



Toward a Serious Plan for Modernizing Canada's Security Regime

Luc Portelance and Ray Boisvert

As the Trudeau government begins to tackle pressing issues and fulfil its campaign promises, it is clear that national security must be among its top priorities.

Since the attacks of October 2014 in Canada, and the previous government's attempts to fix national security shortcomings via Bill C-51, numerous acts of terrorism have occurred around the world. The San Bernardino and Paris attacks, for example, have raised serious concerns about the limits to law enforcement and intelligence agencies' abilities to track and control violent extremists who use terror to achieve their means. Similarly, the recent deaths of seven Canadians in Burkina Faso and Jakarta have demonstrated the risks that we face around the world when Western interests are targeted.

The government has moved to repatriate our CF 18s and has undertaken a new set of commitments to the conflict against ISIS in the Middle East. It is also looking to improve review and oversight of security agencies, and address the "problematic elements" of Bill C-51. It does all this at a time when the magnitude and complexity of the threat has seldom been so high.

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Since the tabling of Bill C-51, the preponderance of critics and experts have raised concerns with what is perceived as an alarming increase of intrusive investigative authorities and the corresponding erosion of effective review mechanisms to monitor the activities of national security agencies. Contributing to that unease, the national security landscape has evolved immeasurably since the 9/11 attacks, most notably the number of agencies involved in collecting and exchanging information, the role technology plays in those efforts, and the pace and volatility of the threat environment itself.

The January 2016 report from the Security Intelligence Review Committee (SIRC) revealing that CSIS retained surveillance data that was supposed to be destroyed, and comments by the Communications Security Establishment Commissioner that CSEC broke the rules by passing on metadata on the communications of Canadians to our allies, lend some credence to those who argue for increased review and accountability. Notwithstanding the recommendations of several commissions of enquiry, the review and accountability frameworks have clearly not kept pace with the volume, complexity and inter-connectivity of issues related to security investigations.

As the pressure mounts to modernize the accountability regime, the Trudeau government is presented with a timely opportunity, along with a commensurate level of risk. Getting national security wrong can lead to devastating consequences, from privacy impacts to the tragic loss of life. Unencumbered by the past, the government has an opportunity to look far beyond the visible public debate and consider a thoughtful and thorough assessment of our national security structure – from capability to review.

The risk, and we believe it to be a serious one, is to allow a one-dimensional public debate on review and accountability, while neglecting the pressing need to ensure that Canada's security apparatus is adequately equipped to protect Canadian interests. Both the RCMP Commissioner and the CSIS Director have recently testified to the unprecedented pace of investigations and their challenges in monitoring the growing threat from terrorism. Moreover, as the threat from violent extremists grows, there have been admitted gaps in the pursuit of equally important national security and criminal investigative matters, such as organized crime.

Effective security is the product of coordinating a collective of security related actors and stakeholders, integrating numerous public policies and programs, engaging all levels of government, ensuring strong international cooperation, as well as leveraging the willing cooperation of our communities. At its core, is the interwoven set of elements that support our ability to prevent, detect, deny and respond to emerging threats. Over our history, the evolution of Canada's security capabilities has rarely been co-ordinated and, particularly in the wake of the 9/11 tragedy, it has been guided by hasty reaction to events rather than a coherent plan.

As the government contemplates its national security priorities, it must, therefore, address the following issues:

- ➔ The time for Parliamentary review is here, along with the need to integrate the roles and responsibilities of other review bodies that surveil security agencies. Parliamentarians from all parties with official status in the House of Commons, and potentially members of the Senate, would be indoctrinated to receive classified briefings, and empowered to question witnesses as part of a new review process. They would not, however, be responsible for oversight of security agencies. That responsibility must remain the exclusive preserve of the executive branch of government. Accountability and trust is at the very foundation of public policy and service delivery. As we move out from the shadow of the 9/11 tragedy, as well as its response, the issue of police, security and intelligence agency review and public accountability has never been more important. Such new mechanisms have to balance a need for increased intelligence gathering capabilities with the need for effective review, and must be structured thoughtfully to avoid duplication and unnecessary burden on security agencies with existing review mechanisms, such as CSIS, CSEC and the RCMP.

- The heads of our key national security organizations have indicated publicly that they are stretched as they face unprecedented pressures related to the volume and pace of their investigations. Following a series of cuts under the previous government, Canadians need to be reassured that their security framework is adequately resourced and equipped to manage the current and future pressures.
- Security agencies in Canada and elsewhere have indicated they are often stymied in their investigations due to the evolution of technology, particularly the Internet and encryption. The problem of threat actors “going dark”, or falling off the surveillance radar through deliberate means such as applied encryption, is a serious and legitimate concern that must be addressed with the same vigour as the energy dedicated to protecting the privacy of our citizens. A balanced examination and debate on the need for some form of lawful access that ensures precisely targeted interception of communications within a strict legal framework is a most necessary, albeit sometimes uncomfortable, reality.
- Similarly, in addition to the need for increased investigative resources, greater investments are required in data analytics. Increasing human resource levels alone will not solve the problem. In order to deliver higher levels of early detection and prevention, often through actionable intelligence leads, we must consider important investments in predictive analytics. Otherwise, our agencies will be destined to react to rather than pre-empt national security threats. Therefore, public/private partnerships are needed to ensure that security agencies will avail themselves of the best, leading edge Western technologies that will enhance security assurance, while delivering economic benefits to Canada’s resourceful technology sectors.
- Although controversial, systems for and the legal framework to enable the sharing and use of information among agencies are vital. Despite the findings of the Major Inquiry into the 1985 Air India bombing, which revealed extensive security failures, for instance, ongoing challenges remain in converting intelligence into usable evidence in court proceedings. While concerns about privacy must be considered, there is a growing risk, as we have seen in recent terrorism incidents overseas, that available data will not be shared in a timely and effective manner. Our review of the information sharing enhancements provided in Bill C-51 leads us to believe that certain new investigative authorities provided by the legislation can be maintained while ensuring that the reasonable privacy expectation of Canadians is fully observed. This will not satisfy narrowly focused “full privacy or nothing” advocates, but should be acceptable to the majority of Canadians.
- As a foundation to an effective national security strategy, it is imperative to ensure the integrity of our borders. And yet, despite significant investments in border management, Canada stands alone among its allies by not having the ability to monitor outbound movements. Notwithstanding a commitment in the Beyond the Border Action Plan developed in partnership with the US, a structured exit program has not been implemented by Canada. There is clearly a pressing need to monitor the movements of foreign fighters, but this cannot be achieved unless the government closes this critical security gap. Given the increasing anxiety pertaining to Europe’s free-movement Schengen zone and an intensified public clamour for closed European borders, as well as the looming election south of our border, Canada cannot risk being viewed as the soft entry point or a net exporter of terror. The consequences of a tightened US/Canada border have been felt in the past and could have potentially devastating economic consequences for the future.
- Canada must improve the effectiveness of its counter-radicalization strategy. The European situation and our own experience point to a problem that is both foreign-influenced and homegrown. Prevention must begin at home working closely with our communities and all levels of government

to keep susceptible young people from becoming prey to radicalization and used to commit violent political acts. Moreover, the development and delivery of a counter-narrative must not be seen as the exclusive domain of the police, intelligence or military services of government. Neither should it be viewed as a technology problem. A collaborative effort with the technology industry to find and close down or censor inappropriate social media accounts will not be enough. This is a strategic, long-term battle of ideas that will only be won through effective message targeting and content management strategies. Moving forward, governments must recruit the creativity and methodology of those who develop successful advertising content, be it traditional or social media. Through this innovative approach, our society will be better positioned to offer a realistic and compelling alternative to the cult of hatred, division and death that is currently dominating select channels and forums

- ➔ Increasingly, the “away game” matters. Whether gathering intelligence, preventing the arrival of inadmissible people and goods, thwarting potential plots or tracking Canadians who have left Canada to join violent jihadist movements, our national security organizations must have the capabilities to work effectively overseas. While international cooperation remains the cornerstone of their work, absent a dedicated foreign intelligence service, the responsibility for collecting foreign intelligence lies with our domestic agency, CSIS, our signals intelligence organization, CSEC, and several other entities which contribute foreign, diplomatic, military and security intelligence. With so many Canadian targets abroad, the government must assess whether we are properly organized and resourced to play our part internationally. The question of whether Canada requires or desires a foreign intelligence service that will reduce Canada’s reliance on third-party assessments, which are possibly tainted by national bias, along with increasing the Canadian intelligence contribution to allies, is equally timely.
- ➔ Although not often top of mind due to its opaque yet insidious nature, cyber threats continue to undermine our national competitiveness, while increasingly infringing the privacy of individual Canadians. Ever more skilled threat actors, such as nation states seeking to steal innovative intellectual property or target critical infrastructure, or organized criminal groups that steal Personal Identifiable Information (or PII), add to the number of serious losses every day. Moreover, achieving high security assured e-commerce and e-government have important strategic benefits for Canadian citizens and their economy. As such, Canada must focus on building a far more cyber-resilient society, both at the private and public levels. To achieve this, the federal government must demonstrate greater leadership on the cyber file, and its agencies must re-double their efforts in terms of private sector outreach, technology investments and policy development.
- ➔ Finally, coordination is fundamental to having an effective national security program. On the whole, one of the greatest challenges is ensuring that national security agencies, and key partners, are aligned, communicating, sharing information and acting in a concerted fashion to achieve a well-defined common, legally prescribed set of objectives. Equally critical is the process of identifying priorities, aligning intelligence collection capabilities, evaluating gaps and producing actionable intelligence and strategic assessments. For instance, since 9/11, analytical shops have proliferated throughout government departments, including the creation of the Integrated Terrorism Assessment Centre (ITAC) in 2004. Despite coordination mechanisms, the current structure risks supporting disparate agencies operating within silos, and rather divorced from any truly centralized analysis process. In fact, Canada remains one of a few advanced nations that does not benefit from a fully functional, multiagency-represented office of national intelligence assessment. The question, therefore, is whether Canada’s current coordination mechanisms are effective at driving a national intelligence collection and assessment agenda, and whether we might benefit from embracing the focused and fully integrated approaches developed by some of our partners.

The Prime Minister and his new Cabinet have taken office at a critical time. They are supported by professional, dedicated, world-class security organizations whose commitment to protecting Canadians is unquestionable. In fact, our agencies have collaborated successfully over the years to thwart a number of terrorism plots in Canada and abroad. However, there is an opportunity and a need for a thoughtful re-examination of our strategy and our capabilities, along with the accountability regime that ensures the protection of fundamental rights. As European countries and others draw conclusions as to the inadequacy of their national security investments, Canada must ensure it is discussing the right issues at the right time. As such, and although important, simply tweaking Bill C-51 or introducing Parliamentary review are unlikely to deliver what Canadians fully need at this important juncture.

This new government has committed to real change. This must include responding effectively to the safety and security challenges affecting Canadians, while protecting fundamental and necessary rights and freedoms. Meaningful change therefore, should involve the modernization of critical institutions such as those engaged in national security.

With those issues in mind, we are compelled to ask: “Is it time for a national security reset in Canada?”

ABOUT THE AUTHORS



LUC PORTELANCE

Luc Portelance is a seasoned executive with extensive experience leading large, complex, and high-profile operational organizations in the field of public safety and national security. His 36 year career with the Canadian Government is highlighted by five years as President of the Canada Border Services Agency (CBSA) between 2010 and 2015. Previously, he spent 24 years with the Canadian Security Intelligence Service (CSIS) including key leadership positions such as Assistant Director Corporate, Assistant Director Operations, and, finally, Deputy Director Operations. Luc Portelance began his career with the Royal Canadian Mounted Police (RCMP) prior to joining CSIS in 1984.

His expertise in border management, intelligence, law enforcement and public policy is the result of hands-on experience leading Canada's most sensitive national security operations, and his role in modernizing the border agency. Over the years, Luc has developed a proven track record in delivering organizational change and transformation including: business re-engineering, IT-enabled transformation, operational efficiency, downsizing, service orientation, and culture change.

Luc Portelance has recently founded CrossPoint Integrated Strategies, Inc. where he now provides consulting services in a variety of fields associated with his area of expertise.



RAY BOISVERT

As President of I-Sec Integrated Strategies, and now also with Hill + Knowlton Strategies, Ray works with a variety of client organizations to help them gain a deeper understanding of intelligence and security matters in a global context, and the impact on their operating environments. He delivers business intelligence solutions, consults on Mergers and Acquisitions with national security complexities, and guides resilience building, particularly in the areas of Cyber Security and Insider Threats.

After five years with the RCMP, primarily in drug enforcement, Ray joined the Canadian Security Intelligence Service (CSIS) in 1984 and retired as Assistant Director, Intelligence in 2012. During his tenure, Ray was involved in broad facets of security intelligence operations – from leadership of the Counter Terrorism domain, to Operational Risk Management, Data Exploitation programs, Human Source management, and Special Operations.

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