



Summary Report

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Panel Theme: Canada's National Security Apparatus

This note follows my participation on the Roundtable relating to “Canada’s National Security Apparatus”. The remarks below include both specific comments relations to the Roundtable’s topic as well as a small number of more general comments on Foreign Interference (FI) and on how the Commissioner might consider formulating her recommendations to maximize the likelihood of their being accepted and implemented by the government of the day.

1. FI relating to the Federal Electoral Processes and Democratic Institutions (the Commission’s FI) and FI generally are not yet broadly accepted as a critical national challenge. This despite recent progress. The likelihood of the Commission’s report being accepted and its recommendations implemented will be increased if the Commissioner feels able - on the basis of what she has read and heard- to clearly state that the Commission’s FI is indeed a critical national challenge facing a “clear and present” danger from abroad.
2. The report should also recognize that its FI is only part of broader FI concerns. As such, it should recognize integrating all its FI-countering activity will present the Federal Government with multiple challenges. Equally, given the national/national nature of FI - including the Commission’s FI - it will be important for the report to recognize that countering to be effective will have to include other orders of government as well as civil society.
3. In order for countering efforts to be effective, it will be important that FI have a practical definition understandable and acceptable to all. While C-70 does go some distance towards this goal, the definitions are rather technical and not necessarily easily operationalized. Not just the Federal government (and its multiple depts and agencies) but the provinces and civil society should ideally share a common understanding of the challenge.
4. I suggest that current legislative authorities at the Federal level are adequate to support effective countering efforts. This view is bolstered by the fact that the changes brought into force by C-70 are far from being fully utilized. Additional powers should not be sought until all/ all existing authorities — in C-70 and elsewhere — are fully utilized. This will in all likelihood require shifts in the culture of some agencies who as yet have not fully internalized FI and especially the Commission’s FI and how to deal with it.
5. By law and custom, federal departments and agencies stay as far away from democratic processes as they can. This is part of their culture. If efforts countering FI in this area are to succeed, this must change but change without endangering democracy itself.
6. Cultural change in any large organization is difficult and doubly so in organizations with closed personnel systems like CSIS, CSE, the RCMP and to a somewhat lesser extent Justice and GAC. Change will require co-ordination between the political and bureaucratic levels and should be as transparent as possible to avoid the possibility that the government of the day is “taking advantage”.
7. Cultural change will likely take years. This is far too long if countering efforts are to deal with FI before it becomes so entrenched as to be beyond dealing with.
8. Another characteristic of agencies with closed personnel systems is that they tend - as creations of statute law - to respond pretty well to specific changes in legislation, regulations rules. So, until culture change clutches in, I suggest that one way of getting specific things

done or programs initiated is to prescribe them through very specific rules and requirements. For example, a rule specifically instructing all involved agencies to exchange FI information as a requirement with no exceptions save something overwhelmingly more important.

9. The above will be necessary if the the Commission's FI can be effectively dealt with. Another aspect must be the recognition that such FI cannot/cannot be limited to election periods - however broadly defined. If those states practicing FI regard the activity as permanent and on-going, so must Canada's countering efforts.

10. The above gives rise to what institutional oversight should be put into place to deal with on-going countering activities — by all elements of the Federal Government.

11. The structure put into place culminating in the Panel of DMs was a good start but is not the right model for what this country has come to recognize as a growing problem.

12. The Panel of DMs should be disbanded for two reasons. First, because of its membership it is of necessity a "corner of the desk" operation. Secondly, it is inappropriate to ask individuals, however competent, to abandon the mindset of their entire career to avoid interfering with or being involved with electoral politics and expect them to be arbiters of important parts of the electoral process.

13. The current Panel should be replaced by a permanent/on-going panel composed of a grouping of whom the Brits call "the great and the good". For example, a former minister sufficiently distant from active partisanship to be viewed as a "statesman/ woman, a senior academic, a senior former public servant, a former Premier, etc. The idea is to find individuals whose part-time membership on the panel will provide it with rapid confidence and credibility. As such, appointments should not be left entirely to the government of the day.

14. The newly constituted Panel should be supported by a small permanent secretariat but its principal operational arm should be a somewhat reconstituted Office of the Chief Electoral Officer. Panel members should be security cleared and be assumed to have the right to know about all activities within the jurisdiction of Parliament dealing with the Commission's FI. Its independence and funding should be modelled on the arrangements between the Auditor General and the Government/Parliament. In similar fashion with the Auditor General and other officers of Parliament, the Panel should be entitled to such information and intelligence it considers necessary to carry out its functions.

15. The role of the CEO should be expanded to include an appropriate role dealing with political parties and should include a requirement to be an observer on the Panel and a support to its work.

16. The Panel, its mandate and resourcing should be enshrined in law. But given the time this is likely to take, existing executive authority should be used to get it up and running as soon as possible and with as much of its ultimate mandate as is likely.

17. Much of the above implicitly suggests that effective countering efforts will require that political parties be brought, in an appropriate manner, within the ambit of such efforts. The current definition of political parties — legal and practical — may need to be reconsidered as it seems clear that "movements" will make successful countering efforts virtually impossible.

18. The Federal Government utilizes "self regulation" in a number of areas and this may be the best model for bringing political parties within the ambit of FI countering efforts. Federal law could carefully lay out appropriate obligations for political parties to observe (along with penalties for non-compliance) and charge the Panel recommended above (with the help of the

CEO) with overseeing implementation. I suggest that the success of such a model will at least in part depend on its total isolation from the government of the day.

19. In deciding how to proceed with the various topics noted above, it will be important to remember the very wide range of FI efforts that will need to be dealt with. At one end of a spectrum of activities there is actual violence of one sort or other but also threats involving people here and abroad, mis and disinformation, the use of money in supporting views/ individuals, the use of money to encourage individual views or activities and more.

20. The above range of possible FI activities suggests that countering activities will clearly require the efforts of departments/agencies beyond the traditional national security and law enforcement agencies. At an absolute minimum, the assistance of other agencies will be necessary if countering activists are to succeed. For example, to deal with mis/disinformation the involvement of ISED and the CRTC would be required. In another way, intelligence and police agencies are not always ideally placed to initially deal with diaspora members. In this regard, the Panel and the CEO should be authorized and directed to seek the engagement and assistance of any federal entity they consider will assist countering efforts.

21. The only suggestion in this note with respect to countering efforts involves the necessity of public education - both with respect to threats and the means/tools/efforts to counter them. Efforts to counter will be immeasurably helped with the knowledge and involvement of the population at large — including, in a slightly different way, of the provinces and civil society in general. While individuals departments and agencies will have a role here it will be more effective if co-ordinated and free of ministerial involvement, I suggest the mandate of the Panel should include responsibility for sponsoring and co-ordinating public education. On a related manner, the Panel's mandate should include the authority and responsibility to deal with provinces and civil society.

22. To deal with the practical reality of governments who must deal with a multiplicity of issues, I would urge the Commission to prioritize — in as clear and practical a manner as possible — its recommendations in order of importance. Ideally, they should be grouped in short/medium/long term categories.

23. Countering FI within the Commission's mandate will be an on-going and permanent task which will require money, people and authorities but the will to deal with the problem and necessary cultural change are as or more important.

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