

# Feds have solid case for F-35 contract—but haven't made it: Nossal

**R**e: "Decision to sole-source F-35s was linchpin for chaos that followed: Alan Williams," (*The Hill Times*, April 27, p. 8). Alan Williams, who always knows whereof he speaks on Canadian defence procurement, took issue with my comment to Peter Mazereeuw (*The Hill Times Hot Room*, April 8, episode 93) that the Conservative government of Stephen Harper had "an exceedingly solid case" for deciding on a sole-source contract for the F-35 in 2010.

I should have made clearer that the Conservative government had a solid case that they could have made, but didn't. For Williams and I actually agree about the case that was put by the Harper government in 2010, though we disagree about what made that case so shabby. He focuses on price, capability, and economic opportunity. I have different criticisms: in my book *Charlie Foxtrot*, I argued that the Conservatives didn't actually know why they wanted the F-35—other than it was the fighter that the Royal Canadian Air Force wanted, and as a result their justifications for the F-35 sole source were politicized, sometimes silly, and always misleading about price.

But I contend that there is an excellent case that could have been made for sole-sourcing the F-35. That case can be summed up in a single question: what fighter will the United States Air Force (USAF) deploy to defend North American airspace in the 2020s and 2030s?

The answer was known as early as the mid-1990s, when the U.S. Congress decid-

ed that in future, the USAF would fly just two fighters: the F-22 and the winner of the Joint Strike Fighter program, which turned out to be the F-35. And since the U.S. does not allow foreigners to purchase F-22s, that left Canada just one option for our future fighter fleet: the F-35.

That is the solid case, if only the Conservative government had taken the time to explain to Canadians the delights of interoperability in continental air defence. Interoperability requires we have to help defend the continent in a way that satisfies our American allies, which, in an era of networked air defence, means flying whatever they are flying.

The government—the Conservatives then, the Liberals now—should have been straighter with Canadians. In choosing our new fighter, that was the only question we needed to ask; none of the other issues—price, capability, economic benefits—actually matter.

Yes, this is a most difficult message for political leaders to embrace, for we Canadians like to believe that we should have a full range of choices in world politics. But in reality, Canadian options in continental defence are severely constrained, and always shaped by the geostrategic needs of the United States. We are not well served when our political leaders pretend that we have room for maneuver that simply isn't there.

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## Letters to the Editor

# No valid arguments to sole-source the F-35A, says Williams



The Swedish-made Saab Gripen, pictured, would be just as interoperable with U.S. equipment as the U.S.-made F-35s, argues Alan Williams. Photograph courtesy of Creative Commons

**R**e: "Feds have solid case for F-35 contract—but haven't made it: Nossal," (*The Hill Times*, May 4). I want to commend Kim Richard Nossal, professor emeritus at the Centre for International and Defence Policy at Queen's University, on his May 4 response to my critique of his initial op-ed regarding the F-35A. He and I both recognize the benefits in engaging in public debate on critical policy issues.

Mr. Nossal asserts that there were valid arguments to sole-source the acquisition. He states that the valid arguments were not that this jet was not necessarily the most capable, nor the most cost-effective, nor that it delivered the best Industrial and Technical Benefits (ITB'S) to Canada. Rather, sole-sourcing was justified because of the necessity to ensure interoperability with the U.S. in order to defend North American airspace in the 2020's and 2030's. I disagree.

First, there is no legal justification to sole-source these jets because of the need for interoperability, nor for that matter because someone was convinced that the F-35 was the most capable plane for the best price providing the most robust ITB's. Under Sec. 513 of the Canadian Free Trade Agreement (2017), limited tendering practices can be followed in a number of specific circumstances. None of these circumstances apply here. Alternatively, the government could invoke a national security exemption under Sec. 801 of this act. There is no basis for invoking this clause either.

Second, Canada need not have the same jet in order to be interoperable with the U.S. or with NATO. Using the same or similar datalinks, manufacturers can ensure acceptable levels of interoperability. In fact, in the just-concluded fighter jet competition, the government tacitly acknowledged that more than one jet was compliant with respect to interoperability. In announcing Lockheed Martin's F-35A

as the winner, the government also indicated that if negotiations with Lockheed Martin failed, it would turn to the second ranked bidder, Saab's Gripen E. Clearly both jets met the interoperability requirement. Certainly, others could too.

Furthermore, in 2012 General Stephane Abrial, the then-supreme allied commander of transformation at NATO, appeared before the House National Defence Committee. At that session, he was very clear that with respect to interoperability, NATO does not advocate for a single type of battle tank, aircraft, or ship.

Finally, I believe the military, as well as all Canadians would be outraged if we bought any second-rate piece of equipment simply because it enhanced interoperability with the U.S. In my years as ADM(MAT), my counterparts in the Pentagon understood and respected our position that Canada would only buy what was in the best interests of our military and of Canada.

Mr. Nossal says that both the Conservative and Liberal governments should have been straighter with Canadians. Frankly, there was no "straight talk" that could have justified a sole-source procurement. Rather, both governments should have been straighter with their officials. Rather than blindly accepting their bureaucrats' justifications to sole-source, they could have and should have pushed back and challenged their arguments. The flaws in their logic were there for anyone to see. The governments simply chose not to look.

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*(The letter writer is a former assistant deputy minister of materiel at DND, and now president of The Williams Group. He has authored two books, Reinventing Canadian Defence Procurement: A View From the Inside, and Canada, Democracy, and the F-35.)*