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## **CANADA'S COUNTER-TERRORISM STRATEGY TARGETS ENVIRONMENTALISM**

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*By Terrance S. Carter and Nancy E. Claridge\**

### **A. INTRODUCTION**

Canada's Minister of Public Safety, the Honourable Vic Toews, announced on February 9, 2012, the release of Canada's first counter-terrorism strategy, *Building Resilience Against Terrorism: Canada's Counter-terrorism Strategy* (the "Strategy").<sup>1</sup> The Strategy assesses the nature and scale of the threat of terrorism, and sets out basic principles and elements that underpin the government's counter-terrorism activities.<sup>2</sup> With an overarching goal of countering domestic and international terrorism in order to protect Canada, Canadians and Canadian interests, the Strategy is meant to prioritize the government's counter-terrorism efforts and promote an open discussion with Canadians on threats faced. As will be discussed in the commentary that follows at the end of this *Alert*, environmentalism is singled out as an example of domestic issue-based extremism, next to "white supremacy" and the Oklahoma City bombings in 1995, as well as the Norway terrorist attacks in 2011.

The Strategy frames Canada's counter-terrorism activities under four pillars: Prevent, Detect, Deny and Respond. These elements *prevent* individuals from engaging in terrorism, *detect* the activities of individuals

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<sup>1</sup> Public Safety Canada, "Harper Government confronts terrorist threats through new strategy" (9 February 2012), online: Public Safety Canada <<http://www.publicsafety.gc.ca/media/nr/2012/nr20120209-eng.aspx>>.

<sup>2</sup> Public Safety Canada, "Building Resilience Against Terrorism: Canada's Counter-terrorism Strategy" (9 February 2012), online: Public Safety Canada <<http://www.publicsafety.gc.ca/prg/ns/fl/2012-cts-eng.pdf>>.

who may pose a terrorist threat, *deny* terrorists the means and opportunity to carry out their activities, and *respond* proportionately, rapidly and in an organized manner to terrorist activities to mitigate their effects.<sup>3</sup>

As part of the commitments made in the December 2010 *Government of Canada Response to the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182*,<sup>4</sup> the government launched the *Kanishka Project*<sup>5</sup> on June 23, 2011 to fund research in order to better understand, prevent and counter terrorism. The projects researched more effective policies and tools to counter terrorism and violent extremism in Canada. The Strategy and the *Kanishka Project* will now collectively serve to guide the government's efforts to address the threat of terrorism.

The Strategy states that countering terrorism demands innovative approaches and a global effort. The Strategy highlights the importance of cooperation with Canada's international partners, all levels of government, security intelligence and law enforcement agencies, industry stakeholders and civil society. Built into the Strategy are mechanisms for monitoring the government's efforts and for reporting to Canadians on the Strategy's progress, including an annual report.

## **B. BACKGROUND: THE AIR INDIA BOMBING AND THE KANISHKA PROJECT**

Air India Flight 182 was a flight operating on the Montreal–Delhi route and on June 23, 1985, the Boeing 747-237B, named after Emperor Kanishka, was blown up by a bomb and crashed into the Atlantic Ocean south of Ireland. A total of 329 people were killed, including 280 Canadians, making it the largest mass murder and the worst act of terrorism in Canadian history.<sup>6</sup> The *Kanishka Project* is named after the Air India Flight 182.

The *Kanishka Project* is a new 5-year \$10 million dollar initiative, launched in June 2011 that invests in research on pressing questions for Canada on terrorism and counter-terrorism, such as preventing and countering violent extremism. The project is about better understanding what terrorism means in the

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<sup>3</sup> *Supra* note 1.

<sup>4</sup> Public Safety Canada, "The Government of Canada Response to the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182" (December 2010), online: Public Safety Canada <<http://www.publicsafety.gc.ca/prg/ns/ai182/res-rep-eng.aspx>>.

<sup>5</sup> Public Safety Canada, "Kanishka Project" (23 June 2011), online: Public Safety Canada <<http://www.publicsafety.gc.ca/prg/ns/ai182/kpcp/knsh-eng.aspx>>.

<sup>6</sup> Stephen Harper, *Prime Minister Harper announces inquiry into Air India bombing* (1 May 2006), online: Prime Minister of Canada – Stephen Harper <<http://www.pm.gc.ca/eng/media.asp?category=1&id=1145>>.

Canadian context, how that is changing over time, and what the government can do to support effective policies and programs to counter terrorism and violent extremism in Canada.<sup>7</sup>

## C. PREVENT

The first pillar of the Strategy is to prevent individuals from engaging in terrorism. It focuses on the motivations of individuals who engage in, or have the potential to engage in, terrorist activities. Programs and activities are aimed at preventing such individuals or organizations from violent extremism.

## D. DETECT

The second pillar of the Strategy is to detect the activities of individuals and organizations who may pose a terrorist threat. Such detection requires strong intelligence capabilities for the collection, analysis and dissemination of usable intelligence, and extensive collaboration and information sharing with domestic and international partners.

Organizations centred around the collection of “intelligence” may include the sharing of information between no less than 24 organizations, including: Canadian Security Intelligence Service (CSIS), the Communications Security Establishment Canada (CSEC), Royal Canadian Mounted Police (RCMP), National Defence and Canadian Forces (DND/CF), Foreign Affairs and International Trade Canada (DFAIT), Canada Border Services Agency (CBSA), Transport Canada, Financial Transactions and Reports Analysis Centre (FINTRAC), Department of Finance, banks, credit unions and other financial intermediaries (as required by the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*<sup>8</sup>), Illicit Financing Advisory Committee, Integrated National Security Enforcement Teams (INSETs), Critical Infrastructure Intelligence Team, Counter-terrorism Information Officers, Citizenship and Immigration Canada (CIC), NATO, INTERPOL, EUROPOL, the Privy Council Office International Assessment Staff (PCO IAS), the Integrated Terrorism Assessment Centre (ITAC), Government Operations Centre (GOC), Marine Security Operations Centres (MSOCs), DFAIT’s Operations Centre, in addition to “Canada’s allies and with non-traditional international partners[,] as well as with private sector stakeholders”<sup>9</sup>.

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<sup>7</sup> *Supra* note 5.

<sup>8</sup> SC 2000, c 17. Available online: <<http://laws-lois.justice.gc.ca/eng/acts/P-24.501/>>.

<sup>9</sup> *Supra* note 2 at 18.

## E. DENY

The third pillar of the Strategy is to deny terrorists the means and opportunity to carry out their activities in order to protect Canadians and Canadian interests. Programs and activities are centred on mitigating vulnerabilities and aggressively intervening in terrorist planning.

## F. RESPOND

The fourth and last pillar of the Strategy is to respond proportionately, rapidly and in an organized manner to terrorist activities and to mitigate their effects. Building resilience to terrorism involves being able to manage crises, supporting Canadians in need, protecting Canadian interests and minimizing the impact of terrorist activity.

## G. COMMENTARY

Interestingly, the Strategy states that the threat to Canada from terrorism has three main components, one of which is domestic issue-based extremism, and more particularly, the Strategy names environmentalism as one source of low-level violence by domestic issue-based groups in Canada. The Strategy states:

Although not of the same scope and scale faced by other countries, low-level violence by domestic issue-based groups remains a reality in Canada. Such extremism tends to be based on grievances — real or perceived — revolving around the promotion of various causes such as animal rights, white supremacy, environmentalism and anti-capitalism. Other historical sources of Canadian domestic extremism pose less of a threat.

Although very small in number, some groups in Canada have moved beyond lawful protest to encourage, threaten and support acts of violence. As seen in Oklahoma City in 1995 and in Norway in 2011, continued vigilance is essential since it remains possible that certain groups — or even a lone individual — could choose to adopt a more violent, terrorist strategy to achieve their desired results.<sup>10</sup>

Lately Canada is seeing an increased negative focus on environmental organizations, such as in the recent Senate debates beginning on February 28, 2012 by Conservative Senator Nicole Eaton<sup>11</sup> alleging interference of foreign foundations in Canada's domestic affairs through their funding of Canadian charities and related

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<sup>10</sup> *Supra* note 2 at 9.

<sup>11</sup> *Debates of the Senate*, 41st Parl, 1st Sess, No 148 (28 February 2012) at 1710 (Hon Nicole Eaton).

concerns raised in the charitable sector about increased scrutiny of foreign funding of charities in Canada, particularly with regard to environmental organizations and the Northern Gateway Pipeline Project.

Additionally, the federal Budget 2012<sup>12</sup> introduced enhanced compliance and disclosure requirements for charities and registered Canadian amateur athletic associations regarding political activities. In this regard, Budget 2012 states that “[c]oncerns have been raised that some charities may be exceeding these limitations and that there is currently no requirement for a charity to disclose the extent to which it receives funding from foreign sources for political activities”.<sup>13</sup> These comments were in reference to media coverage concerning the Senate debate.

It is unclear why environmentalism has been singled out in the Strategy, or how it is logically connected to white supremacist organizations or terrorist activities like the Oklahoma City bombings or the recent attacks in Norway, but this will no doubt create an unfortunate and unnecessarily pejorative characterization of an important part of the charitable and not-for-profit sector in Canada. For example, the *Globe and Mail* reports that documents obtained under an Access to Information order revealed that federal security services have identified Green Peace and People for the Ethical Treatment of Animals (“PETA”) as the kind of “multi-issue extremist” groups that pose a threat to Canadians.<sup>14</sup> This included a CSIS report that highlighted PETA’s opposition to the Canadian seal hunt and reported the organization’s plan to launch a website that portrays the mascot of the 2010 Vancouver Olympics as “bloodthirsty seal killers.” And they noted PETA’s threat to boycott Canadian maple syrup.

Likening environmentalists and animal rights groups to home-grown terrorists and mass murderers raises the question of whether the government is blurring the lines of counter-terrorism in order to target otherwise legitimate opponents and justify questionable surveillance campaigns. Canada’s new strategy is clearly an issue that the non-profit sector in Canada will need to carefully monitor and vigorously oppose when such

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<sup>12</sup> James M. Flaherty, *Jobs, Growth and Long-term Prosperity: Economic Action Plan 2012* (29 March 2012), online: <<http://www.budget.gc.ca/2012/plan/pdf/Plan2012-eng.pdf>> [“Budget 2012”]. Budget 2012 was tabled in Parliament as Bill C-38, *An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures*, 1st Sess, 41st Parl, 2012 [“Bill C-38”]. For more information, see Ryan M. Prendergast et al., *2012 Federal Budget: Including New Rules and Sanctions for Charities Conducting Political Activities* (30 March 2012), online: Carters Professional Corporation <<http://www.carters.ca/pub/bulletin/charity/2012/chylb280.pdf>>.

<sup>13</sup> Budget 2012, *ibid* at 436.

<sup>14</sup> Shawn McCarthy, “Security services deem environmental, animal-rights groups ‘extremist’ threats” in *Globe and Mail* (16 February 2012), online: <http://www.theglobeandmail.com/news/politics/security-services-deem-environmental-animal-rights-groups-extremist-threats/article2340162/>.

strategy restricts the ability of charitable and not-for-profit organisations in Canada to pursue their legitimate goals.