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UNCLASSIFIED**ANNEX 2 – SUMMARY OF GAC AUTHORITIES AS IT RELATES TO FOREIGN INTERFERENCE**

1. **Crown Prerogative**: The primary source of authority for the conduct of Canada's foreign relations is the Crown Prerogative. The Crown prerogative consists of a set of powers and privileges accorded by the Common Law to the Crown. It is a long-standing, constitutionally founded and legally recognized source of executive authority – separate and distinct from authorities granted to the Crown by statute. The foreign affairs prerogative has generally been defined as including the power to do acts of an international character. This includes the making of war and peace, dispatch of trips abroad, entering into treaties, appointment and accreditation of Ambassadors and consular officers, and communications with foreign governments.
 - **DFATD Act**: While section 10 of the Department of Foreign Affairs, Trade and Development Act outlines the mandate of the Minister of Foreign Affairs, such as conduct of diplomatic and consular relations on behalf of Canada, management of international negotiations and expansion of Canada's international trade and commerce, it does not per se confer powers or authorities on the Minister. Rather, the source of legal authority for most Global Affairs Canada activities continues to be the Crown Prerogative.

Link to foreign interference: The Minister and the department carry out a range of activities pursuant to the Crown Prerogative to respond to or counter foreign interference. Examples of how this applies include but are not limited to:

- Issuing demarches, planning or cancelling high level visits, taking retaliatory measures
 - Reducing or suspending diplomatic engagement, denying visas and licenses, declaring Embassy personnel as Persona Non Grata, close Missions abroad, or reduce /limit the performance of Canada's obligations under Canada's bilateral agreements.
 - Deepening bilateral and multilateral cooperation with likeminded partners and allies to address and counter foreign interference.
 - Public attribution of hostile activities by foreign actors.
 - Use of public communications and StratComs to counter disinformation on public platforms, as well as programming activities (including supporting research into disinformation and information manipulation, as well as projects seeking to counter it).
2. **Foreign Missions and International Organizations Act**: the FMIOA is the primary vehicle for addressing privileges and immunities and diplomatic and consular law in Canada. It enables Canada to meet its treaty obligation in these areas, while supporting Canada's membership in international organizations. The Act implements Canada's treaty obligations in the *Vienna Convention on Diplomatic Relations* (VCDR), the *Vienna Convention on Consular Relations*, the *Convention on the Privileges and Immunities of the United Nations*, headquarters and hosting arrangements with organizations hosted in Canada, and other bilateral and multilateral agreements with international organizations in which Canada is a member.

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Link to foreign interference: The management of privileges and immunities to foreign representatives, including determining which foreign representatives shall be entitled to them, is the responsibility of the department. As foreign states do attempt to use accredited representatives to carry out interference activities, some close like-minded states have amended their equivalent legislation in recent years in order to allow for additional tools to manage the threat.

3. **CSIS Act Section 16:** Section 16 of the CSIS Act provides that the Minister of Foreign Affairs may make a request for CSIS to collect foreign intelligence. Section 16(3) specifies that CSIS may not perform its duties and functions without the personal request in writing of the Minister of National Defence or the Minister of Foreign Affairs and the personal consent of the Minister.

Link to foreign interference: The intelligence collection enabled by Section 16 provides the Minister of Foreign Affairs with relevant intelligence to support decision making, notably as it relates to foreign interference and its response.

4. **CSE Act Subsection 30(2):** Under the CSE Act Section 19, CSE's active cyber operation mandate includes to "carry out activities on or through the global information infrastructure to degrade, disrupt, influence, respond to or interfere with the capabilities, intentions or activities of a foreign individual, state, organization or terrorist group as they relate to international affairs, defence or security". Subsection 30(2) of the Act stipulates that the Minister of National Defence may issue an Active Cyber Operations Authorization only if the Minister of Foreign Affairs has requested the Authorization's issue or has consented to its issue.

Link to Foreign Interference: The need for consent by the Minister of Foreign Affairs ensures continued alignment of CSE's Active Cyber Operations activities with Foreign Policy priorities, including as it relates to countering foreign interference.

5. **Special Economic Measures Act:** The *Special Economic Measures Act* (SEMA) allows Canada to impose sanctions in one of the following situations: (1) where an international organization to which Canada belongs calls on its members to take economic measures against a foreign state; (2) where a grave breach of international peace and security has occurred and is likely to result in a serious international crisis; (3) where gross and systematic human rights violations have been committed in a foreign state; or (4) where a national of a foreign state, who is either a foreign public official or an associate of such an official, is responsible for or complicit in acts of significant corruption.

Link to foreign interference: While the Act does not make specific mention of foreign interference, sanctions are part of the toolkit GAC uses to respond to malicious behaviour, including the participation in or support of information manipulation campaigns (i.e., Russian invasion of Ukraine).

1. **Export and Import Permits Act:** Regulations enacted under the *Export and Import Permits Act* provide Canada with an additional mechanism for controlling trade of arms and dual-use goods. Under the Act, exports of goods and technologies listed under the

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Export Control List (ECL) must be authorized by an export permit issued by the Minister of Foreign Affairs, irrespective of their means of delivery.

Link to foreign interference: Export controls can be a complementary tool to counter proliferation of listed military and dual-use goods and technologies, and reduce the risk that such goods and technologies could be leveraged by foreign powers to conduct foreign interference activities targeting Canada or its likeminded partners.