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**FPT MINISTERS RESPONSIBLE FOR JUSTICE AND  
PUBLIC SAFETY  
OCTOBER 12-13, 2023**

**FOREIGN INTERFERENCE UPDATE**

**MINISTER OPENING REMARKS**

- Chers collègues, j'ai le plaisir d'être avec vous aujourd'hui pour discuter de la menace que représente l'ingérence étrangère. [*Colleagues, it is my pleasure to meet with you today to discuss the threat of foreign interference.*]
- The purpose of our discussion today is to provide you with an overview of the threat we face and our plans to counter it.
- Since the launch of consultation on the creation of a Foreign Influence Transparency Registry last spring, the federal government has been discussing potential tools with various stakeholders and working on refining the proposed model for a Registry based on the feedback we received.
- The dialogue with provinces and territories has been ongoing. As recently as last month, Public Safety Canada briefed Provincial and Territorial Assistant Deputy Ministers responsible for public safety and justice portfolios.
- Pour ce qui est de notre discussion d'aujourd'hui, je vais maintenant laisser la parole au sous-ministre de la Sécurité publique du Canada, Shawn Tupper, qui fera une brève présentation suivie de ce qui, j'en suis sûr, sera une discussion animée. [*For the purpose of our discussion today, I will now turn to Deputy Minister of Public Safety Canada Shawn Tupper, who will deliver a short presentation, which will be followed by what I am sure will be a robust discussion.*]

**DM LEAD KEY MESSAGES**

**SLIDE 1: FOREIGN INTERFERENCE IN CANADA**

- Merci beaucoup. Pour commencer, j'aimerais prendre un moment pour décrire le problème que nous essayons de résoudre. [*Thank you. To get started, I'd like to take a moment to describe the problem we are trying to address.*]
- Foreign interference is a significant threat at all levels of jurisdiction for like-minded partners and allies around the world.
- We all know that some foreign states use deceptive, covert, and sometimes threatening means to interfere in Canada to the detriment of our national interests. Their goal is to further their interests – and this can be pursued by attempting to influence the composition and decisions of Canadian governments in non-

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transparent ways. This is a form of foreign interference and is often referred to as malign foreign influence.

- This type of foreign interference is distinct from foreign influence undertaken through legitimate and transparent channels/means (e.g., diplomacy, lobbying).
- It is important to recognize that foreign influence is not inherently harmful to the national interest, nor towards Canadians or Canadian communities.
  - For example, accredited diplomats and foreign government employees may regularly meet with federal officials or senior public servants to advocate on behalf of their country.
- Foreign interference, however, is a national security threat. And in recent years, we have observed a significant increase in the sophistication, persistence, and pervasiveness of these efforts. The alleged disinformation campaign on WeChat against MP Michael Chong by state proxies, is but an example of contemporary foreign interference in Canada.

#### SLIDE 2: TARGETS OF FOREIGN INTERFERENCE

- Foreign interference can include efforts such as harassment and intimidation of Canadian communities, surveillance of political dissidents and human rights defenders, cyber incidents, disinformation campaigns, as well as other disruptive actions. Active targets of these activities include institutions at all levels of government as well as private sector organizations, civil society groups, and Canadian communities.
- L'ingérence étrangère est un problème particulièrement complexe à traiter, en partie parce qu'il est difficile de la détecter, mais aussi parce qu'il est difficile de l'imputer pour un certain nombre de raisons. En effet, les méthodes utilisées sont souvent secrètes ou clandestines, et les États hostiles utilisent des mandataires pour parvenir à leurs fins, ce qui signifie que les auteurs ne sont généralement trouvés qu'après coup. [*Foreign interference is a particularly complex challenge to address, in part because detection can be difficult, but also because it is difficult to attribute for a number of reasons. Indeed, the methods are often covert or clandestine, and hostile states will leverages proxies for their purposes. This means attribution is usually only detected after the influence has been exerted.*]

#### SLIDE 3: GOVERNMENT OF CANADA ACTION

- The Government of Canada continues to look for new and innovative ways to enhance the strong measures we have in place to counter foreign interference. Several recent efforts of note include:
  - Safeguarding the 2019 and 2021 federal elections, including through the Security and Intelligence Threats to Elections (SITE) Task Force and the Critical Election Incident Public Protocol;

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- Establishing a National Counter Foreign Interference Coordinator at Public Safety Canada; and,
- Consulting Canadians on a Foreign Influence Transparency Registry (FITR), to ensure transparency and accountability from people who advocate on behalf of a foreign government.
- Going forward, through legislative changes, we aim to develop a modern and robust legal framework to counter foreign interference, which balances national security considerations with privacy and other Charter protections.

#### SLIDE 4: FOREIGN INFLUENCE TRANSPARENCY REGISTRY (FITR)

- One of the tool we are considering: a Foreign Influence Transparency Registry (FITR).
- As you may be aware, in March 2023, the former Minister of Public Safety launched public and stakeholder consultations to guide the creation of a FITR in Canada.
- There were a number of key takeaways from the consultation process.
  - For instance, we learned that there is broad support for a FITR in Canada, on the grounds that it will enhance transparency, protect vulnerable communities, and help deter malign foreign influence.
  - Canadians also expressed that a FITR must be consistent with The Canadian Charter of Rights and Freedoms. It must not be used to create a "blacklist", nor to stigmatize or further marginalize certain Canadian communities.
- As part of these consultations, on May 30 Public Safety Canada briefed Provincial and Territorial Deputy Ministers — responsible for public safety and justice portfolios — in broad strokes on potential direction and considerations for a Canadian model.
- Engagement with provincial and territorial counterparts, as well as other select stakeholders, has been ongoing since then to refine the proposal.
- We are designing a Registry based on this feedback.

#### SLIDE 5: GUIDING PRINCIPLES

- We have set out six (6) guiding principles that are shaping the way we think about the FITR. These guide the mechanism overall, as well as our approach. I'll walk through these quickly.
- *Transparence et connaissance [Transparency and Awareness] :*
  - L'amélioration de la transparence en matière d'ingérence étrangère est un objectif primordial. [*Increasing transparency over foreign influence is a primary goal.*]

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- Un registre public contribuera à renforcer la résilience de la société face à l'influence étrangère malveillante et encouragera les individus à faire preuve de diligence raisonnable avant d'entrer en relation avec des organisations étrangères ou de mener des activités pour le compte de celles-ci. [*A public Registry will help build societal resilience to malign foreign influence, encourage individuals to undertake due diligence before entering into a relationship with, or conducting activities on behalf of foreign organizations.*]
- Deterrence:
  - Foreign states seeking to influence Canada would take on greater risks with a Registry in place, discouraging malign foreign influence activities at the outset.
  - At the same time, a Registry is not a blacklist. This is something we are mindful of as we consider its design, but also how it is communicated.
- Détection [*Detection*] :
  - Les mécanismes de mise en œuvre seront conçus de manière à renforcer la détection et la perturbation de l'influence étrangère malveillante et pourraient comprendre de nouveaux moyens alternatifs de poursuivre des acteurs hostiles qu'il serait difficile de poursuivre en vertu d'autres lois. [*Enforcement mechanisms will be designed in a manner to allow for bolstered detection and disruption of malign foreign influence, including possible new alternative means of prosecuting hostile actors who would otherwise be difficult to prosecute under other laws.*]
- Alignment with Allies:
  - Registries are increasingly viewed as an international best practice, and some of our closest Five Eyes partners and allies have taken steps recently to introduce one, or amend an existing registry.
  - Building on the experiences of our allies will ensure that Canada is aligned with our partners and committed to acting in a coordinated fashion against malign foreign influence activities.
- Réduction du fardeau administratif [*Minimize Administrative Burden*] :
  - Le registre sera conçu de manière à ce qu'il ne soit pas lourd sur le plan administratif et que sa conception complète son utilité. [*The Registry will be designed to ensure it is not administratively cumbersome, and that design complements utility.*]
- Uphold Charter Rights
  - The Registry will be designed in a manner that is fully compliant with Charter-protected rights and freedoms.

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## SLIDE 6: HOW WOULD A REGISTRY WORK?

- Now, let's take a close look at how the Registry would work in practice.
- As a first step, it's important to define what will trigger a registration requirement. We are proposing that three elements be present
  - **First**, there needs to be an arrangement between an individual or entity and a foreign principal, where the individual or entity acts at the direction of, or in association with, a foreign principal.
    - This means that, for an activity to be registrable, there would need to be a relationship between a foreign principal, and the individual or entity undertaking the influence activity.
    - A foreign principal would include a foreign power, foreign state, and foreign economic entity as defined in the Security of Information Act.
  - **Second**, in the event that there is an arrangement, and the individual or entity is in fact operating at the direction of or in association with a foreign principal, they could be required to register only when undertaking certain activities:
    - Communication with a public office holder,
    - Communication or dissemination of information to the public; and
    - The disbursement of money or thing of value.
  - **Third**, The activity that is undertaken pursuant to the foreign influence arrangement would have to be in relation to a political or government process at the federal level or other levels of jurisdiction for the registering obligation to trigger.
    - A political or government process could include: any proceeding of a legislative body; the development of any legislative proposal, a policy or a program; the decision-making by a public office holder or government body, including the awarding of a contract; the holding of an election or referendum; and the nomination of a candidate or the development of an electoral platform by a political party.
- You will note that in the second condition, we have included "Communications Activity" as a registrable activity.
- As you know, we are increasingly seeing foreign interference activities directed towards Canadian society and not necessarily only directed at politicians.
- This is particularly true for the culturally and linguistically diverse diaspora communities in Canada — who are disproportionately targeted by foreign interference activities — including malign attempts to sway their views of Canada on a whole host of issues.
- Including "Communications Activity" as a potential registrable activity could bolster defences against this type of foreign interference, and better protect the most vulnerable Canadians.

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- Maintenant que nous avons abordé les conditions d'inscription, permettez-moi de reconnaître que nous savons que certaines exemptions seront nécessaires. [*Now that we have covered what would require registration, let me acknowledge that we know there will be a need for certain exemptions.*]
- Nous fondant sur les commentaires recueillis dans le cadre du processus de consultation, nous envisageons de limiter le nombre d'exemptions plutôt que d'en dresser une grande liste exhaustive. Nous avons aussi l'intention d'indiquer que le gouverneur en conseil puisse, par voie réglementaire, prévoir d'autres exemptions. [*Based on feedback solicited through the consultation process, the Government is considering a smaller number of exemptions as opposed to a larger, more exhaustive list. We are also planning on providing that the Governor-in-Council (GIC) may, by regulations, make provision for further exemptions.*]
- To start, exemptions could include those acting in an official capacity representing a foreign state, or arrangements to which His Majesty in Right of Canada is a party.

#### SLIDE 7: FITR – CONSIDERATIONS/QUESTIONS

- L'ingérence étrangère s'exerce à tous les niveaux de la société. Par conséquent, nous pensons que le RTMIE doit s'appliquer aux activités d'influence dirigées vers toutes les administrations au Canada, notamment les administrations municipales, les gouvernements provinciaux et territoriaux et, potentiellement, les partenaires autochtones. [*Foreign influence happens at all levels of society. Consequently, we believe FITR needs to apply to influence activities directed at all levels of jurisdiction in Canada, including municipal, provincial, and territorial governments, and potentially Indigenous partners.*]
- Il s'agit là d'une recommandation clairement formulée par les intervenants et le public tout au long du processus de consultation. [*This is something that was a clear recommendation throughout the consultation process from both stakeholders and the public.*]
- We would welcome your views on the applicability of FITR at other levels of jurisdiction and on whether any specific aspects of the proposed model require further refinement.

#### **MINISTER POINTS TO INITIATE DISCUSSION AND CLOSE ITEM**

##### INITIATE DISCUSSION

- Thank you Deputy Minister Tupper. Je voudrais maintenant lancer la discussion. [*I would now like to open the floor for discussion.*]
- More specifically, I would be particularly interested in hearing your views on whether there are specific considerations in extending registration obligation to individuals or entities engaging in foreign influence activities at the provincial or territorial level.

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## CLOSE ITEM

- Thank you for this insightful discussion. Before closing this item, I would like to reiterate that we would welcome further bilateral discussion on the design of a foreign influence transparency registry and other possible amendments to legislation related to foreign interference in Canada. Please reach out to my office if you are interested.

**RESPONSIVE KEY MESSAGES – IF QUESTION RAISED ON ‘SPECIFIC ISSUE’**

IF PRESSED: What is happening with the public inquiry on Foreign Interference?

- On September 7th, the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs, Minister LeBlanc announced — on behalf of the Government of Canada — the establishment of a Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions.
- Justice Marie-Josée Hogue is mandated to examine and assess interference by China, Russia, India and other foreign states or nonstate actors, including any potential impacts, to confirm the integrity of, and any impacts on, the 43rd and 44th federal general elections at the national and electoral district levels.
- The Commissioner is directed to deliver an interim report to the Government by 29 February 2024, and a final report by end of December 2024.

IF PRESSED: Is FITR designed to address Overseas Police Stations?

- The registry is designed primarily as a tool to enhance transparency for those who act on behalf of foreign governments to influence our government and political processes.
- While the registry does not address the full spectrum of foreign interference threats in Canada, such as transnational repression, it is an important tool in Canada’s toolkit that will align us closer with the approaches taken by our Five Eyes allies, and overall would help to bolster our defences against malign foreign influence.
- Our Government is actively considering other legislative tools and approaches to address other specific aspects of foreign interference.

IF PRESSED: Is the FITR a Blacklist or a Foreign Agents Registry?

- No, this is a misconception. Registering under the FITR does not mean that an individual is engaged in undesirable or unlawful activity.
- The ultimate goal for Canada is to enhance transparency over foreign influence undertaken at the direction of, or in association with foreign states. Therefore, those who register under a FITR are supporting transparency and the national security objectives of Canada.
- This is what the Foreign Influence Transparency Registry is intended to help us achieve, and to that end it is not a “blacklist” nor a Foreign Agents Registry.

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IF PRESSED: What are the offences?

- Criminal offences would include:
  - failing to register an arrangement;
  - failing to update arrangement information;
  - knowingly providing false or misleading information to the Commissioner; and;
  - obstructing the operation of the Registry.

IF PRESSED: What are the penalties?

- While amounts for administrative monetary penalties for contraventions of the Act will be set out in regulation, any individual or entity guilty of an indictable offence under the criminal provisions in the Act could face prosecution and penalties, likely up to \$5 million, a prison term not exceeding five years, or both.
- The decisions of the Commissioner could be judicially reviewed in the Federal Court.

#### **DRAFT TEXT FOR PS COMMUNIQUE TO BE RELEASED FOLLOWING MEETING**

- Provincial and Territorial Ministers received an update from Public Safety Canada on the threat of foreign interference.
- Public Safety Canada also provided a status update on the development of a Foreign Influence Transparency Registry and discussed its potential application at the provincial and territorial levels of jurisdiction
- Provincial and Territorial Ministers shared their views on the proposed model for a Foreign Influence Transparency Registry.

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