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**Canada
and
United States of America**

Agreement between the Government of Canada and the Government of the United States of America on the North American Aerospace Defense Command. Ottawa, 28 April 2006

Entry into force: *12 May 2006 by notification, in accordance with article IV*

Authentic texts: *English and French*

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**Canada
et
États-Unis d'Amérique**

Accord entre le Gouvernement du Canada et le Gouvernement des États-Unis d'Amérique sur le commandement de la défense aérospatiale de l'Amérique du Nord. Ottawa, 28 avril 2006

Entrée en vigueur : *12 mai 2006 par notification, conformément à l'article IV*

Textes authentiques : *anglais et français*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
ON THE NORTH AMERICAN AEROSPACE DEFENSE COMMAND**

THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA, hereinafter referred to as “the Parties”,

RECALLING their longstanding partnership of bi-national cooperation in the defense of North America through participation in the North American Aerospace Defense Command (NORAD);

CONVINCED that such cooperation is a proven and flexible means to pursue shared goals and interests, remains vital to their mutual security, and is compatible with their national interests as the architecture of North American defense and national defense in their respective countries continues to evolve, including the establishment of Canada Command and United States Northern Command;

NOTING that this cooperation is conducted within the framework of the North Atlantic Treaty and is an important element of their contribution to the overall security of the NATO area;

MINDFUL that in the years since the first NORAD Agreement was concluded on 12 May 1958, NORAD, as a distinct command, has evolved to address the continuing changes in the nature of the threats to North America and that it will need to continue to adapt to future shared security interests;

RECOGNIZING that, despite arms reduction agreements, large nuclear arsenals still exist, deliverable by strategic ballistic missile, cruise missile or long-range aircraft capable of striking North America;

RECOGNIZING further that, despite non-proliferation and counter proliferation endeavors, efforts by others to acquire nuclear weapons, other weapons of mass destruction, and their means of delivery pose a major security challenge;

AWARE of dramatic changes in the geostrategic environment and in the threats to North America, as illustrated by the terrorist attacks of September 11, 2001, in terms of the nations, non-state actors or terrorist groups that might choose to challenge North American security, the symmetry and asymmetry of the weapons and methods they could employ, and the transnational and global nature of these threats;

ACKNOWLEDGING that space has become an important dimension of national interest and has become an increasingly significant component of most traditional military activities, and that a growing number of nations have acquired or have ready access to space services that could be used for strategic and tactical purposes against the interests of Canada and the United States;

REALIZING that a shared understanding and awareness of the activities conducted in their respective maritime approaches, maritime areas and inland waterways, including the capacity to identify vessels of potential interest, are critical to their ability to monitor, control, and respond to threats so that their shared security is ensured;

RECOGNIZING that the non-military air and maritime activities associated with drug trafficking and other illegal transnational activities are a threat to their national security; and

DESIRING to ensure that their respective and mutual defense requirements are met in the current and projected geostrategic circumstances;

HAVE AGREED as follows:

ARTICLE I

NORAD Missions

1. The primary missions of NORAD in the future shall be to provide:
 - a. Aerospace warning for North America;
 - b. Aerospace control for North America; and
 - c. Maritime warning for North America.
2. For the purposes of this Agreement:
 - a. "Aerospace warning" consists of processing, assessing, and disseminating intelligence and information related to man-made objects in the aerospace domain 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 and agencies. An integral part of aerospace warning shall continue to entail monitoring of global aerospace activities and related developments. NORAD's aerospace warning mission for North America shall include aerospace warning, as defined in this paragraph, in support of United States national commands responsible for missile defense.
 - b. "Aerospace control" consists of providing surveillance and exercising operational control of the airspace of Canada and the United States. Operational control is the authority to direct, coordinate, and control the operational activities of forces assigned, attached, or otherwise made available to NORAD.

- c. "Maritime warning" consists of processing, assessing, and disseminating intelligence and information related to the respective maritime areas and internal waterways of, and the maritime approaches to, Canada and the United States, and warning of maritime threats to, or attacks against North America utilizing mutual support arrangements with other commands and agencies, to enable identification, validation, and response by national commands and agencies responsible for maritime defense and security. Through these tasks NORAD shall develop a comprehensive shared understanding of maritime activities to better identify potential maritime threats to North American security. Maritime surveillance and control shall continue to be exercised by national commands and, as appropriate, coordinated bilaterally.

ARTICLE II

Governing Principles

Based on a common appreciation of the circumstances described and of the experience gained since the inception of NORAD, the following principles shall govern the organization and operation of NORAD:

- a. Commander NORAD, or Deputy Commander NORAD in the absence of Commander NORAD, shall be responsible to the Government of Canada communicating through the Chief of the Defense Staff of Canada and to the Government of the United States through the Chairman of the Joint Chiefs of Staff of the United States. Commander NORAD and Deputy Commander NORAD shall each remain subject to their respective country's applicable national laws, policies, and directives. Commander NORAD shall function in support of the aerospace warning, aerospace control, and maritime warning missions that have been approved by the authorities of the Parties for the defense of North America, and conduct information operations supportive of NORAD missions.
- b. Commander NORAD and Deputy Commander NORAD shall not be from the same country, and each of their appointments must be approved by both Parties. During the absence of Commander NORAD, command shall pass to Deputy Commander NORAD.
- c. The NORAD Headquarters and NORAD Command and Operations Centers shall be composed of integrated staffs with representatives assigned by the Parties. Non-NORAD activities within Cheyenne Mountain Operations Center and other commands providing support to NORAD missions may include NORAD-assigned personnel, as appropriate, to perform NORAD duties. NORAD-assigned personnel performing NORAD duties in other commands may be called upon to support the mission of that command, as appropriate.
- d. The financing of expenditures connected with the integrated headquarters of NORAD and in support of NORAD-assigned personnel at other Canadian and U.S. commands to perform NORAD missions shall be arranged by mutual agreement between appropriate agencies of the Parties.

- e. NORAD shall include such forces as are specifically made available to it by the Parties to fulfill its missions. The authority of Commander NORAD over those forces and resources is limited to operational control as defined in Article I, paragraph 2b. Temporary reinforcement from one area to another, including the crossing of the international boundary, to meet operational requirements is within the authority of commanders having operational control. Additional Canadian and United States resources may be designated by the respective Parties to provide support to NORAD, including through cooperative arrangements with other commands and agencies.
- f. No permanent changes of station of forces assigned, attached or otherwise made available to NORAD operational control will be made without the approval of the national authority of the Party concerned. The basic command organization for the Parties' respective defense forces, including administration, discipline, internal organization, and unit training, shall be exercised by national commanders responsible to their national authorities.
- g. Plans and procedures to be followed by NORAD shall be formulated and approved by the Parties 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 Parties shall be referred by the appropriate military authorities to those departments or agencies for action as appropriate.
- h. Arrangements shall be maintained to ensure effective sharing, between the Parties, of information and intelligence relevant to the NORAD missions.
- i. The "Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces", signed in London on 19 June 1951, shall apply to activities under this Agreement.
- j. The Parties acknowledge the importance of sound environmental practices. Without prejudice to the Parties' rights and obligations, environmental issues related to activities undertaken in connection with this Agreement shall be reviewed in the Permanent Joint Board on Defense.
- k. The North Atlantic Treaty Organization shall continue to be kept informed through national NATO policy staffs, or other designated representatives, of arrangements for NORAD's role in the defense of North America.
- l. Terms of Reference for NORAD shall be updated expeditiously following the entry into force of this Agreement and consistent with the foregoing missions and principles set out for NORAD. Changes in the Terms of Reference, including the addition of other aspects of the missions heretofore identified, shall 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 national authorities as appropriate, provided that the changes are in consonance with the principles set out in this Agreement.