



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 fédéraux

Overview Report:

Definitions of key terms in the Commission's Terms of Reference

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Summary of Report

This overview report is a non-comprehensive compilation of different definitions of key terms in the Foreign Interference Commission's Terms of Reference: foreign interference, democratic institutions and democratic processes.

Definitions come from federal government, parliamentary committee, international and academic sources. These definitions are provided for comparative purposes only, and do not reflect any view of the Commission as to the interpretation of its Terms of Reference.

Note to Reader

Pursuant to Rules 42-44 of the Commission's *Rules of Practice and Procedure*, the following Overview Report contains a summary of background facts and documents relating to the Commission's mandate.

Overview Reports allow facts to be placed in evidence without requiring those facts and related documents to be presented orally by a witness during the public hearings. The Overview Report may be used to assist in identifying issues relevant to the Commission, make findings of fact and enable recommendations to be made by the Commission.

Parties have been provided an opportunity to comment on the accuracy of this Overview Report. Commission Counsel and the Parties may call evidence from witnesses at the Inquiry that casts doubt on the accuracy of the content of the documents underlying this Overview Report. The Parties may also make submissions regarding what, if any, weight should be given to the Overview Report and the cited documents.

Contents

Summary of Report.....	2
Note to Reader.....	2
1. Introduction	5
2. Foreign interference	5
2.1 Introduction.....	5
2.2 Federal government agencies, organizations and processes.....	6
Canadian Security Intelligence Service (CSIS)	6
Communications Security Establishment (CSE)	8
National Security and Intelligence Committee of Parliamentarians (NSICOP).....	8
Independent Special Rapporteur on Foreign Interference (ISR)	8
Public Safety Canada (PS)	8
Security and Intelligence Threats to Elections Task Force (SITE TF)	9
Critical Election Incident Public Protocol (CEIPP)	9
G7 Rapid Response Mechanism (G7 RRM).....	10
2.3 Legislation	11
<i>Canada Elections Act</i>	11
<i>Security of Information Act</i>	11
2.4 Standing Committee on Access to Information, Privacy and Ethics (ETHI)	12
2.5 Microsoft, Alliance for Securing Democracy and the Government of Canada (Compendium).....	12
2.6 United States.....	13

2.7 Australia.....	14
2.8 European Union	15
2.9 International law	15
2.10 Academia	16
3. Democratic institutions and democratic processes	17
3.1 Introduction.....	17
3.2 Federal government.....	17
CSIS.....	17
CSE.....	18
NSICOP	18
SITE TF.....	19
CEIPP	19
Other	19
3.3 ISR.....	20
3.4 ETHI.....	20



1. Introduction

- [1] Below are definitions of key terms in the Foreign Interference Commission's Terms of Reference sourced from federal government agencies, organizations and processes, a parliamentary committee and international and academic sources.

2. Foreign interference

2.1 Introduction

- [2] The primary elements of the definition of foreign interference are generally consistent across federal government agencies and processes, the Independent Special Rapporteur and parliamentary committees. These elements are from section 2 of the *Canadian Security Intelligence Service Act*, RSC 1985, c C-23 ("*CSIS Act*"), which defines "threats to the security of Canada" as including foreign influenced activities that are:
- a. within or relating to Canada;
 - b. detrimental to the interests of Canada; and
 - c. clandestine or deceptive or involve a threat to any person.
- [3] The National Security and Intelligence Committee of Parliamentarians (NSICOP), the Security and Intelligence Threats to Elections Task Force (SITE TF), the House of Commons Standing Committee on Access to Information, Privacy and Ethics (ETHI) and the Independent Special Rapporteur (ISR) rely on the elements of foreign influenced activities that are threats to the security of Canada for their definitions of foreign interference and additionally require actions by foreign state actors.
- [4] Public Safety Canada (PS), the Communication Security Establishment (CSE), the G7 Rapid Response Mechanism (G7 RRM) and a parliamentary committee studying foreign interference use the elements of foreign influenced activities that are a threat to the security of Canada with the added elements of intention and state action.

OR: Definitions of key terms in the Commission's Terms of Reference



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

- [5] The *Canada Elections Act*, SC 2000, c 9, and *Security of Information Act*, RSC 1985, c O-5, s 3(1), have specific legislated definitions related to offences under those Acts.
- [6] Other sources, including other countries, have their own definitions of foreign interference, but these definitions usually include a foreign state or its agents, deception and acts contrary to a country's interests.

2.2 Federal government agencies, organizations and processes

Canadian Security Intelligence Service (CSIS)

- [7] The *CSIS Act* does not define foreign interference. However, the definition of threats to the security of Canada in section 2 describes foreign influenced activities that trigger CSIS's mandate. These are activities:
- a. within or relating to Canada;
 - b. detrimental to the interests of Canada; and
 - c. clandestine or deceptive or involve a threat to any person.¹
- [8] "Foreign influenced activities" in the *CSIS Act* encompasses activities that can be viewed as foreign interference.²

¹ *CSIS Act*, s 2(b); CSIS, *Foreign Interference: Threats to Canada's Democratic Process* (July 2021), **COM0000322(EN)/COM0000328(FR)** at 3-4; CSIS, *Foreign Interference and You* (2022), **COM0000061(EN)/COM0000200(FR)** at 2.

² CSIS, *Foreign Interference: Threats to Canada's Democratic Process* (July 2021), **COM0000322(EN)/COM0000328(FR)** at 5; CSIS, *Foreign Interference and You* (2022), **COM0000061(EN)/COM0000200(FR)** at 2; CSIS, *CSIS Public Report 2020* (April 2021), **COM0000055(EN)/COM0000202(FR)** at 22; CSIS, *CSIS Public Report 2021* (March 2022), **COM0000056(EN)/COM0000199(FR)** at 16; CSIS, *CSIS Public Report 2022* (March 2023), **COM0000057(EN)/COM0000203(FR)** at 20.

OR: Definitions of key terms in the Commission's Terms of Reference



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

- [9] According to public CSIS reports, foreign interference includes interference with:
- a. the electoral process;³
 - b. government decisions and policy;⁴
 - c. the political system;⁵
 - d. democracy;⁶ and
 - e. sovereignty.⁷
- [10] CSIS says foreign interference targets individuals, organizations and governments to further the interests of a foreign state.⁸
- [11] The *CSIS Act* distinguishes foreign influenced activities from espionage.⁹

³ CSIS, *CSIS Public Report 2019* (April 2020), **COM0000054(EN)/COM0000201(FR)** at 4-5, 17-18; CSIS, *CSIS Public Report 2020* (April 2021), **COM0000055(EN)/COM0000202(FR)** at 22; CSIS, *CSIS Public Report 2021* (March 2022), **COM0000056(EN)/COM0000199(FR)** at 16; CSIS, *CSIS Public Report 2022* (March 2023), **COM0000057(EN)/COM0000203(FR)** at p 20; CSIS, *Foreign Interference: Threats to Canada's Democratic Process* (July 2021), **COM0000322(EN)/COM0000328(FR)** at 3-5, 7-9; CSIS, *Foreign Interference and You* (2022), **COM0000061(EN)/COM0000200(FR)** at 2.

⁴ CSIS, *Foreign Interference: Threats to Canada's Democratic Process* (July 2021), **COM0000322(EN)/COM0000328(FR)** at 7-8; CSIS, *Foreign Interference and You* (2022), **COM0000061(EN)/COM0000200(FR)** at 2-3; CSIS, *CSIS Public Report 2019* (April 2020), **COM0000054(EN)/COM0000201(FR)** at 16; CSIS, *CSIS Public Report 2020* (April 2021), **COM0000055(EN)/COM0000202(FR)** at 22.

⁵ CSIS, *Foreign Interference: Threats to Canada's Democratic Process* (July 2021), **COM0000322(EN)/COM0000328(FR)** at 3-4, 14; CSIS, *Foreign Interference and You* (2022), **COM0000061(EN)/COM0000200(FR)** at 2; CSIS, *CSIS Public Report 2019* (April 2020), **COM0000054(EN) COM0000201(FR)** at 16.

⁶ CSIS, *Foreign Interference: Threats to Canada's Democratic Process* (July 2021), **COM0000322(EN)/COM0000328(FR)** at 7, 10.

⁷ CSIS, *Foreign Interference: Threats to Canada's Democratic Process* (July 2021), **COM0000322(EN)/COM0000328(FR)** at 3 CSIS, *CSIS Public Report 2020* (April 2021), **COM0000055(EN)/COM0000202(FR)** at 23; CSIS, *CSIS Public Report 2021* (March 2022), **COM0000056(EN)/COM0000199(FR)** at 16; CSIS, *CSIS Public Report 2022* (March 2023), **COM0000057(EN)/COM0000203(FR)** at 14, 20.

⁸ CSIS, *Foreign Interference: Threats to Canada's Democratic Process* (July 2021), **COM0000322(EN)/COM0000328(FR)** at 3, 5.

⁹ *CSIS Act*, s 2; NSICOP, *Annual Report 2019* (Ottawa: August 30, 2019), **COM0000155(EN)/COM0000161(FR)** at 102.

OR: Definitions of key terms in the Commission's Terms of Reference



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

Communications Security Establishment (CSE)

- [12] CSE views foreign interference as covert, deceptive or coercive activity by a foreign actor against a democratic process to advance strategic objectives.¹⁰ CSE applies this definition to cyber threats to Canada's democratic process.¹¹

National Security and Intelligence Committee of Parliamentarians (NSICOP)

- [13] NSICOP's definition of foreign interference is foreign state action meeting the three requirements of foreign influenced activities from the *CSIS Act*.¹² Foreign interference occurs when foreign states use clandestine or deceptive methods to influence or manipulate Canadian immigrant communities, political parties and government officials.¹³

Independent Special Rapporteur on Foreign Interference (ISR)

- [14] The ISR's definition of foreign interference is state, or state proxy, action that occurs within or relating to Canada, is detrimental to the interests of Canada and is clandestine, deceptive or involves a threat to any person (i.e. the elements of foreign influenced activities that are a threat to the security of Canada in the *CSIS Act*).¹⁴

Public Safety Canada (PS)

- [15] On its website, PS defines foreign interference as covert, deceptive and sometimes threatening means by foreign states to advance their own strategic objectives to the detriment of Canada's national interests. Examples include:

¹⁰ CSE, *Cyber Threats to Canada's Democratic Process: July 2021 Update* (July 2021), **COM0000051(EN)/COM0000070(FR)** at 6.

¹¹ CSE, *Cyber Threats to Canada's Democratic Process: July 2021 Update* (July 2021), **COM0000051(EN)/COM 0000070(FR)** at 6.

¹² NSICOP, *Annual Report 2019* (Ottawa: August 30, 2019), **COM0000155(EN)/COM0000161(FR)** at 55.

¹³ NSICOP, *Annual Report 2018* (2019), **COM0000154(EN)/COM0000160(FR)** at 26; NSICOP, *Annual Report 2020* (2021), **COM0000156(EN)/COM0000162(FR)** at 17, 20.

¹⁴ D Johnston, *First Report: The Right Honourable David Johnston Independent Special Rapporteur on Foreign Interference* (May 23, 2023), **COM0000104(EN)/COM0000105(FR)** at 10.

OR: Definitions of key terms in the Commission's Terms of Reference



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

- a. threats, harassment or intimidation by foreign states, or those acting on their behalf, against anyone in Canada, Canadian communities or their loved ones abroad;
- b. attempting to interfere in Canada's democratic institutions and processes such as elections;
- c. stealing Canadian intellectual property, know-how or imposing market conditions to gain an economic advantage over Canada; and
- d. targeting officials at all levels of government to influence public policy and decision-making in a way that is clandestine, deceptive or threatening.¹⁵

Security and Intelligence Threats to Elections Task Force (SITE TF)

[16] The SITE TF definition of foreign interference is state action involving the three elements from the *CSIS Act* definition of foreign influenced activities that are a threat to the security of Canada. In the context of Canadian electoral processes, the objective of foreign interference is to affect electoral outcomes and/or undermine public confidence in Canadian democratic institutions.¹⁶

Critical Election Incident Public Protocol (CEIPP)

[17] The CEIPP considers foreign interference in the elections context.

[18] The review of the CEIPP operation during the 2021 federal election notes “interference” is not defined in the Protocol, but it is “generally understood to mean involving oneself in a situation where one’s involvement is not wanted or is not helpful.”¹⁷ Further, foreign interference includes activities aimed at: affecting the electoral process;¹⁸ shaping

¹⁵ Public Safety Canada, “Countering Foreign Interference,” (March 10, 2023), **COM0000047(EN)/COM00000139(FR)**.

¹⁶ Security and Intelligence Threats to Elections Task Force, *Threats to the Canadian Federal By-elections* (June 2023), **COM0000207(FR)/COM0000208(EN)** at 4.

¹⁷ Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol* (Privy Council Office, 2023), **COM0000194(FR)/COM0000195(EN)** at 6.

¹⁸ Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol* (Privy Council Office, 2023), **COM0000194(FR)/COM0000195(EN)** at 6.

OR: Definitions of key terms in the Commission's Terms of Reference



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

narratives around strategic interests;¹⁹ reducing public trust in the democratic process; decreasing social cohesion; weakening confidence in leaders; lowering trust in the media; and dividing international alliances.²⁰

[19] The review of the CEIPP during the 2021 election defines foreign interference as the *CSIS Act* definition of foreign influenced activities that are threats to the security of Canada.²¹

G7 Rapid Response Mechanism (G7 RRM)

[20] Canada is part of the G7 RRM, which focuses on foreign interference. The G7 RRM says foreign interference is the attempt to covertly influence, intimidate, manipulate, interfere, corrupt or discredit individuals, organizations and governments to further the views of a foreign country.²²

[21] In 2021, to capture constantly evolving activities in the information environment by state actors and their proxies, the G7 RRM focused on foreign information manipulation and interference (FIMI).²³ The FIMI concept describes patterns of behaviour that negatively impact or have the potential to negatively impact values, procedures and political processes.²⁴

¹⁹ Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol* (Privy Council Office, 2023), **COM0000194(FR)/COM0000195(EN)** at 6.

²⁰ Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol* (Privy Council Office, 2023), **COM0000194(FR)/COM0000195(EN)** at 7-8.

²¹ Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol* (Privy Council Office, 2023), **COM0000194(FR)/COM0000195(EN)** at 9.

²² GAC, "Rapid Response Mechanism Canada: Global Affairs Canada," (October 27, 2023), **COM0000140(FR)/COM0000187(EN)** .

²³ Rapid Response Mechanism Canada (Global Affairs Canada), *G7 Rapid Response Mechanism Annual Report 2021 (2022)*, **COM0000096** at 11.

²⁴ Rapid Response Mechanism Canada (Global Affairs Canada), *G7 Rapid Response Mechanism Annual Report 2021 (2022)*, **COM0000096** at 11.

OR: *Definitions of key terms in the Commission's Terms of Reference*



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

2.3 Legislation

*Canada Elections Act*²⁵

- [22] There is no definition of “foreign interference” in the *Canada Elections Act*. However, under the Act foreign interference could be addressed by various prohibitions aimed at preventing foreigners from influencing a Canadian electoral process by: funding parties, candidates, electoral district associations and leadership and nomination contestants;²⁶ using a broadcasting station outside of Canada to try to influence the electoral process;²⁷ incurring expenses to promote or oppose a candidate, registered party or leader of a registered party; and committing an offence under Canadian law to influence the choice of an elector in a federal election, or incurring regulated expenses.²⁸

Security of Information Act

- [23] The *Security of Information Act* makes foreign influenced threats or violence an offence:

20 (1) Every person commits an offence who, at the direction of, for the benefit of or in association with a foreign entity or a terrorist group, induces or attempts to induce, by threat, accusation, menace or violence, any person to do anything or to cause anything to be done

- (a) that is for the purpose of increasing the capacity of a foreign entity or a terrorist group to harm Canadian interests; or
- (b) that is reasonably likely to harm Canadian interests.

²⁵ For more information about potentially relevant provisions of the *Canada Elections Act* applicable to foreign interference see Office of the Commissioner of Canada Elections, *Institutional Report*, **ELC.IR.0000001.EN/ELC.IR.0000001.FR**.

²⁶ *Canada Elections Act*, ss 349.02, 349.4, 351.1, 363(1); Office of the Chief Electoral Officer of Canada, *Meeting New Challenges: Recommendations from the Chief Electoral Officer of Canada following the 43rd and 44th General Elections (2022)*, **COM0000168(FR)/COM0000169(EN)**, p 26.

²⁷ *Canada Elections Act*, s 330.

²⁸ *Canada Elections Act*, s 282.4(2).

OR: *Definitions of key terms in the Commission's Terms of Reference*



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

2.4 Standing Committee on Access to Information, Privacy and Ethics (ETHI)

- [24] ETHI's definition of foreign interference is foreign state action meeting the three requirements of foreign influenced activities from the *CSIS Act* if done to further a foreign state's strategic interests.²⁹ Foreign states target federal, provincial, territorial and municipal governments, politicians, journalists and others using clandestine methods.³⁰

2.5 Microsoft, Alliance for Securing Democracy and the Government of Canada (Compendium)

- [25] In 2018, the French Government launched the Paris Call for Trust and Security in Cyberspace. The Paris Call is a multi-stakeholder cybersecurity voluntary agreement. It has nine principles to secure cyberspace. Microsoft, the Alliance for Securing Democracy³¹ and the Government of Canada (known collectively as the "Compendium") are champions of Principle 3: Defend Electoral Process.³²
- [26] The Compendium held multi-stakeholder workshops in 2020 to discuss election interference. Based on the workshops it concluded foreign interference is related to, but should be distinguished from: foreign influence, sharp and soft power, hybrid threats,

²⁹ House of Commons Canada, *Foreign Interference and the Threats to the Integrity of Democratic Institutions, Intellectual Property and the Canadian State* (October 2023, 44th Parliament, 1st Session), Report of the Standing Committee on Access to Information, Privacy and Ethics (John Brassard, Chair), **COM0000089(EN)/COM0000090(FR)** at 1, 9.

³⁰ House of Commons Canada, *Foreign Interference and the Threats to the Integrity of Democratic Institutions, Intellectual Property and the Canadian State* (October 2023, 44th Parliament, 1st Session), Report of the Standing Committee on Access to Information, Privacy and Ethics (John Brassard, Chair), **COM0000089(EN)/COM0000090(FR)** at 9.

³¹ The Alliance for Securing Democracy is a nonpartisan initiative of the German Marshall Fund of the United States: GMF Alliance for Security Democracy, "About Us" (no date), **COM0000015**. It develops strategies to deter, defend against and raise the costs on autocratic efforts to undermine and interfere in democratic institutions.

³² Microsoft, Alliance for Securing Democracy and Government of Canada, *Multi-Stakeholder Insights: A Compendium on Countering Election Interference* (April 2021), **COM0000042** at 2.

OR: Definitions of key terms in the Commission's Terms of Reference



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

public diplomacy, coordinated inauthentic behavior, active measures, mis- and disinformation and illegitimate influence.³³

[27] Stakeholders in the workshop on defining foreign interference agreed on two core criteria for definitions of interference:

- a. coercion; and
- b. deception, or lack of transparency and inauthenticity.

A common feature of interference activities is their covert or opaque nature. Various terms describe a lack of transparency, such as deception, covert behavior and inauthenticity. Deception can indicate malign intent.³⁴

[28] Workshop participants did not agree on whether intent and impact should also be included in the definition of foreign interference because these are hard to determine and can often only be assessed in hindsight.³⁵

[29] Participants concluded foreign interference is not necessarily a singular event; it can be the cumulative effects of individual acts that taken together add up to an impactful act of interference.³⁶

2.6 United States

[30] The United States (US) Department of Homeland Security defines foreign interference as “malign actions taken by foreign governments or actors designed to sow discord, manipulate public discourse, discredit the electoral system, bias the development of

³³ Microsoft, Alliance for Securing Democracy and Government of Canada, *Multi-Stakeholder Insights: A Compendium on Countering Election Interference* (April 2021), **COM0000042** at 11.

³⁴ Microsoft, Alliance for Securing Democracy and Government of Canada, *Multi-Stakeholder Insights: A Compendium on Countering Election Interference* (April 2021), **COM0000042** at 12.

³⁵ Microsoft, Alliance for Securing Democracy and Government of Canada, *Multi-Stakeholder Insights: A Compendium on Countering Election Interference* (April 2021), **COM0000042** at 12, 14-15.

³⁶ Microsoft, Alliance for Securing Democracy and Government of Canada, *Multi-Stakeholder Insights: A Compendium on Countering Election Interference* (April 2021), **COM0000042** at 4.

OR: Definitions of key terms in the Commission's Terms of Reference



policy or disrupt markets for the purpose of undermining the interests of the United States and its allies.”³⁷

- [31] The Federal Bureau of Investigation similarly describes “foreign influence operations” as covert actions by foreign governments to “spread disinformation, sow discord, and, ultimately, undermine confidence in our democratic institutions and values.”³⁸
- [32] The US definition requires malign intent and the goal of undermining American interests. The version used by Homeland Security does not require activities by a foreign state.

2.7 Australia

- [33] In 2018, Australia enacted laws to criminalize foreign interference.³⁹ Foreign interference is activity by or on behalf of a foreign power, which is coercive, corrupting, deceptive or clandestine and contrary to Australia’s sovereignty, values and national interests. It involves a foreign power trying to secretly and improperly interfere in Australian society to advance their strategic, political, military, social or economic goals at Australia’s expense.⁴⁰

³⁷ Microsoft, Alliance for Securing Democracy and Government of Canada, *Multi-Stakeholder Insights: A Compendium on Countering Election Interference* (April 2021), **COM0000042** at 10; Katherine Mansted, *The Domestic Security Grey Zone: Navigating the Space between Foreign Influence and Foreign Interference* (February 2021), National Security College Occasional Paper, Australia National University, **COM0000123** at 7.

³⁸ Katherine Mansted, *The Domestic Security Grey Zone: Navigating the Space between Foreign Influence and Foreign Interference* (February 2021), National Security College Occasional Paper, Australia National University, **COM0000123** at 7, citing Federal Bureau of Investigation, “Combating Foreign Influence” (no date).

³⁹ *National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018*, No 67, 2018, **COM0000146**, s 92.2.

⁴⁰ *National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018*, No 67, 2018, **COM0000146**, s 92.2; Australian Government, Department of Home Affairs\About us\Our functions\National security\Countering foreign interference, “Defining foreign interference,” (June 5, 2023), **COM0000078**.

OR: *Definitions of key terms in the Commission's Terms of Reference*



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

- [34] This definition requires a foreign state or its agents, malign intent, a violation of Australian sovereignty, values or interests and coercive / corruptive / deceptive / clandestine acts.
- [35] The Australian definition predominantly targets interference in the political or governmental sphere or interference prejudicial to national security rather than interference with market processes.⁴¹

2.8 European Union

- [36] A staff working document of the European Commission defines foreign interference as acts carried out by, or on behalf of, a foreign state-level actor, which are coercive, covert, deceptive or corrupting and contrary to the sovereignty, values, and interests of the European Union (EU).⁴²
- [37] This definition requires a foreign state, a violation of the EU's sovereignty, values and interests and coercive / corruptive / deceptive / covert acts.

2.9 International law

- [38] In international law, the prohibition on intervention in the internal affairs of another state is foundational, as reflected in the *United Nations Charter* and in numerous international agreements.⁴³ It has wide scope, covering interventions by force such as military operations, occupation and territorial annexation, as well as non-forcible interventions.

⁴¹ Katherine Mansted, *The Domestic Security Grey Zone: Navigating the Space between Foreign Influence and Foreign Interference* (February 2021), National Security College Occasional Paper, Australia National University, **COM0000123** at 7.

⁴² European Commission, *Tackling R&I foreign interference: Staff Working Document* (January 2022), **COM0000091** at 2.

⁴³ Microsoft, Alliance for Securing Democracy and Government of Canada, *Multi-Stakeholder Insights: A Compendium on Countering Election Interference* (April 2021), **COM0000042** at 14.



2.10 Academia

- [39] Below are three examples of definitions of foreign interference from academia.
- [40] Charles Parton, Senior Associate Fellow at the Royal United Services Institute for Defence and Security Studies, suggests criteria for interference should include “some concept about the potential for interference” and “a lens of reciprocity” that would examine whether “similar activities by UK actors [would] be allowed by the CCP in China.”⁴⁴
- [41] Duncan Hollis, Professor of Law at Temple Law School, says influence operations have three shared elements: deployment of resources, with this deployment aimed at a specific audience and at achieving cognitive effects.⁴⁵ He argues unacceptable influence operations can be distinguished from acceptable ones through five criteria: transparency; extent of deception; purpose; scale; and effects.⁴⁶
- [42] Dov Levin says “partisan electoral intervention” is when one or more sovereign countries intentionally undertake specific actions to influence an election in another sovereign country in an overt or covert manner, which they believe will favour or hurt one of the sides contesting that election and which incurs, or may incur, significant costs to the intervener(s) or the intervened country.⁴⁷

⁴⁴ Microsoft, Alliance for Securing Democracy and Government of Canada, *Multi-Stakeholder Insights: A Compendium on Countering Election Interference* (April 2021), **COM0000042** at 11, citing Charles Parton, “China- UK Relations: Where to Draw the Border Between Influence and Interference?” (2019) Royal United Services Institute for Defence and Security Studies at 3.

⁴⁵ Duncan B Hollis, “The Influence of War; The War for Influence,” (2018) 32(1) *Temple International & Comparative Law Journal*, Temple University Legal Studies Research Paper No 2018-19, **COM0000077** at 5.

⁴⁶ Duncan B Hollis, “The Influence of War; The War for Influence,” (2018) 32(1) *Temple International & Comparative Law Journal*, Temple University Legal Studies Research Paper No 2018-19, **COM0000077** at 6.

⁴⁷ Dov H Levin, “Partisan Electoral Interventions by the Great Powers: Introducing the PEIG Dataset” (2019) 36(1) *Conflict Mgmt & Peace Sci* 88, **COM0000072** at 90.

OR: *Definitions of key terms in the Commission's Terms of Reference*



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

3. Democratic institutions and democratic processes

3.1 Introduction

- [43] The terms “democratic institutions” and “democratic processes” are generally used interchangeably by federal government agencies, parliamentary committees, the ISR and others.
- [44] The electoral process is a democratic institution / process. Parliament and the executive branch are also democratic institutions / processes.

3.2 Federal government

CSIS

- [45] CSIS says the electoral process, outside of and during an election, is a democratic institution and process.⁴⁸ According to CSIS, the electoral process includes:
- a. elections at all three levels of government;
 - b. politicians;
 - c. political parties; and
 - d. media.⁴⁹

⁴⁸ CSIS, *Foreign Interference: Threats to Canada's Democratic Process* (July 2021), **COM0000322(EN)/COM0000328(FR)** at 3-4; CSIS, *Foreign Interference and You* (2022), **COM0000200(FR)/COM** at 2; CSIS, *CSIS Public Report 2020* (April 2021), **COM0000055(EN)/COM0000202(FR)** at 2, 23; CSIS, *CSIS Public Report 2021* (March 2022), **COM0000056(EN)/COM0000199(FR)** at 20.

⁴⁹ CSIS, *2018 CSIS Public Report* (June 2019), **COM0000053(EN)/COM0000198(FR)** at 26; CSIS, *CSIS Public Report 2019* (April 2020), **COM0000054(EN)/COM0000201(FR)** at 16; CSIS, *CSIS Public Report 2020* (April 2021), **COM0000055(EN)/COM0000202(FR)** at 23; CSIS, *CSIS Public Report 2021* (March 2022), **COM0000056(EN)/COM0000199(FR)** at 20; CSE, *Canadian Security Establishment Annual Report 2022-2023*, **COM0000052(EN)/COM0000071(FR)** at 14.

OR: *Definitions of key terms in the Commission's Terms of Reference*



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

CSE

[46] In its first public report on cyber threats in 2017, CSE focused on three aspects of the democratic process: elections, political parties and politicians and the media as key to the democratic process.⁵⁰ In its 2019 update, CSE revised the third aspect to “voters” to focus less on the medium and more on the target of foreign interference.⁵¹

[47] Threats to elections include: preventing voters from voting; tampering with election results; stealing voter databases; and manipulating traditional and social media to influence the political discussion or to reduce trust in the democratic process.⁵²

NSICOP

[48] NSICOP says foreign interference targets elected and public officials and staff at all levels of government and Indigenous governments.⁵³ In other words, it targets the executive and legislative branches of government.⁵⁴ Foreign interference also targets the electoral process at all stages.⁵⁵

⁵⁰ CSE, *Cyber Threats to Canada's Democratic Process* (2017), **COM0000049(EN)/COM0000068(FR)** at 10-11.

⁵¹ CSE, *2019 update: Cyber threats to Canada's democratic process* (2019), **COM0000050(EN)/COM0000069(FR)**.

⁵² CSE, *Cyber Threats to Canada's Democratic Process* (2017), **COM0000049(EN)/COM0000068(FR)** at 11.

⁵³ NSICOP, *Annual Report 2019* (Ottawa: August 30, 2019), **COM0000155(EN)/COM0000161(FR)** at 64.

⁵⁴ NSICOP, *Annual Report 2019* (Ottawa: August 30, 2019), **COM0000155(EN)/COM0000161(FR)** at 64.

⁵⁵ NSICOP, *Annual Report 2019* (Ottawa: August 30, 2019), **COM0000155(EN)/COM0000161(FR)** at 64-66.

OR: *Definitions of key terms in the Commission's Terms of Reference*



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

SITE TF

[49] According to the SITE TF, the Canadian electoral process is a democratic institution.⁵⁶

CEIPP

[50] Reviews of the CEIPP say the Canadian electoral process is a democratic institution.⁵⁷

The “electoral ecosystem” is made up of voters, political parties, academia and civil society, the media, social media platforms, Elections Canada, the Commissioner of Canada Elections and security and intelligence agencies.⁵⁸

Other

[51] According to the government's subsector of Democratic Institutions,⁵⁹ democratic institutions include: (1) the House of Commons; (2) the Senate; (3) the Governor General; (4) the division of powers; (5) the electoral process; and (6) government formation.⁶⁰

⁵⁶ Security and Intelligence Threats to Elections Task Force, *Threats to the Canadian Federal By-elections* (June 2023), **COM0000207(FR)/COM0000208(EN)** at 4.

⁵⁷ Morris Rosenberg, *Report on the Assessment of the 2021 Critical Election Incident Public Protocol* (Privy Council Office, 2023), **COM0000194(FR)/COM0000195(EN)** at 6, 9.

⁵⁸ James Judd, *Report on the Assessment of the Critical Election Incident Public Protocol* (May 2020), **COM0000121(FR)/COM0000122(EN)** at 6.

⁵⁹ Democratic Institutions is a subdepartment of the Privy Council Office overseen by the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs. Its work focuses on strengthening Canadian democratic institutions, including combatting disinformation and examining the link between technology and democracy: Prime Minister Trudeau, “Mandate Letter” (December 16, 2021), **COM0000135(FR)/COM0000143(EN)**. The Mandate Letter instructs the minister to: (1) continue to lead an integrated government response to protect Canada's democratic institutions, including the federal electoral process, against foreign interference and disinformation, working with domestic and international partners; (2) lead efforts to consider the interplay between technology and democracy; and (3) working to ensure that participating in Canadian elections continue to be safe, regardless of ongoing events.

⁶⁰ Government of Canada, Democratic Institutions, “Democracy in Canada” (Oct 30, 2023), **COM0000079(EN)/COM0000126(FR)**. Re: the electoral process, see also Government of Canada, *Countering an Evolving Threat: Update on Recommendations to Counter Foreign Interference in Canada's Democratic Institutions* (April 5, 2023), **COM0000045(FR)/COM0000048(EN)** at 7, 12-13; Public Safety Canada, “Parliamentary Committee Notes; Countering Hostile Activities by State Actors” (April 25, 2022), **COM0000148(FR)/COM0000174(EN)**.

OR: Definitions of key terms in the Commission's Terms of Reference



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

[52] In his 2017 mandate letter to the Minister of Democratic Institutions, the Prime Minister says the electoral process includes: the political fundraising system, political debate during election campaigns and election spending.⁶¹ It also includes political parties.⁶²

3.3 ISR

[53] The ISR says elections and political parties are democratic institutions and processes.⁶³

[54] He also says democratic institutions are democratic governmental institutions, including:

- a. the executive branch; and
- b. legislatures and legislatively established independent institutions like Elections Canada and the Commissioner of Canada Elections.⁶⁴

3.4 ETHI

[55] According to ETHI, the Canadian democratic process includes government policies and programs.⁶⁵

⁶¹ Prime Minister of Canada Justin Trudeau, "ARCHIVED - Minister of Democratic Institutions Mandate Letter" (February 1, 2017), **COM0000018(EN)/COM0000019(FR)**.

⁶² Government of Canada, *Countering an Evolving Threat: Update on Recommendations to Counter Foreign Interference in Canada's Democratic Institutions* (April 5, 2023), **COM0000045(FR)/COM0000048(EN)** at 12-13.

⁶³ D Johnston, *First Report: The Right Honourable David Johnston Independent Special Rapporteur on Foreign Interference* (May 23, 2023), **COM0000104(EN)/COM0000105(FR)** at 2,11-13.

⁶⁴ D Johnston, *First Report: The Right Honourable David Johnston Independent Special Rapporteur on Foreign Interference* (May 23, 2023), **COM0000104(EN)/COM0000105(FR)** at 13.

⁶⁵ House of Commons Canada, *Foreign Interference and the Threats to the Integrity of Democratic Institutions, Intellectual Property and the Canadian State* (October 2023, 44th Parliament, 1st Session), Report of the Standing Committee on Access to Information, Privacy and Ethics (John Brassard, Chair), **COM0000089(EN)/COM0000090(FR)** at 34 (Recommendation 13).