



Fifth Decision on Standing

1. In this decision, I give my reasons for granting three applications: a request by the Bloc Québécois ("Bloc") for Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry, a request by the Human Rights Coalition to amend its grant of standing to reflect the withdrawal of one of its members, and a request by a coalition of Sikh organizations for Party standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

Application by the Bloc Québécois

Background

2. On January 10, 2024, the Bloc sent the Commission a letter indicating that it wished to have the same standing in the Inquiry as I had previously granted to the Conservative Party of Canada ("CPC") and the New Democratic Party of Canada ("NDP"). In response, the Commission informed the Bloc that it was required to file a formal application for standing.

3. On January 30, 2024, after the Commission's public hearings had already begun, the Bloc filed its application.

4. The Bloc submits that, as a political party registered with Elections Canada and represented in the House of Commons, it has a vested interest in the subject matter of the Inquiry, in particular with regard to the impact of foreign interference in the electoral process in Canada and Quebec. In its application, it refers to its work in other venues to improve democratic processes at the federal level.

Decision

5. Although the application has been filed out of time, I exercise my discretion to consider it on its merits.

6. The public hearings of the Inquiry have already begun but the main factual phase hearings are not set to begin until March. Given that the Bloc is only seeking Intervener standing in the factual phase, I do not see any prejudice in considering this application on its merits.

7. The Bloc's application contains relatively little detail but in my view it nevertheless ought to be granted Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry. The Bloc is essentially in the same position as the CPC and the NDP, both of whom I have granted Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry. Given its role and experience in the democratic system, it could provide the Commission with appropriate and necessary contributions.

8. I therefore grant the Bloc Intervener standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

9. As I cautioned both the CPC and the NDP when I granted them standing, I do not want this Commission to become a partisan debate between opposing political factions. Consequently, I expect that all participants, including the Bloc, will participate in this Inquiry with the sole purpose of assisting the Commission and not for any partisan purpose.

Application by the Human Rights Coalition

10. On January 31, 2024, the Commission received an email from counsel to the Human Rights Coalition ("HRC") stating that one of the members of the HRC – the Uyghur Rights Advocacy Project ("URAP") – had decided to withdraw from the Coalition effective immediately.

11. I take this as an application by the HRC to amend its grant of standing to reflect its current composition, which I agree to do.

12. The URAP no longer wishes to be a member of the HRC, and amending the HRC's grant of standing will not, in my view, cause any prejudice. The HRC's grant of standing is otherwise unaffected.

Application by Sikh Coalition

Background

13. On February 1, 2024, the Commission received an application for standing brought by the World Sikh Organization of Canada ("WSO"), the Ontario Gurdwaras Committee ("OGC") and the British Columbia Gurdwaras Council ("BCGC") (collectively, the "Sikh Coalition"). The Sikh Coalition did not seek funding.

14. The Sikh Coalition acknowledges that this application is brought past the deadline to seek standing and asks me to exercise my discretion under the *Rules of Standing and Funding* to consider its application. It explains that its application is only brought now as a result of a January 24, 2024, news release from the Commission. This release stated that the Commission has requested that the Government of Canada's collection and production of documents relating to clauses (a)(i)(A) and (a)(i)(B) of the

Commission's terms of reference include information and documents related to alleged interference by India in the 2019 and 2021 general elections. The Sikh Coalition indicates that, had the Commission's terms of reference expressly referred to India, it would have sought standing at an earlier stage.

15. The Sikh Coalition submits that there would be no prejudice caused by considering its application on its merits. It notes that there remains a reasonable amount of time before the Commission's main hearings into clauses (a)(i)(A) and (a)(i)(B) of its terms of reference begin, and that the principles of transparency, thoroughness and fairness favored considering its application.

16. On the merits of its application, the Sikh Coalition submits that it is an *ad hoc* coalition of organizations that represents a broad segment of the Sikh diaspora in Canada. The WSO submits that it is Canada's only national Sikh advocacy organization. The OGC and the BCGC identify themselves as collectively representing over thirty of the largest Sikh institutions across Canada. The Coalition claims a substantial and direct interest in the subject matter of the Inquiry arising from allegations of foreign interference by India. It adds that Indian interference in Canadian elections and democratic institutions has a particular impact on the Sikh diaspora, and that this community has a particular interest in both foreign interference and the means by which it could be protected from it.

17. The Coalition explains that it would provide a necessary contribution to the Inquiry by offering information, expertise and a distinct perspective on the impact of Indian foreign interference on Sikhs in Canada and on the efficacy of Canadian responses and safeguards against foreign interference. The Coalition distinguishes

itself from Justice for All Canada (JFAC), which has standing in the policy phase of the Inquiry and works with the Indian diaspora in Canada. The Coalition notes that while JFAC has experience working with the Indian diaspora, this organization is not a diaspora representative itself. The Coalition states that it is more analogous to Russian Canadian Democratic Alliance and the Ukrainian Canadian Congress, both of which have Party Standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

Decision

18. I exercise my discretion under Rule 9 of the *Rules of Standing and Funding* to consider the Sikh Coalition's application. I accept that the January 24th press release issued by the Commission caused the members of the Coalition to recognize that the scope of the Inquiry might include alleged foreign interference by India. However, for the benefit of the public, I note that my terms of reference refer to "interference by China, Russia and other foreign states or non-state actors". As such, my mandate is not limited to the states specifically named therein.

19. I also note that, while the Coalition's delay in bringing this application means that it was not able to participate in the Commission's National Security Confidentiality public hearings held from January 29 to February 2, 2024, there remains sufficient time before the Commission's anticipated March hearings for the Coalition to participate without causing prejudice to the Commission or other participants.

20. I therefore grant the Sikh Coalition the standing that it seeks. I generally accept the submissions of the Coalition in its application and agree that as a broad representative of the Sikh diaspora in Canada it has a substantial and direct interest in

the subject matter of the Inquiry. I am also satisfied that it can make a necessary contribution to the Commissions' work. My reasoning in this respect is substantially similar to the rationale I set out in my first *Decision on Standing* with respect to the Ukrainian Canadian Congress and the Russian Canadian Democratic Alliance.

21. I therefore grant the Sikh Coalition Party standing in the factual phase of the Inquiry and standing in the policy phase of the Inquiry.

Signed

Commissioner Marie-Josée Hogue

February 12, 2024