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by Wesley Wark
May 2020

POLICY PERSPECTIVE

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Prepared for the Canadian Global Affairs Institute
1800, 421 – 7th Avenue S.W., Calgary, AB T2P 4K9
www.cgai.ca

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ISBN: 978-1-77397-127-8



Federal government leaders have pledged to deliver accountability and transparency in their responses to the COVID-19 crisis, in keeping with important democratic principles. Fulfilment of this promise has come mostly in the form of daily prime ministerial press briefings and an associated briefing provided by ministers and officials, usually chaired by Deputy Prime Minister Chrystia Freeland, and often featuring the irrepressible chief public health officer, Dr. Theresa Tam. If you haven't tuned in, you missed perhaps the best punchline ever in an official COVID-19 briefing – Tam's fist-pumping "Go science!"

Parliament's traditional role in holding government to account was briefly the subject of controversy and political impasse, but a solution has been found involving a combination of virtual and in-person parliamentary sessions, supported by the work of some parliamentary committees. Notable among these is the health committee, which has embarked on a sometimes acrimonious study of the government's response to the COVID-19 crisis.

Accountability down the road will feature various lessons-learned exercises, from internal ones that may never see the light of day, to major public inquiries and review studies. The important promises made in this regard have yet to be fleshed out through detailed commitments and planning.

There is a bridge between accountability and transparency in the moment, inevitably shaped by political dynamics and controlled by political leaders, and the more fulsome, independent retrospective accounts, which are far off in time. That bridge is shaped by the contemporaneous information flow provided by government departments and agencies about their actions in response to COVID-19. Government commitments to provide that information flow are anchored in our involvement in the global "Open Government Partnership", a worthy international endeavour embraced by the previous Harper government, which has produced a lot of vigorous box-checking in reports from the Treasury Board president, but perhaps too little cultural change to the habits and mindset of the bureaucracy.

For one sector of government – the security and intelligence community – the challenge of national security transparency seems steep. To try to solve this problem, the Liberal government introduced its national security transparency commitment (NSTC) in June 2017, alongside the introduction of new national security legislation (Bill C-59). Two and a half years later, COVID-19 has posed the first significant test for the commitment.

The NSTC was rooted in two things: enthusiasm for some of the initiatives undertaken south of the border by the Obama administration and the director of national intelligence to enhance public knowledge and understanding; and the signals received from the Canadian public about national security, generated by online responses to the government's green paper, "Our Security, Our Rights", consultations during the fall of 2016. In the lessons-learned summary of those consultations it was noted that many respondents were skeptical of the need to strengthen



national security capabilities, with some calling for outright repeal of existing powers and others wanting proposed measures to be scaled back so as to protect rights. The consultations also noted strong support for greater transparency and accountability. The Liberal government, led at the time by veteran Public Safety minister Ralph Goodale, and with the enthusiastic backing of his then deputy minister, Malcolm Brown, understood the problem of weak societal support and cooked up the new transparency commitment. It was an ambitious and welcome undertaking.

Moving from the idea of national security transparency to practice was bound to be difficult. Quite apart from the fundamental need for cultural change to embrace transparency in a world of secrecy, there have been significant resource constraints, the need to align with the obligations of the *Security of Information Act*, the building of a road map, and significant time spent on setting up a civilian advisory group. The NSTC needs to decide on priorities, and that depends on a carefully calibrated sense of both what the public would benefit from knowing and what current security and intelligence community mores would allow.

The NSTC is itself transparent, to the extent that its six principles are advertised on the government of Canada's website. Little else about its application or deliverables is available. The six principles are divided into three categories: information transparency about the role and mandates of departments and agencies; executive transparency regarding legal authorities; and finally, policy transparency. Policy transparency is really where the rubber hits the road, or not. Principle five is the key. It reads: "The Government will inform Canadians of the strategic issues impacting national security and its current efforts and future plans for addressing those issues."

How well have the national transparency principles, especially principle five, been delivered on during the current crisis? In response to the COVID-19 crisis and the kinds of questions raised by the media and Parliament, we have witnessed two kinds of responses. One response has been for departments and agencies not usually considered members of the core security and intelligence community to embrace the cover of secrecy. This has been a feature, notably, of the Health Department and the Public Health Agency of Canada (PHAC), especially in regard to information about the national emergency stockpile system (NESS). NESS, over its long history (dating back to the 1950s), was meant to provide a vital surge capacity to meet the health equipment needs of provincial and territorial governments during a crisis. Health Minister Patty Hajdu initially met media questions about NESS with claims that it was considered a matter of national security. A slow drip-drip-drip process of information release has followed. We now know how many federal warehouses currently exist for the NESS program, and its overall budget, both significantly reduced over the past decade. Its inventory, including questions about how well stocked it was with items of PPE (personal protective equipment) and ventilators for ICUs remains a secret. Hajdu's admission that NESS probably didn't have the supplies it needed has crossed with a claim that NESS has been able to meet all provincial and territorial requests for help.

Questions about the overall role of the Canadian security and intelligence core community during the COVID-19 crisis have been met by a determined and largely classic defence, mounted by Freeland, which combines reassurance about its important contribution, alongside a refusal to



provide any details, for reasons of secrecy.¹ It's an alluring combination of a “nothing to see here, move along” response with a “there is something here, but we can't tell you what” response. This response has batted away important questions about any early warning provided by the security and intelligence system regarding the COVID-19 outbreak in China, the extent of information provided by allies, and the reporting functions of the community during the crisis. Along the way, the Department of National Defence has battened the hatches with regard to any information about its little-known medical intelligence unit that reports through the Canadian Forces Intelligence Command (CFINTCOM). We are simply left in the dark (for now) about how well the security and intelligence system has performed in meeting the informational challenges posed by COVID-19. The one exception is the work done by the Communications Security Establishment, and its public-facing Canada Centre for Cyber Security, to make clear its efforts to combat state-sponsored COVID-19 misinformation campaigns and to assist Canadians in maintaining cyber-security in difficult times.

This level of secrecy will have its defenders and its detractors. What is clear is that the national security transparency commitments, made after all by the current government, have yet to take root. A crisis might seem like a bad time to practise transparency; many might argue that national security transparency in a crisis is a terrible idea. But what COVID-19 has revealed is that the muscle memory is not yet there to allow us to begin to do things differently and explore the parameters of greater degrees of public knowledge. National security transparency does need to be culturally set in more peaceful times, and then be ready to be rolled out in a crisis. The NSTC needs to be re-energized with this concept in mind. The transparency commitments lay out important principles that deserve to succeed. But if its core principles cannot be delivered on when a crisis sets in, then the purpose and goals of the enterprise need to be re-thought.

In the myriad of reviews that are bound to come once the COVID-19 emergency has receded, the question will be asked, as it was by the 9/11 Commission report in the U.S. following the terrorist attacks: ‘what if the public had been better informed about pandemic threats and responses before COVID-19 struck’?

¹ The core security and intelligence community is identified in the 2018 annual report of the National Security and Intelligence Committee of Parliamentarians, drawing on a design from the Privy Council Office. The core elements are listed as the National Security and Intelligence Adviser; the Canadian Security Intelligence Service; the Communications Security Establishment; the RCMP; the Department of National Defence/Canadian Armed Forces; Global Affairs Canada; the Canada Border Services Agency and the Integrated Terrorism Assessment Centre.

► About the Author

Professor **Wesley Wark** is currently an adjunct professor at the University of Ottawa and an instructor at the Centre on Public Management and Policy, where he teaches courses on intelligence and security to government officials. He is a professor emeritus at the University of Toronto's Munk School on Global Affairs and Public Policy.

Professor Wark's most recent book is an edited volume: *Secret Intelligence: A Reader* (second edition 2019). He previously wrote a classified history of the Canadian intelligence community for the Privy Council Office. He also serves on the editorial advisory board of the journal, *Intelligence and National Security*, and is a former editor of the journal.

Professor Wark served on the Prime Minister's Advisory Council on National Security between 2005 and 2009 and on the Advisory Committee to the President of the Canada Border Services Agency between 2006 and 2010. Recently he advised the Public Safety Minister on new national security legislation and policy and has appeared on numerous occasions before House and Senate committees on national security and intelligence matters.

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