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Canada**

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**Office of the
Inspector General
of the Canadian Security
Intelligence Service**

**Bureau de
l'Inspecteur général
du Service canadien
du renseignement de sécurité**

A

STRATEGIC PERSPECTIVE

FOR THE

INSPECTOR GENERAL OF

THE CANADIAN SECURITY

INTELLIGENCE SERVICE

(CSIS)

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INTRODUCTION

Since its creation in 1984, the Canadian Security Intelligence Service (CSIS) has matured as a public sector organization, it has developed internal processes and controls to balance the discharge of its security intelligence mandate and the protection of individual rights and liberties. There have also been rapid and fundamental changes to the nature and complexity of national security threats and to the corresponding security intelligence requirements.

This paper seeks to respond to this evolving set of circumstances by articulating a strategic perspective for the OIG that will allow it to fulfil its statutory responsibilities efficiently and effectively during the coming decade.

The strategic perspective that is set out below does not emerge from a vacuum. Rather, it is anchored by the core values which underpin the Canadian public service, the most important of which has been called its *democratic values*.

"The public service should be animated by an unshakeable conviction about the importance and the primacy of law, and especially the law of the Constitution, and about the need to uphold it with integrity, impartiality and judgement. Functions that bear upon the rights, duties and public purposes of Canadian citizens can only be carried out with legitimacy and equity within a framework of law and due process." *

The strategic perspective discussed in the pages that follow is at all times infused by this bedrock commitment to the rule of law and democratic legitimacy.

OBJECTIVE

As one of the major participants in Canada's national security system, the Inspector General will support the Solicitor General in his statutory responsibility for CSIS by providing independent, timely, and sound advice respecting CSIS operational activities and policies.

*Canada. "A Strong foundation," *Report of the Task Force on Public Service Values and Ethics*, Ottawa: Canadian Centre for Management Development. January 2000 (reprinted), p. 54.

This objective recognizes that the Inspector General is one of a number of players in the national security system, and that for the system as a whole to operate effectively, everyone must work together in a cooperative fashion.

In other words, the objective focuses on the development of solutions or remedies in a collaborative relationship with other participants in the national security system.

ACTIVITIES

The primary goal of the OIG is to support the Solicitor General in exercising Ministerial responsibility for CSIS. The goal will be pursued:

- 1) by carrying out its review work meticulously from an independent perspective, free from narrow interests or biases, in order to add value in the collaborative search with its partners for greater effectiveness in CSIS operations;
- 2) by making constructive contributions, in concert with other participants, that are intended to achieve continuous improvement in the effectiveness, proportionality and appropriateness of CSIS operational activities; and
- 3) by seeking to be fully informed about CSIS' operational activities so as to be in a position to inform the Solicitor General of issues or matters of such importance that they warrant the Minister's personal attention.

This work will be based upon the knowledge gained through independent internal review of CSIS operational activities. In this context:

Independent means	The Inspector General and his Office perform their duties in accordance with principles and standards which they have autonomously adopted.
Internal means	The Inspector General and his Office perform their functions as a component of the national security system reporting to the Minister. That is, review work is carried out from a position within the machinery of government, not outside it.

In practice, this approach to the functions of the OIG will require the constant search for an appropriate balance between the demands of independence and partnership. That is, between the ability to monitor and review free from inappropriate influence, and the requirement to exchange information and develop solutions in cooperation with other internal participants in the national security system.

ORGANIZATIONAL MORTAR

The strategic objective of the OIG will be achieved through a blend of deliberate measures which constitute the mortar that cements the building blocks of an organizational strategy. This mixture is comprised of both desired values and desired behaviour.

Values

Integrity

The Inspector General must discharge his responsibilities at all times with integrity. That is, he must satisfy himself about the authorities for the operational activities of the Service, and be convinced that its powers are being used appropriately.

Independence

The Inspector General's assessment of the Director's Annual Report to the Minister, and the opinions expressed in reports of reviews conducted by the OIG, must be arrived at from a position of complete independence.

Respect

The OIG will conduct its work with a full understanding of the importance of the statutory mandate given to CSIS, and with particular regard for the Director's role in the "control and management" of the Service. In so doing, it will respect CSIS knowledge and experience of operational realities.

Trust

The starting point must be trust in the good faith of CSIS employees. Anything less would engender a degree of suspicion that would colour and ultimately undermine the ability of the OIG to fulfil its role.

<u>Fairness</u>	The internal, independent reviews of the Inspector General have to be carried out fairly. The <i>CSIS Act</i> , the framework for democratic control of CSIS, is not well served if the Service and its employees are treated arbitrarily or without a proper recognition of pertinent constraints and circumstances.
<u>Reasonableness</u>	The conclusions, recommendations and advice of the Inspector General must always be set against standards of reasonableness and pragmatism. Good judgement and proportionality have to be exercised to determine which of any identified issues merits attention or which solutions would be practical and appropriate.
<u>Inclusiveness</u>	In order to successfully discharge their responsibilities, the Inspector General and his Office should be oriented towards working with the Service, and potentially other players, particularly the Department of the Solicitor General, in the search for practical solutions and remedies to any perceived issues.
Behaviour	
<u>No Surprises</u>	The OIG will at all times and at all points in its contacts with CSIS be completely transparent and will fully consult on its plans and activities.
<u>Constructive engagement</u>	In the course of its work, the OIG will seek to engage CSIS in the resolution of any perceived issues.
<u>Partnership</u>	Partnership with CSIS in the development of solutions will be sought at the earliest stages of review activities and will continue in a process of iteration towards mutually acceptable outcomes, wherever possible.
<u>Closure</u>	Once decisions are made, the Inspector General and his Office will accept that closure has been brought to the matters raised. Review activities will then turn to other areas of interest.

BUILDING BLOCKS

As already stated, this constellation of values and behaviour serves the strategic objective of the Inspector General: to support the Minister in his responsibility for CSIS. In keeping with these values and behaviour, the following actions must be given priority attention:

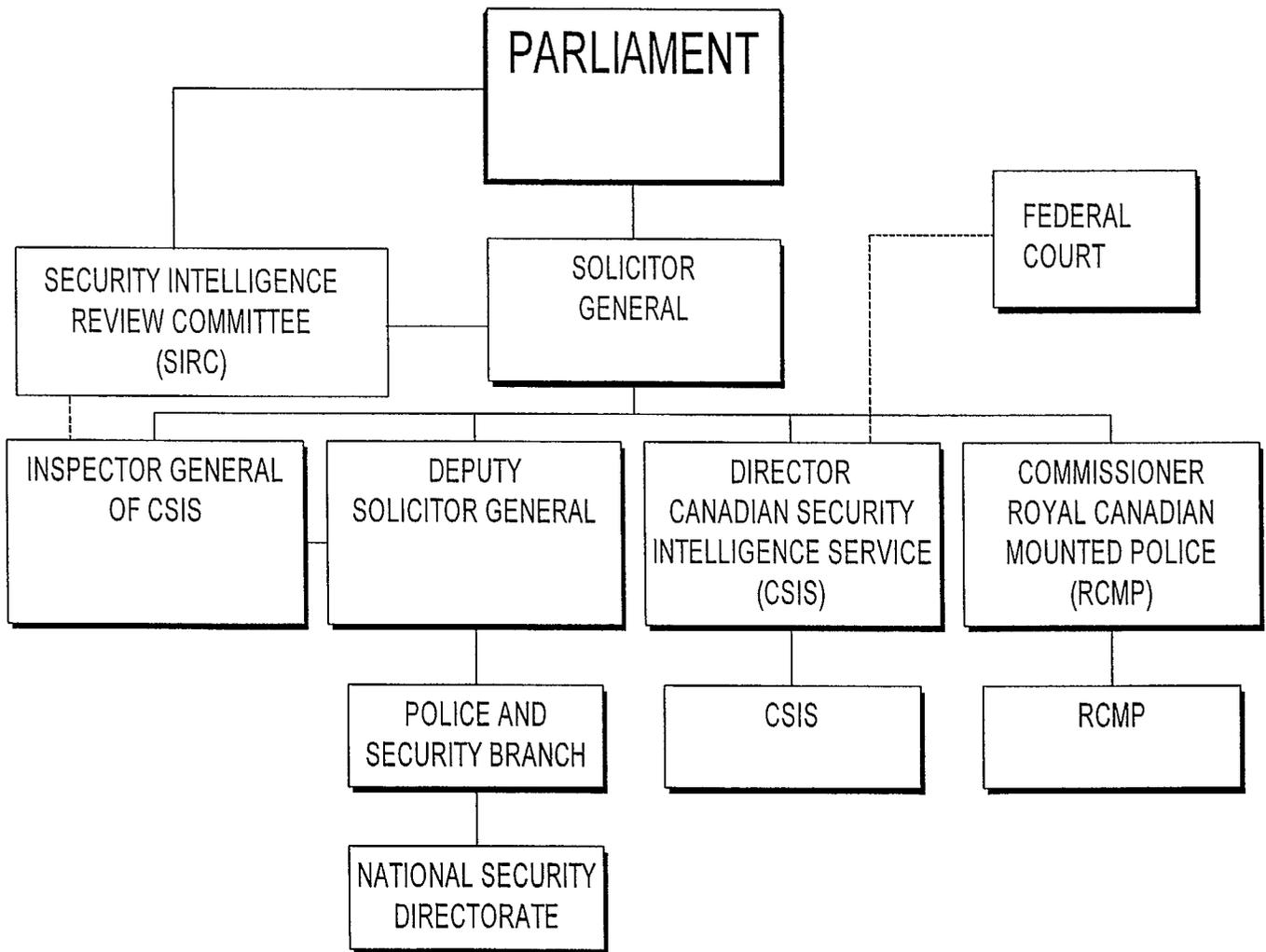
- Relationships will be renewed and reinvigorated with senior officials and middle management both at CSIS headquarters and in the field.
- The OIG will establish and implement an Action Plan that will be updated annually.
- CSIS, the National Security Directorate of the Department and other interested parties will be fully consulted in this operational planning process.
- SIRC will be consulted on matters of operational planning and on subjects of mutual interests to ensure that activities are complementary and add value to the national security system.
- The Inspector General will meet regularly with the Deputy Solicitor General, the Director and the Minister to discuss operational priorities.
- Similarly, regular contacts with the National Security Directorate will be re-established.

SUMMARY

This document is intended to elaborate a strategic perspective to assist the Inspector General in the performance of his duties. The objective is focused on the proper role of the Inspector General as a member of a community of participants in the national security system, whose *raison d'être* is to support Ministerial responsibility for CSIS. This perspective remains fully consistent with the *CSIS Act* but places particular emphasis upon finding solutions in the search for continuous improvement of the effectiveness of CSIS operations while enhancing democratic accountability. With this perspective as a foundation, the requisite value, behaviours and operational priorities are described. The value of this strategic perspective will be regularly assessed over the next several years.

APPENDIX A

**MAJOR COMPONENTS OF THE NATIONAL
SECURITY SYSTEM RELATING TO THE
RESPONSIBILITIES OF THE SOLICITOR GENERAL
OF CANADA**



APPENDIX B

CANADA'S NATIONAL SECURITY SYSTEM

The national security system was established by the *Canadian Security Intelligence Service Act (CSIS Act)* and the *Security Offences Act*, and embodies a set of interlocking principles. Each principle can be associated with one of its major participants:

- A Minister of the Crown, the Solicitor General, is responsible for the effective operation of the national security system.
- The Deputy Solicitor General (DSG) provides informed and impartial advice and assistance to the Solicitor General.
- The Inspector General (IG) conducts independent, internal reviews of CSIS operational activities for the Solicitor General (see below for IG mandate).
- The Director of the Canadian Security Intelligence Service (CSIS) is responsible for the control and management of the Service.
- CSIS has a precise mandate, which is defined in legislation (see below)
- The RCMP is responsible for security enforcement and protective security.
- CSIS use of certain intrusive techniques is subject to a requirement for prior judicial authorization.
- The Security Intelligence Review Committee (SIRC) conducts independent, external reviews for the Solicitor General and for Parliament.

Other agencies with important national security roles are: the Privy Council Office, and the Department of Foreign Affairs, National Defence, Transport, and Citizenship and Immigration.

CSIS MANDATE

Under the *CSIS Act*, Parliament has assigned CSIS a clearly defined set of objectives:

- To collect, analyze and retain information and intelligence on activities that may on reasonable grounds be suspected of constituting threats to the security of Canada, and in relation thereto, to report and advise the Government of Canada (section 12)
- To provide security assessments in support of the Government security clearance program (section 13)
- To provide information and advice in support of Government citizenship and immigration programs (section 14)
- To assist in the collection of foreign intelligence in Canada (section 16).

INSPECTOR GENERAL'S MANDATE

On proclamation in July 1984, the *Canadian Security Intelligence Service Act (CSIS Act)* established two review bodies: the Inspector General (IG), internal to the Government and reporting to the Solicitor General, and the Security Intelligence Review Committee (SIRC), external to the Government and reporting to Parliament. The Office of the Inspector General (OIG), which began operations in 1985, is independent of CSIS and forms part of the Department of the Solicitor General, for administrative purposes. The *CSIS Act* makes the IG, who is appointed by the Governor in Council, responsible to the Deputy Solicitor General. The current IG, Maurice Archdeacon, is the fifth. He and his review staff are located at departmental headquarters in Ottawa.

In effect, the IG serves as the Solicitor General's internal auditor for the CSIS, supplementing the advice he receives from the DSG with an independent means of assurance that CSIS is complying with the law, ministerial direction and operational policy. The IG's right of access to CSIS information and his specific functions are set out in the *CSIS Act*. The functions are:

- To monitor CSIS compliance with its operational policies (section 30)
- To review CSIS operational activities (section 30)

- To submit certificates to the Solicitor General stating the extent to which the IG is satisfied with the Director's Annual Report and reporting on CSIS compliance with authorities during the year (section 33)
- To conduct such reviews of specific CSIS activities as SIRC may direct (section 40).

The Solicitor General may direct the IG to examine particular issues and operational activities, and has periodically done so, generally acting on the advice of the DSG.

The Solicitor General is required by the *Act* to transmit both the Director's Annual Report and the IG's certificate to SIRC, which also receives copies of the reports that the IG submits to the Solicitor General on his reviewing and monitoring activities.

In addition to formal reports, the IG provides ongoing advice or commentary in various forms to the Solicitor General, the Deputy Solicitor General and CSIS, in relation to compliance matters and the effectiveness of the control/accountability framework, including the directions the Solicitor General provides to CSIS under section 6 of the *Act*.

