



Briefing Note

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Fighting back against global hostage-taking

A proposed new act to hold state and terrorist actors to account

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Introduction

The startling persistence of hostage-taking of Canadians is a major concern and requires a substantive overhaul of Canada's national approach to this issue. Beyond criminalizing hostage-taking, Canada has done little to remedy this issue.

The lack of action on the hostage-taking of Michael Spavor and Michael Kovrig by Chinese authorities has signalled to the international community and non-state actors that there are some circumstances in which "hostage diplomacy" can occur with impunity. Furthermore, victims and their families are often left in limbo.

This briefing note by the Macdonald-Laurier Institute and Canadian Coalition Against Terror, based on a longer publication released jointly by both organizations, proposes new legislation titled, "*An Act to Address the Taking of Innocent Civilians as Hostages.*" This legislation would serve to deter and punish global hostage-taking, support victims and their families, and improve the framework for international cooperation to end hostage-taking incidents.

Current situation

There are deep issues with Canada’s approach in addressing hostage-taking. The response to hostage-taking can be characterized by a lack of clear leadership, poor continuity, political paralysis, secrecy, and more.

Notably, one of the worst deficiencies in Canada’s approach to hostage situations is the failure to effectively communicate with the families of victims. Critical services such as psychological and mental health support have not been consistently offered to vulnerable families of victims, leading to further isolation.

In many cases, Canada has failed to deploy sanctions or any form of substantial punishment against hostage-takers. The lack of consequence has created a favourable environment for hostage diplomacy to continue to occur. Furthermore, though international cooperation has yielded some benefits, it is done in an ad hoc fashion that limits its overall effectiveness.

These issues are extensive; they have been present across multiple governments and require new governing legislation to resolve.

Proposed legislation: “An Act to Address the Taking of Innocent Civilians as Hostages”

This legislation would seek to remedy several issues with Canada’s current approach to hostage-taking. The legislation contains three parts:

Part I: Sanctions

This section permits the governor-in-council to impose sanctions on a foreign national or state involved in the taking of a Canadian hostage. Canada may also apply sanctions when nationals of other countries are taken hostage.

Part II: Assistance to families

This section provides a framework of proposed federal obligations to ensure communication with the families of hostages and assistance in acquiring information. The proposal also offers access to specialized mental health support and the creation of a “family liaison centre” – a specialized body that will liaise with the families of hostages and provide guidance.

Part III: Multilateral Cooperation

Foreign states and nationals are often instrumental partners in securing the release of hostages abroad. The proposed legislation would allow for increased communication and collaboration with foreign nationals to secure the release of Canadian hostages and/or acquiring information relevant to a Canadian hostage.

Conclusion

As we enter a new era of geopolitics, the need for the Canadian government to take legislative action to combat and deter hostage-taking is evident. This proposed legislation would provide a framework to address the current deficiencies in the federal government's approach and create a unified national response to hostage-taking.

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