



DECISION ON APPLICATIONS FOR STANDING*

1. The Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (the "Commission" or "Inquiry") has received fifty-five applications for standing ("Applications for Standing") under the process it established on November 10, 2023, of which four have been withdrawn. These applications came from citizens, associations, organizations, academics, politicians and political parties.
2. Some of these Applicants are also requesting financial assistance from the Government of Canada to participate in the Commission's work, requests that I will later evaluate in order to formulate, and publish, recommendations to the Clerk of the Privy Council, who is the only one authorized to grant such assistance.
3. Although I have analyzed each of these applications for Standing based on the specific information they contain, I have done so using identical criteria. In the interests of efficiency, I have therefore decided to deal with these applications in a single decision.
4. My decision is therefore divided into two main sections. The first, common to all Applications for Standing, recalls the Commission's mandate, the values that animate it, and the criteria to be considered in determining whether to grant standing to an applicant who requests it. The second section sets out the specific reasons for granting

* Revised to correct paragraph numbering on December 18, 2023.

or refusing each Application for Standing as well as the scope of participatory rights I have given the Applicants.

COMMON PRINCIPLES

The Commission's mandate

5. Order in Council P.C. 2023-0882 creates the Commission and establishes the terms of its mandate.

6. Clauses (a)(ii)(A), (C) and (D) are particularly relevant for the purposes of this decision since they authorize me to:

- (A) adopt any procedures and methods that I may consider expedient for the proper and efficient conduct of the Public Inquiry, accept submissions in the manner I choose, including electronically, and sit at any times, in any manner and in any place in Canada that I may deem appropriate;
- (C) at my discretion, grant any person who, in my assessment, would provide appropriate and necessary contributions to, and has a substantial and direct interest in, the subject matter of the Public Inquiry, an opportunity for appropriate participation in the public portions of the Public Inquiry;
- (D) recommend to the Clerk of the Privy Council that funding be provided, in accordance with approved guidelines respecting remuneration and expenses and the assessment of accounts, to any person described in clause (C), if the person would not, in my view, otherwise be able to participate in the Public Inquiry.

7. Clause (a)(iii)(J) states that I must provide the Government of Canada with an opportunity to fully participate in the Public Inquiry.

Commission's values

8. In addition to the obligations and duties arising from its mandate, the Commission, in a *Notice to Interested Parties and the Public* published on its website on November 10, undertook to carry out its mandate in an independent, impartial, fair and transparent manner, demonstrating thoroughness, proportionality and expeditiousness. These are commitments and values that I have kept in mind while analyzing Applications for Standing.

9. I have thus granted standing to a range of Applicants that I consider sufficiently diverse to enable the Commission to benefit from different, and in some respects possibly even opposing viewpoints, while reminding myself that the Commission must remain able to complete its work in a timely manner. The values of fairness, transparency and thoroughness must in fact coexist with the principles of proportionality and expeditiousness, since a Commission that carries out its work over too long a period runs the risk of not being as credible and useful as it might otherwise be.

Rules of Standing and Funding

10. Also on November 10, the Commission also published *Rules of Standing and Funding*.¹ These rules are preceded by an introduction in which the Commission points out that the scope of participation can cover a wide spectrum – from a limited role involving a particular aspect of its mandate to a broader participation in most or all its

¹ [Rules of Standing and Funding](#), revised November 16, 2023.

work. It also states that standing will not be granted to all those who request it, but only to those who have a substantial and direct interest in the subject matter of the Inquiry, or who possesses unique expertise that is likely to provide the Commission with a greater benefit than it could otherwise obtain, or, put another way, who can *make a necessary contribution* to it.

11. The notions of *substantial and direct interest in the subject matter of the Inquiry* and *necessary contribution to the Inquiry* do not have a precise and rigid meaning. Nevertheless, the former is generally interpreted to mean that the applicant must be "substantially affected by findings or recommendations that may be made"² in the Commission's report while the latter, which is less often used, has recently been interpreted as constituting a separate criterion that must also be met.³

12. The criterion of a *substantial and direct interest in the subject matter of the Inquiry* is quite demanding and means that a mere concern, however pronounced, is not sufficient for me to grant standing to an applicant if that concern does not stem from the consequences that the Commission's findings or recommendations could have on his or her interests.

13. That said, I do not believe that the "substantial and direct interest" criterion is an all or nothing concept. There are degrees of interest that individuals or groups may have in the subject matter of an inquiry. This is reflected by the fact that, in many inquiries, standing is sometimes also granted to applicants who possess unique expertise likely to

² Commissioner Paul S. Rouleau, [Decision on Standing](#), July 27, 2022 (Public Order Emergency Commission) at para. 9.

³ *Id.*, para. 11.

assist the Commission in carrying out its mandate, including, but not limited, to the recommendations it intends to make. Frequently grants of standing for these applicants are more limited than that afforded to, for example, individuals who may be facing findings of misconduct. This reflects the fact that a person's participatory rights may bear a relationship to the nature and extent of their substantial and direct interest.

14. I should emphasize that simply having some relevant expertise is not in and of itself sufficient to justify a grant of standing. An applicant must always have some degree of a substantial and direct interest. But once I am satisfied that such an interest is established, I should also be mindful of the strength and extent of that interest when assessing the request for standing.

15. Since the second criterion – making a necessary contribution – applies just as much in this case, it is not enough to simply have expertise and the required degree of interest. This expertise must also be necessary for the Commission's work.

16. It is worth recalling here that, as permitted by the *Inquiries Act*,⁴ the Commission will itself retain the services of various experts to assist it in its work. The Commission has set up a Research Council, made up of several academics and researchers, who will help to identify the subjects on which it needs to be informed, as well as the experts best placed to do so.

17. There is one further observation I wish to make about the terms contained in my mandate. The English version of clause (a)(ii)(C) of my terms of reference directs me to consider whether an Applicant “would provide *appropriate* and necessary contributions”

⁴ *Inquiries Act*, R.S.C. (1985) ch. I-11, art. 11.

to the Inquiry. This is an evolution of the language used in the Order in Council establishing the Public Order Emergency Commission, which, to my knowledge, was the first Inquiry to apply the concept of a “necessary contribution”. In the case of this Inquiry, the Governor in Council added the language of “appropriate contributions” in addition to “necessary contributions” in the English version of the Terms of Reference – the French version simply refers to “*contribution nécessaire*”.

18. The reference to “appropriate contributions” in the English version of my Terms of Reference supports my view that, in assessing the Applications before me, I ought to consider not only whether standing should be granted, but also the scope or extent of participatory rights I should grant. Even where an Applicant convinces me that they have a substantial and direct interest, and can make a necessary contribution, it does not mean that I must grant them unfettered participation rights. I must also consider what forms of participation would be appropriate for the particular Applicant. The addition of the word “appropriate” in the English version reflects a deliberate choice by the Governor in Council. The fact that it was not reflected in the French version does not change my view that I can take into account what type of participation would be appropriate for each participant.

19. The *Rules of Standing and Funding* also set out criteria that I have taken into account in deciding whether to grant an Application for Standing, including 1) the mandate of the Commission, 2) the aspect of the inquiry for which standing is sought, 3) the type of interest the Applicant has, 4) the connection of the particular Applicant to the Commission’s mandate, 5) whether the Applicant has a continued interest and involvement in the subject matter of the inquiry, 6) whether the Applicant may be

significantly affected by the Commission’s findings and recommendations, 7) whether the Applicant is uniquely situated to offer information that will assist the Commission with its work, 8) the extent to which the Applicant’s participation may duplicate the contribution of others, 9) whether the Applicant willingness to share a single grant of standing with other Applicants with whom the Applicant has a common interest, and 10) the need for the Commission to complete its work within the prescribed deadlines.

20. In essence, considering these factors and criteria, I have made my decisions on the Applications for Standing by answering the following questions:

- a) Does the Applicant have a *substantial and direct interest in the subject matter of the Inquiry*, and if so, to what extent?
- b) If so, can they make a *necessary contribution* to the investigation?
- c) If so, what type of contribution from the applicant would be appropriate?

21. As a result of this exercise, as has been done in previous inquiries⁵ and permitted by the *Rules of Standing and Funding*,⁶ I have concluded that it is appropriate to divide the Applicants to whom I grant standing into three groups: those with standing as a Party in the factual inquiry; those with standing as an Intervener in the factual inquiry; and those with standing in the Policy phase of the inquiry. A participant may have standing in one or both of the factual and policy phases.

⁵ See, for example, Commissioner Dennis O’Connor, [Ruling on Standing and Funding](#), May 4, 2004 (Arar Commission), at 4-11; Commissioner John H. Gomery, [Ruling on Standing](#), July 5, 2004 (Sponsorship Commission), under “Guiding Principles on Standing”..

⁶ [Rules of Standing and Funding](#), revised November 16, 2023, s. 17.

22. I have reserved Party standing to Applicants who have the most direct interest in the subject matter of the Inquiry. This type of interest generally arises either from some form of personal or reputational interest in the outcome of the Commission’s work. It may also stem from the formal role an Applicant plays in countering foreign interference or in the electoral process. These persons and entities, in my view, are those who have the most at stake with respect to the findings that I might make or who may be called upon to implement potential recommendations that may emerge from my work.

23. I have also included in this category individuals and groups who, while lacking such an interest, would be of particular assistance to the Commission by exercising broader participatory rights. For example, where I have concluded that a participant’s “necessary contribution” to the Commission’s work could only be accomplished through the cross-examination of witnesses, I have exercised my discretion to grant them Party standing.

24. I have granted Intervener standing to those individuals and groups who, while having some particular interest in the subject matter of the Commission, do not have as direct an interest as those I have identified as Parties. This includes those whose interest is defined by a general interest in the issues of foreign interference or the integrity of electoral processes and democratic institutions.

25. I have also considered whether the necessary contribution each participant would bring to the Commission requires a broad grant of participatory rights. Where a Party’s interest is more general, or their contribution can reasonably be made through submissions, I have generally granted them standing as an Intervener.

26. In some cases, I have limited a grant of standing to a particular portion of the factual phase of the Inquiry. I have done this when an Applicant has demonstrated a direct and substantial interest, and a necessary contribution to a particular portion of the factual Inquiry that is easily distinguishable from other topics that will be addressed. Where I have done so, such Applicants do not have standing in other portions of the factual phase.

27. Subject to the *Rules of Standing and Funding* and the final *Rules of Practice and Procedure*,⁷ the *Parties* will, in principle, have full participation rights, including the right to access certain non-public documents and to question witnesses, while *Interveners* will have the following rights:

- a. The right to notice of all public hearings of the Commission, and the right to be present at them;
- b. The right to make oral or written submissions as I may direct in subsequent procedural rulings or notices; and
- c. The right to access copies of exhibits entered into evidence during the public hearings.

28. That said, I accept that, in exceptional circumstances, it may be appropriate for an Intervener to exercise greater rights with respect to a particular issue or phase of the proceedings. I also accept that unexpected issues may arise in which an Intervener may need to seek an order or directions from me. I would therefore allow Interveners to

⁷ *Draft Rules of Practice and Procedure* was published on November 24

make applications during the course of the Inquiry. However, before they may do so, they must first obtain leave from me. I will assess an Intervener's proposed application and, if I conclude that it is appropriate (something that I expect will be exceptional), I will invite responding submissions from other Parties or Interveners before issuing a ruling.

29. I note, however, that I always retain the right to modify the scope of the participation rights I have granted, and even to revoke standing.⁸

30. I believe that by proceeding this way, the Commission will benefit from the best possible insight without jeopardizing its ability to work efficiently.

31. As contemplated by the *Rules of Standing and Funding*,⁹ I have refused to grant standing to some Applicants, and suggested in some cases that the Applicant join another organization to whom I have granted such standing. Although I did not order this, I hope that all the Applicants concerned will cooperate so that the process will be efficient and allow as many people as possible to express their views, which I believe is in the public interest. Furthermore, in the event of a disagreement between groups that have agreed to share standing, I reserve their right to ask me for permission to take certain actions or make certain representations separately.

32. At this point, I would like to emphasize that some of the Applicants to whom I am not granting standing are, moreover, likely to be called upon to testify to the facts of which they have knowledge. Thus, my refusal to grant standing to an Applicant in no way means that he or she will be unable to play any role whatsoever in the

⁸ [Rules of Standing and Funding](#), revised November 16, 2023, s. 18.

⁹ [Rules of Standing and Funding](#), revised November 16, 2023, s. 16.

Commission's work. On the contrary, his or her contribution could be very important, since he or she could be called upon to testify to bring these facts to the Commission's attention. In such a case, the facts reported would form part of the evidence that the Commission would consider in reaching its conclusions.

33. I would also like to reiterate that neither standing nor the opportunity to testify are necessary to participate in the Commission's public activities and information gathering, as the Commission intends to set up a public consultation process. Thus, those who wish to do so will be able to communicate their point of view and the information they deem relevant as part of this process.

34. That being said, my decision for each of the Applications for Standing received follows, accompanied in each case by brief reasons for the decision.

Decisions on Applications

35. I have organized my decisions on standing by grouping Applicants into a number of broad categories set out below. I have done this solely for ease of organization and reference. The groupings are:

- a. Governmental entities;
- b. Politicians and political parties;
- c. Concerned individuals and groups;
- d. Media and free expression organizations;
- e. Non-Governmental and civil society groups;
- f. Climate groups;

- g. Diaspora groups;
- h. Security and intelligence practitioners; and
- i. Other policy experts

Governmental Entities

36. The Commission received applications by two governmental entities: the Government of Canada, and the Office of the Commissioner of Canada Elections.

The Government of Canada

37. The Government of Canada (“Canada”) seeks standing in the factual and policy phases of the Inquiry. Canada states that it meets the criteria for standing as it has a substantial and direct interest in all issues before the Inquiry, it is a primary source for information on all subject areas of the Inquiry and will be directly impacted by the findings and recommendations arising from the Inquiry.

38. I am satisfied that Canada has met the criteria for standing. In any event clause (a)(iii)(J) of the Commission’s Terms of Reference directs me to provide the Government of Canada with an opportunity to fully participate in the Inquiry.

39. I therefore grant it Party standing in the factual phase of the Inquiry and standing in in the policy phase of the Inquiry.

The Office of the Commissioner of Canada Elections

40. The Office of the Commissioner of Canada Elections seeks standing in the factual phase of the Inquiry. Although its application did not specifically state that it

seeks standing in the Inquiry's policy phase, it does indicate that the Applicant wishes to share its perspective on policy matters.

41. The Commissioner of Canada Elections is the independent officer responsible for ensuring that the *Canada Elections Act* and the *Referendum Act* are complied with and enforced. Its application states that the Office of the Commissioner is one of the few independent investigative agencies in the world whose mandate is exclusively to protect the electoral rights of Canadians and to ensure that political entities, third parties, and others engaged in the electoral process do so in compliance with the rules.

42. The Office of the Commissioner received complaints related to allegations of foreign interference in the previous election and is still reviewing these complaints to determine whether there have been breaches of the applicable legislation.

43. In this regard, I am satisfied that the Office of the Commissioner of Canada Elections has a direct and substantial interest in the matters being investigated by the Commission. There is overlap between substantial parts of the mandate of this Commission – for example, to determine whether foreign interference affected the outcome of two federal elections – and the mandate of the Office of the Commissioner – that is, to ensure the integrity of Canada's electoral process.

44. The application indicates that the Office of the Commissioner could provide necessary contributions to the work of the Commission. I agree. It has first-hand information about key events within the scope of the Commission's mandate and it is likely to provide an important perspective on the ability of various actors to detect, prevent and counter foreign interference. It may also be directly impacted by recommendations that I may make at the conclusion of the Inquiry.

45. I therefore grant the Office of the Commissioner of Canada Elections Party standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

Politicians and Political Parties

46. The Commission received applications from four politicians¹⁰ and two political parties.

Han Dong

47. Han Dong applies for standing in the factual phase of the Inquiry but not in the policy phase.

48. Mr. Dong is a sitting Member of Parliament who has been accused of willingly participating in Chinese interference efforts during the 43rd and 44th general elections. In his application, Mr. Dong says these allegations have made him the face of Chinese foreign interference. The Independent Special Rapporteur on Foreign Interference found that several accusations against Mr. Dong constituted key allegations about foreign interference in the 43rd and 44th general elections. Mr. Dong indicates that he expects the Commissioner to make findings and recommendations that will address at least some of these allegations and will thus affect him significantly.

¹⁰ In fact, a number of Applicants addressed elsewhere in this Decision are also current, former or aspiring politicians. However, I have dealt with them elsewhere because the substance of their applications more closely aligns with other groups of Applicants.

49. I agree that Mr. Dong has a direct and substantial interest in the subject matter of this Commission. In this respect, I adopt the comments made by Commissioner Gomery on what can constitute a direct and substantial interest:

[T]he interest of the applicant may be the protection of a legal interest in the sense that the outcome of the Inquiry may affect the legal status or property interests of the applicant, or it may be as insubstantial as the applicant's sense of well-being or fear of an adverse effect upon his or her reputation. Even if such a fear proves to be unfounded, it may be serious and objectively reasonable enough to warrant party or intervenor standing in the Inquiry.¹¹

50. As someone who is the subject of some of the core allegations of foreign interference that this Commission is tasked with investigating, I agree that Mr. Dong has an obvious reputational interest in the Commission's work. He is also uniquely situated to provide first-hand information about relevant events and, given the reported allegations against him, his participation would contribute to the transparency of the Inquiry.

51. I therefore grant Han Dong Party standing for the factual phase of the Inquiry.

Michael Chan

52. Michael Chan applies for standing in the factual phase of the Inquiry. He does not seek standing during the policy phase.

53. Mr. Chan is the deputy mayor of Markham. He was a Member of Provincial Parliament in the Legislative Assembly of Ontario and a cabinet minister in the Ontario government from 2007 to 2018. In 2022 and 2023, it was reported in the media that

¹¹ Commissioner John H. Gomery, [Ruling on Standing](#), July 5, 2004 (Sponsorship Commission), under "Guiding Principles on Standing".

certain Chinese Canadian politicians, including Mr. Chan, had, or may have, engaged in improper activities in connection with the 43rd or 44th general elections. Mr. Chan has indicated that these allegations have had a significant adverse impact on him.

54. For substantially the same reasons as Mr. Dong, I am satisfied that Mr. Chan meets the criteria for standing. As someone whose actions are likely to be part of the factual matrix within which the Commission investigates the issues in its mandate, Mr. Chan has a direct and substantial interest in the Commission's work, including a reputational interest.

55. Mr. Chan only seeks limited standing (i) to the extent the Commission investigates the disclosure of intelligence information to the press in 2022-2023 and its impact on individuals named in or persons affected by such disclosures; and (ii) to the extent that the Commission may examine any allegations that Mr. Chan has acted improperly in connection with the 43rd or 44th general elections and receives evidence or information pertaining to such issues. Mr. Chan submits that the exact nature of his procedural rights, if he is granted standing as requested, should be determined once the scope of the Commission's inquiries and its processes are better defined.

56. I recognize Mr. Chan's attempt to limit the scope of his participation. I also accept that the scope of his participation will be determined as the Commission's process progresses.

57. At this stage, I would grant Mr. Chan Party standing in the factual phase of the Inquiry.

Erin O'Toole

58. Erin O'Toole seeks standing in both the factual and policy phases of the Inquiry. This application was submitted the day after the deadline to apply for standing had passed.

59. Mr. O'Toole is the former Leader of the Conservative Party of Canada (2020 to 2022) and a former Member of Parliament (2012 to 2023). He was the Leader of the Official Opposition at the time the 44th general election was called and a candidate during the 43rd general election. He indicates that he has a direct and substantial interest in the subject matter of the Inquiry as someone who has been a target of foreign interference by the Chinese government and who will continue to be for the rest of his life. Mr. O'Toole states he has direct knowledge of Chinese foreign interference and can contribute to the Commission's work by speaking on the flow of information to senior decision-makers, including elected officials. He says he has several recommendations for better protecting federal democratic processes from foreign interference.

60. Mr. O'Toole's application was submitted shortly after the deadline had passed, and it would not cause any prejudice to either the Commission or other Applicants to consider it on its merits. I exercise my discretion¹² to accept and consider this late application.

61. As the former Leader of the Opposition during one of the federal elections this Commission is tasked with evaluating, and as someone who was specifically targeted, I

¹² Rule 9 of the Rules of Standing and Funding

agree that Mr. O'Toole has a direct and substantial interest in the subject matter of the Inquiry and that he will likely make necessary contributions to the Commission's work.

62. Nevertheless, I do not consider Mr. O'Toole to have as direct and substantial an interest as, for example, Mr. Dong or Mr. Chan. These individuals have important reputational interests that are not present in Mr. O'Toole's case. Mr. O'Toole is not alleged to have engaged in misconduct or to have been compromised as a result of foreign interference. Mr. O'Toole's, who mentions having been targeted by foreign interference, has an experience that makes him a potentially important source of evidence for the Commission. However, as I have indicated previously, simply being an important witness for the Commission is not in itself grounds for granting standing.

63. That said, I am satisfied that, given his unique role as leader of the Official Opposition party at the time that the 44th general election was called, Mr. O'Toole has a distinct perspective and potentially useful submissions to make to the Commission.

64. I therefore grant Erin O'Toole Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

Yuen Pau Woo

65. Yuen Pau Woo applies for standing in the factual and policy phases of the Inquiry. This application was submitted after the deadline to apply for standing had passed.

66. Senator Woo is a sitting Senator representing British Columbia. He explains the basis for his application as follows: (1) he has been following allegations of foreign interference for a number of years and has analyzed evidence of foreign interference

during the 44th general election; (2) He is actively involved in the debate on the possible introduction of a bill by which a foreign agents registry would be put in place; (3) He is working with members of the Chinese community across Canada who are concerned about the stigmatizing consequences of unfounded allegations of foreign interference against Chinese-Canadians; (4) He is a former president and CEO of the Asia Pacific Foundation of Canada and has worked on Canada-Asia relations for more than 30 years.

67. Senator Woo's application was submitted shortly after the deadline had passed, and it would not cause any prejudice to either the Commission or other Applicants to consider it on its merits. I exercise my discretion once again¹³ to accept and consider this late application.

68. As with Mr. O'Toole's application, I agree that Senator Woo has some direct and substantial interest in the subject matter of the Inquiry and that he will likely make necessary contributions to the Commission's work. In particular, he will contribute the perspective of a political figure working to address issues of foreign interference while advocating for a community that risks being stigmatized or negatively impacted by counter-interference measures, whether proposed or put in place.

69. I therefore grant Yuen Pau Woo Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

¹³ Rule 9 of the Rules of Standing and Funding.

The Conservative Party of Canada

70. The Conservative Party of Canada (“CPC”) seeks standing in both the factual and policy phases of the Inquiry.

71. The CPC is a registered party under the *Canada Elections Act* and a recognized party in the House of Commons, forming the official Opposition. As one of the five major federal parties, the CPC is one of the most significant participants in Canadian federal elections.

72. The CPC states that its candidates were among the most targeted by the Chinese government in the 43rd and 44th general elections. It says it has a substantial and direct interest in ensuring that the impact of foreign interference in federal elections is minimized, and that when foreign actors attempt to interfere in elections or democratic institutions, those attempts are disclosed so they can be combated.

73. The CPC indicates that it will make necessary contributions by sharing directly its candidates’ experiences and concerns with foreign interference including what it says are the failures of the Government of Canada to take concerns seriously.

74. In its application, the CPC says that Michael Chong, a CPC Member of Parliament who was likely the target of a disinformation operation by the Chinese government during the 43rd or 44th general elections, will play a leading role in instructing the CPC’s participation in the Inquiry if the CPC is granted standing.

75. Generally, it is undesirable to use public inquiries as a way to advance political parties’ positions because it is imperative that the public view a public inquiry as independent and non-partisan. As has been stated by other commissioners, a public

inquiry should avoid public perception of politicization or partisanship whenever possible.¹⁴

76. That said, every public inquiry is unique and raises distinct issues to be investigated and interests to be protected. There are circumstances in which the interests of the political party are sufficiently direct and substantial to the mandate of the Commission and its contributions sufficiently necessary to the Commission's work that it would be inappropriate not to grant standing. In my view, this is the case here.

77. The CPC was the Official Opposition at the time the 43rd and 44th general elections were called. If foreign interference affected the outcome of either election, the CPC would likely have been the most impacted. Indeed, the CPC states that media outlets have reported that its candidates were the most, or among the most, targeted during these elections. As one of the main participants in federal elections, the CPC has a substantial and direct interest in the work of the Commission. However, I note that the CPC's interest is not unique. Other registered political parties that took part in the 43rd and 44th general elections could also claim that their interests in a fair political process were potentially equally impacted.

78. The CPC would also provide the necessary contributions to the work of the Commission. It has first-hand information of key events the Commission will be investigating. It can assist the Commission in understanding the flow of information to the political parties and the measures, if any, that were put in place to counter any

¹⁴ Commissioner Denis O'Connor, [Ruling on Standing and Funding](#) (Walkerton Commission) under "J. Ontario New Democratic Party"; see also Commissioner Paul S. Rouleau, [Decision on Standing](#), July 27, 2022 (Public Order Emergency Commission) at paras. 35-46.

interference. The CPC can also provide information about the experience of some of its candidates in a centralized way, which is in line with the Commission's guiding principles to conduct its work effectively, expeditiously, and in accordance with the principle of proportionality.

79. I am aware that giving standing to a political party in a public inquiry should be done only after careful consideration and with the appropriate safeguards to ensure the Inquiry does not become a platform for partisan talking points, grandstanding or scorekeeping. I am therefore advising the CPC, and indeed all Participants, that I will not allow this Commission to become a partisan debate between opposing political factions. All must participate in this Inquiry with the sole purpose of assisting the Commission and not for any partisan purpose.

80. If the CPC proves unable to live up to this expectation, I recall that I retain the authority to revoke a grant of standing and will not hesitate to do so in appropriate circumstances.

81. I am granting the CPC Intervener standing, which is more limited in terms of participatory rights than it was seeking in its application. I am satisfied that Intervener standing strikes an appropriate balance between recognizing the CPC's interests in and possible contributions to this Inquiry, on the one hand, and the need for the Inquiry to be perceived as, and remain non-partisan and independent, on the other.

82. This brings me to Mr. Chong, whom the CPC has indicated would play a leading role in instructing the CPC's participation in the Inquiry. It seems to me that Mr. Chong, a widely-reported target of a foreign disinformation campaign during the elections, may have an interest that is different from the CPC's. While he is fully entitled to participate

in the Commission's work through the CPC, he may feel that it is preferable to obtain independent standing and representation in light of my decision.

83. If Mr. Chong wishes to, he may submit an application for individual standing within five days of this Decision. If Mr. Chong concludes that he wishes to participate through the CPC, then no further steps on his part are required.

84. I therefore grant the CPC Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

The New Democratic Party

85. The federal New Democratic Party (NDP) applies for standing in the factual and policy phases of the Inquiry.

86. The NDP is a registered party under the *Canada Elections Act* and a recognized party in the House of Commons. In its application it states that it has a direct and substantial interest in the conduct of federal elections, being one of the primary participants in the electoral process. It submits that its role in the electoral process gives it a unique understanding and perspective about interference at the national and local levels. It also states that it has a direct and substantial interest in how Canada detects, deters and counters foreign interference. The NDP submits that the inclusion of any recognized political party that took part in the 43rd and 44th federal elections would contribute to the transparency and fairness of the Inquiry.

87. I am of the view that the NDP ought to be granted standing, for substantially the same reasons I have granted standing to the CPC. In doing so, I reiterate what I have said about the proper role of a political party in a commission of inquiry and caution the

NDP that I will not permit the Inquiry to become a platform for partisan debate. As with the CPC, I reiterate that I retain the authority to revoke a grant of standing if circumstances warrant it.

88. I therefore grant the NDP Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

Concerned Individuals and Groups

89. The Commission received thirteen applications from individuals and one application from a group of individuals whose basis for standing was generally expressed as personal experience with or a concern about the events and circumstances that gave rise to this Commission – possible interference by foreign governments – as well as an interest to contribute information to the Commission about issues within its mandate.

Individual Applicants

90. André Lavoie applied for standing in order to provide his opinion on matters pertaining to the Commission's terms of reference, including his opinion on Canada's electoral system.

91. Andriy Strebkov is a Russian-speaking individual who has an academic interest in Russia and who is involved in the Ukrainian-Canadian community. He says his involvement in this community has heightened his awareness of potential threats posed by interference from China and Russia. He is eager to explain this perspective to the Commission.

92. David Drover is a former geologist who indicates he has knowledge of serious wrongdoing by a Chinese-backed Canadian company. He has spent the last 10 years raising concerns about this company to various law enforcement agencies and regulatory bodies. His experiences in raising these concerns have led him to conclude that the Chinese government interferes in political, judicial and regulatory bodies, as well as with the courts, lawyers, and law enforcement.

93. George Bradley is an aerospace engineer who worked alongside a Chinese team on Bombardier's C-series program. He indicates that he has information on the subversion of sensitive technical information in the aerospace industry.

94. Ina Mitchell is an author, filmmaker and investigative journalist. She indicates she has direct evidence of bribes given by proxies of China to Canadian elected officials and personal knowledge of how China has engaged in election interference at a grass roots level. She would like to provide testimony on China's interference in Canada's elections as well as on the effect of this interference on the diaspora.

95. Roy Cullen was a Member of Parliament for twelve years. He has offered to conduct an anonymous survey of elected officials and other Canadian parliamentarians to gauge the extent of the damage to democracy that interventions by the Chinese government and others present. He believes the results of the survey would add value to the Inquiry.

96. In 2019, Joel Altman ran as an independent Member of Parliament. He states that, during his campaign, he directly witnessed activity that appeared contrary to several provisions of federal legislation. He has been conducting his own research on (1) controls of sensitive and protected information; (2) the RCMP's ability to effectively

identify election-related threats; and (3) Treasury Board guidelines and policies which he says are not being appropriately followed.

97. Alykhan Velshi indicates that he has information relevant to the Commission's mandate. He would also seek to make policy and machinery recommendations.

98. Robert Evans indicates that he has personally experienced surveillance and other questionable tactics by Chinese and Russian agents due to the nature of his work and his clients. He also states he was aware of and reported instances of election irregularities during the 2022 municipal elections, in which he ran for mayor of Waterloo, Ontario.

99. Biniam Abreha is a member of the Eritrean Canadian community. In his application, he describes his personal experience with the Eritrean government interfering with Eritrean-Canadian communities. He would like to put a stop to this interference by participating in the Commission's work.

100. Biniam Kefla is a member of the Eritrean Canadian community. He also applies based on knowledge of and experience with the Eritrean government's interference with Eritrean-Canadian communities. His application was submitted after the deadline for the submission of applications.

101. Azreal Dai is a member of the Chinese-Canadian community who expressed concerns about his own safety when he criticizes China and the Chinese Communist Party. His application was also submitted after the deadline.

102. Chauncey Jung is a former parliamentary assistant and former campaign staff with the Liberal Party of Canada who worked in the 2019 and 2021 federal elections. He

indicates he is an expert who contributes regularly to media outlets on issues related to Asia-Pacific, Canadian politics, and notably, the impacts of China – and other countries – on Canadian politics. Working in the House of Commons Liberal Research Bureau, his job primarily focused on outreach strategies to marginalized and disadvantaged community groups, particularly, East Asians and Chinese. Mr. Jung’s application was submitted after the deadline for the submission of applications.

103. The three late applications were submitted shortly after the deadline had passed, and it would not cause any prejudice to either the Commission or other Applicants to consider them on their merits. I exercise my discretion under Rule 9 of the Rules of Standing and Funding to accept and consider these late applications.

104. That said, I conclude that none of the individual Applicants satisfies the criteria for standing. I carefully considered the criteria I set out earlier before determining that I would not grant them the standing they requested. Three considerations are paramount in my determination.

105. First is the requirement that an applicant must have a “substantial and direct interest” in the subject matter of the Commission. The twelve Applicants I have described have shown some involvement and personal or academic interest in the subject matter of the Commission but their interest and their involvement are generally limited to their own individual experience. This may well be of interest as evidence to the Commission but is not sufficiently “substantial and direct” in the subject matter of the Commission as is required for standing to be granted.

106. Numerous individuals, groups and organizations have been impacted by, have personal experience with or have an academic interest in one or various matters within

the Commission's mandate. This is not, on its own, sufficient to justify a grant of standing. As explained in the notice inviting applications for standing, there will be other ways to be involved and contribute to the activities and information gathering by the Commission. Members of the public will be given an opportunity to express their views and have their experiences conveyed to the Commission in other ways.

107. Second, I am not satisfied that these Applicants would provide necessary contributions to the Inquiry. By and large, their contribution would be limited to their own personal experiences. Such evidence may be relevant to the work of the Commission and as such it may be that some of these individual Applicants are asked to provide their evidence as witnesses. But simply having information relevant to the work of the Commission does not itself justify a grant of standing.

108. The fact that some of these Applicants have an academic interest or expertise in the matters within the Commission's mandate does not itself justify a grant of standing. As explained above in this Decision, the presence of expertise is not itself sufficient to justify a grant of standing. Again, some of these Applicants may be able to contribute to the work of the Commission in other ways.

109. Third, several organizations representing diaspora groups have been granted standing. Since I expect that each of these organizations will express a point of view, I am satisfied that the concerns of Applicants that are members of diaspora groups will be appropriate canvassed by those organizations. Importantly, when organizations raise such concerns, they are able to do so from a broader, more representative, perspective. Moreover, participation by representative organizations, rather than by way of a

multiplicity of individuals, better meets the Commission's guiding principles to conduct its work effectively, expeditiously, and in accordance with the principle of proportionality.

Proof Please

110. Proof Please applies for standing in the factual and policy phases of the Inquiry. It describes itself as a group of residents of the Spadina–Fort York riding whose Member of Parliament claims to have been the target of interference by a Chinese agent to subvert the election process. It states that whether the allegations of foreign interference in their riding are true or not is of utmost importance to its members

111. I do not grant standing to this group.

112. My reasons for not granting standing to this group are similar to my reasons respecting the thirteen individuals I just described. It is of course appropriate for to be concerned about whether there was foreign interference in this riding, but the evidence that this might have been the case is at this point not sufficient to raise the interests of Proof Please above the interests of all Canadians with respect to the integrity of the electoral process in their ridings and in the country generally. While I acknowledge that the MP for Spadina–Fort York has claimed to have been a victim of foreign interference, I note that he has not himself applied for standing. I conclude that at this time I do not have a basis for believing that the specific situation described by Proof Please will be a focus of the Inquiry sufficient to warrant standing for Proof Please. Nor do I consider that Proof Please's contribution would be necessary to the work of the Commission.

113. I reserve the right to revisit my decision if, as the Commission’s investigation progresses, it becomes apparent that the election in the Spadina-Fort York electoral district becomes a particular focus of the Inquiry.

Media and Free Expression Organizations

114. The Commission received applications for Standing from two groups that broadly fall under the category of media and free expression organizations due to their concern about the openness and transparency of the Inquiry process itself.

The Media Coalition

115. The Commission received an application on behalf of a coalition of media organizations (the “Media Coalition”) jointly seeking standing. The Media Coalition is comprised of the Canadian Broadcasting Corporation/Société Radio-Canada; Toronto Star Newspapers Limited; La Presse Inc.; CTV, a division of Bell Media Inc.; Global News, a division of Corus Television Limited Partnership; MédiaQMI Inc.; and Groupe TVA Inc.

116. The Media Coalition sought a novel grant of standing. It states in its application that it does not wish to participate as a party to the Commission, but rather solely to intervene in respect to any measures which pertain to transparency and public disclosure of the work of the Commission itself. Effectively, it seeks a limited grant of standing to obtain notice whenever confidentiality measures are requested from or contemplated by the Commission, and to provide for a simple and efficient process for making representations about such measures.

117. There is some merit to the Media Coalition’s proposal. Given the subject matter of the Commission’s mandate, there will likely be requests for me to hear some evidence in the absence of the public and/or other participants. Indeed, my Terms of Reference specifically contemplate this.¹⁵ In other federal commissions of inquiry, Commissioners have sometimes notified members of the media about requests for these types of measures and have received submissions in response.¹⁶ Having a single point of contact for a diverse range of media organizations, represented by experienced counsel, could be beneficial to the Commission, the media and the public alike.

118. There are also considerations that make the Media Coalition’s proposal problematic.

119. While providing notice to the media may in some cases be appropriate when the Commission receives a request for confidentiality, there may also be some cases where such notice may not be appropriate. I do not think it would be wise for me to presuppose at this point in time what the exact circumstances in which the Media Coalition, or other members of the media, should be invited to provide submissions to the Commission. Not every case will be the same.

120. Taking all of these considerations into account, I conclude that the Media Coalition’s proposal, as currently framed, would not be appropriate. However, I do accept that the Media Coalition has a direct and substantial interest in the issues it has

¹⁵ [Order in Council P.C. 2023-0882](#), cl. (a)(iii)(C).

¹⁶ See, for example, Commissioner Paul S. Rouleau, [Decision on Applications under Rules 56 and 105 to 108 \(Jeremy Mackenzie\)](#), November 3, 2022 (Public Order Emergency Commission), at para. 9.

identified and can make a necessary contribution to the Inquiry process. I simply believe that a slightly different approach is warranted.

121. Pursuant to clause (a)(i)(D) of my Terms of Reference, I am directed to conduct public hearings at the outset of my mandate to identify the challenges, limitations and potential adverse impacts associated with the disclosure of classified national security information and intelligence to the public. During these hearings, I am to hear from a range of stakeholders. The primary purpose of these hearings is to foster transparency and enhance public awareness and understanding. These hearings will also inform my general approach when I receive subsequent requests for confidentiality measures.

122. I believe that the Media Coalition could provide a necessary contribution by participating fully in this phase of the hearings. It would enable them to make submissions on the general approach that the Commission should take when responding to requests for confidentiality. Although the Media Coalition has not requested the right to participate in the hearings outside of the context of specific requests for confidentiality, I exercise my discretion and grant them Party standing for the portion of the factual hearings referred to in clause (a)(i)(D) of my Terms of Reference. Of course, it will be up to the Media Coalition to decide whether it wishes to participate in this process and, if so, to what extent. However, I invite them to do so as I believe it would help the Commission and contribute to the openness and transparency of its process.

123. With respect to standing to respond to requests for specific confidentiality orders, I have concluded that I should not grant the Media Coalition such standing at this time. I do not believe that granting standing is necessary to accomplish what the Media

Coalition is seeking to accomplish: the creation of a streamlined and efficient method for providing notice to the media of requests for confidentiality orders.

124. The Commission has taken note of the existence of the Media Coalition. The Commission will be able to contact the Media Coalition through their designated legal representative to invite submissions when appropriate in response to requests for confidentiality.

125. I therefore grant the Media Coalition Party standing for the portion of the factual Inquiry referred to in clause (a)(i)(D) of the Terms of Reference.

[The Centre for Free Expression](#)

126. The Centre for Free Expression (“CFE”) applies for standing in both the factual and policy phases of the Inquiry. CFE describes itself as a non-partisan research, public education, and advocacy centre based out of The Creative School, a component of Toronto Metropolitan University. It is a hub for a wide range of activities related to free expression and the public’s right to seek, receive, and share information. In its application it describes its activities as including organizing educational events; intervening in court cases; conducting research; publishing papers; and creating and organizing networks of civil society organizations.

127. If granted standing, CFE proposes to contribute to the work of the Commission in two areas. First, it would bring an important perspective on the question of public disclosure and what limits can and should be placed on information related to Canada’s elections. Secondly, it would address the importance of whistleblowers, which it states are a critical tool in ensuring a functioning democracy and an informed public. In this

respect, CFE indicates that the Commission may not have existed but for the actions of whistleblowers who relayed information to Canadian media about foreign interference in Canadian electoral processes.

128. I would grant CFE standing with respect to the first of the matters that it has identified in its application, but not the second. This standing is limited to the portion of the factual Inquiry referred to in clause (a)(i)(D) of the Terms of Reference.

129. As CFE correctly notes, clause (a)(i)(D) of my Terms of Reference direct me to conduct public hearings at the outset of my mandate to identify the challenges, limitations and potential adverse impacts associated with the disclosure of classified national security information and intelligence to the public. During these hearings, I am to hear from a range of stakeholders. I accept that the CFE has a direct and substantial interest in this topic, and that its background and expertise mean that it would make a necessary contribution to the work of the Commission. In particular, its participation in the hearings related to clause (a)(i)(D) would enhance the openness of the Inquiry's proceedings and help inform my general considerations respecting confidentiality and openness as the Inquiry process continues.

130. On the other hand, I am not satisfied that I should grant CFE standing beyond this. Although CFE may have a substantial and direct interest in the role of whistleblowers in Canadian society, I am not satisfied that granting them standing to address this topic would constitute a necessary contribution to the work of the Commission. At this stage, I do not believe that the question of whistleblower protection will be sufficiently central to the work of the Commission to justify CFE's participation. If,

during the course of the Inquiry, this topic does emerge as a focus of the Commission, I would be free to reconsider this decision.

131. I therefore grant CFE Party standing for the portion of the factual Inquiry referred to in clause (a)(i)(D) of my terms of reference.

Non-Governmental and Civil Society Groups

132. The Commission received applications from three organizations that I have put under the broad category of “non-governmental and civil society groups”.

The Churchill Society for the Advancement of Parliamentary Democracy

133. The Churchill Society for the Advancement of Parliamentary Democracy (“Churchill Society”) applies for standing in the factual and policy phases of the Inquiry. It describes itself as a non-partisan, charitable organization that facilitates discussion and debate about Canada’s parliamentary democracy. In its application, it states that it wishes to focus its participation on issues related to misinformation and disinformation by state actors. It states that it will draw upon its members, whose peer reviewed and published works on this topic will be contextualized to the matters before the Commission and will give important context to how foreign actors would seek to undermine democratic institutions. The Churchill Society submits that it will comment on the federal government’s ability via existing governance regimes to effectively counter misinformation and disinformation and make recommendations about possible reforms.

134. I am satisfied that the Churchill Society can provide a necessary contribution to the work of the Commission, but do not believe that it should be granted Party standing. Instead, I would grant it Intervener standing.

135. In its application, the Churchill Society describes the contribution that it can provide largely in terms of verbal and written briefs from recognized subject matter experts. It has not requested the right to call or examine witnesses, which reflects the largely policy and expert focus that it brings to the Commission's process. I accept that its participation in making submissions, or filing policy papers could assist the Commission, but do not believe that the fuller set of participatory rights that come with Party standing is necessary to allow the Churchill Society to make this contribution.

136. I therefore grant the Churchill Society Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

Democracy Watch

137. Democracy Watch applies for standing in the factual and policy phases of the Inquiry. It describes itself as Canada's pre-eminent NGO exclusively devoted to the integrity of Canada's democratic processes, government accountability, democratic reform and citizen participation in public affairs. It has participated in the reform of Canadian elections legislation, including provisions of the *Canada Elections Act* meant to prevent foreign interference. It has made submissions to Parliamentary committees on the topic of foreign interference and has monitored reporting about allegations of interference in the 43rd and 44th elections. If granted standing, Democracy Watch submits that it would provide its unique, non-partisan view of the issues before the Commission, and its deep expertise of the current legislative framework, possible gaps and potential violations.

138. I am satisfied that Democracy Watch has a direct and substantial interest in the subject matter of the Commission. I am also satisfied that it could make a necessary

contribution. However, I am not satisfied that it requires the full scope of participatory rights it has asked for in order to do so.

139. Democracy Watch's long-standing interest in the integrity of the democratic process and non-partisan position will make it well placed to provide the Commission with submissions on matters within my mandate. I also accept that it could help bridge the gap between fact-finding and policy-making. However, I do not view Democracy Watch as being uniquely positioned to assist the Commission by, for example, calling witnesses or conducting cross-examinations. Rather, I believe that its necessary contribution rests more in making submissions on what the Commission ought to make of the evidence before it, and how to apply that to potential recommendations.

140. I would therefore grant Democracy Watch Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

[The International Civil Liberties Monitoring Group](#)

141. The International Civil Liberties Monitoring Group ("ICLMG") seeks standing in the policy phase of the Commission. The ICLMG describes itself as a national coalition of Canadian civil society organizations that was established after the adoption of the *Anti-Terrorism Act* of 2001 in order to protect and promote human rights and civil liberties in the context of the "war on terror". It brings together thirty-four NGOs, unions, professional associations, faith groups, environmental organizations, human rights and civil liberties advocates, as well as groups representing immigrant and refugee communities in Canada. It has worked on issues related to Canada's national security apparatus, including how it interacts with communities across Canada; the impact of

unsubstantiated intelligence on innocent individuals; state surveillance; and other issues it says are connected to the matters within my mandate.

142. If granted standing, the ICLMG proposes to focus on how addressing foreign interference could negatively impact democratic participation, such as freedom of assembly or association, and what types of responses would be more appropriate from the perspective of civil liberties.

143. I am satisfied that the ICLMG has a direct and substantial interest in the policy-related aspects of the Commission. I am further satisfied that it would make a necessary contribution through participating in that process. In particular, I note that none of the other Applicants – with the possible exception of Senator Woo – seek to focus their attention on the potential pitfalls or risks associated with robust responses to countering foreign interference. Without commenting on the merits of such arguments, I am of the view that the Commission would benefit from being exposed to distinct submissions of this type.

144. I therefore grant the ICLMG standing in the policy phase of the Inquiry.

Climate Groups

145. The Commission received applications for Standing from five groups and individuals seeking to focus on the role of foreign oil and gas companies in Canadian elections. They point to clause (a)(i)(A) of the Commission’s Terms of Reference, which refer to interference by “non-state actors”. These Applicants have interpreted this portion of the mandate as including foreign-owned or foreign-controlled oil and gas companies operating in Canada and carrying on political activities such as advertising,

lobbying, and donating to political candidates. They wish to contribute to the Commission's work by presenting evidence of these companies' political activities and their attempt to influence election outcomes. They have all applied for standing in both the factual and policy phases of the Inquiry.

146. Seniors for Climate Action Now! represents a group of five hundred seniors who are active in climate issues. They indicate that, in the course of advocating for climate action, they have become familiar with the role that major oil and gas companies play in seeking to influence Canadian policy.

147. Environmental Defence Canada is an environmental charity that states it has compiled evidence of election interference by the oil and gas industry. It is concerned about the attempt by foreign oil interests to determine election outcomes through political donations, advertising spending and targeting swing ridings.

148. Gordon Laxer is an Emeritus Professor at the University of Alberta who has published peer-reviewed books and journal articles on democracy, the political influence of oil corporations, and foreign-funded political intervention. He indicates he would like to share his knowledge with the Inquiry.

149. Climate Action Network Canada is a climate advocacy group with approximately a hundred and fifty members. It too indicates that it has witnessed efforts of foreign-owned oil and gas companies to influence federal elections through the political activities previously mentioned.

150. Elizabeth May is a Member of Parliament and the leader of the Green Party of Canada. She indicates she is uniquely situated as party leader, as a Member of

Parliament and as a long-time environmental advocate to speak about interference by foreign non-state actors in Canadian companies and corporations such as those in the fossil fuel industry. I have considered Ms. May's application with this group, rather than with other politicians, as her application focused on the role of foreign oil and gas companies, rather than any allegation that she was the subject of foreign interference. I further note, for clarity, that her application was not bought on behalf of the Green Party of Canada.

151. These five applications raise important questions about the scope of the Commission's mandate and the interpretation of certain terms in the Commission's Terms of Reference.

152. The Applicants urge this Commission to consider oil and gas companies that are foreign owned or controlled as foreign "non-state actors". Although it is true that oil and gas companies are not states, I do not think the analysis is so simple. The term "non-state actors" could include all types of non-governmental entities if not considered within the proper context of the Terms of Reference.

153. The Terms of Reference, read as a whole, suggest that "non-state actors" should be limited to non-governmental entities that are directed by or effectively acting as proxies for foreign states. "Non-state actors" are part of the Commission's mandate because foreign state interference can be done in collaboration with, or through, entities that are not part of a government as such.

154. I agree that "non-state actors", in the context of the Commission's mandate could include oil and gas companies, if those companies are connected or aligned to a foreign government as state proxies or instruments.

155. To fall within the scope of the Commission’s mandate, oil and gas companies would not only have to constitute “non-state actors” but also be engaged in “interference.”

156. The focus of attention for the Canadian government institutions and agencies who have been concerned with foreign interference in recent years has been covert, deceptive or threatening activities directed against Canada by or on behalf of foreign states. I note also that the description of foreign interference in s. 2 of the *CSIS Act* is “activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person.”¹⁷ While I am not bound by this, these activities were the focus of public and government concerns in foreign interference that gave rise to the Commission and to my Terms of Reference, which indicates that the inquiry should focus on them.

157. The activities that these Applicants describe, in my view, fall outside of the scope of my mandate. Advertising spending, lobbying, and donating to political candidates in swing ridings are lawful, regulated political activities. I accept that there may be a real question as to whether we should allow foreign-owned or foreign-controlled companies to take part in these political activities and, if not, how to prevent it. But those are policy questions that go beyond the scope of my mandate.

158. Therefore, I would not grant standing to these Applicants.

159. I am aware that the Commission’s investigatory work is in its initial stages. It may be that the Commission obtains information suggesting that one or more oil and gas

¹⁷ *Canadian Security Intelligence Service Act*, R.S.C. 1985, c. C-23, s. 2.

companies are engaged in clandestine, deceptive or threatening activities in concert with foreign states. In that case, I could revisit the views I have expressed in this section, including whether it is appropriate for one or more of the above-noted Applicants to participate in the Inquiry.

Diaspora Groups

160. The Commission received applications for Standing from nine groups or coalitions representing various Canadian diaspora communities that are said to be victims of foreign interference. Some represent a single community, while others represent many. Some are comprised of community members, while others are organizations that advocate for or provide services to these communities. All are united in seeking to assist the Commission in understanding how diaspora communities are impacted by foreign interference.

161. These groups have all pointed to clause (a)(i)(C)(II) of my Terms of Reference: the supports and protections in place for members of a diaspora who may be especially vulnerable and may be the first victims of foreign interference.

162. In considering these applications, I am mindful that there is not a single diaspora community experience. Different communities may be impacted differently by foreign interference. As such, a diversity of perspectives may help the Commission understand how these communities are targeted by foreign states and non-state actors.

163. At the same time, I am also mindful that the requirements of proportionality and expeditiousness means that not every group that might present a diaspora perspective

can be granted standing. Further, to the extent that multiple groups represent similar perspectives, forming coalitions can be a useful way of jointly participating in the Inquiry.

The “Human Rights Coalition”

164. The following groups have jointly applied for a single grant of standing in both the factual and policy phases of the Inquiry: The Human Rights Action Group; the Uyghur Rights Advocacy Project; the Falun Gong Human Rights Group; Canada-Hong Kong Link; Democratic Spaces; Hidmonna – Eritrean Canadian Human Rights Group of Manitoba; Security and Justice for Tigrayans Canada; and the Alliance of Genocide Victim Communities. They are jointly referred to as the “Human Rights Coalition”.

165. The Human Rights Coalition submits that its member organizations are engaged in working for the rights of a range of diaspora communities that are particularly vulnerable to transnational repression. Through this work, the Coalition submits that it has gained significant experience in the various forms that foreign interference takes, how authoritarian regimes target and impact diaspora communities in Canada, and the gaps that exist in the current protections for diaspora communities. The Coalition proposes to assist the Commission by bringing the unique perspectives of the communities it represents as well as its substantive expertise to the proceedings.

166. I am satisfied that the Coalition has a substantial and direct interest in the subject matter of the Inquiry. I am also satisfied that by participating it would provide the Commission with a necessary contribution. By combining the experience and expertise of different community and advocacy groups, I am satisfied that its participation would advance the work of the Inquiry in both the factual and policy phases. I am satisfied that

it would be appropriate to grant it Party standing as the Coalition may be able to assist the Commission through more active participation in the proceedings.

167. I therefore grant the Human Rights Coalition Party standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

[Federation for a Democratic China](#)

168. The Federation for a Democratic China (“FDC”) applies for standing in both the factual and policy phases of the Inquiry. It indicates in its application that it is interested not only in advocating for human rights and freedom of expression in China, but also in what it claims to be the impact of China’s influence and transnational repression tactics. Its application indicates that its representative has participated in multiple studies focused on China’s political threats to the democratic world and participated in a meeting with Global Affairs Canada and other organizations in November 2022.

169. I am not satisfied that the FDC ought to be granted standing. The Application does not indicate that the FDC has expertise or history in working with diaspora communities or responding to foreign interference. Rather, it appears to be an organization that is primarily focused on civil and political rights in China. The Application also does not explain what necessary contribution it would make to the proceedings. I also note that there are other groups representing various segments of the Chinese diaspora community in Canada that I have granted standing to.

170. I therefore dismiss the application brought by the FDC.

171. I would add one observation: the Human Rights Coalition indicated on its application that it would be willing to work with additional organizations as part of a

coalition. I also note that, in its application, one of the member organizations of the Human Rights Coalition has indicated that it has previous experience working with the FDC. I would therefore encourage both the Human Rights Coalition and FDC – if they feel it appropriate – to discuss adding the FDC into the Coalition. If they decide to do so, I would ask counsel for the Coalition to notify the Commission.

[Falun Dafa Association of Canada](#)

172. The Falun Dafa Association of Canada (FDAC) applies for standing at the Inquiry. In its application it indicates it is only seeking standing in the factual phase, though it has indicated that it also wishes to produce policy papers and participate in policy round tables. It describes itself as an NGO with substantial and direct interest in foreign interference by China against the Falun Gong community in Canada. It proposes to bring its twenty-four years of lived experiences of foreign interference against its members, who live across the country.

173. I am not satisfied that the FDAC should be granted standing. I accept that it has a substantial and direct interest in the issue of foreign interference against diaspora communities in Canada. However, I am not convinced that it would provide a necessary contribution to the Inquiry given that their interest appears to be substantially the same as the Falun Gong Human Rights Group, which is a constituent member of the Human Rights Coalition.

174. In its materials, the FDAC refers to the Falun Gong Human Rights Group and indicates that FDAC is applying for standing separately because the Human Rights Group is seeking to participate in the Commission's policy phase, while the FDAC seeking to participate in the Commission's factual phase. However, as discussed

above, the Falun Gong Human Rights Group, as a member of the Human Rights Coalition, sought to participate in both the factual and policy phases.

175. I therefore dismiss the application brought by the FDAC.

176. I make the same observation I made above did with respect to the Federation for a Democratic China: there is evidence before me that the FDAC has productively worked with at least one member of the Human Rights Coalition, and that the Human Rights Coalition is willing to consider sharing its grant of standing with additional organizations. I would therefore encourage both the Human Rights Coalition and FDAC – if they feel it appropriate – to discuss adding the FDAC into the Coalition. If they wish to do so, I would ask counsel for the Coalition to notify the Commission.

[Chinese Canadian Concern Group on the Chinese Communist Party's Human Rights Violations](#)

177. The Chinese Canadian Concern Group on the Chinese Communist Party's Human Rights Violations (the "Concern Group") applies for standing in the policy phase of the Inquiry.

178. The Concern Group described itself as a grassroots group formed in early 2020 with a specific focus on human rights violations by the Chinese Communist Party. It identifies its membership as including media, professional, activist and religious leaders within the Chinese Canadian community, with a particular connection to the Greater Vancouver area. It indicates that its members have a long history of activism and interaction with all levels of government in Canada before coming together to form this

organization. The Concern Group indicates that it wishes to provide information and submissions on China's broader activities that undermine Canadian sovereignty.

179. I am satisfied that the Concern Group has a direct and substantial interest in the subject matter of the Commission. I am further satisfied that it can make a necessary contribution to the work of the Commission. In this respect, I note that the Concern Group appears to have a particular link to a specific segment of the Chinese Canadian community in the Greater Vancouver area. I accept the Concern Group's submission that this may be a distinct population that is particularly vulnerable to foreign interference. Moreover, it is important that I hear perspectives that are representative of experiences across Canada.

180. However, I do not believe that the Concern Group requires Party standing to make this contribution. Insofar as it wishes to play a role in the factual phase, it has indicated its interest is limited to suggesting witnesses and making submissions. Party standing is not necessary to enable the Concern Group to make these contributions.

181. I would therefore grant the Concern Group Intervener standing during the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

[Russian Canadian Democratic Alliance](#)

182. The Russian Canadian Democratic Alliance ("RCDA") applies for standing in both the factual and policy phases of the Inquiry. The RCDA describes itself as a representative of the Russian diaspora, committed to human rights, civil liberties, democracy and the rule of law. It was founded by political activists of Russian heritage in the wake of the Russian invasion of Ukraine and has chapters across Canada. It

raises funds and engages in advocacy to support political prisoners and LGBTQ+ community members in Russia as well as victims of Russia's invasion of Ukraine.

183. The RCDA claims a substantial and direct interest in foreign interference activities carried out by Russia, including its attempts to impact Canadian elections. It indicates that it has a further interest in the capacity of the Government of Canada to protect the Russian diaspora community against Russian government intimidation and interference. It also indicates that it would provide a necessary contribution due to its familiarity with Russia's alleged foreign interference activities, which it states are materially different from the alleged actions of other foreign governments.

184. I accept that, as a representative of the Russian diaspora in Canada, it has a direct and substantial interest and that it would make a necessary contribution. My Terms of Reference specifically refer to foreign interference by Russia. No other Applicant for standing represents the Russian-Canadian community. I am therefore satisfied that understanding this community's experience would further the work of the Commission.

185. I therefore grant the RCDA Party standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

[Ukrainian Canadian Congress](#)

186. The Ukrainian Canadian Congress (UCC) applies for standing in both the factual and policy phases of the Inquiry. It identifies itself as the voice of Canada's Ukrainian community, serving as the umbrella organization for national, provincial and local Ukrainian Canadian organizations. It was formed in 1940 and has a long history of

advocating for the Ukrainian Canadian community before Parliamentary committees and government officials.

187. The UCC indicates that it has a substantial and direct interest in the foreign interference activities of Russia. It identifies the Ukrainian diaspora in Canada as being a target of Russian activities, including both disinformation operations and coordinated violence. The UCC's application discusses its views on the lack of adequate response by the Government of Canada to Russian activities carried out in Canada, including by Russian diplomats. The UCC states that it has made numerous policy submissions, and has prepared reports directed at enhancing the safety of members of the Ukrainian-Canadian community.

188. I am satisfied that the UCC has a direct and substantial interest in the subject matter of the Commission, and that it would provide a necessary contribution to the work of the Commission. In this respect, I note that alleged Russian inference activities in Canada may target and affect Russian and Ukrainian communities differently.

189. I therefore grant the UCC Party standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

[Iranian Justice Collective](#)

190. The Iranian Justice Collective ("IJC") applies for standing in the policy phase of the Inquiry. It does not seek standing in the factual phase.

191. The IJC describes itself as an organization that focuses on planning, coordinating and assisting advocacy efforts outside Iran that assist and amplify the voices and demands of Iranian prisoners of conscience, victims of Iranian human rights abuses,

refugees, dissidents and their families. In connection with that work, the IJC states that it is in regular contact with members of the Iranian-Canadian community, a diaspora group that, according to the IJC, has long been a target of Iranian foreign interference.

192. The IJC claims a substantial interest in the issue of Iran's targeting of the Iranian-Canadian community, as well as the ease with which individuals associated with the Iranian regime – including the Islamic Revolutionary Guard Corps – are able to travel to, and reside in Canada. It has indicated that it will make policy recommendations based on its own specific experiences related to the activities of Iran and Iranian officials in Canada.

193. I would grant the IJC standing in the policy phase of the Commission. I accept that it has a substantial and direct interest in the subject matter of the Inquiry and would provide a necessary contribution. In this respect, I note that there are no other Applicants that represent the Iranian-Canadian community. Moreover, the ICJ has limited its request to standing in the policy phase. This focused request raises fewer concerns about proportionality and the ability of the Commission to proceed in an expeditious manner.

194. I therefore grant the IJC standing in the policy phase of the Inquiry.

[Justice For All Canada](#)

195. Justice For All Canada ("JFAC") applies for standing in the policy phase of the Inquiry. It does not seek standing in the factual phase.

196. JFAC identifies itself as a non-profit advocacy organization whose core mission involves supporting persecuted minorities. It states that it is an active advocate for the

Indian diaspora community in Canada. It indicates that the Indian diaspora has, for many years, lived with the fear of harassment, violence, and retribution from Indian foreign agents, which has limited their freedom of speech and full participation in the democratic process.

197. JFAC states that, based on its extensive work with the Indian diaspora community, as well as its experience working with members of Parliament and other government officials, it will be able to make a necessary contribution to the Commission's policy work.

198. I would grant JFAC standing in the policy phase of the Commission. I accept that it has a substantial and direct interest in the subject matter of the Inquiry and would provide a necessary contribution. In this respect, I note that there are no other Applicants that represent the Indian-Canadian community. While JFAC is not an Indian-diaspora organization as such, it does appear to have experience working with that community. I believe that, if necessary, it could assist the Commission better understand the impact of foreign interference on the Indian community in Canada.

199. Moreover, the JFAC has limited its request to standing in the policy phase. This focused request raises fewer concerns about proportionality and the ability of the Commission to proceed in an expeditious manner.

200. I therefore grant the JFAC standing in the policy phase of the Inquiry.

[Raoul Wallenberg Centre for Human Rights.](#)

201. The Raoul Wallenberg Centre for Human Rights ("RWCHR") applies for standing in the policy phase of the Inquiry. It does not seek standing in the factual phase.

202. The RWCHR identifies itself as a leading Canadian human rights law organization, deeply involved in countering global authoritarianism, including foreign interference in Canada. It states that it partners and collaborates with numerous members of diaspora communities who have been the repeated targets of foreign interference. Its application indicates that it has experience in both advocacy and legal activities in connection with the issue of foreign interference.

203. In my view, the RWCHR stands in a slightly different position from many of the other applicants I have grouped together under the heading of diaspora organizations. It is not itself a community-based organization. Rather, it is a legal organization, with recognized expertise in matters of human rights law and policy. I am of the view that having an independent, non-governmental participant with legal expertise on the issues of foreign interference and the targeting of diaspora groups could assist the Commission in carrying out its mandate.

204. Moreover, the RWCHR has limited its request to standing in the policy phase. This focused request raises fewer concerns about proportionality and the ability of the Commission to proceed in an expeditious manner.

205. I therefore grant the RWCHR standing in the policy phase of the Inquiry.

Security and Intelligence Practitioners

206. The Commission received two applications for Standing from individual or groups with professional experience in the field of intelligence.

The Pillar Society

207. The Pillar Society is an organization of former members of the Canadian Security Intelligence Service and the RCMP Security Service. Formed in 1994, the Pillar Society represents members with a range of experiences, from field operations to senior management. It indicates that it has experience and knowledge in how intelligence is collected and disseminated, as well as a distinct policy perspective on the need for transparency while also protecting sources and methods, and strategies for prosecuting foreign interference under existing legislation. The Pillar Society indicates that, if granted standing, it would assist the Commission by bringing its expertise in the machinery of government and its policy perspectives respecting how to effectively counter foreign interference.

208. I am satisfied that the Pillar Society has a substantial and direct interest in the subject matter of the Inquiry and could make a necessary contribution to its work. In this respect, I note that, as former members of Canada's intelligence community, Pillar Society members may offer a different perspective than current representatives of CSIS and other government bodies. I acknowledge that the Pillar Society may well present a different perspective on a range of intelligence and machinery of government issues, and that the Commission would benefit from a diversity of viewpoints.

209. However, I also conclude that the Pillar society's interest is not sufficient to grant it Party standing. Its interest is one based on its expertise and experience in the intelligence world, and not a personal, legal, or reputational interest in the outcome of the Inquiry.

210. I therefore grant the Pillar Society Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

[Sgt. Peter Merrifield \(RCMP\) and Det. Paul McNamara \(Vancouver Police, Retired\)](#)

211. Sergeant Peter Merrifield and Detective Paul McNamara apply jointly for a single grant of standing. They identify themselves as police officers with more than fifty-three years' of combined experience in national security investigations, intelligence, major case investigation, covert and undercover operations, human source recruitment and handling, state sponsored espionage and proliferation activities. In their application, they indicate that they have the shared experience of being suspects of failed intelligence operations that misled senior Canadian officials. They submit that, if granted standing, they would be able to assist the Commission by speaking to flaws and weaknesses within the current Canadian national security and intelligence infrastructure. They submit that this perspective would not otherwise be presented to the Commission, as other Applicants are likely academics who have never worked professionally in this field, or existing senior officials who will defend and promote their own agencies.

212. I am not satisfied that I should grant standing to Sgt. Merrifield and Det. McNamara. As I understand their application, they alleged that they were falsely accused of being the targets of foreign intelligence operations and were investigated improperly or negligently by Canadian intelligence agencies. It is not clear to me whether this alleged investigation is connected to allegations of foreign interference in federal electoral processes or democratic institutions. Given what I see as a tenuous connection between the issues raised by the Applicants and the mandate of this

Commission, I conclude that their interests are not sufficiently direct and substantial to justify a grant of standing.

213. Moreover, since I would grant standing to the Pillar Society, I do not believe the Applicant's concern that the Commission will not hear from voices that are both critical of and informed by work in the intelligence Community will be borne out. I am satisfied that this type of perspective will be presented to me without the need to grant the Applicants standing.

214. I therefore dismiss the Application of Sgt. Merrifield and Det. McNamara.

Other Policy Experts

215. The Commission received applications for Standing from eight individuals or groups that can broadly be described as policy experts. While the particular area of their expertise varies, all seek standing on the basis that they have a particular professional expertise on one or more topics relevant to the Commission's mandate.

216. Before I address the eight applications, I will make two general observations.

217. First, some of the applications that the Commission received could be interpreted as proposals by experts to conduct research on behalf of the Commission. In some cases, Applicants sought funding from the Commission to do this work. The Commission's standing and funding application process is not the appropriate vehicle to be used by those wishing to contribute to the expertise of the Commission.

218. Paragraph 11(1)(a) of the *Inquiries Act* permits me to "engage the services of such accountants, engineers, technical advisers or other experts, clerk, reporters and assistants as [I] deem necessary or advisable". This is the mechanism by which a

Commission retains experts or academics to do work on its behalf. Standing serves a fundamentally different purpose: to give individuals with a particular type of direct interest in a commission certain procedural rights in order to participate in a commission's hearings. Furthermore, funding for participants under the applicable Treasury Board guidelines is not generally available to fund scholarly research. The relevant guidelines generally restrict me to recommending funding for the purpose of permitting participants to be represented by lawyers.

219. My second observation is that this Commission has set up a Research Council to help develop the policy phase of the Commission. This Research Council will assist the Commission in designing a research program, commission scholarly work, and organize policy hearings or meetings in which I will hear from subject matter experts directly. I point this out because several of the individuals who have sought standing before me may well be policy or subject matter experts the Commission may call upon to assist it in its policy phase, not as parties, but as independent experts.

220. In my view, it would be unhelpful to have two different categories of individual subject matter experts involved in the Commission's policy work: one comprised of those who came forward and sought standing, and one comprised of those recruited by the Commission's Research Council. It could inadvertently blur the line between participant and independent expert.

221. I have made these two observations so that those reading this Decision understand that, just because I have dismissed an individual's application for Standing does not mean that they do not have something valuable to contribute to the Commission's work. Where appropriate, the Commission could reach out to an

Applicant who has been denied standing and request their assistance in their capacity as expert.

222. With those observations in mind, I will now discuss the eight that fall within this category.

[Charles Burton](#)

223. Charles Burton describes himself as a subject matter expert on China. He holds a PhD from the University of Toronto and has worked in various government and academic positions in the area of Canada-China relations. He is currently a Senior Fellow at the Macdonald-Laurier Institute and is an advisor to a number of organizations including the Canadian Coalition on Human Rights in China. He indicates that he was provided testimony before Canadian Parliamentary committees as well as advised foreign governments. He indicates that he has Chinese-language fluency and has experience handling classified materials. If granted standing, Dr. Burton indicates that he would assist the Commission by, among other things, directing the Commission to evidence that shows that certain institutions within the People's Republic of China's foreign policy establishment, represented by the Chinese Embassy and consulates in Canada, operate to further China's objectives in Canada through covert and coercive means.

224. I would not grant Dr. Burton standing, essentially for the reasons I discussed at paragraphs 217-221 of this Decision. Dr. Burton might have important contributions to make to the work of the Commission. However, I have concluded that participant standing is not the appropriate way for the Commission to gain access to this type of expertise.

Marcus Kolga

225. Marcus Kolga describes himself as a human rights activist, expert on foreign information and influence operations, and media professional who has advocated on behalf of a range of diaspora groups and civil society organizations for nearly twenty years. He is the president of the Central and Eastern European Council in Canada, and is the founder of DisinfoWatch, a Canadian platform that monitors, analyzes and exposes foreign information operations targeting Canada and its allies. He indicates that he has testified before Parliamentary committees and led the Canadian civil society campaign for Magnitsky Human Rights sanctions. He indicates that his analysis and policy work have helped to inform the development of Canadian policy in the areas of foreign information and influence operations and sanctions policy. If granted standing, Mr. Kolga indicates he would speak to interference by Chinese and Russian state and non-state actors in the 43rd and 44th general elections, the targeting of diaspora groups, and provide recommendations for better defending federal democratic processes.

226. I would not grant Mr. Kolga standing for the reasons I discussed at paragraphs 217-221 of this Decision. Mr. Kolga might have important contributions to make to the work of the Commission. However, I have concluded that participant standing is not the appropriate way for the Commission to gain access to this type of expertise.

Margaret McCuaig-Johnston

227. Margaret McCuaig-Johnston describes herself as a recognized expert on China, with thirty-seven years of experience as an official with both the Governments of Ontario and Canada. She worked at the Assistant Deputy Minister Level for thirteen years, working closely with officials from CSIS and the CSE on China-related matters.

Following her career in government, Ms. McCuaig-Johnston indicates that she worked for eleven years at the University of Ottawa as a Senior Fellow of the Graduate School of Public and International Affairs. While there, she researched and wrote academic, think tank and government-commissioned papers on risks associated with China. She has testified before Parliamentary Committees on topics related to the Commission's mandate. If granted standing, Ms. McCuaig-Johnson indicates that she would assist the Commission by bringing her understanding of both China and the inner workings of the Canadian government and its agencies.

228. I would not grant Ms. McCuaig-Johnston standing for the reasons I discussed at paragraphs 217-221 of this Decision. Ms. McCuaig-Johnston might have important contributions to make to the work of the Commission. However, I have concluded that participant standing is not the appropriate way for the Commission to gain access to this type of expertise.

[François Lavigne](#)

229. François Lavigne describes himself as a former employee of Canada's security and intelligence bodies, including the RCMP Security Service, the National Security Section of the Department of the Solicitor General, and the Privy Council Office. Hired in 1983, he worked on foreign interference and counter-espionage issues involving a number of countries including Israel, Iran, Pakistan, India and Sri Lanka. If granted standing, Mr. Lavigne would assist the Commission by understanding the broader historical context of foreign interference in Canada. Although he does not have any direct knowledge of foreign interference in the 43rd and 44th general elections, his work

in Government would enable him to provide the Commission with a broader understanding of foreign interference in modern-day Canada.

230. I would not grant Mr. Lavigne standing for the reasons I discussed at paragraphs 217-221 of this Decision. Mr. Lavigne might have important contributions to make to the work of the Commission. However, I have concluded that participant standing is not the appropriate way for the Commission to gain access to this type of expertise.

Trevor Harrison

231. Trevor Harrison describes himself as a scholar with expertise in Canadian society, nationalism, political economy, political sociology and public policy. He has held academic positions at the University of Lethbridge, Hokkai-Gakuen University, Kennesaw State University and the University of Alberta. If granted standing, Professor Harrison would provide the Commission with information on broader issues of political interference that are pertinent to the functioning of democracy and the participation of an informed citizenry. He indicates that he would focus on what citizens have told researchers about the limits they face in participating wholly in Canada and how these limits are influenced by foreign actors.

232. I would not grant Professor Harrison standing for the reasons I discussed at paragraphs 217-221 of this Decision. Professor Harrison might have important contributions to make to the work of the Commission. However, I have concluded that participant standing is not the appropriate way for the Commission to gain access to this type of expertise.

Margaret Jenkins

233. Margaret Jenkins describes herself as a researcher and policy advisor on issues related to gender, peace and security in Canada and around the world. She has a PhD from the University of Toronto, and has held academic positions at Harvard University, Georgetown University, the Central European University and the University of Ottawa. She has worked for governments as well as the United Nations. If granted standing, Dr. Jenkins would assist the Commission by providing information on the gendered aspects of foreign interference, including the different ways that women and men are vulnerable to foreign interference. Dr. Jenkins proposes to explore opportunities for systematic data collection and reporting to ensure data and suspected cases of interference are properly shared with other agencies, including senior officials and elected officials. She would also offer recommendations for better protecting federal democratic processes from foreign interference around gender issues, such as examining documented cases of what has been referred to as “gender trolling” and identifying best practices for preventing and addressing its prevalence and consequences.

234. I would not grant Dr. Jenkins standing for the reasons I discussed at paragraphs 217-221 of this Decision. Dr. Jenkins might have important contributions to make to the work of the Commission. However, I have concluded that participant standing is not the appropriate way for the Commission to gain access to this type of expertise.

The Centre for International Governance Innovation

235. The Centre for International Governance Innovation (CIGI) seeks standing in the policy phase of the Inquiry. It describes itself as an independent, non-partisan think tank that addresses significant global issues at the intersection of technology and

international governance. It states that it has expertise in emerging technology and cybersecurity issues using an interdisciplinary approach, as well as in national security issues. In its application, CIGI points to a wide range of projects it has undertaken that relate to the Commission's mandate, including holding roundtables on behalf of Public Safety Canada on the proposed Foreign Influence Transparency Registry; the "Canadian Elections Template" project on effective approaches to address the escalating threats to democratic processes; and a number of discussions and conferences on national security, cybersecurity and privacy. If granted standing, CIGI proposes to assist the Commission by using its interdisciplinary expertise to help engage in a deeper analysis of the motivations, techniques and implications of foreign state interference; the strategies, policies and actions implemented by federal departments and authorities to counteract and mitigate the identified threats; how intelligence is created and distributed; supports for diaspora members; and to provide actionable suggestions to enhance the resilience of democratic institutions.

236. In my view, CIGI stands in a different position from the individual policy experts that I have addressed above. Unlike the individual subject matter experts, CIGI is an organizational Applicant that can draw on a wide range of expertise and take an interdisciplinary approach to many of the issues that fall within the Commission's mandate. It proposes to apply a body of expertise that no single expert participant could bring on their own. Conversely, the Commission's Research Council, when designing the Commission's own research program, is more likely to work with individual subject matter experts than with think tanks like CIGI. The type of role-blurring that I noted above is therefore unlikely to be an issue if CIGI were granted standing in the policy

phase. Rather, its participation would provide a unique, interdisciplinary perspective on a range of issues within the Commission's mandate.

237. Given CIGI's extensive background and expertise in matters such as national security, cybersecurity and democratic institution resilience, I am satisfied that it has a sufficiently substantial connection and could make a necessary contribution to the Commission's policy work.

238. I therefore grant CIGI standing in the policy phase of the Inquiry.

[Logically AI Inc.](#)

239. Logically AI Inc. ("Logically AI") applies for standing in both the factual and policy phases of the Inquiry. Established in 2017, Logically AI describes itself as a company that utilizes its a proprietary open-source intelligence platform to ingest online content from over a million social and online media sources to automatically flag relevant content and emerging narratives within a specific information environment. It uses this technology to, among other things, identify foreign disinformation and influence activities online. It states that it has experience advising governments around the world, including on election integrity issues. In the Canadian context, Logically AI indicates that it applied its technology during the winter 2022 "freedom convoy" protests to identify violent online threats to Canadian citizens, some of which it states were likely influenced by foreign adversaries. This information was passed on to Canadian law enforcement.

240. If granted standing, Logically AI proposes to undertake a project involving the use of its intelligence platform and professional open-source investigators to gather, collate and provide factual results about the 43rd and 44th general elections. This

analysis would consist of hostile nation state narrative identification, and identification of narrative characteristics designed to influence vulnerable populations, an assessment of behaviour changes as a result of foreign influence campaigns “or other tasks as assigned”. Logically AI would also propose to bring policy experts to the Inquiry to participate in roundtables or discussions.

241. I would not grant Logically AI standing at the Inquiry. In essence, Logically AI’s application is a proposal by a private sector company to provide specialized services to the Commission. This type of assistance, while potentially valuable, falls outside of the participant standing process. If the Commission decided to seek out the type of assistance proposed by the Applicant, it would do so pursuant to its authority under section 11 of the *Inquiries Act*.

Funding

242. The following Applicants to whom I have granted standing also asked that I recommend to the Clerk of the Privy Council that they receive funding to participate in the Inquiry: Michael Chan, Erin O’Toole, the Centre for Free Expression, Democracy Watch, Iranian Justice Collective, Justice for All Canada, the “Human Rights Coalition”, the Russian Canadian Democratic Alliance, the Chinese Canadian Concern Group, and the Pillar Society.

243. I will address these requests in a subsequent decision, which I hope to release soon.

Conclusion

244. I thank all Applicants for their thoughtful applications. A summary of the grants of standing that I have made are set out in the attached Appendix.

245. I recognize that these applications had to be brought at a preliminary stage of the Commission's process. As the Commission's work continues, it may become apparent that some aspect of this Decision ought to be revisited. I therefore retain the discretion to reconsider, revise or modify aspects of this Decision if it would be appropriate to do so.

Signed

Commissioner Marie-Josée Hogue

December 4, 2023

Appendix A – Grants of Standing

Participants Granted Party Standing in the Factual Phase of the Inquiry

1. The Government of Canada
2. The Office of the Commissioner of Canada Elections
3. Han Dong
4. Michael Chan
5. The “Media Coalition” (Limited to (a)(i)(D) hearings)
6. The Centre for Free Expression (Limited to (a)(i)(D) hearings)
7. The “Human Rights Coalition”
8. Russian Canadian Democratic Alliance
9. Ukrainian Canadian Congress

Participants Granted Intervener Standing in the Factual Phase of the Inquiry

1. Erin O’Toole
2. Yuen Pau Woo
3. The Conservative Party of Canada
4. The New Democratic Party of Canada
5. The Churchill Society for the Advancement of Parliamentary Democracy
6. Democracy Watch

7. Chinese Canadian Concern Group on the Chinese Communist Party's Human Rights Violations
8. The Pillar Society

Participants Granted Standing in the Policy Phase of the Inquiry

1. The Government of Canada
2. The Office of the Commissioner of Canada Elections
3. Erin O'Toole
4. Yuen Pau Woo
5. The Conservative Party of Canada
6. The New Democratic Party of Canada
7. The Churchill Society for the Advancement of Parliamentary Democracy
8. Democracy Watch
9. The International Civil Liberties Monitoring Group
10. The "Human Rights Coalition"
11. Chinese Canadian Concern Group on the Chinese Communist Party's Human Rights Violations
12. Russian Canadian Democratic Alliance
13. Ukrainian Canadian Congress
14. Iranian Justice Collective

15. Justice For All Canada
16. The Raoul Wallenberg Centre for Human Rights
17. The Pillar Society
18. The Centre for International Governance Innovation

Appendix B – Alphabetical List of Applicants

1. Abreha, Biniam
2. Altman, Joel
3. Bradley, George
4. Burton, Charles
5. Centre for Free Expression
6. Centre for International Governance Innovation
7. Chan, Michael
8. Chinese Canadian Concern Group on the Chinese Communist Party's Human Rights Violations
9. Churchill Society for the Advancement of Parliamentary Democracy
10. Climate Action Network Canada
11. Conservative Party of Canada
12. Cullen, Roy
13. Dai, Azreal
14. Democracy Watch
15. Dong, Han
16. Drover, David
17. Environmental Defence Canada

18. Evans, Robert
19. Falun Dafa Association of Canada
20. Federation for a Democratic China
21. Government of Canada
22. Harrison, Trevor
23. Human Rights Coalition
24. International Civil Liberties Monitoring Group
25. Iranian Justice Collective
26. Jenkins, Margaret
27. Jung, Chauncey
28. Justice For All Canada
29. Kefla, Biniam
30. Kolga, Marcus
31. Lavigne, François
32. Lavoie, Andre
33. Laxer, Gordon
34. Logically AI Inc.
35. May, Elizabeth

36. McCuaig-Johnston, Margaret
37. Media Coalition
38. Merrifield, Peter & McNamara, Paul
39. Mitchell, Ina
40. New Democratic Party of Canada
41. O'Toole, Erin
42. Office of the Commissioner of Canada Elections
43. Pillar Society
44. Proof Please
45. Raoul Wallenberg Centre for Human Rights
46. Russian Canadian Democratic Alliance
47. Seniors for Climate Action Now!
48. Strebkov, Andriy
49. Ukrainian Canadian Congress
50. Velshi, Alykhan
51. Woo, Yuen Pau