

Canada's Liberal government expands spy agencies' powers in "reform" of Harper's Bill C-51

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The Liberal government has tabled legislation to amend Bill C-51, the draconian law Stephen Harper's Conservative government passed in 2015 in the name of fighting terrorism.

Bill C-51 provoked widespread opposition, with even the *Globe and Mail*, the traditional voice of Canada's financial elite, condemning it as a "police state" measure.

The Liberals promised to "reform" Bill C-51 during the 2015 election campaign. But, barring a few cosmetic changes, the Liberals' "National Security Act, 2017" (Bill C-59) retains all of Bill C-51's attacks on fundamental democratic rights, while handing Canada's spy agencies significant new powers.

Bill C-59, like Bill C-51, empowers Canada's Security and Intelligence Service (CSIS), the country's primary domestic spy service, to actively "disrupt" alleged threats to national security and, if necessary, to use illegal means to do so.

Prior to 2015, CSIS's mandate was limited to gathering information on targeted groups and individuals. The Liberals' bill places slightly tighter restrictions on CSIS's disruption powers, including by providing a list of "permitted" illegal acts. Permitted acts include: restricting people's movements, disrupting communications and financial transactions, and damaging property, as long as the damage does not endanger life or cause bodily harm.

Bill C-59's stipulation that CSIS obtain a judge's approval for any action it plans to undertake that will violate a right contained in the Charter of Rights and Freedoms is worthless. The approval process will take place in secret courts, with no ability for anyone, including so-called "special advocates," to act on behalf of the targets. Moreover, the decisions of these courts, including even the names of those targeted for "disruption," will be forever sealed.

Thus a body of secret national security law will be created to which the public will have no access, let alone the right and ability to challenge. Given the intelligence agencies' record of systematically lying to the courts, Canadians should have little confidence that the judges engaged in such hearings will even be presented with all of the facts.

Bill C-59 grants new offensive capabilities to Canada's signals intelligence agency, the Canadian Security

Establishment (CSE). CSE operatives will henceforth be authorized to wage offensive cyberwar attacks on foreign targets, including foreign states' computer infrastructure and communications networks. This could include deleting or corrupting data, and planting malware on phones or other devices. CSE's mandate has also been expanded so as to integrate its operations even more closely with the Canadian Armed Forces (CAF).

The aggressive intent of these measures was made clear by Defence Minister Harjit Sajjan's presence at the press conference at which the government unveiled Bill C-59. Earlier this month, Sajjan announced new funding for CAF cyberwarfare capabilities as part of the Liberals' new defence policy. Under that policy, the government will hike military spending by 70 percent over the next decade to \$32.7 billion and will expand military-security cooperation with Washington, including through the US National Security Agency-led "Five Eyes" electronic spying and cyberwar alliance.

Even some bourgeois commentators, such as the *Globe and Mail* columnist Campbell Clark, admit that Bill C-59 does not reduce the powers or reach of the national-security apparatus. "Canadian spy agencies," wrote Clark, "aren't really seeing their powers trimmed, not even the new powers they obtained under the Conservative anti-terror law."

Under the Liberals' "reform" of Bill C-51, the security agencies will have virtually unrestricted access to personal information collected by other government agencies. Bill C-59 also upholds the "national security certificate" mechanism under which "named" non-Canadian citizens can be arrested and detained indefinitely without the right to see and contest any of the evidence against them. It also retains "peace bonds," under which terrorism suspects can be detained or have restrictions imposed on their activities without being charged with any crime.

These moves are in keeping with the record of the Liberal Party, which was the chief architect of the antidemocratic measures, including unprecedented attacks on the presumption of innocence and the right to remain silent, adopted in the wake of 9/11.

In 2015, Trudeau's Liberals voted in favour of Bill C-51, claiming that they would repeal some of its provisions when they took power. Bill C-59 makes clear that such pledges were nothing more than electoral posturing aimed at capitalizing on public opposition to Bill C-51.

Bill C-59 in fact expands CSIS's power to store and analyze electronic data. Last year, a federal court ruled that the intelligence agency had broken the law by retaining data from Canadians who were not suspected of any crime. The new Liberal legislation specifically allows CSIS to make use of the information it obtains, in the course of its investigations, on people not suspected or accused of any wrongdoing. This outrageous attack on privacy rights is being justified as a necessary response to recent technological advances.

The corporate media and several security and legal experts who were prominent critics of Bill C-51 are lauding the new civilian review mechanisms the Liberals are creating, claiming that they can be relied on to ensure the security-intelligence agencies do not violate Canadians' democratic rights.

In truth these mechanisms are nothing more than a fig leaf, aimed at providing the intelligence agencies with a legal-constitutional cover to spy on opponents of the government and big business—environmentalists, native organizations, leftist and antiwar groups, and above all the working class.

Like the CSIS Security and Intelligence Review Committee, which it will replace, the new National Security and Intelligence Review Agency will be staffed with carefully vetted representatives of the ruling class. They will review intelligence operations only after the fact and submit their findings to the government, not the public.

Bill C-59 also provides for a Security and Intelligence Commissioner, who will be drawn from the ranks of the judiciary. While the Commissioner is being publicly touted as a “watchdog,” in reality his task will be to work with the security agencies to establish legal cover for their operations, including CSIS “disruption” campaigns. One of the Commissioner's chief functions will be to provide “pre-operation” approvals for their more intrusive and potentially politically contentious activities.

Under a separate piece of legislation, the Liberals are creating a parliamentary oversight committee, whose members will be barred from reporting to the public on any illegal activities they uncover. Moreover, the government has wide powers to withhold information from this committee, including on all ongoing security-intelligence operations.

These review structures will only bring Canadian practice more in line with that in the United States, Britain and Australia—all countries that, regardless of the parliamentary and other review mechanisms in place, have witnessed a massive onslaught on democratic rights over the past two decades in the name of the fraudulent “war on terror.”

The Liberals' defence of Canada's burgeoning national security apparatus is intimately bound up with their

determination to pursue an aggressive, imperialist foreign policy. Bill C-59 was introduced just two weeks after Foreign Minister Chrystia Freeland delivered a keynote foreign policy address in which she vowed that “hard power,” i.e. war, must be a central part of Canada's foreign policy. She pledged that Canada will deepen its strategic partnership with US imperialism, while working to uphold multilateral imperialist alliances like NATO. Freeland's speech was followed the next day by Sajjan's defence policy announcement, which included funds for an expanded fleet of fighter jets, fifteen new warships, the purchase of armed drones, and the recruitment of 5,000 additional military personnel.

Such policies, which go hand in hand with a never-ending assault on the social position of the working class, cannot be implemented democratically.

The Trudeau government is well aware of the deep-seated popular hostility to the Canadian ruling elite's program of austerity and war. That is why it seeks to camouflage its true aims with phoney “human rights” rhetoric and claims it is pursuing a “feminist foreign policy.”

But as such propaganda increasingly falls flat, the Liberals will increasingly be forced to resort to outright state repression. Bill C-59 makes clear that the Liberals, no less than the Conservatives, are determined to expand the vast spying apparatus at the disposal of the Canadian capitalist state so as to suppress working-class opposition.

Criticism of the Liberals' bill among the political establishment has been muted. Predictably, the Conservatives denounced the government for “disarming” the intelligence agencies. The New Democrats (NDP), who voted against Bill C-51, complained that the Liberals had broken their election promises and not gone far enough in repealing its antidemocratic provisions. But the NDP has had nothing to say about the broader ruling-class assault on democratic rights since 9/11, of which Bill C-51 was only one element, or the Liberals' determination to make aggression and war the centerpiece of Canada's foreign policy. The New Democrats' tepid opposition to Bill C-59 reflects their loyalty to the Canadian capitalist elite and its global imperialist interests.



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