

foreign nationals could be targeted, and the fact that the agency would only act at the request of a minister of the Crown.

52 The Committee acknowledges the continued need for foreign intelligence, and rejects any suggestion that its collection is not of importance to Canada's interests. It also cannot agree that section 18 is the first step in the creation of a security intelligence service that will act abroad. As noted above, this form of intelligence collection has been in existence for some time. In addition, section 18 specifically restricts the agency to collection of information "within Canada". Another criticism of section 18 is that, although it purports to restrict intelligence gathering to information about foreign nationals or states, nothing in the section prevents the targeting of Canadians who have knowledge or expertise about such foreign interests. The Committee feels that this criticism may have substance, and that the section should be amended to make it completely clear that the targeting of Canadians or permanent residents is forbidden.

53 While the Committee is of the opinion that facilitating the collection of foreign intelligence by proper authorities is an appropriate function of the CSIS, it also believes that that function should be much more closely controlled and monitored. Further, political responsibility for the collection of foreign intelligence should be clear.

54 To this end, the Committee makes the following proposals. First, the CSIS should not only assist in the collection of such intelligence — it should have a monopoly on all operational work. This would ensure that all such activity comes within the régime of review and accountability which will accompany the CSIS. Second, CSIS operations (including the use of intrusive techniques) should only be activated under s. 18 where the relevant minister seeking the information — be he (or she) the Minister of National Defence or the Secretary of State for External Affairs — certifies the requirement for such information and delivers it to the Solicitor General who will also certify it, before directing it to the CSIS.

55 The CSIS operational monopoly and the requirement for ministerial certificates would decrease the possibility of s. 18 being used to avoid the strictures on surveillance of Canadians. The agency would not be able to initiate intelligence gathering under s. 18 *ab initio*; it would first have to receive a request certified by two ministers of the Crown. In particular, the "monopoly" aspect of this procedure would ensure that the Security Intelligence Review Committee would consider the conduct of such operations, and attempt to verify their propriety. In addition, if the agency proposed the use of an intrusive investigative technique under s. 18 it would have to obtain a judicial warrant pursuant to s. 22.