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Chair: Mr. Ron McKinnon



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• (1545)

[English]

The Chair (Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.)): I call this meeting to order.

Welcome to meeting number 110 of the House of Commons Standing Committee on Public Safety and National Security.

Pursuant to the order of reference referred to the committee on Wednesday, May 29, 2024, and the motion adopted by the committee on Monday, May 27, 2024, the committee resumes its study of Bill C-70, an act respecting countering foreign interference.

Before we begin, I would like to ask all members and other in-person participants to consult the cards on the table for guidelines to prevent audio feedback incidents.

Please take note of the following preventative measures in place to protect the health and safety of all participants, including the interpreters. Only use a black, approved earpiece. The former, grey earpieces must no longer be used. Keep your earpiece away from all microphones at all times. When you're not using your earpiece, place it face down on the sticker placed on the table for this purpose. Thank you for your consideration.

Today's meeting is taking place in a hybrid format.

I would like to make a few comments for the benefit of members and witnesses. Please wait until I recognize you by name before speaking. As a reminder, all comments should be addressed through the chair.

Regarding specific comments on Bill C-70, as indicated in the memo that was sent out on May 31, I would like to remind members that amendments to Bill C-70 must be submitted to the clerk of the committee by 4 p.m. Eastern Standard Time, Friday, June 7, 2024. It is important for members to note that, pursuant to the order adopted by the House on May 30, the 4 p.m. deadline to submit amendments is firm. This means that any amendments submitted to the clerk after the deadline and any amendments moved from the floor during the clause-by-clause consideration of the bill will not be considered by the committee.

I would now like to welcome our witnesses for the first panel today.

We have Mr. Charles Burton, senior fellow, Sinopsis. We also have Mr. Michael Kempa, associate professor of criminology at the University of Ottawa.

Welcome, gentlemen, and thank you for joining us today.

I now invite Mr. Burton to make an opening statement of up to five minutes.

Dr. Charles Burton (Senior Fellow, Sinopsis, As an Individual): Thank you, Mr. Chair.

My area of expertise is Chinese domestic politics and foreign policy. I was educated in China, and I've worked in the CSE, in the Canadian diplomatic service and as an academic. I have published several articles and reports on Chinese influence operations in Canada.

I will focus my remarks on part 4 of Bill C-70, the foreign influence transparency and accountability act part, as it impinges on the activities of agents of the Chinese Ministry of State Security targeting politicians, civil servants and others involved with shaping Canada's relations with the People's Republic of China regime.

Justice Hogue's report earlier this month noted that her mandate is to investigate potential foreign interference with "Executive decision-making by Cabinet and its ministers in relation to their departments, including indirect foreign interference with ministerial decisions when such decisions are based on information originating at a lower level of government covertly influenced by a foreign state (or its proxy, agent, etc.)."

I'm not sure why Justice Hogue's mandate is limited to "a lower level of government covertly influenced by a foreign state". In the previous meeting of this committee, Mr. Genuis raised the possibility of a future Attorney General of Canada being in a conflict of interest because he or she had benefited from foreign interference in his or her riding. My knowledge of China's united front strategy around the world is that there is enhanced Chinese Ministry of State Security early targeting of politicians deemed likely to, in future, assume influential positions such as Attorney General of Canada.

We know from a leaked December 2021 CSIS report how China's Ministry of State Security uses three colour-coded political interference tactics to gain influence over Canadian government officials here in Canada and those travelling to China. Blue refers to sophisticated cyber-attacks on targets' computers, smart phones and hotel rooms for possible blackmail. Gold refers to bribes. Yellow is what CSIS described as "honey pots". That's how China employs sexual seduction to compromise a target.

Bill C-70 and existing legislation should go a long way to addressing this kind of concern, but I would put forward that there are more sophisticated operations by the Chinese regime here in Canada and other countries that are more challenging for us to counter.

For example, former Australian prime minister Bob Hawke recalls in his biography that shortly after he retired from politics, he travelled to Beijing and met with Chinese leader Jiang Zemin, who told him, “Mr. Hawke, China never forgets its friends. I want you to know that we regard you as one of our best friends.” In the years that followed, Mr. Hawke took on several directorships and consultancy positions relating to China, which enabled him to achieve considerable financial success.

Here in Canada, we observe former cabinet ministers, former ambassadors to China and people retired from senior roles in our foreign ministry who have assumed lucrative opportunities relating to China after leaving government. Government career options in law firms, businesses and other sectors with associations with business networks identified with the Chinese Communist Party would, clearly, not be open to those identified as unfriendly to China while in a position of public trust, because we know that the Chinese regime keeps extensive files on all of us. They know who their friends are.

A concern is whether Canadian officials, because of the very subtle Chinese influence process of implied future benefits after retirement for Canadian policy-makers, which Bill C-70 cannot track, would perhaps not act immediately on intelligence assessments they receive that would call for Canadian government action that goes against Chinese interests in Canada, but leave these for others to respond to, for fear of being identified with actions the Chinese embassy would not feel well disposed towards.

• (1550)

If I could just conclude, I would say from this that just as government officials cannot exploit classified information to serve personal interests after retirement and have to keep the secrets that they derive in the course of their service secret for life, perhaps we need to restrict public servants from receiving benefits from foreign entities for life as well.

Thank you, Mr. Chair.

The Chair: Thank you.

We'll go now to Mr. Kempa for an opening statement of up to five minutes.

Please go ahead, sir.

Mr. Michael Kempa (Associate Professor, Criminology, University of Ottawa, As an Individual): Thank you very much, Chair McKinnon and members, for inviting me.

I would just begin by saying that, overall, the very large bill, which touches on the constellation of laws that govern Canadian national security, is very complex and welcome. The amendments, I understand, are quite urgent. There is a desire, perhaps, to have certain measures in place in time for any election that may come in 2025. Some of the easier reforms certainly could possibly be achieved in that time frame. I'll flag some that are perhaps a little

bit more complicated, that raise more concerns and that may render it more difficult to implement some recommendations in time for that potential election.

Reform to the CSIS Act, amendments to other areas of national security legislation, and the creation of a foreign influence transparency registry are obviously the three main dimensions of reform. Most of what I have to say relates to the CSIS Act itself, seeing as that's one of my major areas of expertise, as opposed to the others, although I will raise a couple of issues with regard to the other two categories.

With respect to CSIS Act reform, I would regard it as very appropriate that CSIS now be able to pursue foreign intelligence virtually stored beyond Canada's borders. Having wider ability to secure information from third parties, notably telecommunications companies, through streamlined procedures is very welcome. All of this coming through streamlined applications procedures for less invasive warrants is very welcome. As I read it in the bill, it's probably a good balance for ensuring civil liberties on those sliding scales of pursuing warrants in an expedited fashion.

The key new ability for CSIS to share threat intelligence with other levels of government beyond Ottawa—including indigenous governance bodies, private sector institutions and the university community—is, indeed, extremely urgent. Fortunately, it's very easy to legislate, which means that it could possibly be done in time for CSIS to be able to advise other bodies around any election in 2025. However, it's more difficult to implement in practice once on the ground.

I'd merely flag for you that CSIS and its new partners will have to figure out how best to share this new intelligence and what the thresholds for the sharing of intelligence with a wider variety of partners ought to look like, not only because of CSIS's long-standing culture of being reticent with the sharing of information, but also because of many partners simply not yet being skilled in weighing the value of and so putting into action different types of intelligence.

Perhaps these types of issues could be addressed through regulations developed through Public Safety or Foreign Affairs and with CSIS's oversight body to guide CSIS in the development of those protocols. It's very encouraging, in particular, given that this bill is understandably.... Although large, it does not address some of the broader thematic issues around CSIS's mandate and CSIS's relationship with other agencies, such as the RCMP, whose role in national security is itself evolving and certain to be significantly reformed over the course of the next five years or so.

The automatic requirement for review of the CSIS Act every five years is extremely important and welcome. It leads me to read this bill in terms of whether we are putting in place anything that could frustrate some of the broader reforms that may be coming down the pipe in five years' time. Fortunately, there are not many areas that appear to lay barriers to bigger questions that may come up, but there are a couple of areas where we may not want to tie our hands, which I'll briefly touch on before I close my five minutes.

I would encourage you to read your reforms to the CSIS Act as part of a triptych of legislation—as it was in the 1980s when the CSIS Act, the Emergencies Act, and the RCMP Act were all drafted with reference to one another—such that in this piece of legislation, we have not revisited the question of the mandate of CSIS overall or the connection of the CSIS Act's famous section 2 standards for whether or not CSIS gets involved in anything to the standards for invoking the Emergencies Act itself.

• (1555)

It is probably wise to leave the section 2 standards as they are in this legislation, for the reason that the second set of issues will be certain to come up as we have decisions from the Federal Court of Appeal on what exactly the section 2 standards for the Emergencies Act entail. There will be future lessons that will come from the Hogue commission's review, added to the Rouleau commission's insights into the Emergencies Act, as well as the ongoing work of NSICOP and NSIRA into the future of the RCMP and so forth. Therefore, leaving that open is very wise at this time.

However—

The Chair: Could you wrap up quickly, please?

Mr. Michael Kempa: Yes, certainly.

As we get to the CSIS Act review, a key question will be whether or not “threats to the security of Canada” can include economic disruption as a form of violence that could pose a threat to the security of Canada.

Very briefly, there are two areas of concern that may tie our hands into the future. One is creating Criminal Code offences related to interference, any type of offence beyond terrorism committed in service of a foreign entity. You may find hurdles there if you have very minor offences, such as summary offences committed for a foreign entity, that could lead to severe penalties similar to those for major indictable offences.

Finally, on the transparency registry, it seems that the country-agnostic approach might prove difficult, in that you would bring a very wide range of countries to the attention of an agency that potentially could not monitor all of that information. I understand the desire not to create a permanent list of blacklisted countries, but a potential solution there would be to allow for regulations whereby the ministers, in co-operation with CSIS and its oversight body, could produce periodic lists of countries of concern that could change with time.

Thank you.

The Chair: Thank you.

We'll start our questions with Mr. Caputo.

Mr. Caputo, go ahead, please, for six minutes.

Mr. Frank Caputo (Kamloops—Thompson—Cariboo, CPC): Thank you, Professor Kempa and Mr. Burton.

Mr. Kempa, if there was anything you were just dying to get to but left out, here's your chance.

Mr. Michael Kempa: No, I think I've covered it. On anything that would come up in questions, I'm sure we could elaborate.

Mr. Frank Caputo: Certainly.

I have a couple of potential questions, but I'm going to turn to Mr. Burton first.

You highlighted relations with China in particular, but I'm concerned about all sorts of relations, as we all should be, when it comes to foreign interference. You mentioned a colour-coding system, and you said that this bill goes a long way to addressing this type of interference.

Do I have that right?

• (1600)

Dr. Charles Burton: Yes.

Mr. Frank Caputo: Okay.

Can you expand on how and why that is?

Dr. Charles Burton: I think the main thing is that it empowers CSIS to inform people when there is potentially an issue with respect to a conflict of interest involving certain significant people who are influential in the decision-making process. I think that's a very good thing.

Mr. Frank Caputo: Mr. Genuis isn't here. He's in a lot of places, but right here, right now, isn't one of them. He will be joining us later, I'm sure.

Let's take his example about the Attorney General. I assume this would involve a foreign entity having a dossier of some sort about an attorney general or something like that. In that instance, based on what you just said, what positive impact would Bill C-70 have on information sharing or the ability to alert?

Dr. Charles Burton: I think the people who have to be alerted are the people who would potentially be the subjects of this.

I have, for example, a young friend who was running for office in Saskatchewan. I calculated that he was being engaged by potential agents of the Chinese state, proxies of the United Front Work Department, who were offering him things and extensive praise. I said that this is how they start. They see him as an up-and-coming young man who may, in fact, someday be serving in our Parliament, and they would like to cultivate good relations and a possible sense of obligation in him. I told him to just be careful. In fact, he'll be speaking to CSIS about what happened.

I think it's just a question of people not knowing when they're subject to a sophisticated engagement by the very many agents of the Chinese state who are operating in our country.

Mr. Frank Caputo: Well, that's an interesting point. People don't even know.

To me, the question would be why there isn't training on this type of thing. Obviously, as parliamentarians and elected representatives, people should be aware, but from what you're saying, it's much more insidious, maybe surreptitious, and people may not even know it's occurring.

Is that accurate?

Dr. Charles Burton: Yes. I've spoken to someone who was central in the development of the Australian Foreign Influence Transparency Scheme Act. He said that perhaps the act is not drafted very well and perhaps the Government of Australia has not allocated the resources to their security intelligence agencies to follow up on the act, but that simply the existence of the act is a consciousness-raising device. I think a lot of people who might have been inclined to accept some sort of going easy on China in anticipation of future benefits will now be aware that this is something that will not reflect well on them and makes them complicit in the Chinese regime, including all of the espionage, foreign subversive activities and genocide that the regime is characteristic of.

I think that just the fact that we're talking about this is already a very positive thing in terms of raising people's awareness that they shouldn't just let the Chinese regime start to make them beholden to a regime that is hostile to our interests and is engaged, as General Eyre has said, in hybrid warfare against us already.

Mr. Frank Caputo: Thank you.

How much time do I have, please, Chair?

The Chair: You have a minute and a half.

Mr. Frank Caputo: Okay.

Professor Kempa, you spoke about the “country-agnostic” nature of Bill C-70, which is something that, at first blush, I would be supportive of.

Now, one of the reasons why I suppose we would deal with this is that we have a changing world, and different governments are going to have different mandates. Is there a compelling reason why we wouldn't apply the same standard—and a high standard at that—when it comes to transparency and the registry of any foreign agents?

Mr. Michael Kempa: I think the only reason has to do with capacity.

If you were to establish a registrar's office that would be responsible for maintaining the database and some information on the activities of all those seeking to impact Canadian policy and outcomes and so forth in a legitimate fashion, the amount of information would simply be overwhelming, to the point that it would—as a senior colleague of mine, Wesley Wark, refers to it—have the potential to develop into a form of almost security theatre, where you have an office that exists and that by trying to watch agents from around the world simply cannot do so.

The idea is that if you were to focus your attention on updated and rolling lists for which there was evidence to suggest we should be focusing on certain regions, you would have more capacity in that institution.

• (1605)

Mr. Frank Caputo: That could be addressed through regulation, obviously.

Mr. Michael Kempa: Yes.

Mr. Frank Caputo: Okay.

I think my time is probably up.

Thanks to both of you.

The Chair: I'll go now to Ms. Damoff for six minutes.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you.

It's a pleasure to be back at the public safety committee for a bit.

Thank you to both of our witnesses for being here on this really important piece of legislation.

Dr. Burton, in particular, I want to thank you for bringing your expertise. I think that when it comes to China, we'd be hard pressed to find anybody else in Canada who has your level of expertise on this subject.

You mentioned working with Australia, but I wonder if you could compare Bill C-70 to our Five Eyes partners and how it compares to the legislation they have in place in dealing with foreign interference.

Dr. Charles Burton: I would say one thing about country-agnostic. I was invited down to the U.S. Congress to talk about Canada-China, and I mentioned the possibility of this legislation. The American congresspeople were not entirely happy about the idea that we were going to be requiring transparency of foreign influence, because they're foreign in Canada too. I was a bit taken aback by that.

I think the real difference in terms of the U.S. FARA is the degree of resources and implementation and effectiveness of the legislation. Australia has been slow to bring people to account. I think they just did the first one. They've had the act since 2019. When the act came into effect, Andrew Robb, the former Australian trade and investment minister, had been responsible for shaping the China-Australia free trade agreement, which we did not regard that highly when we were thinking of doing free trade with China, and negotiated a 99-year lease on the port of Darwin. Andrew Robb, we subsequently found out, had been paid almost \$800,000 a year by a Chinese billionaire associated with the Chinese People's Political Consultative Conference, which is the number one agency for the United Front Work Department in China. He resigned from that consultancy just before the legislation came into effect. We saw some other Australians who did so.

We might see a similar impact in Canada of people who decided they'd rather not be associated with potential Chinese association. I think Mr. Robb suggested that it was really the political pressure that caused him to resign. There's no suggestion that he ever did anything that was against the law or anything like that.

I do think it's a question of how enthusiastically we decide to implement this legislation, more than the legislation itself: the extent to which we provide the resources necessary, including to the foreign influence commissioner; the nature of the regulations we decide to put into effect; and I guess whom the government decides to appoint, through an order in council, to that role. Legislation is one thing, but making it work is something else.

Ms. Pam Damoff: Professor Kempa, did you want to add anything on that?

Mr. Michael Kempa: The point I would add on implementation capacity would be that, again, it is essential and important to clarify in the Criminal Code issues around, or create criminal offences around, foreign interference related to the protection of, for example, essential infrastructure and to update definitions of sabotage, etc. Then the issue comes down to this: If CSIS and others are able to amass information or intelligence that might guide criminal investigation, you would need an RCMP, or some other federal policing service, that has the capacity to actually carry out those investigations to produce evidence for criminal prosecution.

This is the necessary first step, but at the moment, the implementation would be quite difficult, in that it's clear that the RCMP does not have that capacity.

Ms. Pam Damoff: Thank you.

I think I have a couple of minutes left.

Dr. Burton mentioned resources and regulations. Well, you both mentioned resources, actually. Having the legislation is one thing, but how critical is it that the government puts resources behind this legislation to make sure that what we put in place...? I think all parties have agreed to fast-track this bill. We recognize that it's a priority. How important is it for those resources to be attached to the legislation?

• (1610)

Dr. Charles Burton: Obviously, we need the security agencies and the RCMP to regard this as a priority area, but it's very difficult

politically. People who may have found themselves beholden to the Chinese state for whatever reason, whether it was something they did in China or China knows something about them, are not going to be supportive of the idea of this information coming to light.

From the point of view of the investigation agencies—I think Mr. Kempa would know better than me—do they want to take up a case that's going to be controversial and cause kickback from important people in our government who may in fact be needing some guidance with regard to whether or not they're fully supporting Canadian interests and are not being partially compromised by the interests of a hostile foreign state? It's not going to be easy, and I think the role of the commissioner will be quite critical.

I do have some concerns about the nature of that appointment as an order in council appointment and the provisions in the act that allow that person to be removed at any time by the government. I don't know enough about the mechanisms of government, but I'd really prefer that there be a very high degree of independence for such a person.

Ms. Pam Damoff: Thank you.

I think that's my time. Do I have six seconds?

Professor Kempa, do you want to quickly add anything to that?

Mr. Michael Kempa: I absolutely echo the point on the importance of the independence of that office. We could almost consider a type of tripartite governance structure for that body, similar to the direction the RCMP is very slowly moving in with the establishment of a management advisory body. It is not currently, formally, an oversight body, but it may become a civilian oversight mechanism for the RCMP. Something similar for this office might be appropriate, in order to insulate it from government influence.

The Chair: Thank you.

[Translation]

Mr. Villemure now has the floor for six minutes.

Mr. René Villemure (Trois-Rivières, BQ): Thank you, Mr. Chair.

Mr. Burton, you talked about people being recruited, possibly unwittingly. For some, it is during their career, and for others, it could even follow their retirement. Some have used the term “useful idiots”.

Do you think it's important to establish post-employment guidelines for public office holders by prohibiting them, for example, from engaging in any activity with a foreign country? Do you think such a measure could be useful and applicable?

[English]

Dr. Charles Burton: I've made this recommendation. If you've served in government, you shouldn't be allowed to take money from a foreign power in retirement when you return to the private sector. Many of our people are leaving Foreign Affairs in their fifties. They feel they never got rewarded enough and want to make big money. I'm seeing a number of my friends from my years in diplomatic service who, in fact, have left government and are working for China-related associations.

The issue is this: If, while in a position of public trust, you were identified by the Chinese government as not being friendly to China in some way, you would be toxic to a wide range of Canadian law firms, businesses and boards that would not be able to hire you for fear of alienating the Chinese, who we know do this. We know from Jenny Kwan, for example, that she's not able to go to normal events in her riding because the Chinese evidently don't like her and don't want her present. From that point of view, we have to accept the reality that it's very hard for people not to be tempted to go easy on China while in public life, because they have half a mind on what they're doing afterwards.

I'm not suggesting that they have this all planned out. I think it could be a somewhat unconscious thing, not shaking the Chinese tree. I don't think we have a situation where, say, the Chinese ambassador goes to the Canadian foreign minister and says, "You know, if you take it easy on the Ministry of State Security agents operating in your country, we'll do good things for you when you leave office." It doesn't work that way. It's a much more sophisticated process of "We just know this is how it goes." There are so many examples that seem to me to be awfully coincidental. People who seem to give China an easy time or support Chinese purposes—those who, say, supported the immediate release of Meng Wanzhou—find themselves being very successful in China business after they leave public service, even though they previously had no business experience.

• (1615)

[Translation]

Mr. René Villemure: You mentioned the independence of the commissioner. The bill suggests that the commissioner is independent and that he can conduct investigations as he sees fit. However, he is accountable to Public Safety Canada and does not have a working group at his disposal, as mentioned by Mr. Kempa.

Do you believe that the commissioner's independence as currently worded in the bill is adequate or that we need to go a little further to ensure transparency and public trust?

[English]

Dr. Charles Burton: I'd like to see it be more independent. I have some concerns about the Conflict of Interest and Ethics Commissioner related to similar sorts of notions. I think it's hard for people who are answerable to the government to investigate the people who are, in effect, their boss.

However, as I said, I'll put this out there: I don't understand the mechanism or the possibilities for ensuring greater independence, but I would like to see the commissioner pretty independent and the provisions for removing this person be subject to a transparent and

open process so that, if they're getting too close to sensitive issues, they won't be removed so that they can't find out things the Canadian public has a right to know about.

[Translation]

Mr. René Villemure: Thank you.

Mr. Kempa, I would like to ask you the same question, the one about the commissioner's independence.

[English]

Mr. Michael Kempa: It is absolutely the case that serving at the pleasure of a minister is troublesome for any head of a major policing or security organization. It's not necessarily that the commissioner lacks the integrity or the personal ability to stand up to their minister. It's simply on the point that they will tend, over time, to manage with one eye upwards, as they call it, in the sense that they have to anticipate the wants and desires of the minister, sometimes against the interests of their organization.

The RCMP is the best example that exists of how that model is troublesome. If there wasn't a sort of tripartite arrangement but there was at least a very transparent and clear information exchange, then if the commissioner were to be dismissed on questionable grounds, at least there would be public awareness and potentially outrage for an egregious dismissal.

[Translation]

Mr. René Villemure: According to the bill, the commissioner's appointment must be preceded by consultation with certain individuals. The parties in question are notified, but their formal agreement is not required to appoint the commissioner. They are simply informed of an appointment.

Do you think that's sufficient?

[English]

Mr. Michael Kempa: I would prefer perhaps a deeper process other than the one listed here. I'm not quite sure, other than a tripartite situation where there's some advisory body—as there are with police organizations for the naming of chiefs or commissioners, apart from the RCMP—and where they're not simply picked by a minister through a process along those lines.

[Translation]

Mr. René Villemure: Thank you very much.

[English]

The Chair: Thank you, sir.

We'll go now to Mr. McAllister—sorry, Mr. MacGregor. You'd think I'd know by now.

Please go ahead for six minutes.

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Thank you very much, Mr. Chair.

I'd like to thank both of you for being here today to help guide us through this study of a very important piece of legislation.

Professor Kempa, I'd like to start with you.

Going to clause 34 of the bill, which is giving the new disclosure rules to CSIS, I can read very clearly that all of the following conditions have to be met before it's disclosed, but I, too, have questions on how the service is going to make decisions. More importantly, what will the receiving entity or person do with that because it's intelligence that is being shared? Then I guess the questions arise of what the person is expected to do. I know there are protections for personal information, but if an organization is told by the service that there's someone in its employ whom they have concerns with, what is it then supposed to do with that?

Is there anything that you could elaborate on to help guide this committee? Does this section need some amending or, as you said, would you like to see some clarification in regulatory-making authority?

Mr. Michael Kempa: To my mind, it would actually be impossible to legislate, for example, a precise list of how exactly CSIS is meant to share every form of intelligence on a scale of most-to-least reliable with every possible public, private and civil body that it now can. Rather, I would see it as falling within regulations, and they would be more in terms of guidance for CSIS rather than a prescriptive list.

Depending on the nature of the intelligence, you would almost have to imagine a situation where if there is an entity like a university or a corporation, for example, it would have to have basically an employee or designated office to receive intelligence information. Perhaps in exchange for working with CSIS, it would have to submit basically what its information management plan is, to become a formal partner ongoing.

• (1620)

Mr. Alistair MacGregor: To be clear, I think this is a good thing that we're doing to allow disclosure of information. It's just that more questions arise. We just want to make sure that it's done correctly and that the sharing is actually going to lead to a fruitful outcome and have a positive net impact, instead of leading us into more rabbit holes by accident.

Moving further on in the bill, there are quite significant amendments to the Security of Information Act in this legislation. I'm thinking specifically of clause 53 of the bill. Clause 53 is roughly five pages long. In the existing Security of Information Act, section 24 says, "No prosecution shall be commenced for an offence against this Act without the consent of the Attorney General." However, in clause 53, specifically there's a section "Political Interference for a Foreign Entity". Given that the Attorney General ultimately is someone who was elected to the House of Commons and then appointed to cabinet, I'm just wondering if you are comfortable with that section, needing the consent of the Attorney General.

Do we need to inoculate it with a more permanent member of the civil service who is not elected and not swayed by political events? Do you have an opinion on that?

Mr. Michael Kempa: On that one, it would be the standard conventional practice to rely on the Attorney General, but I understand the reservations there. I would say that as long as there was some measure of transparency or accountability, such that if an egregious

decision were taken there could be some form of remedial action, then that would probably be preferable to allocating it to a professional public servant, for example.

Mr. Alistair MacGregor: Thank you for that.

Professor Burton, I'd like to turn to you because, as you said, most of your comments were directed to part 4 of this bill. I raised questions during our first meeting on the definition of "arrangement". It's talking about being "under the direction of or in association with". Those are two very different things. In being "under the direction of", there's an obvious hierarchy. It suggests employment, and it suggests that someone is giving orders and someone is executing them, whereas being "in association with a foreign principal" seems to be a little bit more open to interpretation.

I'm just wondering, with universities often being a nexus of the political world and the educational world, but also of sharing knowledge with foreign entities, is there a risk that universities might have some difficulty with this in having to register the free flow of information between countries? Do you foresee any dangers we need to look out for as a committee?

Dr. Charles Burton: It is very troubling. Obviously, universities have a mandate to create and disseminate knowledge. They don't have a mandate to protect our nation's national security, and they are internationalized. Academic freedom does make it challenging for us to tell universities that they can't do this or that. Then there's the troubling reality that scientists of Chinese origin who have come to Canada naturally have extensive networks within China. Are they going to be unable to get research funding because of these suspicions?

I really don't know how we can square this circle, unless we start to look much more carefully at the relationship between universities and the state. We are perceived, I think, by our Five Eyes partners as being a weak link in the protection of dual-use technologies and sensitive research. The Winnipeg lab fiasco has not helped the confidence of our partners in terms of sharing information with us.

I am troubled by this, and I do agree with you. I looked it over and I don't understand what those words mean either.

• (1625)

The Chair: Thank you, Mr. MacGregor.

We'll start our second round now with Mr. Shipley for five minutes, please.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Thank you, Chair, and thank you to the witnesses for being here today.

I'd like to start with Mr. Kempa, if I could.

In your opening remarks, you mentioned that Bill C-70 was a good platform or a basis to get started with this. I tried to scribble down quickly what you said here. You mentioned there was definitely a lack of RCMP capabilities to investigate, and that really needed to be built on or this legislation wasn't going to be that good. I didn't quite get completely what you meant there. If you could expand on that, I'd appreciate it.

Mr. Michael Kempa: Sure. I think what I was getting at is that, given that we have a five-year requirement to review this legislation, it enables us to come back to some of the lessons that we will pick up over how well the institutions on the ground, some of which are significantly evolving their mandates, are able to enact or carry out what you have here.

In the 1980s, of course, the Emergencies Act, the RCMP Act and the CSIS Act were all written over a period of a couple of years with reference to one another. Obviously, CSIS was created from taking national security and intelligence issues away from the RCMP.

Given that there's an ongoing debate about the capacity of the RCMP to fulfill its federal policing functions, including investigations in national security, it would be great if CSIS now becomes more effective at sharing information or intelligence with the RCMP, but if they're not in a position to carry that out, it will be very difficult. There's an ongoing debate as to what the future of the RCMP will be. Will they carry on, and to what extent, with contract policing across the country? Will they become two organizations, with one principally focused on federal policing issues? We don't have the answers to that today, nor will we have them in a year.

What we have laid out here, and how the RCMP manages its new responsibilities with CSIS sharing information, could inform what's done with the RCMP Act in five years' time, for example, and the review of the CSIS Act in five years' time, taking into consideration what happens with the RCMP and CBSA, for that matter, and other partners down the line. It's a learning basis here for what ends up working well and poorly for review in five years.

Mr. Doug Shipley: Thank you for that. Hopefully, a lot of it works in the good way and not the poorly way.

Mr. Burton, I had a whole bunch of questions here specifically on Bill C-70, but you've mentioned a few things that I need to get a little more clarification on or it's going to bother me for a while.

You mentioned that some of your colleagues have left to join other entities. You mentioned specifically China. Could you give me some examples? What do you mean by that?

Dr. Charles Burton: There are certain agencies that are identified with promoting interests that favour greater engagement between Canada and China. For example, the Canada China Business Council, the Asia Pacific Foundation, and the China Institute at the University of Alberta are all institutions that enjoy funding, some of them from Chinese sources. In fact, the China Institute at the University of Alberta received 10 years of sustaining funding from a Chinese billionaire who is vice-chairman of the Chinese People's Political Consultative Conference. The University of Alberta will not say how much money or the terms of that funding, but one gets the feeling that if the University of Alberta's China Institute pro-

duced a report that was supportive of this bill, that funding might terminate.

You have these very complicated relationships and interactions between people in the government and these agencies that are troubling to me. Senator Woo, for example, was associated with the Asia Pacific Foundation for quite a long time and continues to support their purposes in Canada. I can think of three ambassadors who are working in China trade. I don't think there's any harm in my mentioning John McCallum as someone who has been highly regarded by China, because the Chinese have said that in as many words. I believe they've referred to him as the "son of China". There are others whose relationship I feel a little bit uncomfortable about. We have some cabinet ministers who are also working on things relating to China, which then causes me to wonder how they were performing when they were in a position of public trust.

Because we don't have this commissioner set up yet, all of it is just smoke and mirrors. I can't condemn people. I think that if anybody was doing anything illegal, our RCMP would be pursuing it. However, I just feel that there does seem to be a lot of Chinese influence in our country, which is why we have the commission going. We need to root it out.

This legislation is particularly important in trying to maintain our security and sovereignty against a foreign threat.

• (1630)

The Chair: Thank you, Mr. Shipley.

We'll go now to Mr. MacDonald, please, for five minutes.

Mr. Heath MacDonald (Malpeque, Lib.): Thank you, Chair.

Dr. Burton, I want to touch base on the transparency issue that you addressed in your preamble, possibly relevant to foreign governments and individuals. What's missing or what should we be doing to enhance that level of transparency in Bill C-70, or is it appropriate as it is?

Dr. Charles Burton: There are clearly a lot of institutions that are pretending to be civil institutions but that in fact, as we know from some of the leaked CSIS documents, are under the supervision of the United Front Work Department of the Chinese Communist Party. We know that some of those leaders, 100- some in number, have been vetted by the Chinese embassy. One can assume that those institutions to some extent have a mandate to serve Chinese purposes. They often have addresses that are the same as the so-called police stations that we are concerned about, where the Chinese government is engaging in activities off-site that probably involve some degree of influence or espionage activities.

I think we need more transparency on that. The commissioner can provide that kind of information so people are aware, when they're dealing with institutions that may have a function which serves the interests of a foreign state in addition to their social function, that these are institutions that sign petitions in newspapers that support the Hong Kong national security law, urge that Meng Wanzhou be released early, or other things that the Chinese government feels are positive and that probably most Canadians would feel are not in the Canadian interest.

That being said, I think people have the right to have a political choice, and if their political choices correspond with the interests of China in Canada, that's well within their rights as Canadian citizens.

What it really comes down to is whether they are receiving funding or support from a foreign power. When you look at things coming up on the Internet for elections, it's perfectly legitimate for governments to put together videos of politicians saying things they wish they hadn't said or doing embarrassing things. However, if those videos are funded and supported by a foreign power, it's a different level of participation in our democratic process.

Mr. Heath MacDonald: I think we're seeing that now with AI quite frequently.

Dr. Charles Burton: Yes.

Mr. Heath MacDonald: You also talked a bit about the individuals at the other end of this question. If someone is compromised and they're unaware of it, what should the process be? What is the administrative, investigative process at that end of it? How do they, in layman's terms, contact those individuals and ensure that those individuals are not compromised in their situation of, say, their workplace or what have you? What is the process now?

What does the U.K. do in trying to eliminate those types of compromised individuals, who aren't even aware that they're possibly under the influence of foreign state actors?

Dr. Charles Burton: The U.K. exposed an actor who was active in funding political candidates, and sent around a message to all of the MPs to warn them about this individual. They also found that there were staffers in parliamentary offices who they believe are under the influence of China. There are now legal cases ongoing about that.

We know from the CSIS documents about staffers in our Parliament and parliamentarians whom CSIS regards as being under the influence of a foreign power. They may sort of half understand the implications of what's going on.

I think once we have this process in place and we have this commissioner, the commissioner can make it clear to people where the lines are in terms of one's engagement with a hostile foreign power, and maybe inform their boss that this person may be providing information to a foreign power that they would prefer wasn't provided to a foreign power.

• (1635)

Mr. Heath MacDonald: How's my time, Mr. Chair? I have 16 seconds.

I want to go back to Mr. Kempa for a quick moment with regard to the function of CSIS now, compared to what will and should be the function of CSIS after this bill is passed.

Can you quickly say if it is just based on resources or working closely with the RCMP?

Mr. Michael Kempa: It basically changes its role from being an entity that serves the government to an intelligence agency that circulates essential information to all manner of partners. It's a fundamentally different role. There's a capacity issue for sure, but also the purpose would require a shift in the culture of the organization.

Mr. Heath MacDonald: Is that not happening now?

Mr. Michael Kempa: Certainly. In a sense, this bill supports where CSIS is currently heading and has publicly stated it needs to head—

The Chair: Thank you, Mr. MacDonald.

Mr. Michael Kempa: Am I finished? I'm sorry.

The Chair: Wrap it up really quickly.

Mr. Michael Kempa: No, I'll wait for another question to elaborate on the point.

The Chair: We're here for your answers, not for our questions.

[Translation]

Mr. Villemure, you have two and a half minutes.

Mr. René Villemure: Thank you, Mr. Chair.

Since I only have two and a half minutes, I'm going to ask both witnesses the same question and ask them to give short answers.

Dr. Burton, in its current form, could the registry have prevented what happened at the National Microbiology Laboratory in Winnipeg?

[English]

Dr. Charles Burton: If the register showed that there were people who were responsible for the lab and seemed to have influence with China, that would be one thing. We are puzzled by who authorized the presence of People's Liberation Army researchers and some students in the lab. I don't want to get too political about this, but no one has been made accountable for what happened.

I'm also puzzled by how the two scientists—who, according to the minister, are still under investigation by the RCMP—were able to leave for China and continue to work in sensitive areas under new names.

[Translation]

Mr. René Villemure: That's interesting too.

[English]

Dr. Charles Burton: I'm just at a loss as to how this situation came up, and I'm very disturbed about what it does for our reputation with other countries. Of course, there's the damage of the transfer of technologies to the Chinese state, which may not be using them for good public health purposes.

[Translation]

Mr. René Villemure: What do you think, Mr. Kempa?

[English]

Mr. Michael Kempa: I would just add that I think the main value of a registrar's office that provides, basically, a map of the agencies or networks involved in legitimate influence is that it provides CSIS, police and other investigative bodies with a starting point for some of the darker networks that might be beneath that map. In many cases, it's a starting point for an investigation or intelligence gathering, whereby they have some idea of whom they could at least start asking questions of to seek information.

[Translation]

Mr. René Villemure: Do you think the scientists would have been on the registry?

[English]

Mr. Michael Kempa: No, not for their clandestine purposes, but what I'm saying is that perhaps some other body, such as a university office or other that had been in any way related to the exchange of laboratory information between Canada and China, would have been an agency that CSIS, or a police organization, could have asked questions of to get started on an investigation earlier.

[Translation]

Mr. René Villemure: All right.

Earlier, you mentioned that the act should be reviewed every five years. The Privacy Act and the Consumer Privacy Protection Act contain such obligations, but they haven't been reviewed since 1983 or 1984.

How can we be sure that this review will in fact be carried out?

• (1640)

[English]

Mr. Michael Kempa: Again, I don't think that can be specified in legislation. I simply think it's for the development of protocols through basically getting started and keeping track of best practices that we can formalize in the working manuals of those organizations over time.

[Translation]

Mr. René Villemure: Thank you very much, Mr. Kempa.

The Chair: Thank you, gentlemen.

[English]

We'll go now to Mr. MacGregor.

In my defence, I used to work for a fellow named McAllister.

You have two and a half minutes, please.

Mr. Alistair MacGregor: Thank you, Mr. Chair.

Maybe I'll have a pseudonym one day as Gregor McAllister, and that would confuse everyone.

Professor Kempa, when I was reading through this bill, everything seemed to flow and make sense in terms of the title of the bill and what it is aiming to do. The one section, though, that seems to stick out to me as being in an odd place to fit it in is the amendments to the Criminal Code. I'm talking specifically about clause 60 and clause 61. There's an update to the "Sabotage" section of the

Criminal Code. I note that the government, in drafting this bill, did insert two sections where, for greater certainty, it's not an offence if it's "advocacy, protest or dissent".

I'm just wondering if, in your review of these amendments to the Criminal Cod, you have any opinions on them. Are you satisfied that they are in good order?

Mr. Michael Kempa: Of course, the main concern there is that some way or another those powers could be used to somehow police or lay charges for legitimate domestic protests. It's disruptive to essential infrastructure, basically. I would think that the provision that the protest must be significantly driven or influenced by or caused by foreign interference is the safety valve mechanism there. I do find that perhaps that language could be accentuated—that the action against essential infrastructure must be motivated by serving a foreign entity.

Mr. Alistair MacGregor: Thank you.

Very quickly, you've heard my concerns with the definition of "arrangement" in part 4 of this bill, the new foreign influence transparency and accountability act. Just in terms of "association", do you have any thoughts on that term, "in association"? Is it quite clear to you, or do you think this committee needs to do work on that?

Mr. Michael Kempa: That is one term where I think there's a need for work. It's very broad, and most of the civil liberties critiques have focused in on that precise terminology.

Mr. Alistair MacGregor: Thank you.

The Chair: Thank you.

We'll go now to Mr. Kurek for five minutes, please.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thanks very much, and thank you to our witnesses. I appreciate the insight.

I'll start with Mr. Burton and then go to Professor Kempa.

You talked about that tension that needs to exist because somebody holding views is not necessarily the problem, but it's when it's a foreign state and there's influence in that process. I'm just wondering how we square that circle, so to speak, to make sure that we can in fact have a framework that ensures that we are protecting our democratic infrastructure, research infrastructure, etc., while also protecting the freedoms and rights of Canadians. There's a tension there, and we have to make sure that we get it right. I'd ask for your feedback and whether you have any specific suggestions about what that should look like in terms of the context of this bill, especially because there's such a tight deadline for amendments.

I'll start with Mr. Burton.

Dr. Charles Burton: Well, I certainly think it's important that citizens of Canada should be serving the purposes of Canada and shouldn't have some remnant loyalties to a nation that they or their ancestors may have come from.

I do think it's incumbent on us to have much more transparency in these matters.

With the Winnipeg lab matter, I suppose the issue was that Professor Qiu was receiving benefits from China through these thousand talents programs and other arrangements with the Wuhan Institute of Virology, which she was not open about.

In terms of the issue with Kenny Chiu, for example, I think the main problem was that we couldn't find out where the information on WeChat and other Chinese websites was coming from. Was it domestic political preference, or was it something coming out of Beijing? We couldn't get any transparency on the sources. All of the stuff was under pen names and on websites that we couldn't associate with any existing institution, which of course by itself is suspicious. I do think that we just have to know.

Also, of course, we haven't talked about this, but the point of this legislation is not to prevent people from taking benefits from a foreign state, but for them to be transparent about it. That would be a choice of Canadians. I receive funding from different foreign governments that have engaged my consulting services. I am only too happy, if called upon, to make that publicly known.

• (1645)

Mr. Damien Kurek: I appreciate that.

Mr. Kempa, go ahead quickly.

Mr. Michael Kempa: A quick addition would be about the constant emphasis of the term “clandestine” in the legislation, so that it's not the issue of influence at all. A Canadian citizen is democratically permitted to overtly promote the interests of another state. It's the clandestine piece and the disclosure of any interest.

Mr. Damien Kurek: There's a comparison made with the ethics act. I hear from my constituents often, and they are frustrated. I also sit on the ethics committee, and this issue has touched it. There's that transparency piece that is so essential to make sure that Canadians know about it. Then, at least if Canadians know about it, they can make decisions accordingly.

What should that mechanism be in terms of transparency? Should there be bulletins, or is it enough to be on a list? Is it enough to make sure there's this coordination between different levels of law enforcement? What's the right level of transparency? Does there need to be more, or does what's proposed in the legislation go far enough?

I have one more quick question if we have time.

Dr. Charles Burton: I think the legislation is good. As I said before, I think it's really the regulations that are going to be the key here. There are still a lot of things that haven't been fully explained, including, as you said, how we define those terms and whether we shouldn't have terms that are very clear in these things.

My own feeling with regard to receiving benefits from abroad is that there shouldn't be any privacy allowed and that you have to be completely forthcoming about any conflicts of interest because of foreign money. I think that if people feel that violates their privacy, it's easy: Don't take any foreign money and then you won't have to talk about it.

Mr. Damien Kurek: That's great.

Do you have anything to add, Mr. Kempa?

Mr. Michael Kempa: Annual reporting on the part of the registrar's office, which would be picked up on media and whatnot, would be very helpful.

Mr. Damien Kurek: I appreciate that.

Mr. Burton—

The Chair: Thank you, Mr. Kurek.

Mr. Damien Kurek: Is that the time? Okay.

The Chair: We go now to Ms. Dzerowicz for five minutes, please.

Ms. Julie Dzerowicz (Davenport, Lib.): Thank you so much, Mr. Chair.

I want to thank both of you for your excellent contributions so far.

I'm not usually someone who sits on this committee, and I feel very privileged to be here.

One of the hats I wear is that of chair of the Canadian NATO Parliamentary Association. I'm often with other NATO parliamentarians around the world. We often talk about foreign interference, cybersecurity and disinformation. One of the things we talk about is whether or not our national security and intelligence units have the ability to be transparent about attacks that might be happening and that they stop. For example, around disinformation, often it's a way of communicating to the broader public that something has taken place and has been stopped.

I want to get your take first, Mr. Kempa, and then Mr. Burton's, if he has something to add, as to whether there is the framework in place that allows CSIS to be able to provide that transparency to Canadians.

Mr. Michael Kempa: CSIS, currently and with this legislation, would have the transparency to report on, essentially, successes in addressing disinformation campaigns. The only thing I would say is that, obviously, they wouldn't release details that would let other entities know what they're capable of or how they succeeded, because then those entities would simply change their tactics and so forth.

However, as part of CSIS's developing culture to inform the public and report, there's no reason they couldn't do so in general terms.

Ms. Julie Dzerowicz: Do you have anything to add, Dr. Burton?

Dr. Charles Burton: Yes. I've mentioned this before in Parliament: Compared with Australia, the United States and Great Britain, our security agencies, up until relatively recently, have been much less forthcoming about matters. Mr. Vigneault said to the old commission, "The purpose of CSIS is to have secrets." Well, I hear what he's saying, but I think a sort of cult of secrecy may be going too far. If other nations are able to be more forthcoming and provide more information about foreign interference and influence operations in their statements of claim in legal cases and so on, Canada could start to do the same.

I defer to Mr. Kempa on this, but there seems to be a cultural issue within our security agencies. They are much more reluctant than other nations to inform Canadians and Parliament about what they're doing.

• (1650)

Ms. Julie Dzerowicz: Well, I think there's been excellent testimony today about the need for a culture shift, not only because of Bill C-70 but also, I think, because of the world we live in and the threats we face.

Mr. Kempa, in a number of recent articles, you discussed the serious problem that foreign interference represents, particularly in local nominations. Of course, there's a minority government under way right now. Lots of nominations are under way and will continue to be under way.

To what extent do you think Bill C-70 will protect the legitimacy of upcoming nominations in the next election?

Mr. Michael Kempa: It helps directly, in the sense that CSIS would be able to share information, obviously, with political parties across the board sooner, and also work in partnership, for example, with Elections Canada. Obviously, Elections Canada does not regulate most of the details of nomination procedures, but it certainly does in the area of, for example, the financing of nominations. That would be a significant step forward, certainly.

The other issue around the leaky nature of unregulated nominations and foreign interference has to do with the Elections Act and the fact that parties follow private rules for nominations, apart from finance. This bill would be a step in the right direction in that sense.

Ms. Julie Dzerowicz: Thank you.

My final question is for Dr. Burton.

I've had constituents in my own riding come to my office and say, "Julie, I'm convinced that I am being monitored by the Chinese government." The only place I can refer them to is our local police. I think there's some division somewhere that is supporting them.

I guess my question to you is this: It might be in protocols and regulations, but is there enough of a framework here, particularly around the commissioner, for when someone in public feels they are being monitored? Would they be able to find an avenue where someone could help them?

Dr. Charles Burton: Yes, I think that also came up among parliamentarians in the Inter-Parliamentary Alliance on China, IPAC.

I received some informal information from CSIS in that regard. I didn't know about it. For whatever reason, it doesn't seem to be

their common practice. However, they approached me about this, and I'm grateful they did. I don't know. I don't think I'm really equal to challenging skilled young hackers out of Shanghai who are trying to get my emails and telephone conversations, but I'm making my best effort to encrypt and be more careful.

I don't see why CSIS can't tell you if they suspect that. They did not tell me who it was, or why it was. They only told me when it started. I took that information on board and tried my best to find out about how to be more careful in my cyber-communications.

Ms. Julie Dzerowicz: Thank you.

The Chair: Thank you, Ms. Dzerowicz.

Thank you, gentlemen, for your testimony today. It's been most helpful. It will be a great help to us in moving forward with this legislation.

We'll suspend for a few minutes and bring in the next panel.

Thank you.

• (1650)

(Pause)

• (1700)

The Chair: I call this meeting back to order.

I'd like to welcome our witnesses for the second hour.

We have, from the Canada Tibet Committee, Sherap Therchin, executive director; from the Uyghur Rights Advocacy Project, Mehmet Tohti, executive director; and from the World Sikh Organization of Canada, Balpreet Singh, legal counsel, who is joining us by video conference.

I will now invite Mr. Therchin to make an opening statement of up to five minutes.

Please go ahead, sir.

Mr. Sherap Therchin (Executive Director, Canada Tibet Committee): Thank you, Chair and committee members.

I deeply appreciate this opportunity to speak with you today on the important matter of countering foreign interference. I would like to thank everyone involved for taking this matter seriously and for the detailed process to develop countering measures.

I would like to focus my presentation on part 1 of Bill C-70 with reference to the review of the bill by Sarah Teich and Hannah Taylor. While the review finds many of the amendments encouraging, it points to a limitation, which is that Bill C-70 does not propose the addition of a definition of "transnational repression" to any pieces of legislation that the bill proposes to amend or enact.

Defining transnational repression is essential to recognize and address the specific tactics used by foreign states to silence dissent among diaspora communities. This repression can take various forms, including harassment, surveillance, threats, coercion and physical violence. Authoritarian states, such as the People's Republic of China, routinely use these tactics to control dissent and opposition beyond their borders.

The PRC's transnational repression is a well-documented phenomenon affecting several groups, including the Tibetan diaspora. The Chinese Communist Party employs various methods to exert control and suppress Tibetan activism and identity worldwide.

I'd like to describe some of the key tactics here.

One is surveillance and intimidation. The CCP gathers personal information on exiled Tibetans through cyber-attacks and spyware and by questioning relatives in Tibet. This information is used to intimidate and coerce Tibetans abroad, often through direct threats or by harming their families back home.

Two is coercion by proxy. The Chinese authorities frequently threaten or harm relatives of exiled Tibetans in Tibet to exert control over the diaspora. This method ensures that exiled activists are silenced or forced to conform to the CCP's demands out of fear for their loved ones.

Three is infiltration and disinformation. The CCP infiltrates the Tibetan diaspora communities and organizations, using spies and co-opted individuals to sow distrust, spread disinformation and undermine solidarity networks. These activities severely disrupt the community's ability to organize and advocate for Tibetan rights.

Four is economic and social coercion. Tibetan exiles often face economic and social pressure from the CCP, including blackmail and efforts to sabotage their livelihoods. Such tactics aim to destabilize the diaspora and reduce its capacity to support the Tibetan cause.

There is a need for a clear definition in Bill C-70. Incorporating a clear definition of transnational repression in Bill C-70 would enhance Canada's ability to combat such foreign interference effectively. It would provide a legal basis for identifying and prosecuting transnational repression activities, thereby protecting diaspora communities from foreign state harassment and coercion.

With this, I'd like to offer some recommendations for Bill C-70.

Recommendation one is to define "transnational repression": Include a comprehensive definition of transnational repression that encompasses all forms of extraterritorial control and coercion used by foreign states against diaspora communities.

Recommendation two is to enhance surveillance and prosecution mechanisms: Strengthen provisions within the CSIS Act and the Criminal Code to allow for robust monitoring and prosecution of transnational repression activities, ensuring that perpetrators are held accountable.

Recommendation three is to support victims and communities: Establish mechanisms, including specialized funds, to support and protect diaspora communities, providing resources and assistance to those affected by transnational repression.

Finally, recommendation four is international co-operation: Foster international collaboration to address transnational repression, working with allies to develop coordinated responses and share best practices.

● (1705)

In conclusion, defining transnational repression in Bill C-70 is a crucial step towards effectively countering the PRC's tactics against the Tibetan diaspora and other affected communities. By recognizing and addressing these activities, Canada can better protect the rights and freedoms of all its residents, ensuring a safe and supportive environment for those fleeing authoritarian oppression.

Thank you.

● (1710)

The Chair: Thank you.

We'll go now to Mr. Tohti for an opening statement of up to five minutes.

Please go ahead, sir.

Mr. Mehmet Tohti (Executive Director, Uyghur Rights Advocacy Project): Thank you, Chair and distinguished members.

I would like to thank you for this opportunity to testify today about the critical and pressing issue that we have been advocating on for nearly decades: countering foreign interference. As a fervent advocate for the Uyghur people and against the Chinese Communist Party's ongoing genocide, I can say that foreign interference by the Chinese state has had a marked impact on my personal life here in Canada.

Chinese repressive and innovative efforts to silence dissidents have attempted to shackle my activism and intimidate me into retreating from speaking out about the devastation of my family, friends and community. I have received numerous times threatening phone calls from the state police directly and messages about the most wild things being said about my loved ones. I'm a Canadian, and my rights to exercise free speech and freedom of assembly are attempted to be curtailed by the Chinese government all the time.

Bill C-70 is a heartening response by the Canadian government to my community's experience of transnational repression. Bill C-70 is a significant step forward in addressing foreign interference and protecting Canadian citizens from transnational repression. We talk about transnational repression because, on a personal level, we do not experience interference. We experience repression by the hijacking of our family members just for our speaking up in Canada. For that reason, both Tibetans and Uyghurs use the term "transnational repression".

As a human rights defender, I do believe that the broader application and the coverage of certain acts of transnational repression against human rights activists afforded by the proposed amendments in Bill C-70 will allow for greater protection of the full and uninhibited exercise of our democratic rights in Canada. The proposed amendments in Bill C-70 will foster a joint strength among us Canadians to effectively counter threats to the security of Canada and safeguard the diaspora communities in Canada and abroad.

The expansion of information disclosure to anyone, not just a public official, if deemed to be essential in the public interest, will allow for enhanced bureaucratic transparency. Enhancing CSIS's ability to carry out its important functions serves to strengthen Canadians' trust in the agency and its capacity to detect, prevent and respond to threats from foreign agents, including those from China.

Necessarily, Bill C-70's emphasis on international co-operation underpins a crucial and powerful tactic in countering the global reach of authoritarian regimes such as China.

I applaud the proposed creation of a foreign influence transparency registry, which will enhance the effectiveness of protecting vulnerable diaspora communities, and the proposed appointment of a commissioner of foreign influence transparency; however, I am a little bit concerned about the absence in Bill C-70 of proposing the addition of specific foreign interference offences to the Criminal Code, nor does it propose that refugee espionage, online harassment or digital violence be criminalized. Further, given the limited amendments to the Criminal Code, there are deficient means for the victims of foreign interference to seek redress for the impacts of transnational oppression.

It is crucial that the government go beyond interference that activists carry out in relation to certain political and government processes in all aspects of Bill C-70. The Chinese government's reach extends far beyond attempts at directly interfering with Canadian institutions. My experience of transnational oppression is unrelated to political or governmental process, yet it is an assault on my democratic rights, warranting protection as much as upholding the integrity of our democratic process.

Crucially, addressing foreign interference must take a victim-centric approach. Chinese transnational oppression and interference in Canada pose a significant threat to the Uyghur communities and the Canadian values of freedom and democracy. With the introduction of Bill C-70, Canada is making a strong statement against those oppressive tactics. It is imperative that we remain vigilant, stand in solidarity with those affected and take concrete steps to counter these challenges.

Thank you.

• (1715)

The Chair: Thank you, sir.

I now invite Mr. Singh to make an opening statement of up to five minutes.

Please go ahead, sir.

Mr. Balpreet Singh (Legal Counsel, World Sikh Organization of Canada): Good afternoon. My name is Balpreet Singh. I serve as legal counsel for the World Sikh Organization of Canada, which is also known as the WSO.

The first week of June is a particularly sombre time for Sikhs, as we remember the 1984 Sikh genocide and the Indian government's brutal attack on the Darbar Sahib complex and approximately 70 other gurdwaras across Punjab. I mention the horrific acts of June 1984 to remind committee members of the price that Sikh community members have paid due to state-sponsored violence, foreign interference and surveillance, simply for practising our faith.

For the past 40 years, India has consistently sought to intimidate Sikhs in Canada and stifle Sikh advocacy for Khalistan, which is a sovereign state governed according to Sikh principles and values. This interference has included disinformation campaigns, visa denials, intimidation of family members and, as we know now, even assassinations. Discussing or promoting Khalistan is protected under freedom of expression and political discourse. Attempts to draw attention to ongoing Indian interference targeting Sikhs have fallen largely on deaf ears, as India constantly maligns Sikh activism as extremism and worse.

The Sikh community is currently at a pivotal moment in its history. In June 2023, Bhai Hardeep Singh Nijjar was assassinated while leaving the Guru Nanak gurdwara in Surrey, where he served as president. The community, including our own organization, the WSO, recognized that this was an assassination at the hands of the Indian state. This was later substantiated as information emerged of Indian plans to kill Sikh activists here in Canada and across the world.

This weekend, I met with two Sikhs who have been given duties to warn. They have been provided with no details on the source of the threat they face or any resources to protect themselves. In short, they feel that they are on their own and pretty much abandoned.

Foreign interference has had deadly consequences for Sikhs in Canada. We believe more needs to be done to counter foreign interference. In that respect, Bill C-70 is a step in the right direction.

I would like to highlight the ability of CSIS to now disclose security information to any person or entity, should CSIS deem it relevant. This will be a positive step. However, we are also concerned about whether foreign consular officials in Canada might also be considered an entity. Also, India regularly supplies false and misleading intelligence about Sikh activists in Canada. There would need to be some sort of controls to ensure that this isn't further disseminated.

We know that the framework for co-operation on countering terrorism and violent extremism between Canada and India is still active. We have grave concerns over intelligence sharing between Canada and India. Vigilance needs to be ensured, so that new powers created by this legislation are used to counter foreign interference and not turned around against communities here. India has falsely claimed that Khalistan activism in Canada is directed by foreign state actors. Could accusations like that trigger the provisions in this bill?

The sabotage provision being added to the Criminal Code makes it an offence to interfere “with access to an essential infrastructure...with the intent to”—and this is in (b)—“endanger the safety or security of the naval, army or air forces of any state other than Canada that are lawfully present in Canada”. Sikhs have often protested in front of Indian consulates and the embassy here in Ottawa. The Indian embassy staff includes a military, naval and air attaché. Last year, the Indian media falsely reported that the Indian embassy in Ottawa was targeted with “two grenades” by a Sikh protester—a story covered today in the *Journal de Montréal*. India's NIA, the National Investigation Agency, also filed charges against a Montreal-based Sikh based on these accusations. Could this new Criminal Code provision be used to stifle Sikh protests?

With the short amount of time I have left, I'd like to highlight the reference to international relations between countries in Bill C-70.

We're concerned that this language and provision could go against the overall purpose of the legislation. Judges are given discretion to not release records following a trial if they believe that doing so “would be injurious to international relations or national defence or national security”. Additionally, subsection 82.31(1) of the Immigration and Refugee Protection Act gives the minister the ability to intervene if they believe that matters could damage international relations.

The reason foreign interference against Sikhs has gone unchecked for the past 40 years is the desire of successive Canadian governments to increase trade relations with India. This has been at the expense of the Sikh community. A report by Sam Cooper in *The Bureau* revealed that “CSIS planned a major intervention in 2017” to dismantle “Indian intelligence networks in Vancouver that were monitoring and targeting the Sikh community”. According to this report, this operation was obstructed by the government, citing potential repercussions for Canada-India relations.

Canada needs new tools to counter foreign interference, no doubt. However, our organization and the Sikh community fear that the international relations clause may be used as an excuse to ignore ongoing interference by India against Sikhs in Canada and might even create tools that would persecute Canadian Sikh activists.

• (1720)

That's my time.

I look forward to the questions you might have.

The Chair: Thank you, sir, for your remarks.

We'll start the questions with Mr. Genuis, please.

You have six minutes.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Thank you very much, Chair.

It's a real pleasure for me to have these three witnesses before the committee. All three individuals represent groups that I've had a chance to work with for almost the entirety of my time as a member of Parliament.

I want to thank all three of you for the way you diligently inform us as legislators and also for your work on many important issues.

As all of you know, Conservatives have been highlighting the urgent need to pass this legislation. The Liberal government has done everything possible over the last nine years to delay action on foreign interference. We are concerned, given the delays we've seen, that they may want to avoid this legislation being in force in time for the next election, which is why we have been pushing them for timelines to get this done.

This is a question for all three of you. I would ask you to answer it quickly, if possible. I want feedback from each of you on the information-sharing provisions in this legislation.

If CSIS is aware of a threat against an individual, there are obviously many advantages to CSIS being able to make the decision to inform that individual of the threats directly. There's maybe the concern about potentially political decision-making if there's a political check requirement and that leading to an avoidance of information being disseminated.

What do you think about the information-sharing provisions? Are they adequate? Should they be strengthened?

I would ask for a quick response from all three of you, please.

Mr. Mehmet Tohti: It is important. It has been a one-way street. At least now we will have a chance to hear from CSIS. A number of times we faced direct threats and there was no warning. We could face a direct attack by people just following us in a car. In that circumstance, if there was a warning beforehand, and if there was a car chasing us in our daily life, at least we could take some personal precautions or additional measures to protect ourselves.

Mr. Sherap Therchin: I would add that depending upon the level of seriousness of information that is available from CSIS about the citizen, if the information is serious enough and if it could possibly help prevent any danger to the citizen, then I think the information should be made available or shared with the concerned citizen.

Mr. Balpreet Singh: I'll just add that this could potentially be a double-edged sword. We definitely, as a community, need to know more when there are threats against members of our community. Right now, like I said, these individuals who have duties to warn are completely in the dark. They have no idea who's threatening them and what the level of that threat is.

On the other side, we also know that there's an open channel with this framework of co-operation between India and Canada passing information back and forth. Is this information, potentially false information, often coming from India, going to be disseminated further as a result of this? Second, do foreign diplomats or other entities here in Canada count as entities with whom CSIS can share this information?

Mr. Garnett Genuis: Thank you.

I have a second question. How will bad actors try to get around this legislation, and what could we possibly do to block those workarounds? One area that occurred to me is that they might try to interfere through subtle pressure, discrimination or implied threats rather than direct threats.

What do you see as being the likely response from bad actors, and how can we cut off those kinds of potential responses?

I would ask for a quick response from everyone again.

• (1725)

Mr. Sherap Therchin: I would like to go back to my focus on the need to define transnational repression. If the legislation does not include a clear definition of transnational repression, I think it gives an opportunity for authoritarian states like China to go around the legislation and coerce diaspora communities, including Tibetans, to do what they want them to do.

In the specific example of Tibetans, in recent years there have been cases of Tibetans applying for a visa to visit Tibet, which is usually considered very difficult. If you have participated in, let's say, the annual Tibetan National Uprising Day, which is on March 10, or if you are a regular participant at the celebration of His Holiness the Dalai Lama's birthday, you most likely won't get a visa. If you do manage to get a visa and if you do manage to visit inside Tibet, when you come back to Canada, you'll be asked to gather information, or you'll be asked not to attend anymore those events that you used to attend.

It's about having that clear definition. This is just one example.

Mr. Garnett Genuis: Okay.

We have probably about 20 seconds for both of you on this.

Mr. Mehmet Tohti: The bad actors will always develop and explore the means and ways to exploit this process, but what's most important is how we protect ourselves and how we prepare ourselves. This will at least strengthen that process and give us the tools to combat against the people who are just skipping this process or trying to make use of it for their own advantage.

Mr. Garnett Genuis: Mr. Singh.

Mr. Balpreet Singh: Briefly, I can tell you that India uses foreign-based or Canada-based proxies. There are usually different layers. In practical terms, getting to where the orders are coming

from is often a challenge. Do I have a solution? No, I don't, but you're quite right that there are different layers. Often it looks like there's a Canada-based individual who actually has different layers above, and finally you can trace that to India, but it's not straightforward.

The Chair: Thank you, Mr. Genuis.

We'll go now to Mr. Gaheer for six minutes, please.

Mr. Iqwinder Gaheer (Mississauga—Malton, Lib.): Thank you, Chair.

Thank you to the witnesses for appearing.

My questions are largely for Mr. Balpreet Singh. Look, as a Sikh, as a Canadian, I resonate with large segments of your opening testimony. I think when the Prime Minister stood up in Parliament last year and spoke on the murder of Hardeep Singh Nijjar, that was quite a moment for the community. I know that for you and for me and for other members of the Sikh community, that moment really confirmed what Sikhs already knew and felt. Many deep-seated fears were realized.

I now find it very ironic that Mr. Genuis is showing concern for this issue, because I remember the moment when the leader the next day flip-flopped and said they needed more information to comment on this issue and did not stand with the Sikh community. When the debate happened in Parliament regarding that murder, the Conservatives did not show up.

So it's quite ironic that now—

Mr. Garnett Genuis: On a point of order, Chair, it is unparliamentary to refer to the presence or absence of members, for one thing, but I was sitting there for the entire debate, and—

The Chair: Excuse me, Mr. Genuis.

Mr. Garnett Genuis: Okay. I have a point of order.

The Chair: Mr. Genuis, go ahead on your point of order.

Mr. Garnett Genuis: Mr. Gaheer is dead wrong about whether I've stood with the Sikh community. He should ask the witness whether I've stood up for the Sikh community, because I've said far more in defence of the Sikh community's concerns than he ever has.

I'd like him to withdraw his comments about the presence or absence of members in the House.

The Chair: Mr. Genuis—

Mr. Garnett Genuis: He's dead wrong. I was there.

The Chair: Mr. Genuis—

Mr. Iqwinder Gaheer: Wait, let me get that straight: You've stood more with the Sikh community than me, as a Sikh?

The Chair: Mr. Gaheer—

Mr. Iqwinder Gaheer: You're kidding me, right?

The Chair: Let's not talk across each other.

Mr. Garnett Genuis: Look up interventions in the House.

The Chair: Mr. Gaheer, carry on with your questions.

Mr. Garnett Genuis: Ask Balpreet.

The Chair: Mr. Genuis—please.

Mr. Iqwinder Gaheer: In your opening testimony, Balpreet, you spoke about the security sharing that's taking place under this bill. From my review of the bill and the legislation, this bill, as far as I am aware, does not open up new avenues for security information sharing with foreign entities. It's largely for Canadian entities, whether it be government bodies or individual persons within Canada. Any sort of information sharing that's taking place is happening within frameworks that are already established.

You mentioned one of them, which is the co-operation agreement. I think that was established with India as well. As far as I'm aware, this bill does not open up new avenues for that kind of information sharing. Again, we are going to have CSIS appear before us, and the minister. I'd be happy to raise these concerns with him and with CSIS as well.

As for the information sharing, it's among government bodies. We've heard testimony that CSIS is reticent at times to share information. This bill will allow for more information sharing. Different government agencies may have different pieces of that pie, and only when you put those pieces together do you get the full picture and perhaps reach that bar whereby you can move to the next step.

I do want to say that from what I've heard from testimony and from witnesses and from conversations that I've had, we are generally a net recipient of information. I think that's a good thing in the international framework.

One thing about this legislation is that there's a requirement that Parliament review the CSIS Act every five years in order to ensure that CSIS's mandate and powers are consistent to address the threat landscape that they operate in. Does your organization support this review?

• (1730)

Mr. Balpreet Singh: Yes. I'll touch on a couple of the points you've raised.

First, we know that this channel is open between Canada and India. Now, India is notoriously bad when it comes to respecting human rights. We've seen the transnational repression that's taken place, including killings on Canadian soil. I appreciate that we can say that it's been largely data coming our way as opposed to the other way around, but having this channel available means that we can't control how it's used in the future. I mean, there will be other governments that come in. There will be other people who come in your place and in others'. Having this channel open is problematic. That's my first comment.

The review after five years is absolutely essential. There are so many things we're trying out for the first time, including the registry, that we'll need time to see how it works. Then, you're right, we'll need to have a review to see if we can improve things or change things if necessary. Yes, we're completely supportive of that.

Mr. Iqwinder Gaheer: Mr. Chair, how much time do I have? I have two minutes. Okay, that's great.

Again, from what I've heard from testimony, when you look at the co-operation agreement, you see that large sections of it, actually.... Most of that information sharing is for immigration purposes. It's for the security background checks that happen. It's not necessarily the type of information that I think the Sikh community is worried about. I think it has largely been used for immigration purposes. Obviously, a large segment of the population in India wishes to emigrate from India, and large sections come to Canada, so that security framework is used for doing those background checks.

I also want to ask about the foreign interference that the Sikh community has faced over the last few years and over the last few decades. How has that changed, perhaps, under the current Government of India?

Mr. Balpreet Singh: Once again, touching back on your initial point about the intelligence sharing, the intelligence-sharing framework itself names a number of so-called extremist groups. It names two Sikh groups that are, as far as I can tell, completely defunct. I haven't seen any actions by them. However, when it was presented in the Indian media in 2018, it was presented as an intelligence framework co-operation agreement to clamp down on so-called Sikh extremism in Canada. That's how it was framed in India, and I believe that's how it's intended to be used by the Indians.

Now, I'm glad that, if what you're telling me is correct, that's not the way it's being used. However, once again, just having this open and the wording of the framework are problematic.

In terms of the transnational repression, under the Congress governments that we've seen in the past, the messaging has been very similar in terms of claims of so-called extremism, which is largely just—

Mr. Iqwinder Gaheer: That's great. Thank you.

I do want to say, Balpreet, that when the minister does appear and when CSIS does appear, I will specifically ask about that information-sharing co-operation.

Thank you.

The Chair: Thank you, Mr. Gaheer.

[Translation]

I now give the floor to Mr. Villemure for six minutes.

Mr. René Villemure: Thank you, Mr. Chair.

Thank you to our guests, Mr. Tohti, Mr. Therchin and Mr. Singh.

I'll start with you, Mr. Tohti, and then go to Mr. Therchin.

You have actively supported the creation of a foreign influence registry. Does the government's proposal in Bill C-70 meet your expectations?

[English]

Mr. Mehmet Tohti: As I said, it is the right direction, and it is the first step. We have been trying to get some sort of legislative action on this because China has been very active, not just in Canada but in many of our allies' countries. For that reason, some countries have already taken some actions, but in Canada, it took some time.

At least we have this opportunity. There are a number of amendments required. When we have something, we can improve it. We look at the issue from this perspective because our communities.... One of our community members, Huseyin Celil, has been in a Chinese jail for 17 years as the first victim of transnational repression. For that purpose and reason, we have one bill right now tabled, and we prefer to work on this bill and, with our suggestions and recommendations, to improve this bill down the road. At the very least, we have to pass this bill as soon as possible.

• (1735)

[Translation]

Mr. René Villemure: If you had a suggestion to make to improve the registry, what would it be?

[English]

Mr. Mehmet Tohti: We should go one step ahead of what Australia, the U.K. and the U.S. have right now because it is quite outdated. At least now we are working on this bill. For that reason, we can study those other countries' legislative provisions, and we can improve it from their experience and strengthen it.

[Translation]

Mr. René Villemure: Thank you.

Mr. Therchin, could you answer the same question, please?

[English]

Mr. Sherap Therchin: I echo the point of my colleague and friend, Mehmet. I think the timing is of concern. We need to get this passed and implemented before the next election.

We are part of a coalition that is actively working on the foreign influence registry act, which includes an activist from Canada and Hong Kong named Gloria Fung, who will be testifying, I think, in a couple of days here at this same committee.

I would defer to my colleague Mehmet Tohti and to Gloria Fung in the upcoming days.

[Translation]

Mr. René Villemure: If you had a suggestion to make to improve the registry, what would it be?

[English]

Mr. Sherap Therchin: Again, with colleagues from Hong Kong leading this discussion, one of the points raised in our discussion was the definition of proxies in the foreign influence registration act. If possible, that needs to be clearly defined.

[Translation]

Mr. René Villemure: Mr. Singh, could you please answer the same question?

[English]

Mr. Balpreet Singh: I'll go back to the initial point I made, which is the fact that international relations can play a role. We need to take a look at that.

I know that in England, they have a two-tier system, and you can pick countries of more concern and less concern. I don't agree with that approach.

Another suggestion I have is.... The transparency commissioner being a cabinet appointment could be a problem. I think we need to make the commissioner as independent as possible.

[Translation]

Mr. René Villemure: Mr. Singh, I get the impression that you do not believe that the commissioner's independence is assured to a satisfactory extent, given the wording proposed in Bill C-70.

[English]

Mr. Balpreet Singh: I think it would be better if it were not at the whim of cabinet. Yes.

[Translation]

Mr. René Villemure: All right.

Mr. Tohti, I have the same question for you. Does the commissioner's independence appeal to you?

[English]

Mr. Mehmet Tohti: The commissioner should be independent, period, and should be in line with our democratic norms and accountability. This is the part of the national security issue for Canada, and it is related to our future generations.

For that reason, we should keep this commissioner far away from political disputes and keep that person impartial. For that reason, it is important.

[Translation]

Mr. René Villemure: Would that impartiality be similar to that of the Auditor General?

[English]

Mr. Mehmet Tohti: I don't know how far we can go technically, but the impartiality of the commissioner is crucial.

[Translation]

Mr. René Villemure: So that's a critical element, a requirement.

Mr. Therchin, I have the same question for you about the commissioner's independence.

[English]

Mr. Sherap Therchin: I think everyone agrees that the commissioner should be independent. I think this whole discussion on foreign interference has involved a lot of consultations with the various parties and stakeholders involved. The idea of keeping the commissioner independent is very important for everyone, including for witnesses like us.

[Translation]

Mr. René Villemure: I think all parties have agreed that this is in the public interest and something needs to be done.

Mr. Tohti, do you have a suggestion with respect to sharing information?

• (1740)

[English]

Mr. Mehmet Tohti: The first time the media reported on unknown vehicles chasing or following me was in 2007, and 17 years have passed since then. Last year at this time, one government official, who happened to be at the same occasion as me, called me after I left to say two cars were following me and there was a direct threat my safety and security.

It is crucial, because we are taking on China. We're talking about China, which is one of the most notorious and brutal regimes in the world. The Chinese government is deploying tons of ways and means just to attack and silence us. Therefore, if there is any crucial information that relates to our safety and the security of our family members here or back home, we should know and be alerted. That is crucial.

[Translation]

The Chair: Thank you very much.

[English]

We'll go now to Mr. MacGregor for six minutes.

Mr. Alistair MacGregor: Thank you very much, Mr. Chair.

Thank you to all of the witnesses for joining us today as we take a deep dive into Bill C-70.

I want to start with Mr. Therchin and Mr. Tohti.

I was taking notes when you both made your opening statements, particularly with regard to the need for a definition of “transnational oppression”. I'm trying to figure out, when we come to a stage where we're considering amendments, where to best fit this in. This bill amends a number of different existing statutes and also creates a new one. However, I want to draw your attention to the fact that, in this bill, there are important amendments to the Security of Information Act. There are going to be new clauses to go after intimidation, threats or violence committed on behalf of a foreign entity. There are going to be amendments about committing an indictable offence on behalf of a foreign entity, about omitting the fact that you are working for a foreign entity, or about interfering in the political process on behalf of a foreign entity. A lot of these—in fact, all of them—have quite serious punishments associated with them.

If you want to submit a brief to this committee, that's great. We can get it later on. However, is there anything you want that is

missing in those I covered? What are we missing? This seems to cover a lot of what you said in your opening statements. I want to make sure we're getting all of our bases covered.

I'll start with you, sir.

Mr. Sherap Therchin: I think the bill covers a lot of things. As a human rights activist, I find it quite encouraging, and I mentioned this in my opening remarks. Also, the analytical reports submitted, I think, just yesterday by Sarah Teich and Hannah Taylor mention that many of the amendments in the legislation are quite encouraging.

Having said that, the analysis in the report points out, as I mentioned in my opening remarks, the lack of a definition for “transnational repression”. I think the aspect here is, as you mentioned, that foreign entities are common in transnational repression as well as in foreign interference. However—at least based on what some of the available literature seems to suggest—the target groups are different for foreign interference and transnational repression. In cases of foreign interference, the target group seems to be more within a state structure, whereas, in cases of transnational repression, it is the diaspora communities, such as Uyghurs and Tibetans.

That was the reason. Otherwise, we actually find it very encouraging.

Mr. Alistair MacGregor: Mr. Tohti, do you want a chance to...?

Mr. Mehmet Tohti: Yes.

It is really important to have a clear definition. The U.S. Senate introduced Bill S. 831 for what will be called the transnational repression policy act. That bill on transnational repression clearly defines what transnational repression is.

There are names and numbers for definitions of offences. Most of those definitions are amended as a result of consequential amendments. When you add one thing, the related bills need to be updated, consequently. For that reason, we need, as part of this important bill—Bill C-70—to clearly define what transnational repression is.

• (1745)

Mr. Alistair MacGregor: Thank you.

I took note of how you had a slight bit of disappointment that we weren't using the term in the Criminal Code. However, I think, given that the Security of Information Act is being amended in these ways and that there are some significant punishments—some of these are up to life imprisonment—perhaps there's an area of the bill where the committee can look at inserting the definition. We've noted that and I appreciate your testimony.

I wanted to save my last question for the World Sikh Organization.

Mr. Singh, with regard to your comments about amendments to the Criminal Code, you referenced the definition of “sabotage”, which specifically says:

endanger the safety or security of the naval, army or air forces of any state other than Canada that are lawfully present in Canada

If you read further down the bill, there is a section that says:

For greater certainty, no person commits an offence [if they are] participating in advocacy, protest or dissent but they do not intend to cause any of the harms referred to in [that paragraph].

Are you satisfied with that, or do you think this committee needs to establish guardrails that are better than what's already in the bill?

Mr. Balpreet Singh: I gave you the example of the Ottawa protest from March 2023. This was, by all accounts, a peaceful protest, but when you have accusations of grenades being thrown, how is that going to affect individuals who want to come and protest?

I mean, is this opening it up to foreign governments basically threatening or throwing the sink at these dissenting communities and hoping something sticks? On the other side, even if you know you're going to be exonerated at the end, it puts you in this long process and you just decide that it's not worth the risk.

This is how I see a lot of things in this entire bill: They're double-edged swords if they're used by foreign governments. For example, the Sikhs are a stateless people. We have networks in countries across the world. Now when India accuses us of Khalistan advocacy, of being directed by foreign entities, is this going to cause us trouble here? I hope not, but what are the safeguards? This is what I'm confused about.

This is intended to stop transnational oppression and foreign interference, but will it be a wet blanket for communities like mine, who are advocating for causes that foreign governments do not like and which they're willing to use all of their resources to stop?

The Chair: Thank you, Mr. MacGregor.

We're going to start our second round now. It will be an abbreviated second round, ending with Mr. MacGregor.

We will start with Mr. Genuis for five minutes, please.

Mr. Garnett Genuis: Thank you, Chair.

I do have to respond just a bit to Mr. Gaheer's line of questioning—

Mr. Iqwinder Gaheer: I have a point of order, Chair.

Mr. Garnett Genuis: The Liberals want to praise the Prime Minister's—

Mr. Iqwinder Gaheer: I have a point of order.

The Chair: There's a point of order.

Mr. Iqwinder Gaheer: Chair, the member opposite who's speaking right now, Mr. Genuis, claimed earlier that he's done more for the Sikh community than I have—

The Chair: That is debate—

Mr. Iqwinder Gaheer: —on the House floor.

We just wanted to do a quick search. This member did not speak at all. When we had an emergency debate on the killing of Hardeep Singh Nijjar, this member did not speak, and he's claiming that he's done more.

Mr. Garnett Genuis: I'll respond to the point of order.

The Chair: This is debate. I don't want to get into a debate.

We want to deal with our witnesses to get the information they have to offer us. I'd recommend that you guys take this up off-line.

I would encourage you to get back to questioning the witnesses.

Mr. Garnett Genuis: The World Sikh Organization, the organization represented here, has actually done rankings of members of Parliament by the volume of their raising Sikh issues. I would refer the member to those rankings and how I performed in them if he wants to know how often I speak about Sikh issues in the House.

Mr. Iqwinder Gaheer: So why didn't you speak about Hardeep? Why didn't you speak on Mr. Nijjar?

Mr. Garnett Genuis: Can I speak, Chair? Can you bring the member to order?

The Liberals want to praise the Prime Minister's public statement in the House even though this Liberal government has done nothing substantively to combat foreign interference.

Following the assassination of Mr. Nijjar, I submitted Order Paper Question No. 2488, regarding information-sharing between Canada and India. The government confirmed in response to that question that the information-sharing agreement signed by the Trudeau government is still operating and information continues to be shared.

I further asked in the same question if any information had been shared with the Government of India regarding Mr. Nijjar specifically, before or after his assassination. I said in the question: "was any information shared at any time between law enforcement or security agencies of Canada and India regarding Hardeep Singh Nijjar?"

The government refused to answer the question. They flat out refused to answer my question about whether intelligence was shared with the Government of India on Mr. Nijjar. One would think that if the answer had been no, they would have just given a no.

Mr. Singh, I want to bring you into this conversation. Do you think it is inconsistent for the Prime Minister and for Mr. Gaheer to make statements in the House on the one hand but refuse to answer questions about whether this Liberal government shared intelligence about Mr. Nijjar?

• (1750)

Mr. Balpreet Singh: I can tell you that the community much appreciated the Prime Minister's statement in September, and it was farther than we've seen any prime minister go.

Are we completely satisfied with the record? As I said in my statements in 2017, according to The Bureau article, this network operating out of Vancouver that was targeting Sikhs was not cracked down on as a result of not wanting to endanger Canada-India relations, so these things have irked us for the past 40 years, but I mean, credit where credit is due: The Prime Minister's statement was really a turning point for our community here.

In terms of intelligence-sharing, you're right that the entire community wants to know: Was intelligence shared on Mr. Nijjar? We know that Mr. Nijjar was part of lists that India had sent to Canada on a number of occasions, with absolutely laughable intelligence—so-called intelligence. Was anything sent back? I certainly hope not, but if we can find that out, that would be great.

Mr. Garnett Genuis: Yes, I understand what you're saying. I think at a minimum the government should answer questions from parliamentarians. Again, if the answer was no, a simple no could have been given. We submitted that Order Paper Question 2488, and we haven't seen questions like that submitted from government members. I wish they would do more to stand up for the various communities they claim to represent.

I want to ask our other two witnesses something. Mr. Therchin raised the point about limits around travelling, fear of travelling, possible threats around visas being used as a vehicle for foreign interference. We've also seen the problem of people being rendered from third countries. This is the case of Huseyin Celil. Given how the Government of China seeks to exercise dominance and influence throughout the world, not just within their own borders, rendering from third countries can be a real problem, the abuse of red notices and other such things.

How can we combat these fears that people may have that if they speak out on certain issues they will be very limited in their ability to travel, not just to China, but also to other countries?

Mr. Mehmet Tohti: Yes, you raised a really important and crucial point. I've been living in Canada since 1998. So far, I can travel to the western democracies. I cannot travel to Central Asian "Stan" countries, for example. Turkey imposed a travel ban on me in effect since 2004 as did a number of other countries, for example, Malaysia, Indonesia, Pakistan and Egypt. I would like to just go to Saudi Arabia. As a Muslim, I would like to perform my hajj, the duty. I cannot go because of the close relationship that Saudi Arabia has forged with China. They are acting upon Chinese requests at any time. It is quite a limitation for me.

Mr. Garnett Genuis: Mr. Therchin, go ahead.

Mr. Sherap Therchin: I think one of the available mechanisms to deal with this—albeit maybe this is not within the scope of this committee—is the principle of reciprocity. I think it is an important mechanism to solve this problem. I had a chance to speak on this in the foreign affairs committee last year. The U.S. passed a bill on Tibet called the Reciprocal Access to Tibet Act. Any Chinese officials, media, have access to visit any part of the U.S., but the same access should be available for American officials, media, journalists, congressmen and senators. If similar such legislation on the principle of reciprocity were passed in Canada—which could be extended to common citizens—I think it would solve this problem.

The Chair: Thank you, Mr. Genuis.

We'll go now to Ms. Zahid.

Ms. Zahid, you have five minutes, please.

Mrs. Salma Zahid (Scarborough Centre, Lib.): Thank you, Chair. Thanks to all of the witnesses for appearing before this committee on a very important issue.

I'm glad that we are examining legislation on an important issue that the Harper Conservatives did little to nothing to address in over a decade in government.

My first question is for Mr. Tohti.

Mr. Tohti, thank you for being here. Thank you for your relentless advocacy for the Uyghur people. I know it has not been without personal cost.

Last year, you told the ethics committee about threats you received in July 2020 before your testimony at another parliamentary committee. Could you please talk about that and other ways the Chinese government tries to intimidate and silence people like you, who are standing up for the human rights of the Uyghur people?

• (1755)

Mr. Mehmet Tohti: Thank you.

Yes, as I said, since 1998 I have been living in Canada. I'm totally isolated from my family members. I didn't have any chance to visit my mother and all of my siblings. For them, they didn't have any chance to come to Canada and visit me because the Chinese government has blocked their passport applications. For more than 33 years it is total isolation; I'm alone here in Canada with my own family.

As I said, Chinese repression did not stop within its borders. Wherever we do advocacy work in Canada or some other places, the extended arms of Chinese authorities always hunt us. Just a couple of hours before testifying before the committee on China's genocidal policy, I received a very ugly message about my mother. Then just two weeks before the parliamentary vote on M-62 for resettlement of 10,000 Uyghur refugees, I received a direct call from the Chinese state police. They put my uncle on the other end of the phone and threatened me. They said a number of my family members were already dead and if I continued I would face the consequence. It was that kind of death threat.

Last year again, before I headed to one conference, two cars chased me. It was a warning from Canadian officials at Global Affairs that saved our lives, because we then changed our route. This threat is imminent every day, and this bill in that regard just provides one tool to combat those foreign actors.

Mrs. Salma Zahid: Thank you for sharing what you have gone through.

In one of the recent interviews in The Hill Times, you mentioned that, most importantly, the legislation clearly defines foreign interference in the Criminal Code.

Can you please speak to why this Criminal Code amendment is so important?

Mr. Mehmet Tohti: It means that, in our legislation or in our bill, there is a name for it. There is a penalty for it, and there are consequences for foreign interference. For that reason, it is important.

Unless we define it, unless we criminalize it, unless we put certain sanctions on certain offenses, we cannot do anything. For example, there should be some provisions in our law for bullying, intimidation or harassment, but there is no clear definition, especially when it comes to foreign interference. Our law enforcement agencies are helpless. With this law, there is a clear definition, and there is criminalization of that offence, so that at least it gives a tool for our law enforcement to act upon.

Mrs. Salma Zahid: Thank you.

How important is it that we pass this legislation as quickly as possible to ensure its full implementation prior to the next election next year?

Mr. Mehmet Tohti: It is extremely important, and it should be passed immediately because a lot of discussions have taken place on the importance of this bill, and we already have experience from neighbouring countries and allies, and they had a great deal of experience. For that reason, this was a loophole in Canada. We are trying to close it down.

It is important that all political parties set aside their differences, focus on this bill, pass it as soon as possible and try to make it better down the road, because every five years we will have a chance to review it.

Mrs. Salma Zahid: Thank you.

The Chair: Thank you, Mrs Zahid.

Mrs. Salma Zahid: Thank you.

[Translation]

The Chair: Mr. Villemure, you have two and a half minutes.

Mr. René Villemure: Thank you very much, Mr. Chair.

Mr. Tohti, you spoke earlier about the commissioner's independence. When we look at the bill as a whole, apart from that independence, what would give you faith in the process? What would it take to reassure you?

• (1800)

[English]

Mr. Mehmet Tohti: Implementation is the key. The bill is important. For example, we signed the Canada-United States-Mexico Agreement on trade. In that bill, the USMCA, there is a provision to ban forced labour production from entering North America.

The United States has acted on that part of the agreement, but Canada has not. That's the reason we are not intercepting or seizing any shipments full of products made with the use of forced labour. Meanwhile, the United States is confiscating thousands of them.

Implementation is key. How can we implement it? We have to strengthen the organization and law enforcement with resources. Resources mean human resources, intelligence and other resources, whatever they need. Unless we equip our organization or entity with a stronger ability and capacity to implement this legislation, again, this bill will be on the shelf.

[Translation]

Mr. René Villemure: While the United States is prosecuting people for the offences you mentioned, here we are still trying to establish a law.

Is Bill C-70 sufficient? Is there anything missing?

[English]

Mr. Mehmet Tohti: Our organization has advocated for passage of the transnational repression policy act. It is the gold standard of bills, and we don't have that gold standard, so whatever we have, if it is even silver standard, it is better than nothing.

At least we will have a chance to review what is working and what is not and amend it and improve it once every five years. For that reason, I'm optimistic and, for many Canadians, including our parliamentarians, foreign interference and transnational repression are quite new terminologies.

[Translation]

Mr. René Villemure: Any tools you can provide to get us to the gold standard would be welcome.

Thank you very much.

The Chair: Thank you, Mr. Villemure.

[English]

We go now to Mr. MacGregor for two minutes and a half, please.

Mr. Alistair MacGregor: Thank you, Mr. Chair.

I'll ask for an answer from all three of the witnesses. In this bill, the main purpose, of course, is to have transparency and to raise public awareness of just how foreign influence by foreign principals work to influence certain processes here in this country.

One thing other witnesses have noted is that it is country-agnostic because it might also be a good thing for the Canadian public to be aware of how our allies are influencing us, which of course happens. We have close friendships with many countries, but it's no secret, particularly with the United States, that they have sometimes tried to influence how Canada adopts certain policies. That's a historical fact. Other bills have addressed this by drawing up a schedule or list, which would be influenced by reports from CSIS or NSICOP, but still subject to the Governor in Council adding certain countries.

From each of you, what is your preference? Are you happy with this being country-agnostic, or would you like to see that certain countries be more of a focus than others? I would like to hear very quickly from all three of you, please.

Mr. Mehmet Tohti: Certain countries should be focused on more than others because certain countries have a mission, and they have a specific capacity with the resources to focus on Canada just to maximize their economic, diplomatic or other interests. For that reason, we have to focus on certain countries more than others.

Mr. Alistair MacGregor: Mr. Therchin, what are your thoughts?

Mr. Sherap Therchin: I would echo Mehmet's point on this. I think the capacity that China has to engage in a level of interference calls for a separate focus on China. In that regard, I would certainly put China in the overarching focus of foreign interference just because of their capacity.

Mr. Alistair MacGregor: Mr. Singh, please go ahead.

Mr. Balpreet Singh: I'm going to have to take a different approach from my friends. I think it has to be agnostic, because who's going to set the countries? We've already seen, for example, in the foreign interference inquiry, that the countries named were China, Russia and Iran, and, in the proceedings, we found out that India is actually by far the second-largest foreign interferer in Canada, and yet it was left out to further our international relations with it. This cannot be the way we approach foreign interference. Like I said, our community has been subjected to foreign interference for 40 years unabated because Canada didn't want to mess up relations with India. It can't be the government that sets these lists; it has to be agnostic.

• (1805)

The Chair: Thank you, Mr. MacGregor.

That brings this panel to a close. Before we suspend for the next panel, members of the committee, the clerk distributed on Friday, May 31 a project budget for Bill C-70 in the amount of \$53,250. Is it the pleasure of the committee to adopt this budget?

Some hon. members: Agreed.

The Chair: That is done. Thank you.

Gentlemen, to all of our witnesses, thank you all for being here today. Your interventions have been most helpful.

With that, we will suspend and bring in the next panel. Thank you all.

• (1805)

(Pause)

• (1810)

The Chair: I call this meeting back to order.

Welcome to our witnesses for the third hour—although it's been longer than that. We have, as an individual, Michel Juneau-Katsuya, former chief of the Asia-Pacific desk, Canadian Security Intelligence Service; from the Centre of International Governance Innovation we have Aaron Shull, managing director and general counsel; and from the International Civil Liberties Monitoring Group we have Tim McSorley, national coordinator.

Mr. MacGregor, go ahead on a point of order.

Mr. Alistair MacGregor: Just very quickly, I know bells are going to ring soon. I'm just wondering if the committee can give unanimous consent to proceed through the bells partway so that we can carry on with as much witness testimony as possible.

The Chair: I've had a discussion. I thought you were involved in that. There's an agreement that we should go to at least a quarter to....

An hon. member: Yes, that's fine.

The Chair: I now invite Mr. Juneau-Katsuya to make an opening statement of up to five minutes.

[Translation]

Mr. Michel Juneau-Katsuya (Former Chief of the Asia-Pacific Desk, Canadian Security Intelligence Service, As an Individual): Thank you, Mr. Chair.

Thank you to the members of the committee for the opportunity to share my thoughts and recommendations on Bill C-70.

I'll begin by sharing the premises that guided my analysis.

A strong and healthy democracy must be protected by three fundamental concepts: transparency, accountability and independence, free from interference, of dependants.

[English]

The debate over the threat of foreign interference has raged for nearly two years. What has emerged is the extent to which there was dysfunction, scheming and control games in the arena of foreign interference. Yes, we have been targeted by foreign powers, but their work was facilitated by actors in key positions in our government, past and present, who have facilitated and even taken advantage of the situation for their personal and partisan gain. To that effect, I bring your attention to a report that was just released by the parliamentary committee on national security, which again blames severely some elected officials for willingly and consciously collaborating with foreign states, hence the need to recall the three basic concepts for protecting our democratic system: transparency, accountability and independence, free from all interference from people in office.

Bill C-70 is an opportunity to correct these errors and manipulations in order to aim for a Kantian ideal of our system.

• (1815)

[Translation]

I have only had 48 hours to prepare my formal presentation, so I will quickly mention a few key points. My concerns are mainly related to the implementation of the proposed reforms.

First, I welcome the proposals to expand communication between the Canadian Security Intelligence Service, or CSIS, and organizations other than the Prime Minister's Office.

Having said that, if we're going to talk about a real national security agenda, we must include the provinces and persuade the premiers to appoint national security advisers. They are already targeted by foreign agents and are completely unaware of it.

[English]

I welcome the efforts to clearly define criminal actions taken by agents acting for the benefit of foreign powers. However, I fear the execution of that because, to successfully contain the problem, the RCMP and CSIS will have to collaborate. Unfortunately, history tells us that, since its creation, CSIS, out of concern and due to formal instruction received a right at its outset—and I was there when it took place—not to testify ever in court or to prevent its going to court as much as possible, which has led to intentional obstruction of RCMP investigations. This happened in the files of Air India, Ahmed Ressam, Adil Charkaoui and Jeffrey Deslisle, to name only the few that are known publicly. So it is normal to fear that the system will reproduce the same deficient mechanisms.

In support of that apprehension, the director of CSIS, Monsieur Daniel Vigneault, testified before the commission of inquiry into foreign interference that he had, on two occasions, following a meeting with the Prime Minister, modified the reports to accommodate this last. This clearly demonstrates that our national security does not have the necessary and desired independence.

[Translation]

In that vein, I will remind committee members that prime ministers, from Mr. Mulroney to Mr. Trudeau, have all been briefed on the issue of foreign interference and have all chosen to ignore it for personal or political gain. This systemic problem is not new. Again, this is an issue of intelligence monitoring and accountability.

In the time I have left, I will continue with my analysis of the registry. The main purpose of the registry is to maintain the integrity of the system by keeping everyone transparent and accountable.

[English]

First of all, I note a lack of concordance between part 1 and part 4 of the bill. When we look at the new powers being devolved to CSIS—and even to the RCMP, in a certain perspective—they do not seem to work to maintain the efforts that will possibly be deployed by the new commissioner's office.

Second, the new position of commissioner must be independent and report to the House of Commons, not to the minister. As the Auditor General currently does, they should report directly to the House of Commons. Reporting to the minister will only replicate or perpetuate the existing problem.

Independence of the office of the commissioner must be also financial. The protection of our democracy must be protected from—

The Chair: I'm sorry, sir. I'm going to have to ask you to wrap it up.

Mr. Michel Juneau-Katsuya: Wrap it up? Yes, sir, I will.

The Chair: Take 30 seconds to wrap it up, if you could.

Mr. Michel Juneau-Katsuya: Sounds good.

[Translation]

The commissioner's office should also have the power to investigate. As we speak, it is only a matter of reporting to the minister, and that is not enough.

I applaud the inclusion of education organizations in the bill. For example, even today, an organization like the Alpha group, which preaches a revised and distorted interpretation of Chinese history, managed to get changes in the curriculum. That organization was created by the United Front Work Department and is still under its control, as are the Confucius Institutes.

I'll leave it at that for now and hope to answer your questions as quickly as possible.

● (1820)

[English]

The Chair: Thank you very much.

We'll go now to Mr. Shull for an opening statement of up to five minutes, please.

Mr. Aaron Shull (Managing Director and General Counsel, Centre for International Governance Innovation): Thank you very much, Mr. Chair and distinguished committee members, for the opportunity to speak today on this important bill. It's a pleasure to be here.

Indeed, maybe I'll start by saying something that you probably don't all hear very often: Thank you very much. It was a real pleasure to see this bill proceed with the pace and with all of the work you're doing.

We're independent and non-partisan, so when I say this, I genuinely mean it. I know how hard you're working. We're sitting here in the evening, and everyone's working away to get this done, so thank you very much.

It's in that spirit that I plan to make three arguments.

Number one is that activities covered by the proposed foreign influence transparency and accountability act should extend to municipalities, and we need definitional clarity around who is a public office holder.

Number two, the registry and the commissioner should be in place before the next federal election.

Number three, the act should nest within a broader national security strategy.

Now, let me tell you what I mean by those things.

First, we need to extend this to municipalities, and we need definitional clarity. Now, in Canada, the preamble of a bill is an important tool for looking at its statutory interpretation. I don't want to put everyone to sleep by talking about the tools of that interpretation, but let me just say that the preamble provides an introductory statement that sets out the guiding principles, the values and the objectives of the legislation.

The preamble for the Foreign Influence and Transparency Accountability Act says:

Whereas efforts by foreign states or powers and their proxies to influence, in a non-transparent manner, political and governmental processes at all levels of government in Canada have systemic effects throughout the country and endanger democracy, sovereignty and core Canadian values;

I pause there to dwell on “all levels of government”, and just the impact of that.

Now we have to look at how it applies. The application of the act applies to:

- (a) federal political or governmental processes;
- (b) provincial or territorial political or governmental processes;

And, essentially, it applies to the governmental processes of indigenous groups and governments.

Now you have to look at the definitions. You go through them, and there's a definition of "public office holder", but it's different in the Security of Information Act.

We're not covering municipalities here, and we have two different definitions in the same bill about what a public office holder is, so we're probably going to want to take a hard look at that.

If you contrast that with the Security of Information Act, what the bill says is that:

Every person commits an indictable offence who, at the direction of...or in association with, a foreign entity...engages in surreptitious or deceptive conduct...with the intent [to influence a political or governmental process, educational governance etc., etc., with a democratic right in Canada.]

It goes on to define a public office holder differently, and so now you have two pieces of legislation wrapped up in the same bill, effectively trying to do the same thing with different definitions of what a public office holder is.

I wonder why you wouldn't have concomitant obligations for registration. It's two sides of the same coin.

In my view, the SOIA provides the legal teeth to prosecute and punish covert foreign operations, while the FITAA—I don't know if that's what we're calling it, but I'll call it the FITAA—complements this by creating a preventive transparency regime aimed at exposing and deterring such activities through mandatory disclosure and public oversight.

It's a dual approach—deterrence and, hopefully, long-term preventative transparency.

Secondly, we must have the registry in place before the next federal election. You have to again go back to the purposes of the act, like we did at the beginning—"in Canada have systemic effects throughout the country and endanger democracy, sovereignty and core Canadian values". It's not "might" have systemic effects; the bill says "have systemic effects". It is a statement of fact.

If you were to meet that purpose, how can you not have it in place before the next federal election? It would be a little bit like bringing a birthday cake for a Saturday afternoon party on the following Tuesday. You will have missed it.

I watched the officials testifying. If it's too hard to do it all at once, just go with the federal government, the federal election. Roll it to provinces and municipalities separately and after. However, you have to get the birthday cake to the party.

Thirdly, it should nest within a broader national security architecture. The defence policy update said we're going to do a national security strategy every four years. The defence policy is going to be updated every four years. We have Bill C-26 that went through this committee, which I was happy to testify about. We have the CSE Act that's due for an update, a review, in 2022. The CSIS Act is

now on a five-year review cycle. Bill C-34, on the Investment Canada Act....

This is all coming together. I think the point here is to look at all of the pieces of legislation and all of the various strategies—critical minerals, intellectual property, innovation, research, economic security. Look at them systematically, because adversarial states are looking at them systematically, believe me, and it requires a strategic approach.

• (1825)

As I said at the beginning of this, I've had the privilege of speaking with some of you before. I know how hard this committee works, and I know that you can do it, but I would just encourage you to think strategically and not just do the whack-a-mole thing on one piece of law.

Thank you very much, Mr. Chair.

The Chair: Thank you, sir.

We go now to Mr. McSorley for five minutes, please.

Mr. Tim McSorley (National Coordinator, International Civil Liberties Monitoring Group): Mr. Chair, thank you very much for the invitation to appear today to speak to Bill C-70.

I'm with the International Civil Liberties Monitoring Group, a Canadian coalition of 46 civil society organizations that works to defend civil liberties and human rights in the context of national security and anti-terrorism activities.

Bill C-70 has been presented as legislation to address the threat of foreign interference. We recognize the importance of addressing this issue, particularly as we've heard in instances where governments are threatening individuals or their close ones in order to repress their ability to exercise their fundamental rights or engage in democratic processes. However, the changes proposed by this legislation go much further.

If adopted, this bill would have wide-ranging impacts on Canada's national security, intelligence and criminal justice systems. As such, it would also have significant impacts on the lives and fundamental rights of people in Canada. For example, providing CSIS with new forms of warrants, granting it extraterritorial reach for foreign intelligence activities and allowing the service to disclose information to any person or entity in order to build resiliency could lead to increased surveillance, diminished privacy and racial, religious and political profiling.

Powerful new offences for actions taken secretly at the behest of foreign entities, including foreign governments and terrorist organizations, while necessary, are punishable up to life in prison. Those could infringe on freedom of expression and association and raise questions of proportionality in sentencing.

The bill would also transform how federal courts handle sensitive information that can be withheld from appellants or those seeking judicial review undermining due process in courts through the use of secret evidence.

A bill of such breadth requires in-depth study. We're very grateful for the work that committee members are doing and recognize the amount of time and effort being put into these hearings which, as was pointed out, are extending long today and throughout the week.

However, we're still deeply concerned with the hastiness with which this legislation is being considered. Introduced barely a month ago, with a foreign interference inquiry ongoing, it will have gone through committee study within a week. This is even faster than the rushed 2001 study of the first Anti-terrorism Act, which was in committee for a month.

We're grateful for today's invitation; however, we only found out about our appearance on Friday afternoon. Colleagues from other organizations who would have asked to appear or submitted written briefs have said they will be unable to do so on such short timelines, let alone develop specific amendments to suggest for Friday's deadline.

Rushing the parliamentary process, supported by a state of suspicion and ardent calls to protect national security, can lead to serious negative and long-lasting consequences. An expedited study also risks missing ways the bill could be improved to better address issues of foreign interference. We are therefore urging the committee to work with your colleagues in the House of Commons to extend your study of this very consequential bill.

Apart from the process of this study, we have some specific areas of concern.

First, modifications to CSIS's dataset regime are only tangentially related to foreign interference. Many of these changes relate to significant problems that the National Security and Intelligence Review Agency identified in a scathing report on the regime. The necessity and potential consequences of these changes remain unclear and should have been addressed during a statutory review of 2019's National Security Act. We would recommend removing these changes until such a review happens. I'd be happy to speak to this further during the discussion.

We're also concerned around the powers of disclosure in section 19 of the CSIS Act. While we understand the goal of ensuring appropriate information can be shared, journalists and NSIRA have raised serious questions about how CSIS has handled the disclosure of sensitive information in the past. Bill C-70 also grants CSIS significant new production order and warrant powers. The changes come after years of the courts admonishing CSIS for misleading them in their warrant applications. Warrant requirements exist to protect our rights. They shouldn't be lessened and especially not

while CSIS's problems of breaches of duty of candour to the courts have not been resolved.

Bill C-70 also changes the Security of Information Act, including new indictable offences for the carrying out of any indictable offence, including relatively minor transgressions, if done for the benefit of a foreign entity. This, along with other new or modified offences, would be punishable by either life in prison or consecutive sentences that could amount to life in prison, provisions that are normally reserved for the worst forms of crimes and raise concerns of proportionality in sentencing.

Finally, we also have concerns about the new sabotage offences and the proposed foreign influence registry.

I will finish by commenting on changes to the Canada Evidence Act. Our coalition is fundamentally opposed to expanding the use of secret evidence in Canada's courts under the guise of protecting national security, national defence and international affairs. Introducing a standardized system for withholding information from those challenging government decisions that have significant impacts on their lives will normalize this process and is likely to facilitate the spread of the use of secret information further into our justice system.

• (1830)

Thank you. I'm looking forward to the discussion and questions.

The Chair: Thank you. That's good timing.

As you can see, the bells are ringing. You can see them; you can't hear them. That means there is going to be a vote in about 25 minutes.

We have unanimous consent to carry on. I'm proposing that we carry on with four question slots of four minutes each.

Are we agreed to that?

Some hon. members: Agreed.

The Chair: We'll start with Mr. Shipley.

You have four minutes, please.

Mr. Doug Shipley: Thank you, Chair.

[Translation]

Mr. René Villemure: Mr. Chair, in our opinion, four minutes is not enough.

The Chair: Yes.

[English]

Mr. René Villemure: We don't agree to four minutes.

[Translation]

The Chair: Would you like more or less?

Mr. René Villemure: We would like more, since we don't have much time overall.

[English]

The Chair: I was proposing that each party have four minutes and then we would adjourn and go to vote.

Mr. René Villemure: I understand, but overall, Chair, as a second party, we don't get much time. We actually lose two minutes, since we go to the other round at two and a half.

The Chair: We wouldn't have a second round unless we wait and come back after the vote and do a second round.

Did you want to come back after the vote and do a second round?

Mr. René Villemure: I don't have a problem with that.

The Chair: I guess I'm asking the committee what to do here.

Let's start with—

Mr. Garnett Genuis: Chair, I think we would have time for six minutes per party. That cuts us close, but we're in the same building.

The Chair: Do we all agree to six minutes?

Some hon. members: Agreed.

The Chair: Okay, we'll do that, then.

Mr. Shipley, please go ahead for six minutes.

Mr. Doug Shipley: Thank you.

[Translation]

Mr. René Villemure: Point of order.

Would it be possible to invite the witnesses at a later date? The problem is, we don't have much time to spend with them now.

[English]

The Chair: Sorry, you're—

Mr. René Villemure: Would it be possible to invite the witnesses again because we don't have much time with them now?

The Chair: We can ask—

Mr. René Villemure: I know, but we can't do actual work in—

The Chair: We're kind of running out of time here.

Let's take it up off-line and see what we can do.

At this point, we would certainly ask the witnesses to submit additional briefs if they feel they can contribute more. We would be happy to do that. Right now we're running up against the clock here.

Mr. René Villemure: Okay.

The Chair: Mr. Shipley, go ahead, please.

Mr. Doug Shipley: I know we're incredibly short now. We can't each have six minutes. There are 24 minutes left. It's actually 23 minutes.

What are we doing now?

The Chair: We have no unanimous consent to proceed. We either adjourn the meeting or we suspend and come back after the vote.

What is the will of the committee?

Mr. Doug Shipley: Can we go back to the original four minutes or five minutes?

The Chair: We need unanimous consent to do that.

Mr. Doug Shipley: I know. I'm asking that. Maybe you could ask.

The Chair: Do we have unanimous consent to go to four minutes?

Mr. Doug Shipley: That is what we originally had.

The Chair: No.

That being the case, I'll suggest we suspend and come back after the vote.

Mr. Chris Bittle (St. Catharines, Lib.): I have a point of order.

If we're going to suspend and come back after the vote, can't we just go for the first few rounds and then just continue on and adjourn after that? Rather than coming back for half an hour after, we could do 15 now and 15 after.

The Chair: That works for me.

We'll carry on with six minutes until we start to sweat, then we'll suspend and come back after the vote.

Mr. Shipley, you have six minutes.

Mr. Doug Shipley: Thank you, Chair.

We got a little off topic there.

Thank you to the witnesses for being here.

My first question is for Mr. Juneau-Katsuya.

You were very adamant, sir, in your opening remarks, that the commissioner must be independent and should report to the House of Commons.

Could you expand a little bit more on your thoughts on that, why you're so firm on that and how that would work?

● (1835)

Mr. Michel Juneau-Katsuya: Evidence was presented during the inquiry that, even as we speak today, the director of CSIS had to return twice to his office to change a report that was submitted by CSIS to the Prime Minister. The capability to manipulate, control and limit the information, the dissemination of sensitive information within the appropriate concerned parties, has been there from the beginning, right from the get-go, from the outset of the creation of CSIS. We even have evidence that there was obstruction by CSIS of RCMP investigations, and I named four of them where CSIS has voluntarily prevented the RCMP from receiving some information to help in the prosecution of certain individuals.

From that perspective, it is obvious that, unfortunately, the system was geared to manipulate, to control. It's only when a whistleblower or many whistle-blowers have the courage to show the evidence publicly in the media that we finally are addressing a crucial question for and a crucial threat against our constitution. In our perspective and in my point of view, it's evident that CSIS is too influenced by or subject to influence from the Prime Minister's office or his staff. It's difficult for the RCMP, also, to be neutral and to investigate adequately.

From my point of view, in all fairness to all the parties, the commissioner should be reporting directly to the House of Commons, just like the Auditor General does, therefore, being capable to release the information adequately to protect our system.

Mr. Doug Shipley: Thank you for that.

My follow-up and second question is for you, sir, and also for Mr. Shull because in your opening remarks, you mentioned that provinces definitely need to be involved in this, which I found interesting. Mr. Shull mentioned, specifically, that municipalities need to be involved. I found it a little interesting that you both picked different levels of government. Maybe you could each take your time and expand on how they should be involved and why you're each seeing either more of a provincial issue or more of a municipal issue.

Mr. Michel Juneau-Katsuya: I share the perspective with regard to the municipal as well. We have seen foreign interference at all levels. As soon as they have power, politicians at all levels have been approached by foreign states to manipulate them and to control them.

My last comment is that provincial governments are investing, collectively, billions of dollars every year in research and development in universities and everything. We have been having many foreign agents stealing intellectual property, and no protection at all is started or initiated by the province because there are no advisers, no national security advisers, with the premier of every province. When the offer was given to them to receive a special briefing from CSIS last June, only the premier in B.C. accepted the invitation. All the others refused. There's a certain naïveté that is close to stupidity here when we start dealing with this.

Mr. Doug Shipley: Thank you.

Mr. Shull, would you—

Mr. Aaron Shull: Yes, and on the municipal point, this is a national sport, not just a federal sport. However, my comment was

more related to the actual application of the law itself. Municipalities are excised from the act, and I couldn't provide a good reason why. I think it's where democracy touches people the most. If your kid's school gets hacked, your hospital goes down, your water turns off or your electricity turns off, people will know. Municipalities are where democracy touches people the most and the closest, and they're not in this bill.

Mr. Doug Shipley: Thank you for that.

Not to put Mr. McSorley on the hot seat between you two.... Definitely, Mr. McSorley felt that we needed to take our time, and I agree that we need to do the right thing, but time is of the essence with this legislation. Perhaps you two gentlemen could speak to the urgency of getting this legislation passed. What is the risk if we do not have these mechanisms in place by the next election?

That is for the both of you, if you'd like.

I'm sorry, Mr. McSorley.

Mr. Michel Juneau-Katsuya: Definitely. It's a long time overdue.

As I reported, I was chief of Asia-Pacific, and I served CSIS for over 21 years. I've been in the game for over 40 years, and I've witnessed—from Mr. Mulroney to Mr. Trudeau—everybody being corrupted, everybody being sort of influenced by agents of influence within their inner circle, so it's more than late. Unfortunately, we're paying a dear price, as well, because now our foreign allies are looking at us as a bunch of Mickey Mouse leaders because we're not taking the right steps. It is very urgent that we have a law—or legislation—that defines what foreign interference is about and what the punishment can be so that the investigators, the RCMP or other police departments, can do their jobs.

● (1840)

Mr. Aaron Shull: I would just say that, when I read words in a bill like “systemic effects”, “endanger democracy”, “sovereignty” and “Canadian values”, I start to pay attention, and that's the point. Yes, the bill's not perfect. Yes, we're doing it fast, but it's better than nothing. I would say that, if you have a review mechanism on the bill, get out the door with it, put some miles on it, and then make changes afterwards.

The Chair: Thank you, Mr. Shipley.

We'll go to Mr. Bittle.

We have 17 minutes before the vote. Do you want to have your six minutes now or wait?

Mr. Chris Bittle: I'll take the six minutes now. I think that's what we agreed to.

The Chair: Absolutely, go for it.

Mr. Chris Bittle: Let's get going and not waste any more of the witnesses' time.

I appreciate everyone's being here.

Mr. Shull, I heard from officials that they believe municipalities will be covered by the legislation because they are not independent entities; they are creatures of the province. Do you accept that explanation or do you still have concerns?

Mr. Aaron Shull: I totally get what they're saying. As a matter of law, municipalities are creatures of the province. The absolute worst possible outcome, though, is that you catch someone in this and then you get turned around at court. What's the reason? Just add some words to make sure that they're explicitly covered.

Mr. Chris Bittle: That's fair. I appreciate that.

Monsieur Juneau-Katsuya, with respect to advisers to premiers, is that something that can be covered through legislation?

Mr. Michel Juneau-Katsuya: They're covered by the leadership of the federal government. The federal government is responsible for national security, and rightly so. It should encourage the premiers to appoint national security advisers who will be kept informed.

One of the big problems that we had in our system is that CSIS was prevented from sharing information for too long with many people. We need to be capable of sharing information, because the only real defence we have against foreign interference is awareness, awareness, awareness. If we do not warn people, if we do not develop certain reflexes to do better business, we are going to be taken over.

Mr. Chris Bittle: Do our allies provide this type of advice to other tiers of government?

Mr. Michel Juneau-Katsuya: Yes, for example, MI6 and MI5 each year host a national conference inviting business leaders to receive the latest threat assessment that these agencies have perceived during their work, and they also share a defence mechanism. In England, they even have a special department that companies can call to receive some training and assistance to better protect themselves.

The government needs to understand that 86% of our national infrastructure is either owned or operated by the private sector, so we need to co-operate with them. For the provinces, it's the same perspective. As I tried to point out, billions of dollars are invested every year in national research, and we're losing that because we don't have consciousness of what's going on.

Mr. Chris Bittle: Back to my original question, though, is that something that we can legislate, or is it just a cultural difference and a direction that the British government has taken? Is it something that we can address in this particular legislation?

Mr. Michel Juneau-Katsuya: If we legislate, off the top of my head, I suspect there will be a push-back from the provinces, because they will claim that there is a certain territorial issue.

Definitely stewardship and leadership should be promoted within the national security culture that needs to be developed, which is another element as well. We do not have a national security culture. When I talk about that, I'm not talking about state police; I'm talking about developing reflexes collectively as a society in order to understand that we need to do business differently.

When we talk about the various levels, municipal, provincial and federal, we've seen that there are people currently in charge of some of the largest cities in Canada who have been agents of influence of the Chinese government and were positioned before at other levels. The main purpose of politics is criss-crossing over political levels as well.

• (1845)

Mr. Chris Bittle: Thank you so much.

I'll go back to Mr. Shull.

How do the provisions in C-70 compare with legislative schemes enacted in other Five Eyes countries to counter foreign interference and influence?

Mr. Aaron Shull: Do you know what I will do? I'll submit a written brief on that. My colleague Wesley Wark is the guru, and he wrote a CIGI paper on this, so rather than my saying this off the top of my head, I will submit it in writing. He did a full assessment of the U.S., the U.K. and Australia and a review of Canada's law, too, so I will submit that.

Mr. Chris Bittle: Thank you so much.

Can you speak to the newly proposed information-sharing provisions found in the bill?

Mr. Aaron Shull: I'm all for them. Realistically, like my colleagues around the table said, a big threat factor is the private sector, and we were unable to share information with them—provinces and municipalities. If hostile state actors are doing what hostile state actors are going to do, you're going to want to be able to share that information, and this goes a long way to remedying that deficiency.

Mr. Chris Bittle: I believe I only have about 30 seconds left, so I will cede the rest of my time. Thank you so much.

The Chair: Thank you, Mr. Bittle.

Mr. Doug Shipley: Chair, I have a point of order.

The Chair: Mr. Shipley, go ahead on a point of order.

Mr. Doug Shipley: There have been some discussions and I think you might find UC to have us all vote remotely and just work through it now.

The Chair: I understand there have been discussions among members that we will carry on through the vote, and we will vote through the magic of our telephones and pause only very briefly. For those uninitiated, we have to do this funny thing. It's not magic; it's technology.

We will carry on with Mr. Villemure, if you wish, for six minutes, *s'il vous plaît*.

[Translation]

Mr. René Villemure: Thank you very much, Mr. Chair.

Mr. Juneau-Katsuya, what do you think of the notion that the registry require dual registration, i.e., that of the foreign agent himself and that of the person who is the subject of influence?

Mr. Michel Juneau-Katsuya: That's absolutely necessary.

The Registry of Lobbyists is already in place, and we see all sorts of manoeuvring and strategizing behind closed doors right now. To ensure transparency and accountability, not only must the foreign agent report his or her meeting and the content of the conversation within 14 days, but so must the person who received the visit as well. This ensures that everyone remains honest. If there's a discrepancy between the two individuals' reports, a much more thorough investigation can be carried out.

Mr. René Villemure: All right, thank you very much.

Mr. Shull, I'll ask you the same question. What are your thoughts on dual registration?

[English]

Mr. Aaron Shull: I think the registry, the way that it's structured, is pretty good. It fixes a gap. It's not the end state, though. It's one tool in a broader tool kit, so I think the way it's written currently is okay.

You're raising some good questions around this table about independence and where the commissioner should sit and all of that, but as it's currently structured, I think the registry does a pretty good job of remedying the evil that it's designed to catch.

[Translation]

Mr. René Villemure: Thank you very much.

Mr. Juneau-Katsuya, in your opinion, if the proposed registry had been in place at the time, would it have prevented the situation that occurred at the Winnipeg lab?

Mr. Michel Juneau-Katsuya: That's a good question.

I can't say at this point whether it could have been avoided. Checks should certainly be much more thorough. Existing policies and monitoring mechanisms were not followed, and that was the main aspect of the breach that took place. In this case, they were not foreign agents, but people who became Canadian citizens for a certain period of time. It could therefore be said that this was the case, theoretically.

That said, as soon as they co-operated with a foreign agency, which is directly linked to the People's Liberation Army, by the way, they should have declared that contact, or risk being found culpable.

Mr. René Villemure: What do we do if scientists somewhere are stealing intellectual property? We can't expect them to register as intellectual property thieves. Certain monitoring measures will have to be tightened up.

• (1850)

Mr. Michel Juneau-Katsuya: Yes, indeed, and that is where a new culture of national security must be developed, as I mentioned a moment ago. I believe that Bill C-70 is a step in the right direction to begin shaping the operational framework for investigators, who will be able to determine whether there are threats.

In fact, I tip my hat to the government for including educational institutions. That is a very good idea, as they've been the site of the largest theft of intellectual property for decades.

Mr. René Villemure: If I understand correctly, it's good to have a structure, but we should also establish a culture of national security.

Mr. Michel Juneau-Katsuya: Absolutely. To establish that culture requires leadership, and it must come from the federal government, which will authorize and promote awareness campaigns and partnerships with the private sector and the provinces, precisely to raise Canada's collective consciousness.

Mr. René Villemure: Thank you very much, Mr. Juneau-Katsuya.

Mr. Shull, I'll now turn to you.

Earlier, you talked about including municipalities. Could we not also consider including universities and Crown corporations, for example? That's because part I of the Canadian Security Intelligence Service Act authorizes CSIS to transmit information to universities. However, part 4 of Bill C-70, which concerns the registry, is silent on universities and Crown corporations.

[English]

Mr. Aaron Shull: There's an important thing to be said for universities. For instance, when the debate was going about about Huawei and 5G, I brought forward an ATIP, and I pulled the access record called "Compute Canada". There's no reason that you should know what that is.

Compute Canada was set up as an intensive computing processor for many of our most research-intensive universities. Guess who built the back end? It was all Huawei.

That goes to what I was saying about my broader approach to national security as a strategic framework. It's not just investments over here. It's not just minerals over there. It's not just foreign registry over here. It's all of it. It behooves us, because hostile state actors are behaving in a strategic way, to have a strategic response.

[Translation]

Mr. René Villemure: Thank you very much, Mr. Shull.

As Mr. Bittle so kindly did, I will cede my time to my colleague.

[English]

The Chair: We have five minutes and 27 seconds.

Do you wish for us to pause for the moment, or do you want to start your questions?

Mr. Alistair MacGregor: I'll just go right to the voting time. Thank you, Chair.

The Chair: Go ahead.

Mr. Alistair MacGregor: Thank you, Mr. Chair.

Mr. Shull, I'd like to start with you.

I'm glad you brought up the consistency between SOIA and the new foreign influence transparency and accountability act. When I questioned Department of Justice officials last week, they said, to paraphrase them, that the definitions used in SOIA are within the context of SOIA, and there's a reason for this difference.

It can be confusing because the definition of "public office holder", specifically in part 4, does reference other acts that are more comprehensive.

I guess you're arguing to this committee that, for harmony's sake, SOIA and this act should have the exact same list.

Mr. Aaron Shull: They're going after the same evil.

I know exactly what you're saying. It references the Lobbying Act, but if you go to that provision of the Lobbying Act, it's actually enumerating things to which the Lobbying Act does not apply. It's a double negative and a circuitous definition. Just call it: just say what you mean.

Mr. Alistair MacGregor: Thank you for clarifying that.

Mr. McSorley, I'd like to continue with you.

You've outlined the multiple concerns you have with some of the provisions in this act. I just want to centre in on the disclosure rules as written in this for CSIS.

I think I understand the rationale behind it. We do want to make it easier for the service to notify people who may be in positions of concern, but other than a few exceptions that govern how CSIS can release this information, it's really just up to the service, and it's not clear to me what the recipient of the intelligence would then do with it.

Do you have some suggestions for what this committee should do with that particular section? Are there additional safeguards you would like to see in this to govern how CSIS releases that?

Mr. Tim McSorley: Certainly.

There are two key areas there. One is about personal information that could be shared with ministerial authorization, and there's information that doesn't contain personal information but can be shared more broadly for building resiliency.

In terms of what the minister can share, including personal information, we're concerned that's being opened up to any person or entity. We have grave concerns about international information-sharing and how that can have effects on the rights of Canadians who are travelling or people abroad. So we think there should be greater safeguards around how even ministerial authorizations can be shared.

It's important to note that under that there's a safeguard that requires that those kinds of disclosures be reported to the National Security and Intelligence Review Agency, and that's a very important safeguard. Unfortunately, under the new provisions for sharing information for resiliency, no such safeguard exists, so we think that maybe one of the things that could be considered is that there be reporting and transparency when CSIS is sharing that information for resiliency. The reason for that is, as I mentioned, that there have been reports, through NSIRA and others, about how the information is used as a follow-through. For example, even when CSIS

shares information through its threat-reduction measures, NSIRA found that they don't take responsibility for charter breaches that could arise from how that information is being shared.

We think that having more accountability and transparency, even if it's just with NSIRA, could help to ensure that there's follow-up and some kinds of ways to ensure that it's not being used to violate the charter. Also, it could help to ensure that the veracity and accuracy of that information is being shared, because as we've heard today, sometimes that's at issue, too, in what CSIS is sharing. If it's shared with a university, how would they know whether or not it's accurate or right unless there were some kind of follow-up by another body?

• (1855)

Mr. Alistair MacGregor: Yes, thank you, because I did read NSIRA's report on the CSIS dataset regime, and it was pretty scathing. I'm concerned that if they blew past the legislative safeguards that exist today, I'm just a bit cautious as a legislator about giving them even more. I understand the rationale, but I don't want to be here in another five years reading another scathing NSIRA report because they blew past their legislative safeguards again, so I take your point on that.

Very quickly, I've had multiple witnesses talk about the problem with the definition of "arrangement" and being in an "association with a foreign principal" in part 4 of this act. Do you have any concerns about that? Do you think we need to tighten up the language there?

Mr. Tim McSorley: I think there needs to be some clarity around that, which I think would help improve the effectiveness of such a regime so that it's not overly broad and capturing all kinds of things that maybe aren't being envisioned.

For example, one of the concerns we have is with the definition of a "foreign economic entity" or "foreign entity", and whether or not that could capture, for example, public broadcasters from other countries who are essentially under the control and ownership of a foreign government. Moreover, could that mean that journalists who work in conjunction with them, or Canadians who appear as pundits and speak about important policy issues, could then be forced to register? We're worried that this would have a chilling effect on journalism, and there are other questions around academic freedom and other areas as well.

The Chair: We'll suspend for a minute and do the vote.

Ms. Jennifer O'Connell (Pickering—Uxbridge, Lib.): Can we not just keep going? There's 10 minutes for each of us to vote. Or if you need to—

The Chair: I'm happy to keep going. We can vote in the process?

This is so unusual that we have such agreement all the time.

Okay, so let's start our second round and we have Mr. Caputo for five minutes.

Mr. Frank Caputo: Thank you, Chair.

I want to focus on one aspect, and this was actually raised by another witness. It's something I asked about previously: the independence of the commissioner of the registry. Sorry, I don't have the formal name, but you know what I'm talking about.

At this point there would have to be, as I understand it, consultations with the House Commons and the Senate on the naming of that person, but the commissioner would be appointed by an order in council. Is there any way to strengthen the independence of that person? Does the commissioner appear sufficiently independent based on that sort of appointment process to the witnesses?

Mr. Aaron Shull: There are a number of commissioners who report directly to Parliament, the Privacy Commissioner of Canada being one, and you look at the Commissioner of Lobbying.

I watched the previous witnesses as well and if I could understand the reason behind it—and again, I'm just some guy, so take this for what it's worth—it's that they nest within the department so they have access to the material, because ultimately once you start issuing compliance notices, where is that information going to come from? It's going to be coming from intelligence sources, so I think the idea is to have them nest and that might gravitate towards bringing them closer into the department, but I definitely hear your point about the independence.

• (1900)

Mr. Michel Juneau-Katsuya: We focus very much on the positive element of people having to register and their having to voluntarily report within 14 days, etc.

What happens in the execution when we have delinquents, people who do not want to report or who try to hide the meetings they had with people in office or with elected officials? That's where we need to have the investigative capabilities.

Now, somebody will say that we'll give it to the RCMP. As I tried to demonstrate a little bit earlier, the RCMP and CSIS do not co-operate very well together currently. They have not been capable of resisting the influence coming from the Prime Minister's Office, in particular.

That kind of interference that comes from within our system is to the detriment of the quality of our democracy.

Mr. Frank Caputo: Can you elaborate on that? What interference from the Prime Minister's Office are you referring to?

Mr. Michel Juneau-Katsuya: When you have CSIS reporting that one of the candidates has been greatly compromised, that buses of foreign students have been brought in, and they say they're not really sure that the intelligence is really good and they disregard it and continue on, then somewhere, somehow, there is sort of a lack of responsibility and respect for the professionalism of that institution that we have created, which is there to protect our country.

It's the same thing when certain investigations are not initiated when they should be initiated because it might embarrass the Prime Minister's Office or something like that. That separation that had been sought at the beginning between the judicial, legal and the executive is missing now. It has been missing for a long period of time.

We need, at this crucial moment, to try to recreate that separation by having an element of independence as much as possible, both financially and in terms of authority.

Mr. Frank Caputo: You've struck me with this idea of independence and you had a very good example of it.

I think that one of the arguments against somebody who's truly independent, like the conflict of interest commissioner, who is not part of the government, is that the commissioner is going to have to have access to departmental information at the ready.

Is that an argument to perhaps not have the same requisite level or degree of independence? Does that make sense?

Mr. Michel Juneau-Katsuya: We can legislate to make sure that he or she has access to all of the information that is needed for the investigation. That is a *sine qua non* for the success of their investigation and a deterrent that we want to apply to foreign agents.

Rest assured, foreign interference will not finish with the passing of Bill C-70. It will continue. It has been in place for a long period of time. We dragged our feet for so long now that they have been capable of embedding themselves within all levels of government. It will continue.

My problem is with the execution. Are we giving tools to law enforcement to be capable of working adequately?

That's especially when we have evidence and testimony now that tell us that influence from the higher office has been exercised many times.

The Chair: Thank you, Mr. Caputo.

We go now to Ms. O'Connell, please, for five minutes.

Ms. Jennifer O'Connell: Thank you, Chair. Thank you to all of the witnesses for being here.

Mr. Juneau-Katsuya, I want to follow up on that line of questioning, certainly given your experience.

On the issues around independence, I think it might be unfair to suggest that in dealing in some of these areas, all of a sudden independence is gone. Turning information into evidence is challenging in itself. At what point do you stop and say that here's information that is relevant, let's make an assessment? Then more information comes in and the assessment has to change.

Doesn't that then also compromise Canada's ability to make good policy or for CSIS to provide advice if there is a cut-off point for information, instead of actually being able to review puzzle pieces of information to form that greater picture?

• (1905)

Mr. Michel Juneau-Katsuya: I do not want to lack respect, but we do not act on information. We act on intelligence, and we produce intelligence. We do not collect intelligence. Intelligence comes from information plus an analytical process that puts together the intelligence. From the intelligence, we take a course of action. We turn that into actionable intelligence.

The independence we've been talking about currently is necessary because, unfortunately—and I stress not only in the current years but for the last 30 years—we've seen agents of influence being capable and to literally hijack the process and deter taking the right actions by the government or other departments. It doesn't need necessarily an army. It needs just the right person at the right place. It's called a minister, it's called a director general and it's called a deputy minister who will say, “No, that's not really good.”

I reported back in 1998 foreign interference. We had evidence at that period of time. I was ordered to destroy my documents and my information because it would embarrass the government at that point. I was doing my job. They would rather kill the messenger than go after what was a threat to our national security.

That's the problem here. That's why we need to be able to have, just like the Auditor General.... That's the example I prefer to use. The Auditor General sometimes talks about issues that are difficult, that are sensitive and that are embarrassing, but it needs to be said. This is the only way that we'll have a healthy and solid democracy: by having this transparency and this element of accountability that I was mentioning earlier.

Ms. Jennifer O'Connell: Perfect. Thank you so much.

Mr. Shull, I wanted to move to you.

Actually, both of you mentioned the issues around including other orders of government and, certainly, I appreciate your reading out the intro of the bill, because the intention is quite clear: to make sure the CSIS Act, which right now doesn't allow for information sharing at all and is quite restrictive, opens it up.

I'm curious about your specific advice around the definition of “public office holders” and to bring that in line, because it's not just municipal and provincial. It could be indigenous leadership that holds critical infrastructure, as an example. Is there a definition in another act or in other countries that you think would be more in line with keeping it more broad?

Mr. Aaron Shull: Yes.

Through you, Mr. Chair, it's a great question.

It's in this bill. It's actually in the SOIA. All I would do is take the SOIA definition and move it over and then you're home free. Then you have congruity between your pieces of legislation. That's all I would do.

I would also just add municipalities in explicitly. The honourable member's point is a good one. You could probably make an argument that municipalities are creatures of the province, but if I were defending somebody on this, that's the first place I would go. Just forestall it at this stage.

Ms. Jennifer O'Connell: Thank you.

Following up on that, I certainly was in municipal government, so I understand, thinking about my time then and knowing what I know now, but the challenge—and I want to hear your thoughts on this—is the assumption that all information will then just be shared. Part of the challenge is making sure that the information is shared and different orders of government are given that, but in a way that doesn't compromise the information.

How do we find that balance to make sure, whether it's universities, whether it's private businesses that are targeted.... How do we ensure that we can create legislation that's broad but doesn't create this expectation that everyone's going to receive a national security briefing and then therefore that information no longer is protected?

Mr. Aaron Shull: Through you, Mr. Chair. It's another good question.

We're talking about two things.

One is the requirement to register. At the municipal level, if you're trying to influence a municipal official on behalf of a foreign principal, you should have to register, period. The reason is so that we can have some transparency. Then, if you don't, it's a bit like Al Capone. They didn't get Al Capone on murder. They got him on tax evasion, right? This just provides another tool in the tool kit. That's point number one.

Point number two, with respect to the sharing of classified or secret information, I'm going to leave that to experts. They don't teach you anything about how to share top secret information in law school, so I didn't even want to hazard a guess.

• (1910)

Ms. Jennifer O'Connell: Thank you.

The Chair: Thank you, Ms. O'Connell.

Mr. Juneau-Katsuya.

Mr. Michel Juneau-Katsuya: Let me just add that one of the challenges—and it's an excellent challenge that you're talking about—is about the culture. Canada has been a real prude about sort of hiding and sharing information, for decades and decades. We need to be capable of being a little more mature, a little more grown up, about sharing information. What is shared is not always going to be to our detriment. On the contrary, it is to reinforce our national security.

[Translation]

The Chair: Mr. Villemure, you have two and a half minutes.

Mr. René Villemure: Thank you very much, Mr. Chair.

I only have two and a half minutes, so I'm going to go quickly.

I will ask the same question of Mr. Juneau-Katsuya and Mr. Shull.

After their tenure, some government officials, elected officials or ministers collaborated with China. Should there be some kind of three-year or five-year moratorium prohibiting dealings with China, for example, since that could cause problems?

Mr. Michel Juneau-Katsuya: Absolutely.

If we take our cue from what's done in the private sector, when people go to work for certain companies, they're required to keep a certain distance, a certain silence. Sometimes, they're not even allowed to work in certain areas for a certain period of time to counter the risk of becoming a competitor or sharing information that is too sensitive.

In this case, it's national security. In one of the last governments, not the current one, but one of the previous ones, five cabinet members went straight to work for Chinese companies as soon as they left office. That's abhorrent. It's absolutely abhorrent to allow Cabinet members, who have had the right and privilege to be granted access to the highest level of state secrets, to go and work for these companies and personally benefit from sharing classified information.

Mr. René Villemure: Mr. Shull, can you answer that as well?

[English]

Mr. Aaron Shull: I have to guess that cabinet ministers take their oath seriously. I trust and respect that people who aspire to this office and members around this table who swear an oath are going to uphold it. I do think a cooling-off period is not a bad idea. I don't understand why we wouldn't want one. I haven't given it much thought, so I'll leave it there, but I think just instinctively it seems like a good idea to me.

[Translation]

Mr. René Villemure: It doesn't seem uncommon.

Mr. Shull, we often refer to the Australian registry, but we fail to mention that studies were done on the subject and that they were rather critical.

What have we learned from those studies and, given the Australian experience, what should we avoid doing?

[English]

Mr. Aaron Shull: I would say that you want two or three things. Number one is absolute crystal clarity. People need to know what's expected. They need to know what's required of them. Then there needs to be sharp and swift intervention if they don't. Right away, the absolutely worst possible outcome is that we work, we sit around this table, we set this thing up, and it does not do what it's meant to do. That is the biggest thing to avoid. That's why I'm glad we're having this conversation. I would say get it right, but get it out before the next election, whatever you do.

[Translation]

Mr. René Villemure: Mr. Juneau-Katsuya, I have the same question for you.

Mr. Michel Juneau-Katsuya: This is indeed a very important topic.

For your information, since Australia passed its law in 2017, there have been no formal prosecutions. As Mr. Shull mentioned,

and I completely agree with him, there is a lack of clarity, a lack of clear and precise definition that enables law enforcement to properly investigate and ultimately lay charges. It also requires prosecutors with the backbone to proceed.

Mr. René Villemure: Thank you very much.

The Chair: Thank you, Mr. Villemure.

[English]

We'll go now to Mr. MacGregor for two and a half minutes.

Go ahead, please.

Mr. Alistair MacGregor: Thanks, Mr. Chair.

Mr. McSorley, when I was reading through this act, of course there's a lot of harmony between the various federal statutes that are being amended for a purpose. However, the one section that does stand out a little bit is the amendments to the Criminal Code, specifically on pages 35 and 36 of the bill. Clauses 60 and 61 amend the Criminal Code's definition of sabotage. In a previous round during this meeting, we heard testimony from the World Sikh Organization that there's a reference here to the safety or security of the naval, army, or air forces of any state other than Canada that are lawfully present in Canada. That could mean military attachés at an embassy.

They have said that in previous examples, the Indian government has tossed around spurious accusations about protests around their diplomatic missions, etc., and they're worried that this could be used to unfairly target certain groups. I did ask them if they were okay with it, because there is a "for greater certainty" clause here about how this would not apply for anyone who's participating in advocacy, protest or dissent and does not intend to cause any harms.

Do you have any thoughts you want to share with the committee on these specific amendments to the Criminal Code and anything that we might need to look at?

• (1915)

Mr. Tim McSorley: Through the Chair, thank you very much for the question.

We have concerns about the amendments to sabotage.... It is good to see there is an exception being considered. We're concerned it may not go far enough. We know that when individuals engage in dissent, there are often accusations that they are going too far. We're worried that the way it's currently framed, especially with questions around what is meant by the intent to cause harm, could cause a chilling effect.

An example is a protest crossing a railway or going on a road that is used by emergency services. The intent is to protest. It may lead to the disruption of those services. The individuals may not intend that harm, but they know it could happen. They know, and everyone knows, an ambulance may want to pass and a train could be passing.

We're concerned about where the line will be drawn in terms of what is considered intent. Obviously, that's well defined by jurisprudence, but we're still concerned that it could lead to a chilling effect and result in individuals not participating in the exercise of their democratic right to protest and freedoms of expression and association.

Mr. Alistair MacGregor: Thank you.

The Chair: Thank you, Mr. MacGregor.

That wraps up our second round.

Mr. Kurek is concerned.

Mr. Damien Kurek: I have to go to another committee meeting that's starting momentarily.

The Chair: I believe we're done.

Thank you all for your testimony.

Mr. Caputo wants us to talk about the schedule.

Witnesses, feel free to leave if you wish.

Ms. Jennifer O'Connell: Can you adjourn the meeting if this is just casual, because if you have to leave....?

Mr. Damien Kurek: Let's adjourn, because I have to get to [*Inaudible—Editor*].

The Chair: The meeting is adjourned.

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