

On Foreign Interference (Part II)

In my last essay –*On Foreign Interference (Part I)*– I tried my hand at answering the question: What does “foreign interference” mean in 2024? That essay addressed itself to the growing concern in Canada with suspicions of foreign interference in our political affairs, allegedly perpetrated mainly by agents of two countries: China and India –though I also cited instances of past foreign involvement by other countries affecting Canada, going back to the 1940’s.

In the present essay, I will try to analyze the dichotomy inherent in the relationship of the legal rights of citizens in Western style parliamentary democracies, vis-à-vis the practices of Intelligence agencies operating throughout the world. My question for today is: What should be the ethical interphase of citizenship and “Intelligence” in a country like Canada?

I should perhaps start by attempting to clearly define what people mean by the word “Intelligence” in the context of world politics in 2024. The current definition of Intelligence is: “the ability to perceive, collect, or infer [politically]-sensitive information, to retain it, and to make decisions based on that information.” ¹

According to experts on the subject, the first type of “Intelligence” is so-called “human intelligence” –that is intelligence-gathering by means of human sources and interpersonal communication. It is distinct from more technical intelligence-gathering disciplines, such as signals intelligence, imagery intelligence, cyber intelligence, geospatial intelligence, etc. Human intelligence can be conducted in a variety of ways, including via espionage, reconnaissance, interrogation, witness interviews, or torture. Sources can include NGO’s, prisoners of war, ...detainees, and refugees. Although associated with military and intelligence agencies, human intelligence can also apply in various civilian sectors such as law enforcement. ²

In my first essay, I reported that Canadian Intelligence relied mostly on the “Five Eyes”—an Anglosphere intelligence alliance which also includes Australia, New Zealand, the United Kingdom and the United States. “Five Eyes” (FVEY) also refers to the group of intelligence agencies of these countries. ³

During periods of international harmony and economic prosperity it is relatively easy for Canadian citizens in their various diasporas to protect their civil rights despite their relationships with foreign entities. However, the opposite seems to be the case during epochs of geopolitical tension and realignment of national loyalties. It is during the latter that intelligence agencies tend to rely on information culled from “sources” that may neither be reliable nor well-intentioned –considering (as we saw above) that said information may be obtained by interrogation and even torture, from POW’s, detainees or refugees. Consider also that some of these “sources” may be active in countries or parties who may be hostile to Canada or to members of specific Canadian diasporas.

It is my contention that the normal activities of intelligence agencies –as herein described– tend to run counter to the human and civil rights of Canadians as enshrined in our laws.

For instance, Section 1 of the **Canadian Charter of Rights and Freedoms** (enacted as Schedule B to the *Canada Act* of 1982 –our Constitution), guarantees ... rights and freedoms ... subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society... The Charter includes protection of the following: legal rights (life, liberty, and personal security), equality rights for all... [and] Canada's multicultural heritage. Any person in Canada –whether they are a Canadian citizen, a permanent resident or a newcomer– has the rights and freedoms contained in the Charter. ⁴

Furthermore, according to Article 2 of the **Canadian Human Rights Act** (R.S.C., 1985, c. H-6): "...the laws of Canada...extend...to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion [or] genetic characteristics." ⁵

At this point it is important to emphasize that these rights not only apply to citizens as such, but also to **any person** in Canada, regardless of residence status.

In order to illustrate the problematic relationship between Intelligence and human rights, I've decided to fabricate an imaginary situation involving non-existing actors:

A chief of the Annuniut nation residing in Nunavut announces she's running for a seat as Member of Parliament in the upcoming federal elections. A group of visiting Russian tourists –who also happen to be members of another clan of the Annuniut nation, but established in Russian territory– decide to organize a rally and to raise funds to support her campaign. Supported by other sympathizers, the campaign is a great success and she wins the seat. However, one of her rivals from another party informs Elections Canada that he has received intelligence to the effect that the new M.P. is in fact a secret agent working for the Russian Foreign Intelligence Service (SVR RF). A parliamentary committee is set up to determine if there has been foreign interference in the elections. It turns out that in Helsinki, a political prisoner suspected of spying for the Russians –but who happens to originate from a rival indigenous people– was the source of the false intelligence, extracted under duress. In the end, the committee's report was... inconclusive, and the new M.P. lost her seat.

I guess you will agree I've made my point.

Written by © Pascual Delgado, April 23rd 2024.

¹ <https://en.wikipedia.org/wiki/Intelligence>

² Clark, Robert M. –*Intelligence Collection*. CQ Press (13-09-2013).

https://en.wikipedia.org/wiki/List_of_intelligence_gathering_disciplines

³ https://en.wikipedia.org/wiki/Five_Eyes

⁴ <https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>

⁵ <https://lois.justice.gc.ca/eng/acts/h-6/index.html>