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**CSIS'S DECISION-MAKING IN RELATION TO
FOREIGN INVESTIGATIVE ACTIVITIES**

(SIRC STUDY 2009-06)

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1 INTRODUCTION

In several recent annual plans, CSIS has noted the need to “export [their] operational skills abroad,” not as a divergence from domestic coverage, “but rather to complement [their] overall understanding of the threat.”

This study examines three aspects of CSIS’s decision-making regarding foreign investigative activities: First, it examines the evolution of a tool developed in recent years to delegate decision-making

directly to Foreign Stations; second, it reviews the decision-making process involving a specific foreign relationship as an example of the Service’s increased overseas activities; and third, it considers the recent development of a Service firearms policy

2 METHODOLOGY AND SCOPE

To explore the nature and utility as well as other aspects of decision-making overseas, this study examined activities at Station and Station. In addition, information from Station – which grew out of the responsibilities of Station during the review period – is also considered.

SIRC examined a variety of documents for this review, including documentation produced by all three Stations, operational exchanges and emails between CSIS Headquarters and each Station, and CSIS internal correspondence and planning documents referring to each Station. We also reviewed each Agency Assessments, and 'Cooperation With' files for the foreign agencies for which the Station is responsible. In addition, SIRC examined a number of corporate planning documents outlining the expanding strategic goals for Foreign Stations.

The Committee's Executive Director and a Senior Research Advisor conducted an on-site visit to in April 2010, during which there were meetings with Station personnel

Station supported SIRC's visit in every way possible. SIRC also attended several briefings with various representatives of International Region (IR) at CSIS HQ. CSIS staff at

The core review period was from January 1, 2007 to March 30, 2009.

3

STATIONS

SIRC's annual review of a foreign station extended to three separate locations:

Between the three Stations, there are arrangements with foreign agencies

Section 17

4

As CSIS increases its foreign investigative activity, it has become necessary to increase the efficiency and to streamline the management of those activities. Following the pattern set by recent efficiency gains have in part been addressed through the devolution of authority

Overall, SIRC found that _____ is an appropriate tool to devolve decision-making authority, and thereby increase operational effectiveness.

5

Another aspect of decision-making in relation to CSIS foreign activities overseas concerns the development, maintenance, and ongoing evaluation of Service partnerships with foreign intelligence agencies. SIRC recognizes that in order to collect intelligence on entities and individuals who represent threats to Canada, CSIS is sometimes forced to deal with international partners which would not be, if circumstances differed, a preferred choice of contact.

the Service has forwarded to DFAIT a formal request for its opinion on the Service's intention to resume the exchange of operational information albeit on a limited basis.³⁶ However, **SIRC has found that the letter sent to DFAIT requesting its opinion on the Service's intention to resume operational exchanges was incomplete:** OPS 402-1 requires that, upon consulting DFAIT concerning a Section 17 Arrangement, CSIS, in collaboration with DFAIT, is responsible for "assessing the human rights record of the country, including any possible abuses by the security or intelligence organizations."

36 The role of DFAIT in the Service's Foreign Arrangements is fundamental to their existence; Section 17 of the *CSIS Act* states that it is "with the approval of the Minister [of Public Safety] after consultation by the Minister with the Minister of Foreign Affairs" that CSIS may "enter into an arrangement or otherwise cooperate with the government of a foreign state or an institution thereof." (*CSIS Act*, Section 17.1 (b)).

Taking all of this evidence together, **SIRC has found the Service's attempt to reevaluate and reestablish a more operational relationship to be problematic,**

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- 41 It should be noted that following the Committee's completion of this study, DFAIT conditionally supported the Service's application to re-activate the relationship.

The Service has made its case to both DFAIT and SIRC in support of a cautious resumption of operational exchanges. CSIS is comfortable and confident that the risks of human rights violations can be managed, and that proper precautions can be taken. However, and regardless of DFAIT's comments concerning the Service's intentions, SIRC recommends that CSIS reconsider the utility of re-establishing exchanges of operational information.

6 FIREARMS POLICY

A third aspect of Service decision-making in relation to foreign activities overseas involves the assessment of the personal safety of its FCOs. As the Service expands its operations overseas, Service personnel are increasingly operating in environments in which their personal safety is judged to be at risk.

Firearms policy. the Service, in 2009, developed a

SIRC recommends that CSIS clarify
its criteria for declaring a Dangerous Operating Environment (DOE)

CSIS's May 2010 public disclosure⁵³ of the Service's use of firearms will add yet another challenge to the administration and proper execution of this policy.

53 Colin Freeze, "Undercover CSIS Agents Carry Guns in Foreign Flashpoints," *The Globe and Mail*, 2010 05 26.

Therefore, **SIRC** recommends that should the Service use of firearms
they carefully study and do so in
consultation with, and with the approval of, the Minister of Public Safety.

7 CONCLUSION

This review's objective was to study CSIS decision-making related to FIA by reviewing activities at three Stations in . It found that CSIS policy concerning FIA has evolved rapidly over the past few years, reflecting the expansion of the Service's overseas activities, corresponding to the increased information and advice which they provide to government.

As was explored above, provides for practical and local decision-making, has a positive effect on perceptions of the Service by its partners and allies, and allows for adequate consultation with CSIS HQ in Ottawa. In weighing the specific risks and cost of each case against its potential gains , has emerged to be a useful Service practice.

This review also explored a specific Service relationship – one with the – and found the relationship to be one which warrants further and careful consideration by CSIS. As the Service increases its activities overseas, such relationships will become increasingly central to the effectiveness of the Service in providing reliable information to government, and therefore, must be pursued with vigorous attention to the level of risk which they carry.

Finally, this review examined the Service's recent policies concerning the use of firearms,

For that reason – and because SIRC found certain elements of that policy to be underdeveloped – we recommended several concrete steps to shore up Service practice and thinking on this subject.

SUMMARY OF FINDINGS

- SIRC found that _____ is an appropriate tool to devolve decision-making authority, and thereby increase operational effectiveness.
- SIRC has found that the letter sent to DFAIT requesting its opinion on the Service's intention to resume operational exchanges _____ was incomplete.
- SIRC has found the Service's attempt to reevaluate and reestablish a more operational relationship _____ to be problematic.

SUMMARY OF RECOMMENDATIONS

- The Service has made its case to both DFAIT and SIRC in support of a cautious resumption of operational exchanges. CSIS is comfortable and confident that the risks of human rights violations and that proper precautions can be taken. However, and regardless of DFAIT's comments concerning the Service's intentions, SIRC recommends that CSIS reconsider the utility of re-establishing exchanges of operational information.
- SIRC recommends that CSIS clarify its criteria for declaring a Dangerous Operating Environment (DOE).
- SIRC recommends that should the Service use of firearms they carefully study and do so in consultation with, and with the approval of, the Minister of Public Safety.