



Ottawa laying ground work for special Joint Parliamentary National Security Committee: Minister McLellan

By PACO FRANCOLI

The governing Liberals' upcoming Joint Parliamentary Committee on National Security, whose members will have access to secret Cabinet documents, will represent "quite a cultural shift" on Parliament Hill, says Public Security Minister Anne McLellan.

"It will represent quite a cultural shift in terms of the other committees of the House of Commons. If it is going to operate effectively, it is going to deal with very sensitive matters, matters that go to our very ability of our country to protect itself and to work with others around the world. Therefore, there will be no room for partisan gamesmanship on this committee. This is a committee where you have Parliamentarians focused on one thing, and that is the public and safety of Canadians," said Ms. McLellan (Edmonton West, Alta.) last week in a telephone interview with *The Hill Times* focused on national security issues.

Also she said the government is working on a consultation paper detailing possible options on how to create the special Public Security Committee which Prime Minister Paul Martin (LaSalle-Émard, Que.) promised to strike upon taking office on Dec. 12, 2003.

Ms. McLellan said that implementing legislation may be required to create the Public Security Committee whose members will be sworn in as privy councillors. She added that it likely won't become a reality until next fall at the earliest.

In the meantime, she wants MPs and Senators "to create a joint committee to advise the government" on what this proposed new Joint Public Security Committee "should look like."

She also said she will provide them "with a consultation paper which the MPs and Senators can use as background. And they can do that which they think will be necessary to make recommendations to the government around how they think this committee should operate.

"This is a committee where you have Parliamentarians

focused on one thing, and that is the public and safety of Canadians," she said.

Ms. McLellan is charged with overseeing about 55,000 public servants and a major new department called Public Safety and Emergency Preparedness which was created by the Martin government on Dec. 12, 2003 to handle policing, intelligence and Canada-U.S. border management.

Some have likened the new department as a smaller version of the U.S.'s massive Homeland Security Department which has been dogged by criticism that it is too big to work effectively.

The new minister also assumed the responsibilities of the now defunct Solicitor General position, putting her in charge of the major agencies like the RCMP and the Canadian Security Intelligence Service. She also assumed charge of the Office of Critical Infrastructure Protection and Emergency Preparedness which used to belong to DND.

In a wide-ranging interview, Ms. McLellan, who is also Deputy Prime Minister, spoke at length about the challenges she faces in her new portfolio. She admitted that Canada can do a better job deporting people who evade their deportation orders and continue living in Canada, and spoke about the need for MPs and Senators to be more engaged with their U.S. Congressional counterparts on matters related to security and public safety.

An edited transcript of the interview follows.

Paul Martin created a new Department of Public Safety and Emergency Preparedness for you to head that has brought a lot under the responsibility of one minister: the RCMP, CSIS, the new Border Services Agency, as well as Customs officials, front-line food inspectors, and immigration officers responsible for detention and removal of people. Why were such massive changes made to the machinery of government?

"I think primarily because the Prime Minister



Photograph by Jake Wright, *The Hill Times*

SOLICITOR GENERAL HAS DISAPPEARED: ANNE McLELLAN, THE PUBLIC SECURITY MINISTER, IS WORKING ON A CONSULTATION PAPER FOR CREATING A NEW, POWERFUL PUBLIC SECURITY COMMITTEE OF MPs AND SENATORS.

wanted to reassure Canadians that we take their safety and security seriously. And that he wanted to make sure that as a government we were bringing together the key pieces of safety, security and emergency preparedness, so that we could focus on that enhanced safety for Canadians. And keep in mind, for example, if you look at the emergency preparedness side, we have come through a very difficult year.

"I was minister of health throughout SARS and BSE. We had massive fires in the interior of British Columbia. Hurricane Juan in Nova Scotia. Power outage in Ontario. So on that side of things, the emergency preparedness side, Canadians' attention very much was focused on how their various levels of government work together, or perhaps didn't work together and what we need to do; what does the Government of Canada need to have in

place to work in a seamless way with provincial governments and front-line responders who, in the case like SARS, are local public health officials in a city like Toronto or Vancouver.

"So I think the Prime Minister quite rightly wanted to make sure we have the key pieces, the key elements of safety, security and emergency preparedness all focused on the same objective and all working together, and, where possible, integrating

their functions.

"And that's what we've done with the Canadian Border Service where you've brought together customs, CFIA [Canadian Food Inspection Agency] food inspectors and enforcement officers from Immigration Canada. So where it's reasonable, you integrate to make a more effective, seamless unit. And then in other areas you hope that, while retaining

Minister McLellan calls on MPs, Senators for help with brainstorming, asks them to strike joint committee

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the integrity of the independent organizations like CSIS, the RCMP, Corrections, the Parole Board, everybody understands we have a shared mandate of enhancing Canadian safety."

But you don't want to integrate too much. And I ask, keeping the American model in mind. They've done something similar but on a much bigger scale and...

"But that's why I was very careful to say to integrate where it makes sense. For example, with the Border Agency, right. These people need to come together to work as a team, whether it's at a land border, an airport, or a port, right. So you'll have your food inspection people, you'll have your immigration enforcement as well as your customs. Whereas CSIS is your stand-alone organization. It must be independent, it has its own statute, its own oversight. The RCMP is a national police force. It must be independent with its own oversight."

What happened to the old position of Solicitor General?

"It disappeared."

That's you now?

"Well, effectively I have the old Sol-Gen, with all the additional parts like the Canadian Border Service, OCIPEP [Office of Critical Infrastructure Protection and Emergency Preparedness] from DND. Let me see, I've got the Crime Prevention Program from the Department of Justice. So that it's the old Sol-Gen, which included the RCMP, Corrections, Parole, aboriginal policing, along with the new elements that I've discussed to bring together a more fulsome and holistic approach, whether one actually integrates physical infrastructure and individuals is a completely different issue. But you deliver a more holistic approach to Canadian safety and emergency preparedness."

You've had a number of portfolios already since your time in government. And obviously briefings come with that when you assume those portfolios. How have the briefings you've received as public

security minister compare to those you got previously as health or justice minister?

"Briefings are briefings."

Have they been more extensive?

"No, I have to learn the department no matter how big it is or small it is."

In terms of size, how much of all of this is under one roof?

"Actually, there is no attempt to necessarily bring everything under one physical roof. For example, the Border Agency itself, it's a very large entity in terms of employees. But the employees are all over the country, at airports, at land border points and at ports."

How many public servants are you responsible for?

"At least 55,000."

Switching gears a bit, you are responsible for putting together a new national security policy which Canada lacks. When will this review be complete?

"I can't say definitely when it will be complete. What I can tell you is that it's a very important priority for myself and the Prime Minister, and we are working on the development of such a policy. You're right, other countries have them, but they differ dramatically. If you look at the United States, what they call their national security policy is really what we would call our foreign policy statement, right. And then the Australians have a different approach and, in some cases, countries choose not to have a coherent, all-in-one place, if you like, national security policy or statement."

"What we are attempting to do is focussed thinking, both in government and outside. Because the consultations will be extensive. We want to focus thinking on what we as Canadians want our national security policy to include. Obviously it will include our fight against terrorism. It will include how we work both at home and in other countries in terms of the fight against terrorism, keeping our people safe and our borders safe, trying to prevent those who would wish to harm Canadians."

"For example, should our national security state-

ment include our ongoing fight against organized crime. So that I want to have a fairly broad-based discussions with Parliamentarians and more generally with Canadians, experts in this area and Canadians in terms of what

they think a national security policy should be."

Robert Wright, the Prime Minister's national security adviser, was at committee recently, and was asked this question, and he said a framework will

be in place for the summer or early fall. Does that timeline make sense to you?

"I think it's possible. What's key is that there are meaningful consultations within government and outside."

Many have called for Canada and the U.S. to create regular bilateral relations. You met with your counterparts in January in Washington. When is your next meeting planned?

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'It is really important for our Parliamentarians to be talking to their Congressional counterparts': Minister McLellan

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"We don't have a specific date planned. But the Secretary of Homeland Security [Tom] Ridge and I speak whenever we need to. For example, he called me in advance of the United States going to orange [alert] before Christmas. He called me to indicate they were stepping down from alert-level orange. He and I talk whenever it is necessary. We are talking about a second meeting in the coming months. Certainly, both of us would like to sit down again in the months ahead. I would say three or four months at the outside. We would probably like to sit down, you know, by the end of the summer at least, to sit down and take opportunity to see where the next level of shared actions would be in relations to our mutual objective of safety and security."

In the Throne Speech the government committed itself to have 'greater Parliamentary engagement with Members of Congress.' Can you expand on that?

"Yes, I think my colleague Scott Brison who is the Parliamentary secretary to the PM for Canada-U.S. has been given the task... to head up this endeavour.

"Parliamentarians need to play a larger role in helping the government and the country in carrying forward our messages around our foreign policy and what we want to achieve. And that is nowhere more true than in our relationship with the United States. So Scott and I have already talked about the possibility of putting a group of Parliamentarians who are well-briefed and they go to Washington working through our embassy. And the embassy needs to be key in this. And they meet key Congressional representatives. It's a concerted effort to keep key Congress people aware of what is happening in Canada, what we are doing, how closely we work with the United States in many areas.

"And I just think it's to the mutual benefit of everyone. It is really important for our Parliamentarians to be talking to their Congressional counterparts, helping their U.S. counterparts, know more about Canada, what our objectives are,

and vice-versa. Sometimes the misunderstanding flows the other way. We misunderstand what is happening in the U.S. Congress or their motivations."

Does this link into the government's commitment to create a House Committee on Public Security?

"No that's a separate initiative."

When will that be struck?

"What we want to create is a new Parliamentary committee. And I choose the language 'Parliamentary,' because I think we envision that this could very likely be made up of both House of Commons and Senate representatives. That is something that is open for discussion. But I think our view is a joint House of Commons-Senate Committee on Public Security and Safety. The view is that the members of the committee would be sworn in as privy councillors so they would have access to confidential information.

"It will represent quite a cultural shift in terms of the other committees of the House of Commons. If it is going to operate effectively, it is going to deal with very sensitive matters, matters that go to our very ability our country to protect itself and to work with others around the world. Therefore there will be no room for partisan gamesmanship on this committee. This is a committee where you have Parliamentarians focused on one thing, and that is the public and safety of Canadians."

How do you control that, limiting partisanship?

"To call on Parliamentarians to act responsibly and take up this new challenge, and I have every confidence that they will."

When do you see this happening?

"There are different models in different countries by which you can establish this kind of Parliamentary committee. For example, in the United Kingdom it's created by legislation. I believe in the United States in Congress there are committees and the Senate and House of Representatives. They are not, as I understand it, specifically created by special legislation, although we've seen recently in the U.S. where both the Senate

and the House of Representative committees have held hearings, some public some in-camera, around Sept. 11, the Iraqi war and other issues.

"This will become an important part of the government's safety and security agenda where you're involving Parliamentarians and where they can provide oversight, advice..."

You're not ready to say when it will be in place?

"No, I can't say when because we are going to issue a consultation paper which we're hoping Parliamentarians will take up. Because what we want to do is involve them in the creation of the committee. So the consultation will outline the government's objective in creating this new committee. The different models that exist around the world.

"We've talked to the House leaders in the House and Senate. We would like them to create a joint committee - House, Senate, all-party - to advise the government on what this new committee should look like. And we will provide them with a consultation paper which they can use as background. And they can do that which they think will be necessary to make recommendations to the government around how they think this committee should operate. Realistically, we are looking at the fall for the creation of this committee."

Could you clarify the government's position about expanding Canada's spy operations overseas. On Feb. 2 Paul Martin said after Cabinet: 'I think this is an area that has to be bolstered.' Can you expand on this?

"Clearly, we are constantly, on a regular basis, assessing our intelligence needs, both domestic and foreign. Obviously, CSIS does collect foreign intelligence under its statute. It's not as if there is no foreign intelligence-gathering capacity in this country because that's simply not accurate. If you look at the CSIS statute it's very clear that in certain circumstances they can collect foreign intelligence.

"What we need to do is assess if there are any gaps in our foreign intelligence that would help us better protect Canadians. And, if

there are, then the question is how do you best fill those gaps? Is it by creating some new foreign intelligence agency? Is it by enhancing the powers of CSIS? I think those are questions that need to be addressed in the future, but it's way too soon to go down that road because at this point what we need to do is assess our foreign intelligence capabilities.

"Keep in mind as well we have intelligence-sharing agreements with a large number of countries and, therefore, we receive intelligence that would be described as foreign intelligence under those sharing agreements. Therefore, we need to look at the totality of the picture, determine where those gaps are, if any, and then figure out the best way to fill those gaps."

The government is committed to creating an arm's length mechanism to review the way the RCMP uses its powers on public security. Where is this process?

"Prime Minister Martin committed on Dec. 12 to the provision of civilian oversight as it relates to the RCMP's duties in relation to national security. As everybody knows, there is a civilian oversight mechanism that presently exists, the Public Complaints Commission. Anyone who has a concern with the way the RCMP conducts itself can lay a complaint before the commission. However, I think what we want to do is assess the powers of the commission because up until now they have dealt with complaints in the context of ongoing or concluded but traditional criminal investigations.

"So, what we need to do after the Sept. 11, the RCMP has an enhanced role in the protection of Canadian's security, we need to see how we go about providing civilian oversight. It's quite clear we need that civilian oversight, whether you increase the powers of the existing public complaints commission, or create some new entity, those are matters that Mr. Justice Dennis O'Connor will be providing the government recommendations on.

"I have asked him as part of the [Maher] Arar inquiry. Part 1 is fact-finding in relation to Mr. Arar. Part 2 of Mr. Justice O'Connor's duties is to take up our

desire to have civilian oversight of the RCMP as it relates to national security matters.

Canada doesn't have an entry-exit strategy right now. Few countries do, but the U.S. right now is working on developing their own. As it stands, Canada cannot track about 30,000 people who are under deportation orders because it does not have an entry/exit tracking system. Should Canada follow the American example on this and develop a program of its own?

"At this point our task is to make sure that 1) we prevent people who are a danger or a risk to Canadian safety and security from every entering the country, 2) if they do get in the country, as quickly as possible, find them and deport them. And that's what I'm committed to doing.

"We deport approximately 9,000 people a year, and we will continue to do so. I want to do a better job. There are a significant number of people in this country who are under deportation orders, who are not easy to find. But if we find them, they will be deported."

Does that process include developing such an entry-exit program?

"No, look, at this point my goal is to try to prevent people who are at risk from getting here in the first place. And we need to do a better job about that, and I've talked to my colleague the minister of immigration about that. And then, as I say, if we identify people who are risk... you know what, the vast majority of people who are under deportation orders are not under those orders because we have identified them as a risk to national security. It is because they have done things like overstayed student visas, or their work permits have expired. Now those people should leave the country, absolutely, but I don't want people to think that we've got thousands of people out there who are under deportation orders who are a risk to our national security. That's simply not the case."

You have been given sole responsibility over issuing national-security certificates over deporting refugees, where that power

used to belong to two ministers. Aren't you concerned about a lessening in oversight?

"In fact, at this point, what we have developed is a good working relationship with the minister of immigration. So we consult before I make final decision."

And you're satisfied with having one minister responsible for this responsibility as opposed to two?

"Well, I certainly do have this responsibility at this point. We are very conscious of the fact that one needs to balance all relevant information and make an assessment on the basis of balancing all the facts, and we will continue to do that."

Bill C-7, the Public Safety Bill, doesn't have any sunset clauses nor does it have review provisions. Do you think this is an omission? There has been some criticism to that affect and now the Bill is in the Senate, and there is talk about taking a closer look at this. How do you feel about that?

"Well, [Transport Minister Tony] Valeri and I will go to the Senate. We are certainly aware of some of the concerns that have been raised so far. Some of those concerns, we think, were addressed by previous ministers when the bill was in the House of Commons. We will be very interested to talk to the Senators about the legislation, why we think the provisions are necessary. If they have concerns, Minister Valeri and I will clearly take them seriously and work on them with the Senate to find a resolution that is satisfactory to everybody. It's important we strike a balance between, for example, the privacy interests of Canadians [against] the legitimate interests of Canadians for security.

"The key way you prevent events like Sept. 11 is through surveillance, the collection of information, the analysis of that information, and the sharing of that information. And without that, it will be very hard for us to protect Canadians. It will be very hard for us to work with our allies, the U.K., Australia, Western Europe, and the United States to do our part to protect humanity around the world."

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