Guide to Canadian Intelligence Issues

by Stéphane Lefebvre and Jeremy Littlewood, PhD

[Editor's Note: Canada and the United States share a long border and many of the same security concerns. Lefebvre and Littlewood in their Guide to Canadian Intelligence Issues explain the Canadian intelligence system. Readers in the US will note some similarities and distinct differences in the approach to intelligence taken in Canada. The authors present a rich menu for further reading.]

For most of the Cold War period, Canadian intelligence activities were largely conducted in secrecy, and the monopoly of the executive branch. The security intelligence function was the responsibility of Canada's national police, the Royal Canadian Mounted Police (RCMP). Foreign intelligence was also an area of intense activity throughout the Cold War and after. Besides the military intelligence activities, which fall under the purview of the Canadian armed forces, and are focused on the intentions and capabilities of foreign militaries, Canada also has a signals intelligence organization (Communications Security Establishment CanadaCSEC), but its very existence was not publicly acknowledged until 1983.

A seminal event in the history of Canadian intelligence occurred in 1981 when the Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police (the McDonald Commission) recommended that a civilian service replace the Security Service of the RCMP along with robust review and accountability mechanisms. Having agreed with the thrust of the Commission's report, government enacted legislation in 1984 creating the Canadian Security Intelligence Service (CSIS) and a review body, the Security Intelligence Review Committee (SIRC).[1]

In December 2001, the adoption by parliament of the *Anti-Terrorism Act* represented another seminal event. By amending the *National Defence Act*, it provided CSEC[2] with its first-ever legislated mandate as well as instituting a distinct review mechanism in the form of a commissioner's office.[3] Beyond the core agencies (CSIS, CSEC, and Chief of Defence Intelligence) Canada's Intelligence Community encompasses a wide array of organizations that are part of federal departments or agencies, including the Royal Canadian Mounted Police-National Security Criminal Investigations program, an Integrated Terrorism Assessment Centre (ITAC)[4] as well as an independent agency—the Financial Transactions and Reports Analysis Centre (FINTRAC)—Canada's financial intelligence organization, which reports to the Minister of Finance.[5] The mandate and legislation applicable to each are detailed in the 2006 report of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, titled *A New Review Mechanism for the RCMP's National Security Activities.*[6]

Maher Arar

To study the seminal events that have affected the origin, evolution and effectiveness of the Canadian intelligence community and its constituent parts, American scholars, students and practitioners would not be well served by recently edited volumes and anthologies on the subject of intelligence and its study because of their overwhelming emphasis on the Anglo-American experience. Relying on them, a reader would be hard pressed to discern how that experience differs from the Canadian one. Yet, it does. While American students and practitioners are well served by these volumes, Canadians, unfortunately, have no single volume to point to that captures the breadth and detail of their own nation's intelligence experience.[7]

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1. See CSIS; http://www.csis-scrs.gc.ca/ and SIRC; http://www.sirc-csars.gc.ca/, respectively.

2. http://www.cse-cst.gc.ca/
3. http://ocsec-bccst.gc.ca/
4. ITAC was originally called the Integrated Threat Assessment Centre upon its establishment in 2004
5. See http://www.cdi-crd.forces.gc.ca/, http://www.rcmp-grc.gc.ca/nsci-ecsn/index-eng.htm , http://www.itac-ciem.gc.ca/, and http://www.fintrac.gc.ca/.
6. Ottawa: Public Works and Government Services Canada, 2006
7. Since 2007, Routledge, Oxford University Press and Praeger Security International have published major anthologies on all aspects of intelligence. This reflects the fact that the study of intelligence has gained not only in popularity but also as a legitimate field of research. These volumes have included: *Intelligence: Critical Concepts in Military, Strategic & Security Studies.* 4 Volumes, edited by Loch K. Johnson, London: Routledge, 2011; *Intelligence and National Security. The Secret World of Spies: An Anthology,* Third Edition, edited by Loch K. Johnson and James

Yet, as a distinct field of enquiry, intelligence studies in Canada are vibrant today. Twenty years ago, the field was nascent and limited to a select few academics. It expanded in slow increments until the events of 9/11, whereupon it developed significantly with an influx of new scholars and distinctive scholarly activities, fuelled in part by the impact of particular government decisions affecting the rights of individuals and for which intelligence played a significant role. The Canadian Association for Security and Intelligence Studies[8] (CASIS), established in 1985, played a part in increasing the legitimacy and popularity of studying intelligence. Intelligence analysts themselves within the Canadian government have paid attention proactively to the professionalization and improvement of the intelligence field of study and have organized into a Canadian Association of Professional Intelligence Analysts (CAPIA) to further promote professional development, training, and education of intelligence analysts.[9]

However, an epistemic community intending to grow and move the research yardstick forward needs more than good motivation. It also needs access to key material from which to take stock of past and current research and findings and to draw research agendas for the future. It is in this context that this short article brings together a set of readings for the study of Canadian intelligence. The readings we propose concerning Canadian intelligence issues include authoritative chapters, books, and articles that have appeared over the past 20 years critically analyzing some key issues: the legal framework for intelligence, intelligence culture, security intelligence, foreign intelligence, signals intelligence, military intelligence, and accountability and review. The introductory mate-

rial we identify covers the progress and achievements of the Canadian literature on intelligence from 1990 to 2010 (state of the discipline's scholarship) in a manner reminiscent of Geoffrey Weller's article published in the *International Journal of Intelligence and CounterIntelligence* in 2001 and of Stuart Farson's article published in *Conflict Quarterly* in 1989.[10]

These major texts in Canadian intelligence studies represent, in our view, key reference points for those—students, professors, intelligence and national security professionals, and the general public—seeking (a) to understand how the Canadian intelligence community has evolved since the end of the Cold War and (b) to better comprehend how it did so and under what conditions. These texts should also be of interest for students beyond intelligence studies, including Security Studies and International Relations. Dependent on their availability outside of Canada, they should also help educate the public about the role, place and importance of intelligence in Canada, and motivate scholars in Canada and abroad to further study the Canadian intelligence community.

We have organized our suggested reading material around the key issues outlined above, which also reflects the major topics of study within Canadian intelligence studies. Following the introduction, the first section situates the Canadian intelligence community within the wider frameworks within which it operates, including the global, legal, cultural and change management contexts. This is important, as each of these contexts influences, through constraints and opportunities, the practice of intelligence and the performance of each agency, each being a government bureaucracy of its own. The second section proposes material that examines the evolution of security intelligence in Canada and the broadening of its mandate post-9/11. The following sections respectively look at foreign intelligence, signals intelligence and military intelligence. The last section examines accountability and review by identifying its major features (such as the role of the legislative branch, the media, special inquiries and independent review bodies), all recognized as essential to the proper functioning of an intelligence community within a democratic system.

Some caveats, however, are in order:

To fully comprehend and understand the practice and evolution of intelligence in Canada, instructors

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J. Wirtz, New York: Oxford University Press, 2011; *The Oxford Handbook of National Security Intelligence*, edited by Loch K. Johnson, Oxford: Oxford University Press, 2010; *Secret Intelligence: A Reader*, edited by Christopher Andrew, Richard J. Aldrich and Wesley K. Wark, London and New York, Routledge, 2009; *Strategic Intelligence*, 5 Volumes, edited by Loch K. Johnson, Westport: Praeger Security International, 2007; and the *Handbook of Intelligence Studies*, edited by Loch K. Johnson, London: Routledge, 2007.

8. *http://www.casis.ca/*

9. CAPIA, supported by the Privy Council Office (the Prime Minister's Department), was "created to promote training and high analytical standards with the Canadian intelligence community and foster networks and information sharing." The Honourable Paul Martin, *Privy Council Office 2004-2005 Departmental Performance Report* (Ottawa: Privy Council Office, 2005), p. 37. Also noted in Natalia Derbentseva, Lianne McLellan and David R. Mandel, "Issues in Intelligence Production: Summary of Interviews with Canadian Managers of Intelligence Analysts," DRDC Toronto Technical Report 2010-144 (Toronto: Defence R&D Canada Toronto, December 2010), pp. 63-64.

10. Geoffrey R. Weller, "Assessing Canadian Intelligence Literature: 1980-2000," *International Journal of Intelligence and CounterIntelligence*, Vol. 14, No. 1, 2001, pp. 49-61; Stuart Farson, "Schools of Thought: National Perceptions of Intelligence," *Conflict Quarterly*, Vol 2, No. 2, Spring 1989, pp. 52-104.

will need to access and go through a sizeable amount of government material. In particular, reports of major government inquiries and landmark court decisions (the latter are accessible through the Canadian Legal Information Institute[11]) will represent key primary sources. The former include:

Report of the Royal Commission on Security, Ottawa: The Queen's Printer, June 1969.

Freedom and Security Under the Law, several volumes, Ottawa: Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, August 1981.

A New Review Mechanism for the RCMP's National Security Activities, Report of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, Ottawa: Public Works and Government Services Canada, 2006.

Internal Inquiry into the Actions of Canadian Officials in Relation to Abdullah Almalki, Ahmad Abou Elmaati and Muayyed Nureddin, Ottawa: Her Majesty the Queen in Right of Canada, represented by the Minister of Public Works and Government Services, 2008.

Air India Flight 182: A Canadian Tragedy, Report of the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182, several volumes, Ottawa: Minister of Public Works and Government Services, 2010.

In addition to these major inquiries' reports, instructors will require familiarity with a variety of annual or public reports produced by the agencies themselves. These include the annual Public Report of the Canadian Security Intelligence Service, the annual operational audit of the Security Intelligence Review Committee, and the annual report of the Communications Security Establishment Commissioner.[12]

Contrary to what one can find in the United States or the United Kingdom, there is no major history of the intelligence community available in Canada. A history of the Canadian intelligence community in the first decades of the Cold War was prepared several years ago by University of Toronto Professor Wesley Wark with support and access to archival documentation provided by the Privy Council Office, but no consensus on the declassification of Dr. Wark's study could be reached after its completion.[13]

Canadian and other scholars have paid more attention to the oversight and review mechanisms—either in place or lacking—than the effectiveness and practices of the community and its constituent parts. This is reflected in the paucity of material on operational effectiveness, performance management, and organizational issues. For instance, no scholarly work has ever been done on the intelligence components of the Departments of Transport and Environment, the Canada Border Services Agency and others.

READINGS FOR INSTRUCTORS

The following are recommended readings on Canadian intelligence issues.

Overview

Jean-Paul Brodeur (2003). "The Globalisation of Security and Intelligence Agencies: A Report on the Canadian Intelligence Community," in Jean-Paul Brodeur, Peter Gill, and Dennis Töllborg (Eds.), *Democracy, Law and Security: Internal Security Services in Contemporary Europe*. Burlington, VT: Ashgate, pp. 210-261.

Stéphane Lefebvre (2010). "Canada's Legal Framework for Intelligence," *International Journal of Intelligence and CounterIntelligence*, Vol. 23, No. 2, pp. 247-295.

Stéphane Lefebvre (2009). "Canada's Intelligence Culture: An Evaluation," in Russell G. Swenson and Susana C. Lemozy (Eds.), *Democratization of Intelligence: Melding Strategic Intelligence and National Discourse*. Washington, D.C.: National Defense Intelligence College Press, pp. 7998.

Wesley K. Wark (2003). "Canada and the Intelligence Revolution," in Heike Bungert, Jan G. Heitman and Michael Wala (Eds.), *Secret Intelligence in the Twentieth Century*. London: Frank Cass, pp. 176-192.

Stuart Farson and Reg Whitaker (2008). "Canada," in Stuart Farson, Peter Gill, Mark Phythian, and Shlomo Shpiro (Eds), *PSI Handbook of Global Security and Intelligence: National Approaches. Volume One: The Americas and Asia*. Westport: Praeger Security International, pp. 21-51.

Security Intelligence

Wesley K. Wark (1992). "Security Intelligence in Canada, 1864-1945: The History of a 'National Insecurity State'," in Keith Neilson and B.J.C. McKercher (Eds.), *Go Spy the Land: Military Intelligence in History*. Westport: Praeger, pp. 153-178.

Reg Whitaker (1984). "Origins of the Canadian Government's Internal Security System, 1946-1952," *The Canadian Historical Review*, Vol. LXV, No. 2, pp. 154-183.

Reg Whitaker (2000). "Cold War Alchemy: How America, Britain and Canada Transformed Espionage into Subversion," *Intelligence and National Security*, Vol. 15, No. 2, pp. 177-210.

Reg Whitaker (2005). "Made in Canada? The New Public Safety Paradigm," in G. Bruce Doern (Ed.). *How Ottawa Spends 2005-2006: Managing the Minority*, Montreal and Kingston: McGill-Queen's University Press, pp. 77-95.

Arne Kislenko (2010). "Guarding the Border: Intelligence and Law Enforcement in Canada's Immigration System," in Loch K. Johnson (Ed.). *The*

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11. *http://www.canlii.org/en/index.php*
12. See *http://www.csis-scrs.gc.ca/pblctns/nnlrprt/index-eng.asp*, *http://www.sirc-csars.gc.ca/anrran/index-eng.html*, and *http://www.ocsec-bccst.gc.ca/ann-rpt/index_e.php*, respectively.
13. The authors are grateful to Dr. Wark for verifying and confirming this information.

Oxford Handbook of National Security Intelligence. Oxford: Oxford University Press, pp. 310-327.

Martin Rudner (2006). "Protecting North America's Energy Infrastructure Against Terrorism," *International Journal of Intelligence and CounterIntelligence*, Vol. 19, No. 3, pp. 424-442.

Evan H. Potter (1998). "The System of Economic Intelligence-Gathering in Canada," in Evan H. Potter (Ed.). *Economic Intelligence & National Security*, Ottawa: Carleton University Press, pp. 21-78.

Foreign Intelligence

Kurt F. Jensen (2008). *Canadian Foreign Intelligence 1939-1951: Cautious Beginnings*, Vancouver: UBC Press.

Don Munton (2009). "Intelligence Cooperation Meets International Studies Theory: Explaining Canadian Operations in Castro's Cuba," *Intelligence and National Security*, Vol. 24, No. 1, pp. 119-138.

Barry Cooper (2007). *CFIS: A Foreign Intelligence Service for Canada*. Calgary: Canadian Defence & Foreign Affairs Institute. http://www.cdfai.org/PDF/CFIS.pdf.

Dan Livermore (2009). "Does Canada Need a Foreign Intelligence Agency?" *CIPS Policy Brief No. 3*. Ottawa: University of Ottawa, Centre for International Policy Studies.

Signals Intelligence

Stuart Farson (2001). "So you don't like our Cover Story–Well we have Others: The Development of Canada's Signals Intelligence Capacity through Administrative Sleight of Hand, 1941-2000," in Bob Menzies, Dorothy Chunn and Susan Boyd (Eds.), *(Ab)Using Power: The Canadian Experience*. Halifax: Fernwood Press, pp. 78-94.

Bill Robinson (1992). "The Fall and Rise of Cryptanalysis in Canada" *Cryptologia*, Vol. XVI, No. 1, pp. 23–38.

Martin Rudner (2001). "Canada's Communications Security Establishment from Cold War to Globalization," *Intelligence and National Security*, Vol. 16, No. 1, pp. 97-128.

Martin Rudner (2007). "Canada's Communications Security Establishment, Signals Intelligence and Counter-Terrorism," *Intelligence and National Security*, Vol. 22, No. 4, pp. 473-490.

Military Intelligence

Wesley K. Wark (1989) "The Evolution of Military Intelligence in Canada," *Armed Forces & Society*, Vol. 16, No. 1, pp. 77-98.

Martin Rudner (2002-2003). "The Future of Canada's Defence Intelligence," *International Journal of Intelligence and CounterIntelligence*, Vol. 15, No. 4, pp. 540-564.

Martin Rudner (2003). "Canada, the UN, NATO, and Peacekeeping Intelligence," in Ben de Jong, Wies Platje, and Robert David Steele (Eds.), *Peacekeeping Intelligence: Emerging Concepts for the Future*. Oakton, Va.: OSS International Press, 2003, pp. 371-378.

Captain H. Christian Breede (2006). "Intelligence Lessons and the Emerging Canadian Counter-Insurgency Doctrine," *Canadian Army Journal*, Vol. 9, No. 3, pp. 24-40.

Lieutenant Colonel Daniel Villeneuve (2006). "A Study of the Changing Face of Canada's Army Intelligence," *Canadian Army Journal*, Vol. 9, No. 2, pp. 18-36.

Accountability and Review

Stuart Farson (1991). "Restructuring Control in Canada: The McDonald Commission of Inquiry and its Legacy," in Glenn P. Hastedt (Ed.) *Controlling Intelligence*. Abingdon: Frank Cass, pp. 157-188.

Jez Littlewood (2010). "Accountability of the Canadian Security and Intelligence Community post 9/11: Still a Long and Winding Road?" in Daniel Baldino (Ed.), *Democratic Oversight of Intelligence Services*. Sydney: The Federation Press, 2010, pp. 83-107.

Jacques Shore (2006). "Intelligence Review and Oversight in Post-9/11 Canada," *International Journal of Intelligence and CounterIntelligence*, Vol. 19, No. 3, pp. 456-479.

Roy Rempel (2004-2005). "Canada's Parliamentary Oversight of Security and Intelligence," *International Journal of Intelligence and CounterIntelligence*, Vol. 17, No. 4, pp. 634-654.

Anthony Campbell (2009). "Bedmates or Sparring Partners? Canadian Perspectives on the Media-Intelligence Relationship in 'The New Propaganda Age'," in Robert Dover and Michael S. Goodman (Eds.). *Spinning Intelligence: Why Intelligence Needs the Media, Why the Media Needs Intelligence*. New York: Columbia University Press, pp. 165-183.

Stuart Farson and Reg Whitaker (2010). "Accounting for the Future or the Past? Developing Accountability and Oversight Systems to Meet Future Intelligence Needs," in Loch K. Johnson (Ed.), *The Oxford Handbook of National Security Intelligence*, Oxford: Oxford University Press, pp. 673-698.

Joe Faragone (15-18 February 2009). "Assessing the Performance of the Canadian Intelligence Community through an Integrated Results-Based Management Method," paper presented at the International Studies Association 2009 Annual Convention, New York City.

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