

Canada: Conservatives fast-tracking Bill C-51 into law

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Canada's Conservative government is determined to quickly ram into law Bill C-51—legislation that in the name of fighting terrorism attacks core democratic rights and legal principles and will vastly strengthen the powers of the national-security apparatus.

Bill C-51 has been sharply criticized by the Canadian Bar Association, numerous civil rights' advocates, and much of the corporate media. Yet the House of Commons' Public Safety Committee approved it last week after introducing only four minor, government-authored amendments.

This approval in hand, the government now intends to push for Bill C-51 to be rapidly passed into law, likely before the end of this month.

The vast majority of the 49 witnesses heard by the Public Safety Committee spoke out against various aspects of the bill's draconian measures. Holding a majority on the committee, as they do in parliament, the Conservatives responded with parliamentary maneuvers to restrict debate and by repeatedly accusing the bill's opponents of being apologists for terrorism.

Under Bill C-51, Canada's premier spy agency, the Canadian Security Intelligence Service (CSIS), will be granted the power to disrupt activity, including by illegal means, that it deems endangers Canada's national security, economic stability, territorial integrity, diplomatic interests or constitutional order. The legislation creates a new criminal offense of encouraging terrorism "in general," gives the police expanded powers of preventive arrest and detention without charge, vastly widens provisions for the sharing of private data between government departments, and provides for no additional oversight of the police and intelligence agencies. (See: Canada's Bill C-51: A sweeping assault on democratic rights and legal principles—Part 1)

The first government-authored amendment struck the word "lawful" out of a clause referring to activities that cannot be disrupted by CSIS. The impact of this change is that "protests" as opposed to "lawful protests" are now excluded from disruption by the intelligence services.

Some commentators cited this as a significant improvement, since it is now clear that even protests outside of the law, i.e. acts of civil disobedience, should not be interfered with by the

intelligence agencies.

The reality is that the change will have almost no practical impact on the scope of the new CSIS power. The bill continues to provide for disruption powers to be employed by CSIS to deal with activity deemed to be a threat to Canada's national security, a sweeping formulation that encompasses much anti-government or anti-corporate political activity.

The Harper government has repeatedly denounced strikes and other protest actions, such as the 2010 anti-G 20 protest in Toronto, as threats to Canada's economic stability or national security. On numerous occasions it has illegalized or threatened to criminalize strikes on the grounds they were threatening "economic stability." As recently as February, striking CP Rail workers were the targets of such action.

CSIS is already working closely with the government to track protests across the country and make plans for how to deal with them. The latest evidence of this came in a secret memo obtained via a freedom of information request revealing that CSIS was involved in consultations with the government on how to deal with protests last summer against the construction of the Northern Gateway oil pipeline in British Columbia.

The Conservatives' second amendment restricts the government from distributing personal information on persons involved in national security investigations beyond federal agencies. Originally the bill allowed the government to share details with absolutely anyone it chose.

This amendment will do nothing to change the fact that Bill C-51 guts Canadians' privacy rights, by authorizing the sharing of personal information between seventeen government departments and agencies with a national security role.

Moreover, as a leaked document revealed last weekend, CSIS is already going much further than was previously realized in sharing intelligence with allied spy agencies around the world. While the close ties between CSIS, Canada's electronic spy service (the Communications Security Establishment), and its partners in the "five eyes"—the intelligence services in the United States, Britain, Australia and New Zealand—are well known, the report revealed that intelligence has been regularly passed to other countries referred to as "trusted partners" of CSIS.

The document, obtained by the Canadian Press, was heavily

censored and did not indicate which countries are considered “trusted partners.” But the despicable role of Canadian intelligence in providing detailed information to some of the most brutal regimes in the Middle East, in what amounted to Canada’s own rendition program, has been well documented. The most notorious example of this was the case of Maher Arar, where CSIS supplied Syrian security forces with information to be used in his year-long torture and interrogation on bogus terrorist charges.

The amendments proposed by all of the opposition parties illustrated their lack of concern with the broad assault on democratic rights being carried out in the name of the struggle against terrorism. While the New Democrats (NDP) and Greens voted against the bill at committee stage, the Liberals are backing it.

Liberal public safety spokesman Wayne Easter sought to secure an amendment that would provide for limited parliamentary oversight for CSIS, while defending the expanded powers Bill C-51 would give the agency. Easter’s committee would have been comprised of six members from the House of Commons and three senators—all of them carefully vetted and sworn to secrecy.

Even this was too much for the Conservatives, who have ruled out any parliamentary oversight of CSIS’s activities or any additional oversight of any part of Canada’s national-security apparatus.

In so doing, the government has drawn criticism from significant sections of the ruling elite. Such mechanisms exist in the US, Britain, and Canada’s other “five eyes” allies and they have done nothing to prevent these countries from establishing vast intelligence-gathering apparatuses which spy on millions.

The criticism of the government’s refusal to bow to calls for greater oversight is part of wider concerns within important sections of Canada’s ruling elite about the extent to which Bill C-51 breaks with traditional bourgeois-democratic norms and the political consequences of such a break. Under conditions where class tensions are rapidly reaching the boiling point, with mounting opposition to the Conservatives’ assault on public services and pensions and other social rights at home and aggressive militarism abroad, layers within the bourgeoisie worry that such an authoritarian turn could seriously undermine the popular legitimacy of parliament and the other state institutions they depend upon to uphold their class rule.

This is above all what is motivating the stance taken by the NDP and Greens, who have sought numerous changes to the bill while refusing to reject its fundamentals. Green Party leader Elizabeth May, for example, proposed an alteration to the new criminal offence of promoting terrorism “in general” so as to explicitly exclude private speech. Even if implemented, this would leave otherwise untouched a new, undefined “speech crime” that will give the government a means to silence critics of both its foreign and domestic policy. As it

stands, the provision does not require any link to an actual terrorist attack or even a plan for such an attack and makes use of an all-embracing definition of terrorism such that someone who even expresses support or sympathy for a group like Hamas, which has been designated a terrorist organization by Canada’s government, could potentially be charged with promoting terrorism and liable to a five-year prison term.

The NDP, which waited nearly a month after Bill C-51’s release before announcing its opposition, tabled around 40 amendments to the bill. NDP public safety spokesman Randal Garrison emphasized the party’s demand for some of the bill’s provisions to be subject to “sunset clauses,” i.e. regular parliamentary re-approval to remain in force.

In a statement meant to underline the NDP’s support for a dramatic strengthening of the coercive powers of the state, party leader Thomas Mulcair has stated that if the NDP forms the government after the coming federal election it will not repeal Bill C-51, only amend it.

The NDP has also hailed the signing of a letter by four former Canadian Prime Ministers opposing the bill. The signatories include Jean Chretien, who was Liberal Prime Minister in 2001 when the first anti-terrorism law was adopted in the wake of 9/11, and his successor Paul Martin. The law was a major assault on democratic rights, introducing into the criminal code a broad definition of terrorism and handing unprecedented powers of preventive detention to the police.

The NDP’s hailing of such figures’ limited opposition to Bill C-51 exposes the utterly fraudulent character of its claim to be an indefatigable defender of Canadians’ democratic rights.

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