



ROLE AND PURPOSE OF NSICOP IN CANADIAN NATIONAL SECURITY

Date: November 17, 2023

Disclaimer: This briefing note contains the encapsulation of views presented by the speaker and does not exclusively represent the views of the Canadian Association for Security and Intelligence Studies.

KEY EVENTS

On November 17, 2023, Lisa-Marie Inman, Executive Director, Secretariat, and Jennifer Kleniewski, Senior Review Analyst and Team Lead, at the National Security and Intelligence Committee of Parliamentarians (NSICOP), presented the *Role and Purpose of NSICOP in Canadian National Security* for this year's West Coast Security Conference. The presentation was followed by a question-and-answer period with questions from the audience and CASIS Vancouver executives. The key points discussed were the committee's mandate to provide increased parliamentary oversight over the activities of Canadian intelligence agencies, the content and release of its annual and special reports, and the nonpartisan and representative nature of the committee's composition.

NATURE OF DISCUSSION

Ms. Inman and Ms. Kleniewski outlined the reasoning behind the NSICOP Act. They explained the role the NSICOP plays in providing increased civilian oversight, review and transparency regarding national security issues in the public interest. The committee's commitment to providing non-partisan analysis of security issues in the public interest, and the factors determining the declassification of information regarding the committee parliamentary reports was discussed.

BACKGROUND

Presentation

Ms. Inman explained that NSICOP was created out of the desire for a committee of parliamentarians with broad access to classified information and as part of the Canadian government's broader agenda to provide more civilian oversight and review of national security agencies. She explained that the committee reviews the framework and activities through which intelligence is collected, as well as

national security matters referred by ministers. Activity reviews pertain to the operation of a single national security organization, while framework reviews assess cross-organizational activity.

Ms. Inman stated that the NSICOP Act did not provide a formal definition of national security, allowing the committee greater flexibility; however, the NSICOP operates under a working definition of national security, stating that issues relevant should be national in character and involve at least one of the major members of the Canadian national security community. It also provided a working definition of intelligence as relevant to the use and acquisition of information obtained through clandestine methods.

Ms. Kleniewski stated that the committee is composed of one chair and ten members from either the House of Commons or Senate, who represent all major political parties, and the former is chosen by the Governor in Council while the latter by party leaders in consultation with the Prime Minister. Members may not be ministers or parliamentary secretaries, but instead represent the diverse perspectives of various segments of Canada's population. She stated that not all members have prior experience with intelligence; however, many have a background in law. Ms. Kleniewski described the committee as operating halfway between the Executive Branch and Parliament, making it independent from Parliament and not subject to its rules or procedures. Ms. Kleniewski stated that the committee is entitled to access any information that is both under the control of a department and relevant to the committee's mandate. NSICOP is not entitled to access cabinet confidences or the identities of confidential sources.

Ms. Inman explained that the committee issues annual reports and may issue special reports at any time, and reports that are declassified are presented to parliament. The Prime Minister may not redact information in said reports for being generally undesirable but may redact information for reasons set out in legislation, such as to prevent injury to national security.

Question and Answer

Could you explain more about the potential recommendations to Canadian intelligence agencies and the process in which they go about implementing said recommendations - does this process differ between CSIS and CSE?

Recommendations are usually framed as objectives when outlined in reports, while the ways in which said objectives are pursued are the government's prerogative. The objectives outlined are non-binding and the government is not obliged to respond but does so voluntarily.

What is the background of people you hire, especially in regards to analysts?

Individuals from security and intelligence and those from a policy background have found success, as likely would those from an auditing background. A security and intelligence background is not mandatory. The ability to have both a detailed and a broader strategic perspective is desired. NSICOP does not do intelligence assessments, but reviews from a legislator's perspective. The pandemic has negatively impacted the attraction of talent due to the in-office requirement.

How is public interest determined in a polarized cross party environment?

Within the committee there is consensus on recognizing threats to national security, such as foreign interference, despite the environment outside of the committee being highly partisan. The recognition of an issue being in the public interest is not partisan, it is recognized that if an issue is in the public eye, addressing it is in public interest.

How do you ensure agreement on the protection of Canadian rights?

The committee is quite committed to consensus. It can take multiple meetings, but there has never been a vote without consensus.

KEY POINTS OF DISCUSSION

- The NSICOP was created out of the desire for a committee of parliamentarians with broad access to classified information, like which already existed in other western states.
- The NSICOP is a non-partisan representative committee that is committed to consensus in addressing national security issues in the public interest.
- The NSICOP issues annual and special reports, with declassified reports presented to Parliament. Objectives in said reports are non-binding and the government's response to them is voluntary.



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Published by the Journal of Intelligence, Conflict, and Warfare and Simon Fraser University

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