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# Parliamentary Committee Notes: Countering Hostile Activities by State Actors

## Date:

April 25, 2022

## Branch/Agency:

NCSB/PS

## Proposed Response:

- There is no greater responsibility for the Government of Canada than to keep citizens and communities safe so Canadians are free to pursue their lives and exercise their rights without fear.
- In recent years, Canada has seen an increase in the frequency and sophistication of hostile activities by state actors (HASA), like Russia, seeking to advance their political, economic and security interests to the detriment of Canada's.
- The Government of Canada remains steadfastly committed to combatting foreign interference by any foreign state seeking to harm Canada, to protecting our democratic institutions and to promoting economic security.
- We continue to work closely with our security and intelligence partners, both inside and outside the federal government, domestically and abroad, to find new and innovative ways to enhance our approach to counter hostile activities by state actors.
- Canadians can be assured that their safety and security will always be at the heart of our approach.

## Russia-Ukraine Conflict

- The events of the past few months have reinforced that the international community is strongest when it acts together in defence of our shared values.
- We have seen Russian narratives trying to justify the invasion of Ukraine, undermine the Ukrainian government and delegitimize Western responses. They cast the Ukrainian government and the West as aggressors and the Russian government as acting in self-defence. They spread false claims about the capability and intent of the Ukrainian government to develop and deploy chemical, bacteriological, radiological, and nuclear weapons. More recently, they seek to distort and distract from atrocities committed by the Russian army.
- It is important to remember that we are not immune from the threat of hostile activities, even here in Canada. Russia's aggression in Ukraine will have deep and long-term geopolitical consequences, and directly threatens the rules-based international order.
- Canada will continue to condemn Russia's invasion and stand up to the global threats posed by HASA through strong partnership with like-minded countries and our allies around the world.

## Threats to Democracy

- Hostile activities by state actors can erode trust in our democratic institutions and stoke tensions about government policies and decisions.
- While Canada's democratic institutions and processes are strong and resilient, we will actively work to ensure their continued protection.
- Our agencies will continue to support an integrated government response by monitoring and reporting on threats, and providing advice to protect our democracy.
- As part of these efforts, CSIS investigates threats, advises government and, as necessary, may take measures to reduce threats to Canada's security including those sponsored by foreign states like Russia.
- The RCMP is also an important player in Canada's efforts to counter hostile activities by state actors, investigating criminal offences related to foreign interference, including those targeting Canada's democratic institutions and processes.

## If Pressed on Disinformation and Misinformation in the Context of the Russia-Ukraine Conflict

- Disinformation used as part of the Russian invasion of Ukraine is both overt and covert, coming from state officials and state media, and also via proxies, fake social media accounts, web sites posing as legitimate alternative news outlets and other sources.
- At the same time, the Russian government is imposing unprecedented restrictions within Russia on independent media, blocking social media platforms (deeming these organizations "terrorists") and criminalizing opposition to the war in Ukraine, in an effort to control its domestic information space and mislead Russian audiences about the war.

- Canada condemns this widespread use of disinformation by the Russian Government and its affiliated media and proxies to support its military aggression against Ukraine and is committed to strengthening our cooperation with like-minded partners on disinformation and malign information operations from state actors.
- We will continue to use the G7 Rapid Response Mechanism for joint assessment and collective action, including ramping up our engagement with tech platforms and civil society to tackle Russia's unprecedented information war.
- In the recently announced Budget 2022, the Government of Canada has committed to providing \$13.4 million over five years, starting in 2022-23 to renew and expand the G7 Rapid Response Mechanism.
- Canada's security and intelligence community also remains vigilant against the potential threat of Russian foreign interference against Canadians and Canadian interests in retaliation for our support for Ukraine.

## If Pressed on Election Interference

- Democratic institutions and processes around the world, including elections, are targets for foreign interference. Canada is not immune to these threat activities.
- Over the course of the 2021 Federal Election, CSIS and the RCMP worked closely with partners as members of the Security and Intelligence Threats to Elections (SITE) Task Force to coordinate efforts against foreign interference by raising awareness, assessing threats, and preparing the government's response to them.
- While I cannot provide more detail regarding specific threat activity observed during the 2021 Federal Election, I can assure Canadians that our security and intelligence agencies investigate allegations of interference in Canada's democratic institutions or processes by a foreign state, in accordance with their mandated authorities, and that the RCMP investigates foreign actor interference, further to its mandate.

## If Pressed on a Foreign Agent Registry

- The Government of Canada continues to look for new and innovative ways to enhance the measures we have in place to counter foreign interference.
- We are always looking to learn from the experiences of international partners to see what may be advisable or possible in Canada.
- No decision has been made on whether to pursue something similar in Canada or how such a proposal would work in a Canadian context.

## Background

Foreign interference is understood as hostile activities undertaken by foreign states, or its proxies, that is purposely covert, malign, clandestine and deceptive. It can include threats, harassment and intimidation. Foreign states leverage these activities to advance their strategic interests including:

seeking geopolitical influence, economic advancement, revision of the rules-based international order, domestic stability, and military advantage. These activities can be directed at Canadians, or residents of Canada, or against Canadian institutions to advance their strategic interests at the expense of our national interests and values.

Through its mandate to investigate threats to the security of Canada, CSIS has seen multiple instances of foreign states targeting Canadian institutions and communities. As well, the RCMP is aware that illegal state-backed activities are committed against Canadians and Canadian interests, and investigates these activities further to its mandate. The scope of potential foreign interference activities can be broad, encompassing a range of techniques that are familiar to intelligence agencies. These include human intelligence operations, the use of state-sponsored or foreign influenced media and disinformation campaigns, and the use of sophisticated cyber tools.

Several reports have highlighted the threat of foreign interference in Canada. For example, in its 2020 Public Report, released in April 2021, CSIS stated that espionage and foreign interference activity observed over the past year had reached levels not seen since the Cold War. The report also notes that in the midst of the COVID-19 pandemic, espionage and foreign interference threats continue to persist and, in some areas, are increasing. Espionage and foreign-influenced activities are directed at Canadian entities both inside and outside of Canada, and directly threaten Canada's national security and strategic interests.

Furthermore, the 2019 Annual Report of the National Security and Intelligence Committee of Parliamentarians (NSICOP) outlined foreign interference activities, including the targeting of Canadian institutions by threat actors. The NSICOP (2019) report pointed to Russia and China as being particularly active in Canada and made a number of recommendations for Canada to bolster its response to the threat of foreign interference. The 2020 NSICOP annual report highlighted the significance of this issue to Canada, citing that Russia continues to exploit Russian diaspora and compatriot organizations in Canada. The Communications Security Establishment (CSE) also notes that Russia is primarily responsible for this espionage, using clandestine cyber operations to steal proprietary data.

Canada monitors the international information ecosystem for indicators of foreign state sponsored disinformation and is aware of Russia's long-running disinformation campaigns. Russia's use of disinformation created a pretext for its illegal invasion of Ukraine and its continued manipulation of information to blur the facts and try to build support for its illegal invasion. Canada is working with a range of partners across industry, civil society, and academia, to support ongoing efforts to identify and counter Russian disinformation around the crisis and build societal resilience to disinformation in Ukraine and globally. The G7 Rapid Response Mechanism (G7 RRM), established in 2018 and led by Canada on an ongoing basis, is a forum for addressing foreign threats to democracy, including state-sponsored disinformation. We are also collaborating with international partners through a host of other forums, including NATO, the Media Freedom Coalition, and the Freedom Online Coalition. Through the Peace and Stabilization Operations Program (PSOPs), Canada supported over \$4.2M in programming between 2019 - 2021, and the Prime Minister recently announced \$3M to build Ukrainian capacity to strategically communicate and enhance the resilience

of Ukrainian communities to disinformation. We are also taking steps to remove Russian propaganda and false narratives from Canadian airwaves. The Canadian Radio-television and Telecommunications Commission (CRTC) disallowed the distribution of RT (formerly known as Russia Today) by Canadian television service providers as its programming is not in the public interest and is not consistent with Canada's broadcasting standards.

## Threats to Democracy

Canada has observed state-sponsored information manipulation employed by certain regimes, including Russia, aimed at reshaping or undermining the rules-based international order.

Disinformation, originating from anywhere in the world, can have serious consequences including threats to the safety and security of Canadians, erosion of trust in our democratic institutions, and confusion about government policies and notices including information on the COVID-19 pandemic.

The Government of Canada's security and intelligence community is combatting these threats within their respective mandates. CSIS is working closely with other government partners, inside and outside the security and intelligence community, to address clandestine, deceptive or threatening interference activities that can pose significant harm to our democratic institutions and processes. For example, CSIS has longstanding investigations into foreign interference threat activities targeting democratic processes and institutions across Canada. The provision of CSIS intelligence and assessments to senior levels of government allows for informed decision-making when responding to and developing policies to address these threats. Likewise, the RCMP has a broad, multifaceted mandate that allows it to investigate, disrupt, and prevent foreign interference drawing upon authorities enshrined in various legislation.

Although Canada's electoral system is strong, threat actors have sought to target its politicians, political parties, elections, and media outlets in order to manipulate the Canadian public and interfere with Canada's democracy. CSIS delivers briefings to protect against this threat, with the aim of promoting awareness of hostile activities by state actors and strengthening security practices.

Information manipulation, in particular disinformation, has been a subject of international collaboration. Canada has discussed the threat and possible responses across a variety of bilateral and multilateral engagements and fora. For example, you represent Canada at the Five-Country Ministerial (FCM), an annual forum where Five Eyes security ministers meet to discuss opportunities for collaboration and information sharing on various national security issues, including foreign interference. These discussions include the sharing of respective approaches to shared issues, and the coordination of a cohesive Five Eyes response. During the 2021 FCM, ministers committed to working together, along with like-minded countries through multilateral fora, to share experiences and report on progress to build collective resilience in the academic, research and development sectors against foreign interference and the unwanted transfer of knowledge.

## Threats to Communities

Russia and other foreign states routinely attempt to threaten and intimidate individuals around the world through various state entities and non-state proxies. These states may also use a combination of their intelligence and security services as well as trusted agents to assist them in foreign interference activity on Canadian soil.

While certain states may attempt to threaten and intimidate individuals in order to pursue anti-corruption measures or enforce other laws in their domestic legal frameworks, these tactics can also be used as a cover for silencing dissent, pressuring political opponents and instilling a general fear of state power no matter where the individual is located.

When foreign states target members of Canadian communities, these individuals, for various reasons, may not have the means to protect themselves or know that they can report these activities to Canadian authorities. The fear of state-backed or state-linked retribution targeting both them and their loved ones, in Canada and abroad, can force individuals to submit to foreign interference.

These activities constitute a threat to Canada's sovereignty and to the safety of Canadians. When CSIS is informed of any allegations of foreign interference, it uses the full mandate of the *CSIS Act* to investigate, advise and respond to the threat, alongside law enforcement, to keep Canadians safe from harm and intimidation. Furthermore, criminal activity with a suspected nexus to a foreign state is investigated by the RCMP.

## Foreign Interference During 2019 Elections

In an effort to counter foreign interference against the 2019 Federal Election, the Government created the SITE Task Force. As members of the SITE Task Force, CSIS was involved in efforts to raise awareness and assess foreign interference threats against the 2019 federal elections, and the RCMP provided law enforcement expertise. The SITE Task Force remains after the 2019 Federal Election, as threats to democratic institutions, such as foreign interference and disinformation, have not abated.

## Foreign Agent Registry

Foreign governments and entities regularly seek to influence Government of Canada's policies, officials or democratic processes in lawful and transparent ways in Canada, including through routine diplomatic engagement. However, some foreign states engage in acts of foreign interference to advance foreign political interests and influence federal officials and decision makers. As part of these efforts, they may employ individuals, some of whom may be high profile, to act on their behalf without disclosing ties to the foreign state.

Both the United States and Australia have foreign agent registries that require those acting on behalf of a foreign state to register their activities. The United Kingdom has also announced plans to introduce a similar regime and launched public consultations on proposed legislation to counter state threats in May 2021.

## **Australia – Foreign Influence Transparency Scheme Act (FITS)**

FITS was enacted in December 2018. It is intended to increase transparency of foreign influence on Australia's government and politics. The scheme is administered by the Attorney General's Office.

FITS establishes registration obligations for individuals and entities that undertake certain activities on behalf of foreign principals. These include activities for the purpose of "political or governmental influence". That term is broadly defined in the Act and includes any influence over matters such as federal elections or votes, or the decision-making processes of the Government of Australia.

Communications to the public or financial support for the purpose of influencing governmental decision-making processes are also registrable activities under FITS. The registry is not intended to restrict or criminalize lawful activities that may benefit foreign principals (governments, entities or individuals). Of note, former cabinet ministers have a lifetime obligation to register any activity they undertake on behalf of a foreign principal unless an exemption applies. An individual acting on behalf of a foreign principal can be penalized for failing to register or update information with the AGO, misleading or lying to authorities, or destroying relevant records. Penalties for violations under the FITS range from fines to prison terms of six months to five years.

## **The United States - Foreign Agent Registry Act (FARA)**

FARA was enacted in 1938 and requires certain individuals acting on behalf of foreign principals (governments, entities or individuals) who are engaged in political activities or other activities under the statute to register as a "foreign agent" with the Department of Justice. The Act also requires foreign agents to make periodic public disclosures of their relationships with the foreign principal, as well as activities, receipts and disbursements in support of those activities.

The central purpose of FARA is to promote transparency regarding foreign influence in the United States by ensuring the government and the public know the source of certain information from foreign agents intended to influence American public opinion, policy and decision-making.

The penalty for willful violation of FARA is a maximum of five years in prison and/or a fine of up to \$250,000. There are also civil enforcement provisions that empower the United States Attorney General to seek an injunction requiring registration under FARA. Since 2016, FARA violations have resulted in Federal Bureau of Investigation (FBI) counterintelligence investigations, some of which have led to criminal charges and/or immigration proceedings against foreign agents and foreign principals.

## **Contacts:**

Prepared by: NCSB/NSOD

Approved by: Dominic Rochon, Senior Assistant Deputy Minister, 613-990-4976

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