

- 1) espionage against Canada or detrimental to its interests;
- 2) sabotage against Canada or detrimental to its interests;
- 3) activities directed toward or in support of such espionage; or
- 4) activities directed toward or in support of such sabotage.

Both espionage and sabotage are included in the mandates set out in the *Australian Security Intelligence Organization Act* and the *British Security Service Act, 1989*. They were also included in the definition of threats recommended by the McDonald Commission in its 1981 Report.

A number of terms and phrases used in this portion of the definition are not themselves defined in the *CSIS Act*. Among them are “espionage”, “sabotage”, “detrimental to the interests of Canada”, and “activities directed towards or in support of”. Some of them are defined in other legislation — the *Criminal Code* and the *Official Secrets Act*, among others.

There is some reason for concern about the breadth of CSIS’s mandate in this area. In this field of activity as in others, the Service gives the Government of Canada early warning of espionage and sabotage. Its mandate in this area, however, should not be so broad as to violate rights and freedoms guaranteed under the *Charter*. Hence this part of the definition must be redrawn so that it can stand up to scrutiny by the courts under the *Charter*, not be in violation of rights and freedoms, and provide adequate protection to national security.

First, the terms “espionage” and “sabotage” are not defined in the *CSIS Act*, although both are defined in the *Criminal Code* and the *Official Secrets Act*. The definitions of these terms in other legislation are not of recent vintage and may themselves require reconsideration in light of modern-day reality. A statutory definition of these terms would give CSIS and Canadians a clearer indication of the types of activities to which the Service’s security intelligence mandate would extend. It may also be necessary to redefine these terms to indicate clearly whether industrial and technological espionage also fall within the Service’s security intelligence mandate. Such redefinition would also clarify the issue of whether such activities need to be either domestic or foreign-inspired and whether they need be directed against the government of Canada alone or against any government in Canada to fit within this portion of the definition. Not only should these terms be defined in the *CSIS Act*, they should also be redrafted in the *Criminal Code*, the *Official Secrets Act* and related legislation to reflect modern conditions.

RECOMMENDATION 3

The Committee recommends that the terms “espionage” and “sabotage” be defined in the *CSIS Act* and that modern definitions of these terms be