



Interview Summary: Jenny Kwan (Stage 2)

Jenny Kwan, Member of Parliament for Vancouver East for the New Democratic Party (“NDP”) was interviewed by Commission Counsel on July 18, 2024.

Notes to Readers:

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.

1. Follow Up from Stage 1 Phase of the Commission’s work

- [1] Ms. Kwan indicated that, since the Stage 1 public hearings, she had additional information she wished to share with Commission counsel. On July 4, 2024, Ms. Kwan and her team, including Mr. Gabriel Yiu, Ms. Kwan’s Member’s Assistant, attended a fundraising event at the Chinese Canadian Museum (“CCM”), in Vancouver. One of the attendees, a businessman, advised Mr. Yiu that the PRC consulate in Vancouver had issued an edict urging the Chinese Canadian community not to invite Ms. Kwan to events because of her activism regarding Hong Kong. In Ms. Kwan’s view, not being invited to community events was part of a broader strategy aimed at deplatforming her.
- [2] Ms. Kwan indicated that there has been a strong decline in the number of invitations she receives as an MP over the course of the last 5 years or so. She believes that she now receives only a quarter of the total number of invitations she used to receive when she first became an MP in 2015. Some community organizations stopped inviting her to their events after 2019, when Ms. Kwan became a more vocal critic on topics such as democracy in Hong Kong. However, Ms. Kwan continues to receive invitations to events organized by other Chinese community organizations.
- [3] On the general topic of participating in community events, Ms. Kwan explained that she is often faced with a dilemma in deciding whether to attend them. Several organizations who are perceived to act as PRC proxies are still important players within the community. Ms. Kwan indicated that while she did not want to legitimize these



organizations by her presence, not attending their events limits her access to her community and her own Chinese Canadian heritage. As such, Ms. Kwan has adopted a case-by-case approach when deciding whether to attend an event

- [4] For instance, Ms. Kwan continues to attend Chinese Lunar New Year celebrations because of the event's significance within the Chinese Canadian community. On the other hand, she has decided not to attend PRC National Day celebrations. With regard to the July 4 fundraiser at the CCM, Ms. Kwan felt conflicted about attending. She ultimately decided to go because of the importance of having a Chinese Canadian museum in Canada. As well, the CCM was a project she had worked on for a very long time and it is located in her riding.

2. NSICOP and NSIRA Reports

- [5] Regarding the recent special reports on foreign interference released by the National Security and Intelligence Committee of Parliamentarians ("**NSICOP**") and by the National Security and Intelligence Review Agency ("**NSIRA**"), Ms. Kwan confirmed she was not interviewed by either body in the course of their respective reviews.¹ She has read both publicly available versions of the special reports and asked the NDP's leader, Mr. Jagmeet Singh, to request from the Canadian government that she be granted a Top Secret security clearance to review the classified version of the NSICOP report, after both Mr. Singh and Green Party leader Elizabeth May were both provided the opportunity to do so. At the time of the Stage 2 interview, her request was still pending.²

¹ **Note:** NSICOP released its Special Report on Foreign Interference in Canada's Democratic Processes and Institutions on June 3, 2024. NSIRA released its special report entitled Review of the dissemination of intelligence on People's Republic of China political foreign interference, 2018-2023 on May 28, 2024.

² On September 9, 2024, the office of the National Security and Intelligence Advisor ("**NSIA**") informed the NDP that it had declined to provide MP Kwan with top secret security clearance. They added that even if Ms. Kwan had a top secret clearance, they would not provide the report to her as they believe the "need to know" principle of national security does not apply in this situation. They have offered Ms. Kwan a classified briefing. Ms. Kwan has asked for clarification from the Privy Council Office ("**PCO**") as to whether the classified briefing would entail any information that is not already on the public record, and whether it would be similar to the briefing she received from CSIS in May 2023.



Ms. Kwan added that she felt strongly that she, and other MPs, should have access to information contained in the classified reports.

- [6] On June 18, 2024, Ms. Kwan raised a question of privilege in the House of Commons, stating her belief that the names of parliamentarians who were “*knowingly, intentionally, wittingly or semi-wittingly engaging*” in foreign interference should be disclosed in a way that does not compromise national security.³ Her question of privilege was raised shortly before both Mr. Singh and Ms. Elizabeth May [leader of the Green Party of Canada] were provided the opportunity to review the classified version of the NSICOP report. Ms. Kwan’s view that parliamentarians’ names should be publicly disclosed has not changed since then.
- [7] According to Ms. Kwan, the NSICOP report has cast a cloud of suspicion on parliamentarians, especially lawmakers of Chinese and Indian heritage, as the NSICOP report identifies the PRC and the Republic of India as the principal perpetrators of foreign interference activities in Canada. She believes this exposes these parliamentarians to significant risks. For instance, she mentioned that since the release of the NSICOP report, she has been harangued by protesters on Parliament Hill shouting, “Are you a traitor?”
- [8] Ms. Kwan agrees that due to the sensitive nature of the information, Parliament must engage with these issues in a responsible way. However, she believes that the Canadian public has a right to know which parliamentarians are engaged in foreign interference activities. In her view, those parliamentarians who are semi-witting or unwitting participants in foreign interference ought to be made aware and duly warned.
- [9] On the process which could be followed to disclose the names without compromising national security, Ms. Kwan suggested that an *in camera* review could be conducted in committee, for example before the Procedure and House Affairs Committee (“**PROC**”), the parallel committee in the Senate [Rules, Procedures and the Rights of Parliament

³ **Note:** Ms. Kwan’s full intervention can be found in the Hansard of the House of Commons Debates for June 18, 2024.



(“RPRD”)], or before a joint committee with the Senate. She favours PROC being entrusted with this review in light of its independence and the fact that its mandate is rooted in parliamentary privilege. Impacted parliamentarians could be called to testify before the committee and afforded the opportunity to respond. Upon conclusion of the *in camera* review process, a determination could be made as to the best course of action and whether to disclose the names of parliamentarians.

- [10] If a parliamentarian could not be shown the allegations levelled against them for security reasons and could not be provided with the opportunity to defend themselves, Ms. Kwan believes that a special advocate system could offer solutions, for example, through the use of *amicus curiae* or security-cleared counsel. Ms. Kwan noted that a balance needed to be struck among being transparent with the Canadian public, avoiding compromising national security, and due process toward parliamentarians.
- [11] Ms. Kwan considers that without disclosure of the relevant information, malign foreign actors will have succeeded in sowing chaos and distrust in democratic processes, damaging the reputation of the House of Commons, and undermining the Canadian public’s trust in its institutions.
- [12] Ms. Kwan recognized that information in the NSICOP report was based on intelligence and did not constitute evidence that could be used in a court proceeding. However, she indicated there needed to be some mechanism for “clearing the air.”
- [13] In Ms. Kwan’s view, there needs to be a review of declassification practices in Canada. She pointed to information in the NSICOP report suggesting that CSIS was overprotective about sharing intelligence, and that CSIS could not inform MPs that they were being targeted by foreign interference activities without obtaining the Prime Minister’s prior approval.
- [14] In that regard, Ms. Kwan supported private member’s Bill C-377, *An Act to amend the Parliament of Canada Act (need to know)* which was introduced by MP Alex Ruff (CPC, Bruce-Grey-Owen Sound) in February 2024. This bill, which is at third reading before the House of Commons, provides that parliamentarians who make an application to obtain a secret security clearance are deemed to need access to the information in



respect of which their application is being made. Ms. Kwan noted that this bill addressed the core issue of parliamentarians' lack of access to information. However, she also recognized that its provisions could be misused by parliamentarians who are witting foreign interference proxies, in order to gain access to sensitive information.

2.1 The vulnerability of ethnocultural and diaspora communities

- [15] The NSICOP report identifies members of Canadian ethnocultural and diaspora communities as being particularly vulnerable to foreign interference. Ms. Kwan stated that the foreign agent registry (the “**Registry**”) contemplated in Bill C-70, *An Act respecting countering foreign interference* (the “**Act**”) is an important tool to combat foreign interference. Ms. Kwan noted that the Registry would allow for the clear identification of those individuals who are attempting to advance a foreign state's interests. She also noted that the Act, in and of itself, will not address every issue raised by foreign interference but is an important and significant tool.
- [16] As some individuals can be unwitting participants in foreign interference activities, Ms. Kwan believes that the government needs to conduct a broad public education campaign on foreign interference in conjunction with the introduction of the Act. This educational campaign would also need to cover the purpose of the Act and the measures it introduces, among other topics.

2.2 Relationships with community organizations

- [17] During her Stage 1 interview with Commission counsel, Ms. Kwan had stated that there had been a “seismic shift” in her relationship with Chinese community organizations starting in 2019, and that the relationship had deteriorated with the escalation of protests in Hong Kong.⁴ During her Stage 2 interview, Ms. Kwan added that she believes this shift in the relationship correlated with an interruption in political donations

⁴ **Note:** Ms. Kwan's Stage 1 Interview Summary was entered into evidence during the Commission's Stage 1 public hearings. It was filed as document WIT000012.EN in English and WIT000012.FR in French.



and contributions made by some notable leaders of certain Chinese community organizations.

- [18] Over the years, she has worked hard to develop relationships and build a network of support with community leaders representing a variety of Chinese Canadian civic groups and associations. When the shift in relationship occurred in 2019, she initially attributed it to contemporaneous changes in some of these community organizations' leadership. However, as time passed, Ms. Kwan and her team suspected that there was another reason for the change and that it could be attributed to Ms. Kwan's vocal support for Hong Kong.
- [19] Describing her current relationship with Chinese community organizations, Ms. Kwan pointed out that at some recent events, she was being introduced in over-the-top glowing praise. She suggested that this change in approach could be an overreaction to her deplatforming or attempts to remove the cloud of suspicion hovering over these organizations. At some events, she still feels a general chill in her relationships with community leaders.
- [20] On her public stances on the PRC, Ms. Kwan insists that she is not "anti-China", pointing out that her ancestors came from this country. In 2017, on the 80th anniversary of the Nanjing Massacre, she raised public awareness about the event and the mistreatment of Chinese comfort women during the Sino-Japanese war. She recalled that her advocacy on this topic was appreciated by the PRC's consulate in Vancouver. However, in Ms. Kwan's view, raising awareness about the Nanjing Massacre is as important as remembering the Tiananmen Square Massacre: it is about owning Chinese history and moving forward.

2.3 The role of Chinese-language media and of social media platforms

- [21] During her Stage 1 interview with Commission counsel, Ms. Kwan discussed the influence of Chinese-language media outlets as vehicles to propagate PRC narratives in Canada. In her Stage 2 interview, she added that she had not raised this issue with the Canadian government, the Canadian Radio-television and Telecommunications



Commission (“**CRTC**”) or in Parliament, given that she did not believe laws were being violated.

- [22] Social media platforms used widely within Chinese diaspora communities are of particular concern for Ms. Kwan as it relates to foreign interference. For example, she has concerns about TikTok, due to the Chinese ownership structure of its parent company, ByteDance. Professor Benjamin Fung [McGill University, School of Information Studies] had explained to her that TikTok, like all other companies operating in the PRC, had to be state-sanctioned, and this meant that the PRC government could install a PRC official within the company’s managerial structure. Therefore, Ms. Kwan understands that the PRC could request access to and use the data collected by TikTok from its users. On this topic, she referenced a report published by the Macdonald-Laurier Institute.⁵
- [23] She doubts the efficacy of the House of Commons’ ban of TikTok on parliamentarians’ professional devices, as it does not extend to their personal devices. In her opinion, by engaging with the platform, Canadian politicians are providing TikTok with relevant data points and legitimizing a “brainwashing machine” used to push PRC narratives on a variety of subjects.
- [24] On a similar topic, Ms. Kwan stated that the Canadian visa application centre in Beijing was subject to a similar requirement of obtaining the PRC’s state sanction, as it had been contracted out to a Chinese state-owned company run and operated by the Beijing Municipal Security Bureau. This is a situation which, in her view, raises acute concerns about the security of visa applicants’ information.
- [25] According to Ms. Kwan, the Canadian government needs to formulate a clear policy in order to regulate and control the use of social media platforms as a tool of foreign-state disinformation, similar to what the United States of America has done in this area. She

⁵ See **JKW0000162**. Sze Fung Lee, *TikTok – China’s Glaring Trojan Horse. How Beijing uses the intensely addictive app for digital surveillance and influence operations* (Macdonald Laurier Institute, 2024).



suggested disclosure requirements about operational practices of companies that are owned or controlled by a foreign state.

2.4 The use of local proxies by foreign actors

- [26] Ms. Kwan has her own varying degrees of suspicion about certain groups and individuals who may fall in the category of proxy or co-optee, as described in the NSICOP report. However, she expressed concerns about sliding towards “McCarthyism” [the political practice of publicizing accusations of disloyalty or subversion with insufficient regard to evidence].
- [27] Ms. Kwan would like the Commission to provide recommendations to parliamentarians on how to conduct themselves when dealing with potential proxies and co-optees of foreign states. She suggests that parliamentarians receive briefings from intelligence officials on individuals and groups who fall within this category of foreign interference actors.
- [28] According to Ms. Kwan, the business community in the Greater Vancouver Area is also a subset of the population that is susceptible to be co-opted and used as proxies. She noted that those with substantial business interests with or within the PRC stand to gain from conducting themselves in a way that will ingratiate them with the PRC, which may provide them with business opportunities, financial benefits or other incentives.
- [29] In her opinion, the implementation of the Registry will be a useful tool in mitigating these vulnerabilities.

2.5 Tactics employed against parliamentarians

- [30] Commenting on the tactic of establishing reciprocal relationships with Canadian parliamentarians referenced in the NSICOP report, Ms. Kwan is not aware of any instances in which MPs or Senators have engaged with a foreign state in this way. Nonetheless, the current climate of suspicion has led her to wonder about certain parliamentarians, based on their voting record in the House of Commons.



- [31] Ms. Kwan is also not aware of any incidents involving the use of clandestine networks surrounding elected officials or the use of political staffers as proxies, two other foreign interference tactics according to the NSICOP report.
- [32] Regarding the use of political staffers as proxies for foreign states, Ms. Kwan's view is that a standardized vetting process, which would include background checks, could be implemented as part of the hiring of staffers. While this measure would curtail MPs' current ability to hire staffers at will, ensuring that national security is not compromised is, in her view, more important. These measures could complement already-existing requirements designed by each national political party.
- [33] Ms. Kwan considers all federal political parties as vulnerable to the exploitation of their political party governance and administration, by way their nomination and leadership races, due to the lack of a standardized process. She believes nomination and leadership races should be regulated by Elections Canada and the OCCE pursuant to the *Canada Elections Act*. While this might impede the freedom of political parties to choose their preferred candidate in a nomination contest, she sees regulation as required in light of the scale of the foreign interference issues at play.
- [34] If legislation were enacted to require political parties to conduct additional background checks to protect national security, Ms. Kwan considers that the government should provide political parties with the resources and support to do so.
- [35] Ms. Kwan is not aware of any cyberattacks conducted by foreign states or their proxies against her or other Canadian parliamentarians. Ms. Kwan has never been part of the Inter-Parliamentary Alliance on China ("**IPAC**"), and as such, was not a target of the recently revealed 2021 cyberattack against some of its members. In her view, this event was a good example of information being inappropriately withheld from MPs and of the lack of accountability for failures in the dissemination of information.

2.6 The vulnerability of parliamentarians

- [36] According to Ms. Kwan, existing areas of vulnerability for parliamentarians in terms of foreign interference operations include campaign volunteers, political staffers, donors

and relationships with community organizations. She does not have personal knowledge of incidents involving donors, staffers or volunteers, her campaigns attract many volunteers, and so she could not be certain there had been no attempts to infiltrate them. However, she noted that volunteers are not usually involved in a way that allows them access to a campaign.

- [37] Ms. Kwan noted the absence of government measures or protocols to address areas of vulnerability parliamentarians face with respect to foreign interference. She indicated that the Sergeant-at-Arms of the House of Commons was not tasked with providing assistance to parliamentarians on matters pertaining to foreign interference, but instead was mostly concerned with addressing threats of a physical nature.
- [38] In Ms. Kwan's view, the politicization of addressing foreign interference has resulted in a lack of concrete measures to inform and protect parliamentarians against vulnerabilities. She considered the previous National Security and Intelligence Advisor ("**NSIA**") to the Prime Minister as a key roadblock in the dissemination of intelligence by CSIS to the Prime Minister and MPs. According to Ms. Kwan, the NSIA's terms of reference ought to be reviewed to limit the risk of political interference. She supports a change in the organizational structure to allow the CSIS director to brief the Prime Minister directly without needing to go through the NSIA, as is already the case in the United States and the United Kingdom.
- [39] Ms. Kwan suggested that a committee be tasked with examining and reporting on the dissemination of intelligence structure within Canadian institutions. While the NSICOP is currently a report-driven committee, she believes it could be repurposed and given additional responsibilities in this regard.
- [40] Ms. Kwan is concerned that the Privy Council Office ("**PCO**") and the Intelligence Assessment Secretariat ("**IAS**") act as bottlenecks in the chain of transmission of relevant information on foreign interference, namely as it concerns documents covered by cabinet confidentiality.
- [41] Ms. Kwan considers the structure for the flow of information to be flawed and suggests that the roles and responsibilities of the various institutions and actors involved in



tackling foreign interference should be clearly defined. She considers access to information to be a key part of enabling parliamentarians, and the Canadian public, to protect themselves against foreign interference.

- [42] Referring to a recommendation made by NSICOP in 2018, and reiterated in its recent special report, Ms. Kwan stated that regular briefings to parliamentarians on the risks of foreign interference could be useful. However, she emphasized that along with information, concrete guidelines needed to be provided to MPs on how they could better guard against foreign interference activities.

3. The Foreign Agent Registry

- [43] In November 2023, Ms. Kwan sponsored e-petition 4534 which called for the government to swiftly introduce a *Foreign Influence and Transparency Registry*.⁶ The e-petition also denounced attempts at conflating the *Chinese Immigration Act 1923* [more commonly known as the Chinese Exclusion Act] with calls for the introduction of a foreign agent registry, and of using anti-Chinese racism to distract from the underlying urgent issues of foreign interference. During her Stage 2 interview, Ms. Kwan reiterated these positions, stating that while the racist Chinese Exclusion Act specifically targeted Chinese people, the Registry is state-agnostic and is aimed at protecting all Canadians.
- [44] In her opinion, some opponents of the Registry have purposefully attempted to conflate these issues to allow those pursuing foreign interference operations to continue to act with impunity. She also described those narratives as “race-baiting” and noted that they conveniently echo PRC talking points.
- [45] Ms. Kwan stressed that implementing the Registry before the next general election is crucial to ensure a certain level of protection for Canadians against foreign interference.
- [46] In Ms. Kwan’s view, the Act could be improved, and she mentioned three specific amendments she supported but were not adopted.

⁶ **Note:** E-petition 4534 is available in its integrality on the House of Commons’ website.



- [47] The first amendment suggested by Ms. Kwan concerns the Administrative Monetary Penalties (“**AMPs**”) in the Act for some offences, in addition to fines and prison sentences. In Ms. Kwan’s opinion, the AMPs are unnecessary and minimize the seriousness of the issue. Even if the AMPs’ amounts could be substantial, contraveners could be tempted to write off infringements to the Act as administrative errors. Furthermore, in Ms. Kwan’s opinion, the AMPs fuel the idea that foreign interference is an administrative matter.
- [48] Secondly, Ms. Kwan believes the Act should provide a tiered system in terms of disclosure of information requirements. Under such a system, known foreign interference players such as members or agents of the Chinese Communist Party’s United Front Work Department would be required to provide more information for the Registry, as is the case pursuant to United Kingdom’s *Foreign Influence Registration Scheme*.
- [49] A third amendment Ms. Kwan thinks would have been beneficial to the Act is to provide an *in camera* registry to protect individuals engaged in reverse subversion activities, such as double agents.

4. Conclusion

- [50] In terms of recommendations, Ms. Kwan stressed the importance of implementing accountability measures regarding dissemination of intelligence practices.
- [51] Ms. Kwan also reiterated that the government should deploy a very robust public education strategy in parallel to its legislative efforts to combat foreign interference. Ms. Kwan referred to the Taiwanese experience in countering Chinese foreign interference, and mentioned that the Canadian government should review the Taiwanese approach carefully.
- [52] Finally, Ms. Kwan stated her belief that a specific strategy on anti-racism was also needed, in order to avoid marginalizing Canadians from diaspora communities who are at risk of being negatively impacted by the increased attention on foreign interference.