



A leader for his times

Retired Judge Advocate General Ken Watkin on the fight for justice in a volatile world and the importance of dreaming big.

By Patti Ryan

The genocide in Rwanda. The Somalia inquiry. The Gaza flotilla raid. The 9/11 terrorist attacks, the campaign against terrorism that followed, and the Afghan detainee affair: Probe any of these landmark events in recent military history, and Brigadier-General Ken Watkin's name eventually surfaces.

Now 55, Watkin retired as Judge Advocate General (JAG) of the Canadian Forces in April, after four years in the position and 33 in the military overall. But within a few short months, he was invited to be one of two foreign observers of Israel's independent public commission, which is looking into the Israeli raid of a Gaza-bound flotilla that resulted in the deaths of nine Turkish activists.

As JAG, Watkin was the top legal adviser to the governor general, the minister of defence and the Canadian Forces on matters relating to military law. Over the years, his career has taken him to some of the farthest corners of the world. But as a young man just beginning law

school, Watkin had no idea what lay ahead. "My goal back then was to open up a small practice and maybe practise family law," he says wryly.

Challenging times

The most intriguing legal issues he's confronted so far were those arising from the investigations and inquiries related to the 1994 genocide in Rwanda. "In the 1990s, international law was very much sorting itself out, in terms of the security environment," Watkin says.

"Rwanda raised issues that were fascinating from a legal point of view, such as how to set up the international tribunal and how best to bring about justice."

But looking back, Watkin can see that each decade of his career had a distinct flavour, linked to the political cli-

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D'une crise à l'autre

L'ancien JAG Ken Watkin s'est distingué plus d'une fois dans les conflits qui ont marqué notre époque.

Maintenant âgé de 55 ans, le brigadier général Ken Watkin vient de terminer son mandat de quatre ans à titre de Juge-avocat général (JAG) des Forces armées canadiennes. Il aurait été en droit de savourer une retraite bien méritée après 33 ans de service au sein des Forces armées, mais quelques mois plus tard, il était invité à devenir l'un des deux observateurs étrangers de la commission d'enquête indépendante d'Israël sur l'attaque de la flottille de Gaza.

L'invitation témoigne du respect porté à l'expérience et l'expertise de ce juriste militaire. On a eu recours à ses services dans le sillage des grands drames de notre époque — le génocide au Rwanda, l'enquête sur la Somalie, les attaques du 11 septembre 2001, la campagne antiterroriste qui les a suivies et l'affaire des détenus afghans. Comment un avocat qui, dans sa jeunesse, ambitionnait d'établir un petit cabinet en droit de la famille en est-il arrivé à devenir un acteur de premier plan sur la scène mondiale?

Sans doute son cheminement juridique a-t-il été influencé par son choix de joindre les Forces armées canadiennes, mais sans doute aussi par le climat de l'époque. Avant la fin des années 1980, la guerre froide restait actuelle et le Canada était

reconnu pour son rôle de gardien de la paix. Or, au moment où M^e Watkin apprenait la « mécanique » du droit (cours martiales, rédaction de notes de service, etc.), une décennie de « grande transition » est venue tout basculer.

Marquées par les événements meurtriers en Somalie, au Rwanda et au Kosovo, les années 1990 ont ouvert de nouveaux horizons militaires et juridiques pour le Canada. « Durant cette décennie, j'en suis venu à comprendre le droit comme une science sociale ayant une capacité d'influencer le cours des choses », déclare le brigadier général. Au-delà des grandes tragédies internationales, en effet, à titre de juriste militaire, il a été confronté à d'importants dossiers émergents en matière de droits de la personne, tels l'orientation sexuelle, l'âge de retraite obligatoire et les femmes au combat.

La plus récente décennie, il l'appelle « l'après 9/11 », avec son accent sur la sécurité, l'a mené à s'interroger davantage sur l'éthique, la morale et d'autres valeurs. « Nous avons déployé un groupe de combat à Kandahar, nous avons déployé des forces spéciales en Afghanistan, nous avons déployé la marine. L'après 9/11, pour moi, fut le temps le plus occupé de ma carrière »,

dit-il, ajoutant qu'il avait eu des discussions intéressantes sur « ce qu'on peut faire et sur ce qu'on ne peut pas faire dans ses rapports avec l'ennemi ».

Ken Watkin a dû, comme avocat militaire et membre du JAG, s'adapter à un régime qui l'éloignait souvent de sa famille. Il se souvient d'un incident, survenu longtemps avant le 11 septembre, quand son épouse avait dit à sa fille de quatre ans qu'ils allaient chercher papa au travail pour le ramener à la maison. Elle a tout de suite supposé qu'ils partaient pour l'aéroport. « Elle pensait que je prenais l'avion tous les jours pour aller travailler », se souvient-il.

Ceux qui ont connu le brigadier général Watkin au JAG, y compris le colonel Vihar Joshi (maintenant sous-Juge-avocat général), voient en lui un chef mémorable. Sa plus grande contribution, dit ce dernier, aura été sa connaissance approfondie du droit des conflits armés durant la période suivant les attaques du 11 septembre 2001. « Il a vraiment dirigé le développement des politiques relatives aux lois antiterroristes », conclut le colonel Joshi.

Bien qu'il soit à la retraite, l'histoire de M^e Watkin ne s'arrête pas là. Une fois son mandat en Israël terminé, il enseignera le droit international à la *U.S. Naval War College* au Rhode Island. Il veut aussi écrire un livre à l'avenir. « La clé, affirme M^e Watkin, c'est de toujours poursuivre ses rêves ». **N**

mate of the times. When he first joined the military, the Cold War was still setting the tone and Canada was secure in its peacekeeping reputation. There were many theoretical legal matters for a newly minted law graduate to untangle. "I was busy learning the mechanics of law: courts-martial, writing memos," he says.

Watkin describes the 1990s as a "time of tremendous transition," marked by events such as Somalia, Rwanda and Kosovo, when the Canadian focus on peacekeeping opened to what he calls a broader perspective. "It was during this decade that I came to understand the law as a social science, with the ability to influence things," he says. "During that part of my career, I was involved in many human rights cases involving the military, things like sexual orientation, compulsory retirement age, and women in combat."

He thinks of the most recent decade as "post-9/11." It was characterized by a dramatically altered security environment for everyone, while for him, it brought a greater focus on ethics, morality and values. "I guess as you move along in your career, as you advance, you knit those together," he says.

As Deputy JAG, Operations at the time of 9/11 and during a significant portion of the deployments that followed in the campaign against terrorism, Watkin was so busy that he's hard-pressed to single out one or two memorable challenges

from that period — there were simply too many.

"We deployed a battle group into combat in Kandahar, we deployed special forces into Afghanistan, we deployed the navy. Post-9/11 was the busiest time of my career so far," he says. "And the issues were fascinating, particularly around the non-traditional practice of law. There were some very interesting discussions about what you could and could not do in terms of dealing with your enemy."

By then, Watkin was no stranger to a demanding schedule. He recalls a time, long before 9/11, when his wife told his four-year-old daughter that they were going to "pick Daddy up at work." His daughter, he says, assumed that meant they were headed to the airport. "She thought I flew to work every day," he laughs. "That's how much I was travelling then."

Watkin credits his family for being supportive of his busy career over the years. He's married, with three grown daughters. The career achievement he's most proud of, he says, is his stint as JAG, which he describes as "a great opportunity to lead a really talented group of people."

A memorable leader

One of those people was Colonel Vihar Joshi, who first met Watkin 19 years ago when they worked down the hall from each other at the Office of the JAG. Joshi, who is now Deputy

JAG, Military Justice and Administrative Law, says despite their long acquaintanceship, he really got to know Watkin during 2006 and 2007, when Watkin was appointed JAG and Vihar was assigned as his special assistant.

Vihar appreciated Watkin's keen intellect and sense of humor, but says his professional hallmark would have to be his meticulousness. Any time it was necessary to brief him on something, says Vihar, "If I left any stone unturned, he would comment on that."

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Watkin's most valuable contribution, says Vihar, has been his knowledge of operational law and the law of armed conflict during the post-9/11 period. "He really did lead the policy development of the anti-terrorism legislation."

Colonel Patrick Gleeson, a friend and colleague of Watkin's, describes him as an extremely dynamic and focused man on the job, with high standards and expectations of others "coupled with a human and realistic side."

Now a senior officer in the Office of the JAG, Gleeson first

met Watkin in 1994 in Halifax through work, but they continue to see each other socially, and their wives have always kept in touch. He's a private person, says Gleeson, a "loyal individual" who is dedicated to his family.

"What makes him unique," he says, "is his ability, probably more than anybody I've ever worked with in my life, to self-educate, and then to apply that education through these great analytical skills, so he can deliver really viable legal options in whatever field we happen to stick him in."

Back to school

While his term at JAG is over now, Watkin's story is not. After his stint in Israel, Watkin is destined for the U.S. Naval War College in Newport, R.I., where he'll be the Charles H. Stockton Professor of International Law.

And he says there is still a book in his future. "I've put it off for now, but it's a book on the law governing what I call 'small wars,' by which I mean hostage rescues, conflict other than state-to-state, insurgencies — situations when the potential for violence is beyond what the police can handle."

For a military lawyer just starting out, the notion of a term as JAG may seem like pie in the sky. But the key, says Watkin, is to keep dreaming big.

"Never feel constrained by where you are now and where you think you want to go," he says, by way of advice to those new to the profession. "Be inquisitive. Treat people fairly. And never accept the idea that 'That's the way we've always done it.' That drives me crazy." ■

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