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Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

Enquête publique sur l'ingérence étrangère
dans les processus électoraux et les
institutions démocratiques fédérales

Interview Summary: The Honourable Mélanie Joly*

Commission counsel conducted an interview with the Honourable Mélanie Joly on July 5, 2024. The interview took place in a secure environment and included references to classified information. The summary discloses evidence that, in the opinion of the Commissioner, would not be injurious to critical interests of Canada or its allies, national defence or national security.

Notes to Reader:

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

1. Witness

[1] Since being elected in 2015, Minister Joly has held the following Cabinet positions:

- Minister of Canadian Heritage, from November 4, 2015, to July 18, 2018
- Minister of Tourism, Official Languages and La Francophonie, from July 18, 2018, to November 20, 2019
- Minister of Official Languages and Minister of Economic Development, from November 20, 2019, to October 26, 2021
- Minister of Foreign Affairs since October 26, 2021

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2. Global Geopolitical Context

- [2] Minister Joly explained that foreign interference (“**FI**”) in Canada is a threat that needs to be assessed in light of recent geopolitical developments. Russia’s invasion of Ukraine represents a decisive moment in international relations, as it exemplifies the broader intention of certain countries, namely Russia and China, to challenge the global order established after the Second World War. The invasion of Ukraine marked the beginning of a new international security crisis, which is exacerbated by other challenges such as accelerated climate change and the rapid evolution of technology.
- [3] Minister Joly expressed that, given the complex geopolitical climate of today, Canada should adopt a “pragmatic” foreign policy to promote and protect its strategic interests. To achieve this, Canada must:
- strengthen its alliances with its allies to stand united in the face of the international security crisis; and
 - maintain diplomatic dialogue with states that do not necessarily share Canada’s values, but that share its interest in ensuring global stability.
- [4] There are several reasons behind this approach to foreign policy. Minister Joly believes it is important to maintain diplomatic dialogue with as many states as possible in order to maintain international influence, as well as to prevent these states from aligning against Canada and its allies. Canada’s diplomatic relations must reflect a number of considerations, such as the promotion and protection of our economic interests, and the safety of Canadians at home and abroad.

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3. Distinguishing Between Foreign Influence and Interference

- [5] Minister Joly reiterated that foreign interference (“**FI**”) is unacceptable in Canada. There is no room for confusion between diplomacy and interference. In her view, there are clear rules of diplomacy to which Canadian diplomats adhere, and Canada expects foreign diplomats to play by those same rules.

4. Global Affairs Canada’s Role in Countering FI

- [6] Minister Joly explained that the role of Global Affairs Canada (“**GAC**”) in countering FI is multifaceted.

4.1. Diplomatic Measures

- [7] Firstly, when GAC receives intelligence that foreign diplomats are in violation of the *Vienna Convention*, the department takes action. Minister Joly stressed that Canada has never, and will never, tolerate FI in Canada’s internal affairs or democratic processes. In such circumstances GAC intervenes using one of many tools at its disposal, such as diplomatic engagement, démarches [diplomatic actions], sanctions or declaration of *persona non grata* (“**PNG**”),¹ to defend Canada’s interests .
- [8] Choosing the right tool depends on the particular set of circumstances. The assessment takes into account, among other things, the risk of retaliation by the country in question. This includes the risk to the safety and security of Canadians abroad (e.g., arbitrary detention of Canadians, as in the case of Michael Kovrig and Michael Spavor), the risk to certain sectors of the Canadian economy (including potential job losses), or the risk of diplomatic repercussions (e.g., expulsion of Canadian diplomats).

4.2. Countering Information Manipulation and Disinformation

- [9] Secondly, GAC plays a role in countering information manipulation and disinformation (“**IMDI**”) through the Rapid Response Mechanism (“**RRM**”) Canada. The Minister

¹ [For the list of tools, see CAN025180].

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explained that, in recent years, IMDI has become an increasingly important issue that affects all democracies. Minister Joly noted that IMDI has a direct impact on the quality of information available to the public. It can also undermine public perceptions of commonly accepted facts. In this respect, the Minister suggested that IMDI is also intended to sow division. The Minister noted that IMDI is likely to become increasingly sophisticated over time, given the technological advances that make it possible to automate the dissemination of fake news (e.g., via artificial intelligence and Spamouflage campaigns). According to Minister Joly, countering IMDI will require the increasing use of technology, rather than solely relying on the manual work of analysts, as is largely the case with RRM Canada.

- [10] Minister Joly noted that there is currently no single, clear solution to the problem. Governments are not solely responsible for countering IMDI, and online platforms will have to play a greater role in addressing the issue, despite the fact that there are currently no binding international rules governing IMDI. The Minister noted, however, that the international community has begun developing principles, as evidenced by the introduction of the Global Declaration on Information Integrity Online (“**Declaration**”), an initiative launched by Canada and the Netherlands. Although non-binding, this pioneering text represents a step forward that, according to Minister Joly, signals the need to counter online IMDI and could lead to the adoption of a convention under international law.
- [11] The Minister emphasized that GAC should not be responsible for monitoring IMDI in Canada, given the department’s international mandate and outward focus. The RRM is an important and useful tool in the conduct of Canadian foreign policy. Minister Joly agreed with the comments made to the Commission by senior officials from GAC, stating that RRM resources should no longer be devoted to monitoring the digital environment in Canada (e.g., social media platforms) during election periods for the purposes of the Security and Intelligence Threats to Elections Task Force (“**SITE TF**”). In her view, it would be more appropriate for other government bodies with more domestic responsibilities to fulfill this role in the future.

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4.3. Public Denunciation of Certain Actions by Foreign States

- [12] Thirdly, GAC plays a role in publicly denouncing and condemning certain actions of foreign states in cases of cyber attacks or disinformation.
- [13] Minister Joly explained that the decision-making process for publicly attributing cyber attacks differs from the process for publicly disclosing online disinformation. This is because different considerations need to be weighted in each case.
- [14] With regard to cyber attack attribution, it is important to repair cyber security breaches before considering public attribution. This attribution should be based on an analysis in line with GAC's framework² for public attribution of cyber attacks. Coordination with Canada's allies is also an important consideration in this analysis.
- [15] With regard to the cyber attack attribution process, the two following situations were discussed with Minister Joly.

4.3.1. Cyber Threat Activity Against Canada

- [16] Minister Joly was made aware of cyber threats against Canada. She explained that it was not yet advisable to publicly attribute certain activities against Canada, as the consequences of such an attribution would be injurious to Canada's interests. With regard to cyber threat activities against Canada in general, the Minister issued a memorandum authorizing her Deputy Minister to take diplomatic action to make it clear that Canada would not tolerate such malicious cyber activities. Minister Joly then issued a second memorandum authorizing the release of a general public statement denouncing malicious cyber activities against Canada. On June 3, 2024, the Government of Canada published this statement on its website.

4.3.2. Cyber Attack on Members of the Inter-Parliamentary Alliance on China

- [17] In August 2023, the United Kingdom sought Canada's support in a public statement denouncing a cyber attack by China against members of the Inter-Parliamentary Alliance on China [including a number of Canadian MPs]. Canada publicly supported

² CAN044468.

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the United Kingdom's approach on social media when the United Kingdom publicly attributed the cyber attack to China on March 25, 2024. According to the Minister, the aforementioned public statement of June 3, 2024, generally encompassed malicious cyber activities affecting Canada.

- [18] Regarding the activities of China within Canada, Commission Counsel drew Minister Joly's attention to an October 22, 2022, intelligence assessment drafted by GAC's intelligence bureau. The Minister stated that GAC was indeed aware of these actions and that, following such activities, GAC had denied two visas to suspected Chinese diplomats attempting to come to Canada.

4.4. Interactions With Diaspora Communities

- [19] Fourthly, the Minister explained that GAC meets annually with Canadian human rights organizations, which may include members of diaspora communities. The purpose of these meetings is to help shape Canada's foreign policy. The Minister noted, however, that GAC works mainly with these communities on consular matters.

5. Group of Ministers Dealing With FI

- [20] The Minister confirmed that she and her colleagues, Ministers Dominic LeBlanc, Marco Mendicino and Bill Blair, led the government's response to FI following the intelligence leaks to the media.
- [21] This process was cut short by the July 2023 cabinet shuffle and the establishment of the Public Inquiry Into Foreign Interference. The four ministers received two to three briefings from the intelligence agencies regarding the nature of the allegations being circulated by the media.

6. Canada's Indo-Pacific Strategy

- [22] Minister Joly explained that Canada, as an Indo-Pacific region country, has adopted a strategy to play an active role in the development of the region by defending its national

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interests. Countering FI is an integral part of Canada's Indo-Pacific Strategy. The Minister sees the importance of Canada's involvement in the Indo-Pacific region as a relatively new development and as a major turning point in its international policy. Seven government departments are involved in the Strategy.

7. Case Studies

7.1. Zhao Wei Is Made *persona non grata*

[23] In early May 2023, an intelligence leak to the media brought to light the allegation that Zhao Wei, a Chinese diplomat in Canada, had violated his diplomatic obligations. Having previously been unaware of this intelligence, Minister Joly immediately requested and obtained information on the matter from the Canadian Security Intelligence Service ("**CSIS**"). GAC then explored a number of options regarding the situation, and steps were taken with the Chinese ambassador to Canada. The possibility of declaring Zhao Wei PNG was evaluated and ultimately imposed as a diplomatic response. Minister Joly stressed that she was aware of the risk that such a decision would prompt a reaction from China. Despite this risk, the Minister deemed Mr. Zhao's actions unacceptable and said it was important for Canada to clearly define its "red line." She made the decision to expel the diplomat. China responded by expelling Canada's consul in Shanghai.

7.2. Murder of Hardeep Nijjar³

[24] Minister Joly explained that India is a very important state actor for Canada and that, because of this, maintaining strong diplomatic relations with India has until recently been one of GAC's priorities. However, the diplomatic relationship between the two countries was recently put to the test when it was discovered that India was engaging in FI in Canada, in violation of the principle of national sovereignty. According to Minister Joly, one of the most serious cases of FI and violation of national sovereignty is

³ [For a more detailed timeline of events, see the Interview Summary with GAC senior officials. This section is limited to statements made by Minister Joly.]

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certainly India's alleged involvement in the murder of a Canadian on Canadian soil, namely Mr. Hardeep Nijjar, in British Columbia.

- [25] Minister Joly explained that, in August 2023, she had received intelligence that India was likely involved in the murder of Mr. Nijjar. The Minister has since undertaken a series of discussions with her Indian counterpart, Subrahmanyam Jaishankar, to express Canada's concerns on the matter. Minister Joly explained that her discussions with Mr. Jaishankar were based on three objectives: 1) to shed light on India's involvement in the murder of Mr. Nijjar, 2) to ensure the safety and security of Canadians, and 3) to protect Canadian sovereignty.
- [26] In the following weeks, Prime Minister Justin Trudeau publicly stated in a speech in the House of Commons that there was credible intelligence suggesting that India was involved in the murder of Mr. Nijjar. At the same time, Minister Joly declared an Indian diplomat PNG. In response, India declared a Canadian diplomat PNG in Delhi, in addition to citing the "diplomatic parity" principle under the *Vienna Convention* to justify the expulsion of 41 Canadian diplomats from India. Minister Joly described India's response as problematic and in violation of international law.
- [27] The Minister explained that she had put considerable diplomatic effort into obtaining support from other countries on the matter. She reiterated Canada's need to denounce India's unacceptable actions.

7.3. Russia

- [28] Minister Joly considers Russia a highly problematic state actor on the international stage. In her opinion, Russia's primary threat with regard to FI is IMDI. The Minister cited Russian disinformation campaigns during elections in a number of states, including the United States and France, but said she had no information, at the time of her testimony, of such activity during Canadian elections.
- [29] Minister Joly reiterated the importance of upholding the *Vienna Convention*. She also stressed the need for Canada to maintain its diplomatic presence in Russia, noting that

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the Canadian Embassy in Moscow has been understaffed since Russia's invasion of Crimea in 2014.⁴

- [30] Regarding the war in Ukraine, Minister Joly noted that Canada had sanctioned Russian oligarchs for their propaganda efforts. Canada has a sanctions regime that allows the federal government, under certain circumstances, to seize and confiscate the assets of sanctioned states, individuals and entities. The Minister cited the example of Canada having seized a cargo plane belonging to Russian oligarchs complicit with President Putin, and the Canadian bank accounts linked to oligarch Roman Abramovich.

7.4. Chinese Police Stations

- [31] In September 2022, Safeguard Defenders published a report alleging the existence of Chinese "police stations" around the world, including in Canada. Minister Joly noted that the Royal Canadian Mounted Police ("**RCMP**") is currently investigating the matter. GAC has also taken a series of steps with the Chinese embassy to request that these police stations cease operating on Canadian soil.

⁴ There are currently only 17 diplomats at the embassy.