



OPINION

The new foreign interference law is a good start. Will it work?

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Anton Boegman, shown in February, is Canada's first Foreign Influence Transparency Commissioner.

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On Aug. 4, the Foreign Influence Transparency and Accountability Act (FITAA) came into force, and Anton Boegman, previously British Columbia's chief electoral officer, took office as Canada's first Foreign Influence Transparency Commissioner.

FITAA could profoundly push back on foreign interference in Canada – or it could be a dead letter, a symbolic law without the substance to effect change. Implementation will make all the difference.

The new legislation will require that anyone who enters into an arrangement with a foreign state or an entity it controls to influence Canadian political or governmental processes must register publicly. Non-compliance can draw penalties of up to \$1-million or, in serious cases, criminal prosecution.

Authoritarian states rarely act overtly in their attempts to influence Canadian democratic institutions. They work through proxies, including community associations, media outlets and seemingly independent individuals. Exposing who works for those dictatorships is a necessary first step toward accountability.

Foreign-influence registry launches with uncertainty lingering over who must enroll

For many years civil society organizations pleaded with successive federal governments to recognize and address the danger of foreign interference. Whether the registry delivers on its promise of transparency will depend almost entirely on four elements of its implementation.

The most basic is language. Direct victims of foreign interference from

The most basic is language. Direct victims of foreign interference from multicultural communities are often going to be more comfortable in their own native languages. The government has already recognized this in the publication of a multilingual toolkit for communities vulnerable to foreign interference. For an office whose detection model will depend on information from the public, multilingual intake is not a refinement but a precondition.

Secure channels of communication matter just as much. Many potential complainants fear retaliation against themselves or relatives abroad, and that fear is well founded. Encrypted submission options, explicit confidentiality protections and published policies on handling complainant information would give vulnerable people the assurance they need to come forward.

Civil society also needs a clear way in. Diaspora organizations and human rights groups have spent years documenting how authoritarian regimes operate through proxy organizations in Canada.

Forthcoming guidance by the incoming Commissioner should make explicit that arrangements running through proxies are covered, which matters because indirection is how these regimes obscure their hand.

Building civil society's trust in the Commissioner's office is key to success of the registry.

Regular two-way communication helps government to better understand the evolving patterns of foreign influence and infiltration. Publicizing of government actions taken on reported cases will amplify the deterrent effect of the registry and help build confidence in the Commission.

Finally, referral pathways that connect the registry to accountability remedies beyond it need to be used, and used consistently, wherever appropriate. Foreign interference activities do not necessarily become legitimate or lawful once they are out in the open, and Canada already possesses tools for accountability that are barely used – namely, the Criminal

Code prohibits harassment and uttering threats, and non-citizens who belong to organizations engaged in espionage or subversion are inadmissible under the Immigration and Refugee Protection Act (IRPA).

Yet prosecutions have been virtually nonexistent, and there is only one reported case of a removal under IRPA.

Referral protocols between the Commissioner's office and the RCMP, CSIS and the Canada Border Services Agency, concluded early and used consistently, would allow the registry to promote not just transparency but accountability.

More broadly, while FITAA serves an important purpose, the hole within our legislation is gaping: It does not address foreign dictatorships' repression of individuals on Canadian soil. As Uyghur, Hongkonger, Tibetan, Falun Gong, Eritrean, Tigrayan, Tamil, Cuban, Russian, Ukrainian, and Belarusian Canadians described to the Foreign Interference Commission, the repression they fled has not stopped at Canada's borders, and they face continuing surveillance, harassment, disinformation and threats from those same autocracies.

This phenomenon, which is known as transnational repression, was described by Justice Marie-Josée Hogue, who led the public inquiry, as a "genuine scourge," and what she learned of it was "sufficient ... to sound the alarm that the government must take this seriously and consider ways to address it." Yet unless an instance of repression also happens to relate to a political or governmental process, FITAA will not touch it.

Canada's new Foreign Influence Transparency Registry has a good shot at protecting Canadian democratic processes, if it can rise to the challenges of implementation.

Next, we need a law that protects Canadians.

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