

Canada to dramatically expand domestic spying powers and curtail democratic rights

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Under the cover of combatting purported “foreign interference,” the Canadian government, led by Liberal Prime Minister Justin Trudeau, is planning to dramatically expand the domestic spying powers of the Canadian Security Intelligence Service (CSIS) and curtail the freedom of association and right to protest.

Bill C-70, titled “An Act respecting countering foreign interference,” was tabled for its first reading in parliament on May 6 by Public Safety and Democratic Institutions Minister Dominic LeBlanc and Justice Minister Arif Virani. “We’re taking action to adapt and to respond to our world where life, and consequently threats, are increasingly moving to the online realm,” LeBlanc said at a press conference that same day.

“Our government is taking action to protect all people in Canada, our institutions and our democracy from foreign interference,” Virani declared. “These reforms to criminal and national security laws are carefully crafted to tackle these threats in an appropriate, balanced, and fair manner.”

Bill C-70 is modeled in part on anti-democratic “foreign interference” laws which have already been adopted in Australia, the UK and the United States and that effectively legalize cooperation with international political organizations. This marks a new stage in the assault on democratic rights as the imperialist powers pursue a war for global hegemony on multiple fronts—from their war against Russia in Ukraine and their support for Israel’s genocide of the Palestinians in Gaza and aggression and threats against Iran, to their all-sided military-strategic offensive against China across the Indo-Pacific.

Over the past year-and-a-half, a furor has been whipped up by CSIS, the corporate media and the political establishment over lurid, unsubstantiated claims of Chinese interference in the last two federal elections and more generally the threat that China purportedly constitutes to Canadians’ “democracy” and “way of life.”

Bill C-70 is being politically framed as a response to this threat, although its measures go far beyond anything remotely connected to “foreign interference.” The proposed legislation consists of four components which revise and expand multiple existing laws with far reaching implications for democratic rights in Canada.

Three days before Bill C-70 was unveiled, Justice Marie-Josée Hogue, the commissioner of a much ballyhooed public inquiry into alleged foreign interference, declared that China represents, “the most persistent and sophisticated foreign interference threat to Canada.” The Hogue inquiry was impeached last year after CSIS reports were leaked to the media alleging China interfered in the 2019 and 2021 federal elections and that the Liberal government didn’t act despite being aware of these efforts.

Despite the immense amount of innuendo and ink spilled in the

press over supposed “foreign interference,” including by Russia, India and Pakistan as well as China, and lack of action over it, no evidence has emerged which shows that any such activity actually influenced the outcome of Canada’s elections. And Hogue was compelled to admit as much in her report earlier this month.

Nonetheless, the issue is being used to push forward with the adoption of the draconian new law. Those sections that directly deal with “foreign interference” are couched in vague language, so as to provide them the widest ambit, and would effectively create a new category of crime to illegalize behavior that would otherwise be legal.

Its provisions would apply not only to the actions of foreign governments and their counterintelligence agencies but to all “foreign principals,” a catch-all designation which includes foreign-based businesses and political parties in foreign countries not currently in power. According to the bill’s summary, individuals would be required to register as a foreign agent, “if they enter into arrangements with foreign principals under which they undertake to carry out certain activities in relation to political or governmental processes in Canada.”

“Every person commits an indictable offence,” the introduced legislation declares, “who, at the direction of, for the benefit of or in association with, a foreign entity, knowingly engages in surreptitious or deceptive conduct or omits, surreptitiously or with the intent to deceive, to do anything if the person’s conduct or omission is for a purpose prejudicial to the safety or interests of the State or the person is reckless as to whether their conduct or omission is likely to harm Canadian interests.”

The bill would establish a registry of “foreign agents,” with severe penalties for those who do not declare their associations with “foreign entities,” and would create a commissioner to oversee the registry.

Two other sections of Bill C-70 pertain to expanding the spying power of CSIS and its sharing of “intelligence” with other government agencies, levels of government, and non-government actors, including businesses, universities, and political parties.

CSIS has long complained that it is hampered in providing specifics about its “intelligence” to anyone but the federal government. If Bill C-70 becomes law, it would have carte blanche to finger socialists and others its identifies as threats to the Canadian state to their employers, and to work with big business and university administrations to victimize them.

Canada’s most important big business lobby group, the Business Council of Canada (BCC), was quick to endorse the proposed law, including the provisions that would allow CSIS to work more closely with employers. “At a time of heightened geopolitical risk,” wrote BCC CEO Goldy Hyder in a May 7 statement, “Bill C-70’s

modernization of the *Canadian Security Intelligence Service Act*—including to authorize CSIS to share threat intelligence with Canadian companies—is urgently needed to protect Canadians’ lives and livelihoods.”

The legislation would also establish a new definition of sabotage that would make it a crime to block or interfere with roads, rail lines, pipelines and other “essential” infrastructure with the intent to “harm Canadian interests.”

The section on sabotage is clearly aimed at blocking the growing number of protests across Canada, which have used blocking critical infrastructure to draw attention to issues ranging from the violation of Indigenous rights to Ottawa’s ongoing support for Israel’s genocide in Gaza. It is also aimed at enshrining in law the measures which were used under the Emergencies Act to clear out the far-right “Freedom” Convoy from Parliament Hill and border crossings in 2022.

The bill contains an explicit exception to the new anti-sabotage law for work stoppages and protests where there is no explicit intention to harm Canadian interests. However, this is far less than meets the eye. Under conditions where workers’ job action paralyzes one or more key sectors of the economy and especially in the case of strikes of an overtly political character, the reference to an intention to harm “Canadian interests” could and will serve as a convenient loophole to invoke the new sabotage provisions as part of a vicious state crackdown. As it is, the federal government and provinces have placed increasing restrictions on workers’ legal ability to strike, including through use of back-to-work legislation and the invocation of the “essential” nature of broad sectors of the economy.

The bill contains punishments of life in prison for those convicted of “foreign interference” and ten years for those convicted under the expanded definition of sabotage.

The Canadian Civil Liberties Association (CCLA) has raised concerns over the punitive nature of the law, with Shakir Rahim, Director of the CCLA’s Criminal Justice Program noting:

The expansion of the offence of sabotage to include interference with essential infrastructure is a serious risk to freedom of expression. Essential infrastructure is defined too broadly, and the interference offence could suppress protests. The Criminal Code already contains offences that adequately address harms to public safety and security.

The availability of life imprisonment for certain offences introduced under Bill C-70 is disproportionate and excessive. For example, a person convicted of an indictable offence under the Criminal Code, even as minimal as theft under \$5,000, could be sentenced to life in prison if they acted for the benefit of a foreign entity.

Stephanie Carvin, an associate professor at Carleton University and a former Government of Canada national security analyst, told the *Globe and Mail*, that Bill C-70 is “arguably the most significant attempt at updating Canada’s national-security laws since 1984.” Carvin further noted, this “grants a lot of what the intelligence community has asked for.”

A May 6 press release from the government notes that the bill would lower the threshold for obtaining warrants in relation to electronic surveillance and accessing devices, placing on a legal footing activities in which CSIS is more than likely already regularly

engaging.

“Amendments would address growing gaps caused by evolving threats and technological advancements. Safeguards have been built in and are strong—the legislation was developed to ensure that CSIS activities comply with the Charter of Rights and Freedoms,” the press release assures its readers, before noting, “Proposed warrant powers, while new to the CSIS Act, are not new tools; they are modelled on powers routinely relied on by Canadian law enforcement and intelligence agencies in other democracies. The threshold for accessing these tools is still high.”

CSIS was established in 1984 as the successor to the RCMP Security Service, following the findings of the McDonald Commission, which exposed the illegal activities of Canada’s intelligence agency including the theft of party membership lists, break ins, opening mail, forging documents, warrantless electronic surveillance and arson. The transfer of spying powers from the RCMP to CSIS was aimed at granting the national security apparatus renewed legitimacy, and placed on a legal footing much of what had been done illegally.

Canada is one of the components of the Five Eyes global spying network. Alongside spy agencies in the US, UK, Australia and New Zealand, its national-security apparatus carries out a dragnet operation which collects global electronic data. Leaks by Edward Snowden showed that members of the Five Eyes spy on each other’s citizens and share the information as a way of getting around domestic surveillance restrictions.

Snowden’s documents showed that the Communications Security Establishment, a partner of the CSIS and a critical competent of the Five Eyes, was engaged in the mass surveillance of millions of uploads and downloads on file sharing websites through its Project Levitation.

The opposition Conservatives and the NDP, which props up the minority Liberal government through a confidence and supply agreement, both welcomed the tabling of Bill C-70. “Conservatives have called on Justin Trudeau to implement a foreign influence registry for years. Instead of protecting Canadians and diaspora communities, he blocked, delayed, and obstructed a foreign influence registry at every turn,” Sebastian Skamski, Conservative Leader Pierre Poilievre’s spokesperson, gloated. NDP House Leader Peter Julian meanwhile asserted that the measures should have come sooner, declaring both the Conservatives and Liberals dragged their feet and “failed to treat these threats with the urgency required.”



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