

Canadian government tables bill for parliamentary “oversight” of spy agencies

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Canada’s Liberal government tabled a bill in the House of Commons last week to create a parliamentary committee to oversee the activities of the country’s intelligence agencies. Behind the official rhetoric about protecting the rights of Canadians, the committee will serve as a fig leaf for the activities of the country’s national security apparatus, which in the name of fighting terrorism has been given police state powers.

Under Bill C-22, a nine-person National Security and Intelligence Committee will be able to review “any activity” carried out by the Canadian Security and Intelligence Service (CSIS) or its signal intelligence counterpart, the Communication Security Establishment (CSE), and “any matter relating to national security or intelligence.”

The committee will be composed of seven MPs and two senators, with four of the MPs coming from the governing Liberals. It will meet behind closed doors in a secure location.

While the committee is being touted as a “watchdog” body mandated with ensuring that Canadians’ rights are not violated by over-zealous national security operatives, it will be firmly under government control and its oversight powers will be severely circumscribed.

The Prime Minister will appoint all nine committee members. The government will be able to withhold any information from the committee “that would be injurious to national security” and block an inquiry into an ongoing operation if it deems it could adversely impact it. In such cases the committee could ask the government to provide a rationale for its decision, but would have no right of appeal to a court.

In addition, all nine members of the committee will be sworn to secrecy, not only while on the committee, but for their entire lives, and should they breach any confidence their parliamentary immunity will be lifted. Leaking of information to the public will be a criminal offence liable to imprisonment.

Unlike other parliamentary committees, the National Security and Intelligence Committee will report to the Prime

Minister. This means the government will be able to vet its reports before they are released to the public.

The committee will be barred from examining “ongoing defence intelligence activities supporting military operations.” Given Canada’s current military deployments in the Middle East, Eastern Europe and Africa, as well as the Liberals’ intention to expand military activities abroad in support of the US military-strategic offensives against Russia and China, this will encompass a significant amount of intelligence work. This would also potentially limit the committee from examining concerns that the intelligence agencies were utilizing their police state powers to target domestic political opponents of such military operations.

The pledge to implement parliamentary oversight of the intelligence agencies was one of the Liberals’ flagship policies during last year’s election campaign. It was coupled with a vague commitment to repeal elements of the authoritarian Bill C-51 passed by the Harper Conservative government in the wake of the twin attacks on Canadian armed forces personnel in October 2014.

Rushed through parliament in early 2015, C-51 dramatically expands the powers of the intelligence agencies. CSIS has been granted the power to “disrupt” “public security threats,” a designation which goes well beyond terrorism to include any risk to Canada’s national or economic security, and to use illegal means do so, with the only restrictions that CSIS cannot deliberately cause bodily harm or violate a person’s “sexual integrity.” Police have been given the right to detain terrorist suspects for seven days without charge, while a new offence of promoting terrorism in general has been created and the state empowered to compel the removal of “terrorist propaganda” from the internet and print publications.

The Liberals cynically sought to appeal to popular hostility to Bill C-51 by claiming they had serious reservations about some of its provisions. Nonetheless, they voted in favour of it, citing the need to take urgent action to uphold national security. The Liberals’ real views on the matter were summed up perfectly when Justin Trudeau denounced New

Democratic Party leader Tom Mulcair for “fear-mongering” following his timid questioning of the bill’s assault on basic democratic rights.

The undermining of democratic rights carried out by successive Liberal and Conservative government goes hand in hand with the Canadian ruling elite’s renewed turn to militarism and war. Justin Trudeau’s government has pressed ahead on both fronts in its eight months in office. The Liberals have already expanded Canada’s role in the US-led Mideast War and are currently considering sending hundreds more Canadian soldiers to Eastern Europe to participate in NATO’s anti-Russian provocations in the Baltic and Poland. The intelligence agencies are deeply implicated in the war drive, as shown by a report issued earlier this month in which CSIS provocatively accused Russia of “mobilizing for war” with NATO.

Even the minor and largely cosmetic changes the Liberals are reportedly considering making to Bill C-51, including introducing a precise definition of “terrorist propaganda” and ensuring CSIS complies with the Charter of Rights and Freedoms when “disrupting” purported “threats,” are considered too much by powerful elements within the national security apparatus. CSIS head Michel Coulombe reportedly met secretly with Ralph Goodale a week after he became Trudeau’s Public Security Minister to argue against any changes to CSIS’s powers.

During the eight-and-a-half months the Liberals have formed the government, they have worked to deepen Canada’s military-strategic partnership with Washington, including on the intelligence front. In addition to their Bill C-22, the Liberals presented to parliament legislation last week empowering border agents to collect “biographical information” on all persons leaving Canada. This information will then be shared with US authorities. Discussions are also ongoing with Washington to coordinate the countries’ no-fly lists.

Goodale acknowledged that the model his government is proposing for the parliamentary oversight committee has been heavily influenced by Britain, where there is a nine-person security and intelligence committee.

This admission is revealing. Like Canada, Britain is a central partner in the US National Security Agency-led “Five Eyes” alliance, which conducts mass surveillance on the world’s population. Surveillance in the UK has reached unprecedented heights, with a series of draconian laws passed by successive Labour and Conservative governments since 9/11. The current Conservative government is in the process of adopting a so-called snoopers’ charter, which enshrines in law the right of Britain’s eavesdropping agency, Government Communications Headquarters or GCHQ, to conduct mass surveillance. (See: Britain’s Labour

Party helps Conservative government pass Snoopers’ Charter)

Goodale also published an article recently on the Huffington Post website which outlined his government’s intentions to strengthen surveillance and security capabilities in a number of areas. Particularly noteworthy was his emphasis on “cyber security.” He claimed that cyber attacks are on the rise and said additional security provisions are needed to counter them.

In addition, Goodale said the government would soon present a paper providing an overview of how anti-terrorist legislation has evolved over the past 15 years, including proposals to “renovate Canada’s overall national security framework.” What such plans will involve is indicated by the actions of the previous Liberal governments under Paul Martin and Jean Chretien. They presided over a vast expansion of the powers and budget of the national security apparatus, including authorizing CSE to systematically collect and peruse the metadata of Canadians’ electronic communications.

Given that the proposed parliamentary intelligence committee will be staffed by tried and trusted representatives of the ruling elite who will be sworn to secrecy and have extremely limited powers to challenge the government, it is hardly surprising that the Liberals’ initiative has found support among leading figures within the intelligence community. Richard Fadden, a former CSIS head who was subsequently appointed by Harper to the position of national security adviser, told CTV News he endorsed the idea of an oversight mechanism. “Broadly speaking I think there’s something to be said for somebody, somewhere, having an overview,” Fadden commented.

At the same time, other factions of the ruling elite are seeking to exploit the recent mass shooting in Orlando, together with the terrorist attacks in Paris last November and in Brussels in March, to oppose even token amendments to Bill C-51. Typical in this regard was a comment in the right-wing *National Post* by regular columnist John Ivison titled “Canadians not so eager to weaken our country’s anti-terrorism legislation anymore.”



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