

Appendix: Mission Statement of the Canadian Security Intelligence Service¹

The Canadian Security Intelligence Service (CSIS) was created by an Act of Parliament in 1984, following the McDonald Commission of Inquiry in the late 1970s and the Mackenzie Commission of the 1960s. The *CSIS Act* established a clear mandate for the Service and, for the first time, legislated a framework of democratic control and accountability for a civilian Canadian security intelligence service. In meeting its mandated commitments, CSIS provides advance warning to government departments and agencies about activities which may reasonably be suspected of constituting threats to the country's security. Other departments and agencies, not CSIS, are responsible for taking direct action to counter security threats.

CSIS does not have law enforcement powers, therefore, all law enforcement functions are the responsibility of police authorities. The splitting of functions, combined with comprehensive legislated review mechanisms, ensures that CSIS remains under the close control of the federal government.

In its early years, much of the Service's energy and resources were devoted to countering the spying activities of foreign governments. Time has passed however, and as the world has changed, so has CSIS.

In response to the rise of terrorism worldwide and with the demise of the Cold War, CSIS has made public safety its first

1. This statement is quoted from CSIS's home page: www.csis-scrs.gc.ca/eng/backgrnd/back1_e.html.

84 | Remaking Domestic Intelligence

priority. This is reflected in the high proportion of resources devoted to counter-terrorism. CSIS has also assigned more of its counter-intelligence resources to investigate the activities of foreign governments that decide to conduct economic espionage in Canada so as to gain an economic advantage or try to acquire technology in Canada that could be used for developing weapons of mass destruction.

Along with these operational changes, CSIS has matured into an organization with a flexible, dynamic structure and, most importantly, an ingrained understanding of its responsibilities and obligations to Canadians. The Service's main purpose is to investigate and report on threats to the security of Canada. This occurs within a framework of accountability to government, as well as respect for the law and the protection of human rights. Nowadays, it also means being more open and transparent to the people it serves. There are some limits on what the Service can discuss; that is the nature of its work, but CSIS is anything but a secret organization.

The Canadian way of life is founded upon a recognition of the rights and freedoms of the individual. CSIS carries out its role of protecting that way of life with respect for those values. To ensure this balanced approach, the *CSIS Act* strictly limits the type of activity that may be investigated, the ways that information can be collected and who may view the information. The *Act* provides many controls to ensure adherence to these conditions.

Information may be gathered, primarily under the authority of section 12 of the *CSIS Act*, only about those individuals or organizations suspected of engaging in one of the following types of activity that threaten the security of Canada, as cited in section 2:

1. Espionage and Sabotage

Espionage: Activities conducted for the purpose of acquiring by unlawful or unauthorized means information or assets relating to sensitive political, economic, scientific or military matters, or for the purpose of their unauthorized communication to a foreign state or foreign political organization.

Sabotage: Activities conducted for the purpose of endangering the safety, security or defence of vital public or private property, such as installations, structures, equipment or systems.

2. Foreign-influenced Activities

Foreign-influenced activities: Activities detrimental to the interests of Canada, and which are directed, controlled, financed or otherwise significantly affected by a foreign state or organization, their agents or others working on their behalf.

For example: Foreign governments or groups which interfere with or direct the affairs of ethnic communities within Canada by pressuring members of those communities. Threats may also be made against relatives living abroad.

3. Political Violence and Terrorism

Threat or acts of serious violence may constitute attempts at compelling the Canadian government to respond in a certain way. Acts of serious violence cause grave bodily harm or death to persons, or serious damage to or the destruction of public or private property, and are contrary to Canadian law or would be if committed in Canada. Hostage-taking, bomb threats and assassination attempts are examples of acts of serious violence that endanger the lives of Canadians. Such actions have been used

86 | Remaking Domestic Intelligence

in an attempt to force particular political responses and change in this country.

Exponents and supporters of political, religious or ideological violence may try to use Canada as a haven or a base from which to plan or facilitate violence in other countries.

Such actions compromise the safety of people living in Canada and the capacity of the Canadian government to conduct its domestic and external affairs.

4. Subversion

Subversion: Activities intended to undermine or overthrow Canada's constitutionally established system of government by violence. Subversive activities seek to interfere with or ultimately destroy the electoral, legislative, executive, administrative or judicial processes or institutions of Canada.

Lawful Protest and Advocacy

The *CSIS Act* prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

Security Screening

As well as investigating the four types of threats to Canadian security, CSIS provides security assessments, on request, to all federal departments and agencies with the exception of the Royal Canadian Mounted Police (RCMP), which conducts its own.

Appendix | 87

These assessments are made with respect to applicants for positions in the Public Service of Canada requiring a security clearance, and for immigration and citizenship applicants.

Security Assessments

The purpose of security assessments is to appraise the loyalty to Canada and reliability, as it relates thereto, of prospective government employees. The intent of the exercise is to determine whether persons being considered for security clearances are susceptible to blackmail or likely to become involved in activities detrimental to national security, as defined in section 2 of the *CSIS Act*. The assessments serve as a basis for recommending that the deputy head of the department or agency concerned grant or deny a security clearance to the individual in question. Security assessments are conducted under the authority of sections 13 and 15 of the *CSIS Act*.

The designated manager in the department or agency determines the security clearance level required for the position to be filled, in accordance with the standards set out in the Government Security Policy. CSIS then conducts the appropriate checks. The duration and depth of the investigation increase with the clearance level.

Immigration and Citizenship

Sections 14 and 15 of the *CSIS Act* authorize the Service to provide security assessments for the review of citizenship and immigration applications to the Department of Citizenship and Immigration.

The assessments provided by the Service for this purpose pertain to the provisions of section 2 of the *CSIS Act* that deal with threats to the security of Canada. The Department of Cit-

88 | Remaking Domestic Intelligence

izenship and Immigration uses these assessments to review immigration applications in accordance with the inadmissibility criteria set out in the *Immigration and Refugee Protection Act*. On 1 February 1993, this *Act* was amended to include, the terms “terrorism” and “members of an organization.” This measure has increased the pertinence of CSIS assessments. Moreover, the inadmissible classes now include, in section 19(1)(f), persons who have engaged, or are members of an organization that has engaged, in acts of terrorism or espionage.

The same practice is followed for citizenship applications. They too are examined on the basis of the definition of threats to the security of Canada set out in section 2 of the *CSIS Act*, and security assessments are provided under section 19 of the *Citizenship Act*.

Questions & Answers

How and when was CSIS created?

CSIS was created by the passage of an Act of Parliament (Bill C-9) on June 21, 1984. The Service began its formal existence on July 16, 1984.

What does CSIS do?

CSIS has a mandate to collect, analyze and retain information or intelligence on activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and in relation thereto, report to and advise the Government of Canada. CSIS also provides security assessments, on request, to all federal departments and agencies, with the exception of the RCMP.

What organization collected security intelligence before CSIS was created?

Appendix | 89

Prior to June 21, 1984, security intelligence was collected by the Security Service of the RCMP. CSIS was created because the Government of Canada, after intensive review and study, came to the conclusion that security intelligence investigations would be more appropriately handled by a civilian agency. CSIS has no police powers. However, CSIS works with various police forces on those investigations that have both national security and criminal implications. Although CSIS can offer assistance to the police, it has no mandate to conduct criminal investigations.

What constitutes a threat to the security of Canada?

The complete threat definitions can be found in section 2 (a,b,c,d) of the *CSIS Act*. Simply put, terrorism (the planning or use of politically motivated serious violence) and espionage (undeclared foreign intelligence activity in Canada and detrimental to the interests of Canada) are the two major threats which CSIS investigates. Terrorism and espionage can have criminal implications. In such cases, the RCMP investigates and can lay the appropriate criminal charges.

What is “security intelligence” and does the government really need it given that technology allows news broadcasters to deliver information from around the world in a matter of minutes?

Security intelligence is information formulated to assist government decision-makers in developing policy. Regardless of the source of intelligence, it provides value in addition to what can be found in other government reports or in news stories. Intelligence conveys the story behind the story.

How does CSIS obtain this “value-added” component?

The “value-added” comes from analysis and a wide variety of investigative techniques, including the use of covert and intrusive methods such as electronic surveillance and the recruitment and tasking of human sources.

90 | Remaking Domestic Intelligence

Can these techniques be arbitrarily deployed?

No. All intrusive methods of investigation used by CSIS are subject to several levels of approval before they are deployed. The most intrusive methods—such as electronic surveillance, mail opening and covert searches—require a warrant issued by a judge of the Federal Court of Canada. In addition, the Security Intelligence Review Committee and the Inspector General closely review CSIS operations to ensure they are lawful and comply with the Service's policies and procedures.

What does CSIS do with the security intelligence it collects?

CSIS reports to and advises the Government of Canada. CSIS intelligence is shared with a number of other federal government agencies and departments, including the RCMP and the departments of Foreign Affairs, International Trade, Citizenship and Immigration, and of National Defence. As well, CSIS has arrangements to exchange security-related information with other countries. The vast majority of these arrangements deal with visa vetting. A small number deal with exchanges of information collected by CSIS in its investigation of threats to national security.

What is the difference between a security intelligence service and a foreign intelligence service?

A security intelligence service is restricted to investigating threats to its country's national security. A foreign intelligence service, on the other hand, conducts offensive operations for its government in foreign countries. The methods and objectives of foreign intelligence services differ from country to country.

Does CSIS have any foreign presence at all?

CSIS has liaison offices in some countries. Liaison officers are involved in the exchange of security intelligence information which concerns threats to the security of Canada.

Appendix | 91

Does CSIS investigate industrial espionage?

CSIS does not investigate company-to-company industrial espionage. CSIS does, however, investigate the activities of foreign governments that engage in economic espionage as a means of gaining an economic advantage for themselves. Economic espionage can be defined as the use of, or facilitation of, illegal, clandestine, coercive or deceptive means by a foreign government or its surrogates to acquire economic intelligence.

What is the impact of foreign government economic espionage activity on businesses in Canada?

Foreign government economic espionage activity exposes Canadian companies to unfair disadvantage, jeopardizing Canadian jobs, Canada's competitiveness and research and development investment.

Does CSIS conduct investigations on university campuses?

CSIS is very sensitive to the special role that academic institutions play in a free and democratic society and the need to preserve the free flow of ideas, therefore, investigations involving university campuses require the approval of senior officials in the Service. Furthermore, human sources and intrusive investigative techniques may only be used with the approval of the Minister for Public Safety and Emergency Preparedness.

Can you name individuals or groups currently under CSIS investigation?

The *CSIS Act* prevents the Service from confirming or denying the existence of specific operations. To disclose such information would impede the Service's investigative capabilities which, in turn, would be injurious to national security. CSIS, however, can assure the public that it is doing everything within its mandate

92 | Remaking Domestic Intelligence

to ensure that Canadians are safeguarded from terrorism and foreign espionage.

Given that the Cold War is over, are there still threats with which Canadians should be concerned?

Yes. Details regarding the Service's view of the security intelligence environment can be found in its annual Public Reports.