

NORAD AGREEMENT



Washington, March 28, 1996

The Honourable Warren Christopher
Secretary of State of the
United States of America

Sir:

I have the honor to refer to discussions that have taken place between representatives of our two Governments regarding future cooperation between Canada and the United States in the aerospace defense of North America through participation in the North American Aerospace Defense Command (NORAD). Our Governments remain convinced that such cooperation, conducted within the framework of the North Atlantic Treaty remains vital to their mutual security, compatible with their national interests, and an important element of their contribution to the overall security of the NATO area.

In the years since the NORAD Agreement was first concluded on 12 May 1958, NORAD has evolved to address the continuing changes in the character of strategic weapons and in the nature of the threat they have posed to North America. With the end of the Cold War, we have witnessed dramatic changes in the geostrategic environment which have significantly shifted the focus of North American aerospace defense. The traditional Cold War threat has altered, both in terms of the nations or groups that might choose to challenge North American security, and the weapons that could be employed.

Strategic arms reduction treaties and other arms control initiatives hold the promise of deep cuts in strategic ballistic missile nuclear forces. However,

large residual nuclear arsenals capable of striking North America will still exist after programmed reductions are made. Meanwhile, other nations are covertly attempting to acquire nuclear-capable ballistic missiles and other weapons of mass destruction. The proliferation of weapons of mass destruction and their delivery systems has emerged as a major security challenge.

In recent years, space has become an increasingly important component of most traditional military activities. As a result of the proliferation of missile capabilities and requirements for enhanced missile warning, the role of space will take on added significance. A growing number of nations have also acquired or have ready access to space services which can be used for strategic and tactical purposes against our interests.

Long-range bomber forces capable of striking North America remain as part of the large residual nuclear arsenal. However, the threat from these forces has diminished significantly. The proliferation of cruise missile technology could pose a future concern to North American security. Non-military air activity associated with drug trafficking and other illegal activities is of continuing interest. Domestically, the overall volume of air traffic flowing daily to, from, and within our airspace will expand as a result of the recent signing of the Air Agreement. This Agreement effectively opens our borders fully to transborder air services and will dictate an even higher degree of coordination between our national airspace and surveillance-and-control systems and their military components.

In light of the current circumstances, recent consultations between officials of our two countries have identified those tasks appropriate for the aerospace defense of North America and have analyzed the merits of cooperating in their execution. The analysis has confirmed that binational cooperation enhances aerospace defense for our continent, and is a proven and flexible means to pursue shared goals and interests. It is appropriate that our Governments update the NORAD Agreement to ensure that their mutual defense requirements are met in the current and projected geostrategic circumstances.

In consideration of the foregoing circumstances, the primary missions of NORAD in the future will be:

- a. aerospace warning for North America; and
- b. aerospace control for North America.

It is understood that "aerospace warning" currently consists of the monitoring of man-made objects in space and the detection, validation, and warning of attack against North America whether by aircraft, missiles, or space vehicles, utilizing mutual support arrangements with other commands. An integral part of aerospace warning will continue to entail monitoring of global aerospace activities and related developments. It is understood that "aerospace control" currently includes providing surveillance and control of the airspace of Canada and the United States. The expansion of binational cooperation in other aspects of the aforementioned missions should be examined and could evolve if both nations agree. Both Governments undertake to ensure that full and meaningful consultations on aerospace defense cooperation take place when requested by either party.

These consultations should have a particular view to maximizing operational effectiveness, minimizing costs, and protecting the environment through continued innovation in the conduct of NORAD operations, in addition to an emphasis on developing emerging capabilities in surveillance, communications, and data fusion for NORAD applications.

On the basis of our common appreciation of the circumstances described and of the experience gained since the inception of NORAD, my Government proposes that the following principles should govern the future organization and operations of the North American Aerospace Defense Command:

- a. The Commander in Chief, NORAD (CINCNORAD), and the Deputy CINCNORAD, in CINCNORAD's absence, shall be responsible to the Canadian and United States Government through the chief of the Defense Staff of Canada and the Chairman of the Joint Chiefs of Staff of the United States. CINCNORAD shall function in support of the concepts of aerospace warning and aerospace control approved by the authorities of our two Governments for the defense of the Canada-United States region of the NATO area;

- 4 -

- b. CINCNOAD and the Deputy shall not be from the same country, and their appointments must be approved by the Canadian and United States Governments. During the absence of CINCNOAD, command shall pass to the Deputy CINCNOAD;
- c. The NORAD Headquarters, and NORAD Command and Operations Centers shall be composed of integrated staffs with representatives of both countries. Other centers within Cheyenne Mountain Operations Center, subordinate commands, and other commands providing support to NORAD missions may include NORAD personnel, as appropriate, to perform NORAD duties. NORAD personnel performing NORAD duties in other commands may be called upon to support the mission of that command;
- d. The financing of expenditures connected with the integrated headquarters of NORAD shall be arranged by mutual agreement between appropriate agencies of the two Governments;
- e. NORAD shall include such forces as are specifically made available to it by the two Governments. The jurisdiction of CINCNOAD over those forces and resources is limited to operational control as hereinafter defined. Additional Canadian and United States resources, including cooperative arrangements with other commands, may be designated by the respective Government to provide support to NORAD;
- f. "Operational control" is the power to direct, coordinate, and control the operational activities of forces assigned, attached, or otherwise made available. No permanent changes of station shall be made without approval of the higher national authority concerned. Temporary reinforcement from one area to another, including the crossing of the international boundary, to meet operational requirements shall be within the authority of commanders having operational control. The basic command organization for the defense forces of the two countries, including administration, discipline, internal organization, and unit training, shall be exercised by national commanders responsible to their national authorities;

- g. The plans and procedures to be followed by NORAD in wartime shall be formulated and approved by appropriate national authorities and shall be capable of rapid implementation in an emergency. Any plans or procedures recommended by NORAD that bear on the responsibilities of civilian departments or agencies of the two Governments shall be referred for decision by the appropriate military authorities to those agencies and departments;
- h. The Agreement between parties to the North Atlantic Treaty regarding the Status of their Forces signed in London on June 19, 1951, shall apply;
- i. Without prejudice to their rights and obligations, the parties agree to manage environmental issues related to NORAD operations in accordance with the conclusions of their * consultations on the management of such issues, which will be undertaken with the assistance of the Permanent Joint Board on Defense;
- j. The North Atlantic Treaty Organization shall continue to be kept informed through the Canada-United States regional Planning Group of arrangements for the aerospace defense of North America;
- k. Terms of reference of CINCNORAD and the Deputy shall be consistent with the foregoing missions and principles set out for NORAD. Changes in these terms of reference, including the addition of other aspects of the missions heretofore identified, may be made by agreement between the Chief of the Defense Staff of Canada and the Chairman of the Joint Chiefs of Staff of the United States, with approval of higher authority, as appropriate, provided that these changes are in consonance with the principles set out in this Note.

If the Government of the United States of America concurs in the considerations and provisions set forth herein, I have the honor to propose that this Note, which is equally authentic, in English and French, and your reply to that effect, shall constitute an Agreement between our two Governments, which will enter into force on the date of your reply, with effect from 12 May 1996. This Agreement will, from the date on which it takes

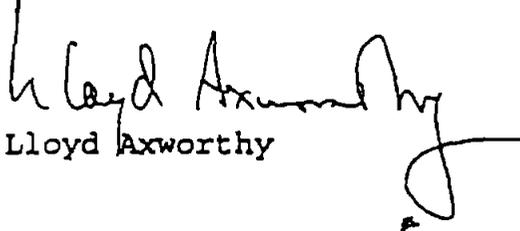
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- 6 -

effect, supersede the Agreement on the North American Aerospace Defense Command concluded on 11 March 1981, and subsequently renewed on 19 March 1986 and 30 April 1991.

The present Agreement will remain in effect for a period of five years, during which its terms may be reviewed at any time at the request of either Party. It may be terminated by either Government, upon 12 months' written notice to the other.

Accept, Sir, the assurances of my highest consideration.


Lloyd Axworthy

Chief of the Defence Staff



Le Chef d'état-major de la Défense

17 October 1996

Co-Chairmen
Canada-United States
Military Cooperation Committee

CANADIAN APPROVAL OF REVISION
TO CINC NORAD TERMS OF REFERENCE

The enclosed binationally developed revision of the CINC NORAD Terms of Reference is approved as proposed. These terms of reference supplement the NORAD Agreement between Canada and the United States, effective 12 May 1996, and are intended to clarify and delineate the directed or implied military responsibilities of CINC NORAD.

A handwritten signature in black ink, appearing to read 'L.E. Murray', written in a cursive style.

L.E. Murray
Vice-Admiral
Acting Chief of the Defence Staff

Enclosure: 1

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CHAIRMAN OF THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20316-0999

CM-1424-96
9 September 1996

MEMORANDUM FOR THE CHAIRMAN, US SECTION, CANADA-UNITED
STATES MILITARY COOPERATION COMMITTEE

Subject: US Approval of Proposed Revision to CINC NORAD Terms of Reference

The enclosed binationally developed revision of the CINC NORAD Terms of Reference is approved as proposed. These terms of reference supplement the NORAD Agreement between the United States and Canada, effective 12 May 1996, to clarify and delineate the directed or implied military responsibilities.


JOHN M. SHALIKASHVILI
Chairman
of the Joint Chiefs of Staff

Enclosure

**TERMS OF REFERENCE FOR THE
NORTH AMERICAN AEROSPACE DEFENSE COMMAND**

1. The North American Aerospace Defense Command (NORAD) has been established as a combined command by mutual agreement between the Governments of the United States and Canada. The most recent NORAD Agreement, which went into effect on 12 May 1996, consists of an exchange of Notes, dated 28 March 1996, between the US Secretary of State and the Canadian Minister of Foreign Affairs. The 1996 NORAD Agreement will remain in effect for 5 years, unless terminated sooner by either party upon 12 months written notice to the other.
2. These terms of reference (TOR), required by the 1996 NORAD Agreement, constitute US Chairman of the Joint Chiefs of Staff (CJCS) and Canadian Chief of the Defence Staff (CDS) direction to the Commander in Chief, NORAD (CINCNORAD) and subordinate commanders. These TOR serve to supplement the NORAD Agreement by clarifying and delineating, where necessary, military responsibilities directed or implied by the Agreement. Changes to the TOR, which can be initiated at any time, must be staffed by the Military Cooperation Committee (MCC) for approval by both the CJCS and CDS, or higher authority as appropriate. The TOR, and any subsequent changes, shall be consistent with the missions and principles set forth in the 1996 NORAD Agreement.
3. CINCNORAD, and the Deputy CINCNORAD, in CINCNORAD's absence, shall be responsible directly to the Canadian and US Governments through the CDS of Canada and CJCS of the United States.

NORAD Missions

4. The 1996 NORAD Agreement establishes two primary missions for NORAD:
 - a. Aerospace warning for North America.
 - b. Aerospace control for North America.
5. In the context of NORAD operations and mission articulation, "North America" means Alaska, Canada, and the continental United States (CONUS), to include the Air Defense Identification Zone. Responsibility for "aerospace warning" and control of US territory outside of North America (i.e., Hawaii, Guam, Puerto Rico) lies with the appropriate US geographic CINC.

Aerospace Warning for North America

6. In accordance with the 1996 NORAD Agreement, "It is understood that 'aerospace warning' currently includes the monitoring of man-made objects in space and the detection, validation, and warning of attack against North America, whether by aircraft, missiles, or space vehicles, utilizing mutual support arrangements with other commands. An integral part of aerospace warning will continue to entail monitoring of global aerospace activities and related developments."

7. CINCNORAD, or a designated representative, will provide integrated tactical warning and attack assessment (ITW/AA) of an aerospace attack on North America based on information made available by the ITW/AA system. For the purposes of these TOR, ITW is defined as warning after initiation of a threat event based on an evaluation of information from all available sources. AA is defined as an evaluation of information to determine the potential or actual nature and objectives of an attack for the purpose of providing information for timely decisions.

8. The ITW/AA system consists of, inter alia, Atmospheric Surveillance and Warning Systems, Ballistic Missile and Space Attack Surveillance and Warning Systems, the Nuclear Detection System, and Command, Control, Communications, and Intelligence Centers. NORAD's ITW/AA of an aerospace attack on North America shall be communicated to the Governments of Canada and the United States through appropriate command and control channels to the CDS and CJCS. Command and control channels will be detailed in the supporting NORAD plans which shall be formulated and approved by appropriate national authorities.

9. In order to provide ITW/AA of an aerospace attack on North America, NORAD, as a supported command, will correlate and integrate relevant information. Space surveillance, nuclear detonation, and ballistic missile warning information will be provided by US Command (USSPACECOM). Intelligence information and information on the air-breathing threat is derived from various sources. USCINCSpace, as a supporting commander, will retain operational control over USSPACECOM-assigned Ballistic Missile and Space Attack Surveillance and Warning Systems, the Nuclear Detection System, and Command, Control, and Communications Systems.

Aerospace Control for North America

10. In accordance with the 1996 NORAD Agreement, "It is understood that 'aerospace control' currently includes providing surveillance and control of the airspace of Canada and the United States." It is also understood that the

plans for the execution of aerospace control, as defined below, will be consistent with the Canada-United States Basic Security Plan (CANUS BSP) and its supporting plans.

11. Surveillance and control of the airspace of Canada and the United States (Alaska and CONUS) include:

a. Day-to-day surveillance and control of the airspace approaches to North America in order to safeguard the sovereign airspace of both countries. Surveillance and control will include the capability to detect, identify, monitor, and if necessary, take appropriate actions (ranging from visual identification to destruction) against manned or unmanned air-breathing vehicles approaching North America.

b. In times of crisis or war, air defense against manned or unmanned air-breathing weapons systems attacking North America.

NORAD Organization

12. There will be a distinct and identifiable NORAD Headquarters consisting of CINCNOAD, Deputy CINCNOAD, and appropriate staff elements, located in Colorado Springs, Colorado.

13. Subordinate NORAD commands will include the Alaskan NORAD Region, the Canadian NORAD Region, CONUS NORAD Region, and the NORAD/USSPACCOM Cheyenne Mountain Operations Center (CMOC).

14. The NORAD Headquarters staff, Region Headquarters staffs, and CMOC staff and appropriate CMOC operations centers will include appropriate Canadian and US representation. Other centers within CMOC, other subordinate commands, and other commands providing support to NORAD missions may include NORAD personnel, as appropriate, to perform NORAD duties. NORAD personnel performing NORAD duties in other commands may be called upon to support the mission of that command.

15. All NORAD personnel will be listed on the appropriate NORAD Joint Table of Distribution.

CINCNOAD Responsibilities and Authority

16. CINCNOAD will:

a. Develop and submit employment plans consistent with the national policies of Canada and the United States to the MCC for approval by the

CDS and CJCS for the deployment and operational use of all forces made available to NORAD through the BSP. The plan will be coordinated with the appropriate commanders of forces not under CINCNORAD operational control to ensure their forces are properly integrated. The MCC will be responsible for coordinating this plan with appropriate agencies in Canada and the United States.

b. Coordinate with Canadian and US civilian authorities, through the appropriate military authorities, initiating implementing actions where necessary, on matters directly related to aerospace warning and control such as civil defense, security control of air traffic, the control of electromagnetic radiation, and the control of illumination.

c. Exercise operational control over Engagement Forces Atmospheric Surveillance and Warning Systems, Control Systems, and Tactical Air Support forces available to NORAD through the BSP. Additional forces may be put under the operational control of CINCNORAD by the CDS and/or the US National Command Authorities (NCA), the latter through the CJCS. The CDS or CJCS may place restrictions on the deployment of these additional forces to prevent conflict with other designed missions. CINCNORAD will retain operational control of these forces at the discretion of the CDS or US NCA as appropriate. CINCNORAD will coordinate as necessary with Canadian, US, and other allied agencies to arrange for the timely provision of all aerospace warning information.

d. Develop and submit to the CDS and the CJCS recommendations concerning present and proposed concepts and force structure requirements to support NORAD missions. CINCNORAD and supporting commanders will coordinate on these recommendations and any proposed changes affecting present or planned NORAD aerospace warning or control systems or force levels. In discharging this responsibility, CINCNORAD will give due consideration to the views advanced by Region Commanders and other agencies concerned with aerospace warning and control.

e. With the approval of the CDS and US NCA, determine and announce defense readiness conditions (Defocus) to other military commands, and the appropriate US and Canadian civil defense authorities.

f. Plan and conduct aerospace warning and control exercises, to include all forces made available to CINCNORAD through the respective national documents. For forces over which CINCNORAD does not have operational control, such exercises will be coordinated with commanders having operational control of these forces. When appropriate, such exercises should be coordinated with adjacent commanders.

g. In accordance with NORAD directives, conduct evaluations of forces over which CINCNORAD has operational control to ensure combat readiness. Commanders of these forces, which are available or may be made available to CINCNORAD as listed in respective national documents, will coordinate with CINCNORAD to ensure combat readiness of their forces to support NORAD's missions.

h. Coordinate operations with other Canadian and US commanders as required.

17. CINCNORAD is authorized direct communications with the CDS and the CJCS on matters of Canadian and US interest relative to NORAD's missions. This includes requests to appropriate agencies to expedite the release of classified information from one nation to personnel from the other nation to facilitate the accomplishment of NORAD's missions.

18. CINCNORAD is authorized to communicate with the CDS and with the Chiefs of the Services of the United States on single Service matters.

Deputy CINCNORAD Responsibilities and Authority

19. The Deputy CINCNORAD will be the second in command. In the temporary absence (out of the local area) or vacancy of CINCNORAD, or in the case of CINCNORAD's incapacity, command shall pass to the Deputy CINCNORAD.

20. When due to the absence, vacancy, or incapacity of CINCNORAD, the Deputy CINCNORAD assumes the position of CINCNORAD, the senior ranking officer assigned to Headquarters NORAD, not from the same country as the Deputy CINCNORAD, will assume the responsibilities of Deputy CINCNORAD.

21. Deputy CINCNORAD will serve as Chief of Staff for Headquarters NORAD.

Regional Commanders Responsibilities and Authority

22. Exercise operational control over all NORAD forces in their respective regions.

23. Serve as principal advisers to CINCNORAD on matters pertaining to their region.

24. Coordinate on matters of mutual interest and refer matters of disagreement to CINCNORAD for resolution.

25. Provide Headquarters NORAD the readiness status of all assigned units.

CMOC Commander Responsibilities and Authority

26. The CMOC Commander (CMOC/CC) is directly responsible to CINCNORAD and USCINCSpace for the operation of CMOC.

27. CMOC/CC is responsible for the day-to-day operation of the ITW/AA system. However, the dual-hatted CINCNORAD/USCINCSpace is responsible for the integrity of the ITW/AA system and, as such, is the final approval authority for proposed ITW/AA system configuration changes affecting NORAD's missions.