

Military Intervention in Law Enforcement Related Activities in Canada: A Critical Legal Review of Its Use in Peacetime

The reason for the existence of the militia in this country is well understood. The principle object is perhaps the upholding of the Civil power in the different parts of the Dominion.

—Sir Frederick Borden, Minister of the Militia and Defence
House of Commons Debates, 2 (March 9, 1909) at 2244

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Introduction

To date, there has been limited commentary in Canada on the important use of armed military assistance by government to restore and maintain public order in peacetime.

With the approach of the mandated quinquennial review¹ of the 1998 legislative changes made to the *National Defence Act*, there is perhaps no better time to undertake a critical analysis of the trend in internal security roles and the sources of authority that have led to the current state of the law governing the subject matter. With a view to stimulating discussion, the goal remains to offer specific suggestions for a modified framework

¹ *An Act to amend the National Defence Act and to make consequential amendments to other Acts*, S.C. 1998, c. 35, ss. 96(2) ("The Minister shall cause the report on a review conducted under subsection (1) to be laid before each House of Parliament within five years after the day on which this Act is assented to, and within every five year period following the tabling of a report under this subsection.").