway to purchase both lethal and non-lethal military aid equipment for partner forces and allies that is fully within DND authorities to plan and execute. Drawing from the lessons learned from the Ukraine aid program, the Directorate of Military Training & Cooperation (DMTC), the DND team within ADM(Policy) that delivers the MTCP, established the DMTC 2.0 program in late 2022. DMTC 2.0 successfully expanded the terms and conditions granted to DND's internal Vote 10 program, increasing its authority to purchase operational equipment in

addition to training related materiel and infrastructure. While DMTC 2.0 does not directly grant authorities to the DND/CAF to purchase military equipment for partners, it provides a ready method by which the Government can authorize and fund a military aid program through a Memorandum to Cabinet and then apply those funds and authorities through the established framework of approved terms and conditions granted to DMTC. DMTC 2.0 also allows the Government to expediently authorize a new military aid program, without the time-consuming process of developing bespoke Treasury Board authority for each new individual recipient. Programmatically this is an important step as it allows the department to manage its own priorities for procuring military aid, but more importantly, the proven effectiveness of the well-managed Ukraine contribution program has set the stage for Vote 10 procurement to become an enduring component of CAF missions in the future. Although designed to acquire equipment for allies, the CAF's partnership with a Crown corporation to act as an implementation partner also highlights the future potential for CCC, another Crown, or a commercial entity to provide a similar service to expedite urgent operational procurements for the CAF's own use.

Wherever the CAF finds itself deploying on future defence capacity building or security force assistance missions, consideration should be given at the earliest planning stages to securing authorities and funding, and initiating procurements, to equip partner forces with the weapons and equipment they need to command and control their forces, protect and sustain their personnel, and to defeat adversary threats. While the AFU have demonstrated a remarkable ability to master donated weapons and equipment, one cannot help but wonder what could have been accomplished in six years of training and mentorship alongside the same weapons and vehicles that are now being donated without the benefit of intensive, cooperative training programs. The myth that capacity can be delivered without the capabilities to underwrite it must be shattered - when the first rotation of the next Canadian defence capacity building mission deploys our soldiers must arrive along with meaningful military materiel aid so that we can develop both in tandem.

About the Author

Lieutenant-Colonel Marc Kieley *is an Infantry Officer in the Canadian Armed Forces. He has served in command and staff roles within the Canadian Army, the Army Reserve, and CANSOFCOM. At National Defence Headquarters he has been employed as the Military Assistant to the Vice Chief of the Defence Staff, as a strategic planner within the Strategic Joint Staff, and as the section head for operational planning for the Canadian Army. LCol Kieley is currently serving as the Commandant of the Canadian Forces Leadership and Recruit School in Saint-Jean-sur-Richelieu, QC. From October 2021 to June 2022, he was the desk officer responsible for Canada's response to the Russian invasion of Ukraine within the Directorate of Strategic Planning at the SJS.*

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