

Title: Bridging the National Security Accountability Gap: A Three-Part System to Modernize Canada's Inadequate Review of National Security

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Research Question:

This paper examines existing challenges associated with the current structure of national security accountability review in Canada. It then draws on best practices in other jurisdictions to propose a systematic overall of the Canadian national security review system.

Importance:

The paper hopes to contribute to current discussions about reform in this area. It focuses particular attention on the question of how a national security committee of parliamentarians charged with a review function could be integrated with Canada's existing system of expert review, and the latter then refurbished to reflect the need for more seamless security and intelligence community-wide review. These matters are both topical given signals from the new Liberal government about its intentions to reform the national security accountability system.

Research Findings:

The paper urges that Canada's reformed national security accountability review structure be built on the model of a three-legged stool: first, a properly resourced and empowered committee of parliamentarians with robust access to secret information, charged primarily with strategic issues, including an emphasis on "efficacy" review; second, a consolidated and enhanced expert review body—a "security and intelligence community reviewer" or "super SIRC"—with all-of-government jurisdiction, capable of raising efficacy issues but charged primarily with "propriety" review; and third, an independent monitor of national security law, built on the UK and Australian model, with robust access to secret information and charged with expert analysis of Canada's anti-terrorism and national security legislation and able to work in concert with the other bodies on specific issues.

Implications:

The paper underscores the importance of a carefully premeditated approach to the question of accountability reform. Past experience in both Canada and other jurisdictions suggests that developments in this area have often been 'organic', reflecting the accrual of changes and not the rational pre-design of systems. The annex to the paper includes a draft statutory framework for accomplishing the three-legged stool reform it favours.