

## Archived Content

Information identified as archived on the Web is for reference, research or record-keeping purposes. It has not been altered or updated after the date of archiving. Web pages that are archived on the Web are not subject to the Government of Canada Web Standards.

As per the [Communications Policy of the Government of Canada](#), you can request alternate formats on the "[Contact Us](#)" page.

## Information archivée dans le Web

Information archivée dans le Web à des fins de consultation, de recherche ou de tenue de documents. Cette dernière n'a aucunement été modifiée ni mise à jour depuis sa date de mise en archive. Les pages archivées dans le Web ne sont pas assujetties aux normes qui s'appliquent aux sites Web du gouvernement du Canada.

Conformément à la [Politique de communication du gouvernement du Canada](#), vous pouvez demander de recevoir cette information dans tout autre format de rechange à la page « [Contactez-nous](#) ».

CANADIAN FORCES COLLEGE / COLLÈGE DES FORCES CANADIENNES  
CSC 33 / CCEM 33

IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF DEFENCE STUDIES

**HOW SAFE IS SAFE?  
CANADA'S ANTI-TERRORISM CAPABILITY**

By /par Lt Col Brendon Abram  
Canadian Forces

*This paper was written by a student attending the Canadian Forces College in fulfilment of one of the requirements of the Course of Studies. The paper is a scholastic document, and thus contains facts and opinions which the author alone considered appropriate and correct for the subject. It does not necessarily reflect the policy or the opinion of any agency, including the Government of Canada and the Canadian Department of National Defence. This paper may not be released, quoted or copied except with the express permission of the Canadian Department of National Defence.*

*La présente étude a été rédigée par un stagiaire du Collège des Forces canadiennes pour satisfaire à l'une des exigences du cours. L'étude est un document qui se rapporte au cours et contient donc des faits et des opinions que seul l'auteur considère appropriés et convenables au sujet. Elle ne reflète pas nécessairement la politique ou l'opinion d'un organisme quelconque, y compris le gouvernement du Canada et le ministère de la Défense nationale du Canada. Il est défendu de diffuser, de citer ou de reproduire cette étude sans la permission expresse du ministère de la Défense nationale.*

## **ABSTRACT**

Following the events of 9/11 the Canadian government radically transformed national security policy to address the threat of terrorism. For the first time in its history, the government formalized thorough definitions of terrorism and national security. Ottawa invested over nine billion dollars to make Canada safer from terrorists. This response reflected the government's acknowledgement that Canadians were vulnerable to unpredictable attacks by terrorists from anywhere in the world. Over five years later, Canada has not experienced a significant act of terrorism. In February 2007 the Canadian parliament voted to permit two key provisions of the Anti-Terrorism Act (ATA) to expire, suggesting that elements of the counter-terrorism capability may no longer be required.

This paper contends that although Canada may be safer from terrorism than it was before 9/11, it is still vulnerable in many respects. The removal of key provisions from the ATA and the simultaneous abolishment of security certificates have left a significant void in law enforcement capabilities. The relatively uncontrolled entry of immigrants between 2001 and 2004 raises the possibility that radical terrorists could be living in Canada. The failure of the government to put concrete measures in place to protect ethno-cultural communities means that they could be susceptible to radicalization and recruitment by radical agents of Islam. Consequently, deficiencies in the government's counter-terrorism capability leave Canadians vulnerable to attack by radical global jihadists from outside and within their own borders. It is probable that the main terrorist

threat facing Canada now comes from within, from networks of the disenchanted and radicalized who have adopted the radical jihadist's ideology as their own.

## TABLE OF CONTENTS

|  |    |
|--|----|
| INTRODUCTION .....   | 1  |
| UNDERSTANDING TERRORISM IN CANADA .....                                      | 6  |
| Terrorism from Concept to Definition.....                                    | 6  |
| Canada's Definition .....  | 7  |
| Terrorism – The Canadian Experience .....                                    | 8  |
| Post 9/11 – The Terrorist Transformation and Religious Extremism.....        | 12 |
| Al Qaeda Lives in Canada .....   | 15 |
| What is Safe? .....  | 18 |
| Terrorism in Canada Summary.....   | 21 |
| CANADA'S COUNTER-TERRORISM CAPABILITY .....                                  | 23 |
| The Making of the Measures .....   | 25 |
| <i>The National Security Policy</i> .....                                    | 26 |
| The Measures and their Worth.....  | 28 |
| <i>Stronger Laws</i> .....   | 28 |
| <i>Security Versus Freedom</i> .....   | 34 |
| <i>Stronger Laws and Security Versus Freedom Summary</i> .....               | 42 |
| <i>Increased Infrastructure Security</i> .....                               | 44 |
| <i>Immigration, Travel and Border Security</i> .....                         | 48 |
| <i>Discovering, Dismantling and Preventing Terrorists Networks</i> .....     | 53 |
| <i>Key Enablers - Government Oversight and Intelligence Management</i> ..... | 55 |
| Counter-Terrorism Summary.....   | 58 |
| GLOBAL JIHAD – THE EMERGING THREAT .....                                     | 61 |
| Al Qaeda – The Base .....  | 61 |
| Canadian Vulnerabilities – Radical Opportunities .....                       | 63 |
| <i>Safe Haven – Incentive to Radicalize</i> .....                            | 65 |
| <i>Canada's Muslim Diaspora – Grounds for Exploitation</i> .....             | 67 |
| <i>The Social Stage</i> .....  | 68 |
| <i>Radicalization – The Means</i> .....                                      | 72 |
| Global Jihad Summary.....  | 75 |
| CONCLUSION – IS CANADA ANY SAFER? .....                                      | 76 |

## INTRODUCTION

We will not give into the temptation, in a rush to increase security, to undermine the values that we cherish and which have made Canada a beacon of hope, freedom and tolerance to the world....we will allow no one to force us to sacrifice our values or traditions under the pressures of urgent circumstances. We will continue to welcome people from the whole world. We will continue to offer refuge to the persecuted.<sup>1</sup>

*Prime Minister Jean Chrétien 17 September 2001*

These words, from one of the most successful Prime Ministers in Canadian history, eloquently capture the collective national psyche of the Canadian people with respect to maintaining an appropriate balance between national security and the protection of fundamental national values. The collapse of the twin towers in 2001 caused Prime Minister Chrétien to fear that this balance could be upset. Following Al Qaeda's attack, terrorism became, for a time, Canada's most pressing concern.

For many years Canada had been living an "It can't happen to us" delusion even though domestic and international terrorist groups had been active inside its borders for decades. Incidents such as the *Front de libération du Québec* (FLQ) crisis in 1970 and the Air India bombing in 1985 should have provided sufficient warning that Canada was not immune from terrorist-induced catastrophes. But they did not. 9/11, however, demonstrated in the most dramatic way possible that Canada was not safe. The magnitude of the danger was not lost upon the government which rushed to radically transform national security policy. Since September 2001 Ottawa has invested over nine

---

<sup>1</sup> Jean Chretien quoted in Jay Makerenko, "Terrorism and Canadian Mobility - Trends in Canadian Immigration and the Canada-United States Border After the Bombings in the United States," (October 2002) [article on line]; available from <http://www.mapleleafweb.com/features/terrorism/article01-1.htm>; Internet; accessed 4 Feb 2007.

billion dollars to make Canada safer.<sup>2</sup> For the first time in its history, the Canadian government has formalized thorough definitions of terrorism and national security. *Securing an Open Society – Canada's National Security Policy* establishes a clear link between terrorism and the security of Canadians. Furthermore, it explicitly identifies international terrorism as the most serious contemporary threat to Canadian security, citing the type of religious extremism fostered by groups such as Al Qaeda as being of particular concern.<sup>3</sup> This response reflects the government's acknowledgement that Canadians, whether at home or abroad, are vulnerable to unpredictable attacks from anywhere in the world. Whereas security was once primarily a military and elite-level political concern, it has suddenly become an issue with global implications for all Canadian citizens.<sup>4</sup>

The changes in the government's approach have not, however, been universally accepted. A significant number of the counter-terrorism provisions have sparked intense debate within the academic community and continue to be staunchly opposed by civil rights and privacy advocates. Reid Morden, former Director of the Canadian Security and Intelligence Service (CSIS), queried whether the hastily drafted legislation had achieved its essential purposes without unacceptably shifting the balance between

---

<sup>2</sup>Department of Justice, "Formative Evaluation of the Department of Justice Public Safety and Anti-Terrorism (PSAT) Initiative," (31 Mar 2005) [report on -line]; available from <http://www.canada.justice.gc.ca/en/ps/eval/reports/05/psatsum/psatsum.pdf>; Internet; accessed 17 March 2007, 1.

<sup>3</sup> Privy Council Office, "Securing an Open Society: Canada's National Security Policy," (April 2004) [publication on-line]; available from [http://www.pco-bcp.gc.ca/docs/Publications/NatSecurnat/natsecurnat\\_e.pdf](http://www.pco-bcp.gc.ca/docs/Publications/NatSecurnat/natsecurnat_e.pdf); Internet; accessed 5 Feb 2007.

<sup>4</sup> Department of Foreign Affairs, "International Crime and Terrorism, International Counter-Terrorism Measures since 9/11: Trends, Gaps and Challenges," [http://www.dfaif-maeci.gc.ca/internationalcrime/trends\\_challenges-en.asp](http://www.dfaif-maeci.gc.ca/internationalcrime/trends_challenges-en.asp); Internet; accessed 3 Feb 2007, 12.

legitimate advocacy, protest and dissent, and the security of the state and its inhabitants.<sup>5</sup> In a report commissioned by the Department of Justice in 2004, Canadian scholar Don Stuart of Queen's University questioned the authenticity of the terrorist threat and argued that Canada should focus on what he referred to as proven and real threats such as cancer, suicide, vehicular accidents, and domestic violence.<sup>6</sup> In 2005, the Privacy Commissioner of Canada reported to the Senate Subcommittee on the Public Safety Act and National Security that there were neither sufficient facts nor evidence to suggest that the measures provided by the Anti-terrorism Act (ATA) were necessary.<sup>7</sup> These three conclusions, although originating from significantly different sources, raise a common and unsettling possibility. Perhaps Canada is safe enough. Maybe the changes were unnecessary.

Canada's most influential and important ally, which has a vested interest in the matter, believes otherwise. In fact, the United States (U.S.) of America continues to argue that Canada is not doing enough to combat terrorism. In the annual 2005/2006 Country Report on Terrorism, the State Department expressed growing concern about the presence of numerous terror plotters in Canada. An excerpt from the report reads, "Terrorists have capitalized on liberal Canadian immigration and asylum policies to

---

<sup>5</sup> Reid Morden, "Canadian Intelligence Services, Spies, not Soothsayers: Canadian Intelligence after 9/11," Commentary No. 85, (Fall 2003) [article on-line]; available from <http://www.csis-scrs.gc.ca/en/publications/commentary/com85.asp>; Internet; accessed 4 February 2007, 6.

<sup>6</sup> Department of Justice, "The Views of Canadian Scholars on the Impact of the Anti-Terrorism Act," (31 March 2004) [paper on-line]; available from <http://www.justice.gc.ca/en/ps/rs/rep/2005/rr05-1/rr05-1.pdf>; Internet; accessed 17 March 2007, 16.

<sup>7</sup> Office of the Privacy Commissioner of Canada, "Anti-Terrorism Act - Senate Special Committee on the Anti-Terrorism Act," (August 2005) [paper on-line]; available from; [http://www.privcom.gc.ca/speech/2005/sp-d\\_050509\\_e.asp](http://www.privcom.gc.ca/speech/2005/sp-d_050509_e.asp); Internet; accessed 4 February 2007, 1.



enjoy safe haven, raise funds, arrange logistical support and plan terrorist attacks.”<sup>8</sup> Nor is the U.S. alone in its assertion that Canada’s efforts have fallen short. In her 2004 report on national security, the Auditor General of Canada stated that the new anti-terrorism initiatives had failed to address deficiencies in intelligence sharing, watch lists, and passport control.<sup>9</sup> Finally, Parliament’s decision in February of this year to permit key provisions of the ATA to expire raises additional concern. Perhaps Canada is not safe. Perhaps the anti-terrorism measures are not adequate. It is obvious that there is a difference of opinion between those who believe the new measures have not made Canadians any safer and others who maintain that they have not made them safe enough. This paper will endeavour to bring some clarity to the issue by determining the impact of the anti-terrorism measures introduced since 11 September 2001.

Some scholars maintain that the new measures have done nothing to prevent terrorist attacks in Canada and will, therefore, do nothing to prevent them in the future. They point to the extremely limited use of the new provisions as evidence of this assertion.<sup>10</sup> Furthermore, some argue that Al Qaeda has been so weakened by counter-terrorism efforts in Afghanistan that Islamic religious extremism is no longer a credible threat to the security of Canada.<sup>11</sup> Neither assertion is completely valid. Overall, while Canada is safer from terrorism than it was before 9/11, it is still vulnerable in many

---

<sup>8</sup> United States State Department, “Country Reports on Terrorism; 2005,” (April 2006) [paper on-line] available from <http://www.state.gov/documents/organization/65462.pdf>; Internet; accessed March 19 2007, 160.

<sup>9</sup> Auditor General of Canada, “National Security in Canada - The 2001 Anti-Terrorism Initiative,” (March 2004) [paper on-line] available from; <http://www.oag-bvg.gc.ca/domino/reports.nsf/html/20040303ce.html>; Internet; accessed 4 Feb 2007.

<sup>10</sup> Department of Justice, *The Views of Canadian Scholars*..., 58.

<sup>11</sup> *Ibid.*, 24.

respects. The removal of key provisions from the ATA and the simultaneous abolishment of security certificates have left a significant void in law enforcement capabilities. As a result of the relatively uncontrolled entry of immigrants between 2001 and 2004, radical terrorists could be living in Canada. The failure of the government to put concrete measures in place to protect ethno-cultural communities means that they could be susceptible to radicalization and recruitment by agents of Islam. Deficiencies in the government's counter-terrorism capability leave Canadians vulnerable to attack by radical global jihadists from outside and within their own borders. Although Al Qaeda as a physical entity has been weakened, its presence as an ideology has grown stronger. It is probable that the main terrorist threat facing Canada now comes from within, from networks of the disenchanted and radicalized who have adopted Al Qaeda's jihadist ideology as their own.

This paper will commence with a general characterization of terrorism in Canada before 9/11. The term terrorism will be defined, as will what it means to be safe. This will set the context for an examination of the anti-terrorism measures Canada has put in place since 9/11 and will lead to an overall assessment of the impact these measures have had on Canadian national security as a whole. The deliberation will lead to an assessment of the extent to which counter-terrorism measures have succeeded in making Canadians safe from terrorism, particularly from the threat posed by Islamic extremists and global jihad.

## UNDERSTANDING TERRORISM IN CANADA

“Nothing in life is to be feared. It is only to be understood.” *Marie Curie*

The key to countering terror is understanding what it is. This is not a simple matter of formulating a definition. Our ability to understand the present, and to affect the future, is dependent on our ability to interpret the past; consequently, any explanation of terrorism must be supplemented by a description of the context to which it applies. Reviewing Canada’s experience with terrorism to date will provide this context and will facilitate a deeper appreciation of the government’s definition of terrorism. In addition, it will identify the key threats from which the measures are intended to protect Canadians.

### **Terrorism from Concept to Definition**

According to Bruce Hoffman of the Rand Institute, terrorism is fundamentally a form of psychological warfare. It is designed to have profound psychological repercussions on a target audience. Through fear and intimidation, terrorists seek to undermine confidence in government and leadership and to rent the fabric of trust that binds society.<sup>12</sup>

It should be simple to convert this basic explanation to a universally acceptable definition of terrorism, however, this has proven to be largely impossible. In December 2004, the Department of Foreign Affairs observed that the main impediment to the international war on terror was the inability of nations to agree to a common definition. They compared it to “attempting to ratify a convention on war crimes without defining

---

<sup>12</sup> Bruce Hoffman, “Rethinking Terrorism and Counterterrorism Since 9/11,” *Studies in Conflict and Terrorism*, no.25 (2002): 303-316; <http://www.jstor.org>; Internet; accessed 7 February 2007, 313.

what a war crime is.”<sup>13</sup> In October 2005, the British Secretary of State surveyed the anti-terrorism legislation of ten western nations, including Canada. In no case were the definitions exactly the same.<sup>14</sup> Nonetheless, the variances are not surprising. They support the assertion that a nation’s understanding of terrorism is a product of its environment and is dependent on historical context.

### **Canada’s Definition**

Canada’s Department of Justice defines terrorism as:

an action that is an offence under one of 10 UN anti-terrorism conventions and protocols; or, is taken or threatened for political, religious or ideological purposes and threatens the public or national security by killing, seriously harming or endangering a person, causing substantial property damage that is likely to seriously harm people or by interfering with or disrupting an essential service, facility or system.<sup>15</sup>

Three aspects of this definition stand out. First, it clearly links Canada’s definition of terror to that of the United Nations. This speaks to the importance the government has placed on establishing a sense of cooperation and legitimacy within the international community. Second, it proposes that terrorism is a crime motivated by politics, religion, or ideology. This is notable because the inclusion of these terms comes dangerously close to treading on basic liberties enshrined in the Canadian Charter of Human Rights and Freedoms. Finally, this definition clearly identifies terrorism as a matter of public and national security.

---

<sup>13</sup> Department of Foreign Affairs, *International Crime and Terrorism*..., 12.

<sup>14</sup> United Kingdom Secretary of State for Foreign Affairs, “Counter-Terrorism Legislation and Practice: A Survey of Selected Countries,” (October 2005) [publication on-line]; available from <http://image.guardian.co.uk/sys-files/Politics/documents/2005/10/12/foreignterrorlaw1.pdf>; Internet; accessed 7 February 2007.

<sup>15</sup> Department of Justice, “Highlights of Anti-Terrorism Act,” (March 2007) [backgrounder on-line]; available from [http://www.justice.gc.ca/en/news/nr/2001/doc\\_27787.html](http://www.justice.gc.ca/en/news/nr/2001/doc_27787.html); Internet; accessed 7 February 2007.

In the paragraphs which follow, the context in which to interpret this definition will be established. This will permit the identification of the main terrorist threats faced by Canada and a balanced and complete assessment of the degree to which Canadian counter-terrorism measures have enhanced national security.

### **Terrorism – The Canadian Experience**

Canada is no stranger to terrorism. The first terrorist attack in Canada occurred in 1869 when Darcy McGee, one of the fathers of Confederation, was assassinated by an Irish Fenian. Since that time there have been an average of two attacks per year, with a major spike in activity between 1960 and 1990. In a 2001 study prepared for the Department of National Defence, N.A. Kellett estimates that during this period there were approximately 428 incidents of terrorism in Canada.<sup>16</sup> For the most part, these acts were ideologically motivated and limited to distinct communities or specific regions of Canada. Quebec separatists were responsible for about 200 of the total incidents, while the Doukhobors, an émigré group from Germany, directed about 143 more at members of their own diaspora. The remainder were committed mostly by radicals.<sup>17</sup> Kellett also notes that, commencing in the 1990's, the number of terrorist incidents declined and in 1998 CSIS announced that Canada and Canadians were not primary targets of terrorist groups. However, trends in terrorism since 1990 suggest that CSIS's 1998 assessment was a snapshot in time that failed to account for the transformation terrorism has been

---

<sup>16</sup> Department of National Defence, "Project Report No. 2001/11: The Terrorist Threat (Ottawa: Canadian Forces Information Center, 2001), 32.

<sup>17</sup> John C. Thompson and Joe Turlej, "Other People's Wars: A Review of Overseas Terrorism in Canada," (June 2003) [paper on-line]; available from [www.mackenzieinstitute.com/2003/other\\_peoples\\_wars.htm](http://www.mackenzieinstitute.com/2003/other_peoples_wars.htm); Internet; accessed 7 February 2007, 24.

undergoing for the last 15 years, a transformation that manifested itself so dramatically on 11 September 2001.

The Canadian National Security Policy identifies the main terrorist threats to Canada as domestic extremism, state sponsored terrorism, violent secessionist movements, and religious extremism.<sup>18</sup> A review of Canada's experiences with terrorism will establish sufficient precedents in these areas to conclude that any anti-terrorism program must address each, to varying degrees, to be successful.

The FLQ crisis, during the late 1960s and early 1970s, was Canada's most notorious case of ideologically motivated domestic extremism. The bombings, kidnappings and subsequent murder of Quebec Cabinet Minister Pierre Laporte by the Quebec separatists represents the most violent period in Canadian domestic affairs to this point. It marked the only case in Canadian history in which the War Measures Act was invoked during peacetime to restore security.<sup>19</sup> Other more contemporary examples of domestic extremism include incidents initiated by anti-abortionists, animal rights activists, globalization and environmental groups and white supremacists.<sup>20</sup> While the threat represented by domestic extremism is real, attacks have been discriminate: they have been directed at specific targets with a relative degree of restraint.

Violent secessionist movements from different regions of the world have spilled over into Canada's ethno-cultural communities, creating a two pronged threat to

<sup>18</sup> Privy Council Office, *Securing an Open Society...*, 6.

<sup>19</sup> CSIS (CSIS), "Backgrounder No 8 Counter Terrorism," (August 2002) [Backgrounder on-line] available from <http://www.csis-scrs.gc.ca/en/newsroom/backgrounders/backgrounder08.asp>; Internet; accessed 7 February 2007, 5.

<sup>20</sup> CSIS, *Backgrounder No 8 Counter Terrorism*.....

Canadians. The first is from international terrorists, citizens of another state who travel to Canada to launch attacks against targets on Canadian soil. The second is from naturalized Canadians who continue to support the cause of their native land from their new home.

Attacks by international terrorists were most prevalent in Canada between 1960 and 1989 when approximately 62 incidents took place.<sup>21</sup> Attacks of this nature also carried over, to a lesser extent, into the 1990s. As the following examples illustrate, most were directed against diplomatic targets by disenchanted nationals, or against specific ethno-cultural communities. The 1992 storming of the Iranian embassy in Ottawa by members of the Mujahedin-e-Khalq, a terrorist group opposed to the Iranian government, is an example of the former. The thwarted attack in 1991 by members of the Pakistan based religious sect, Jammul ul Fuqra, against a Hindu temple in Toronto is illustrative of the latter.<sup>22</sup> As with domestic extremism, these attacks were conducted in a relatively restrained manner against specific targets. They were also different, however, in that they convincingly demonstrated that international terrorists have been able to enter Canada undetected and pursue their respective agendas.

The two most prominent examples of violent secessionist movements in Canada that offer valuable insight are the Liberation Tigers of Tamil Eelam (LTTE) and members of Babbar Khalsa. The Canadian branch of LTTE, the Snow Tigers, has used Canada as a base to raise funds to purchase weapons to support the Tamil quest for independence in

---

<sup>21</sup> Thompson and Turlej, *Other People's Wars...*, 25.

<sup>22</sup> CSIS, *Backgrounder No 8 Counter Terrorism...*

Sri Lanka since the late 1980's. Through overt fundraising, extortion and a variety of other methods the Tamils have raised anywhere from two to twelve million dollars per year. According to Stuart Bell, a *National Post* columnist and author of two books on Canadian terrorism, "Canada is the support base for a terrorist organization that has killed more than one hundred politicians, assassinated the leaders of two countries – India and Sri Lanka – and carried out more suicide bombings than any other militant group in the world."<sup>23</sup>

Babbar Khalsa, a Sikh group devoted to creating a Sikh state called Khalistan in the Punjab, is believed to be responsible for the deadliest example of secessionist violence in Canadian history.<sup>24</sup> The 1985 Air India bombing killed 329 people, 154 of whom were Canadian citizens.<sup>25</sup> Air India could be considered the 9/11 that Canada failed to heed. Proportional to Canada's population, the death toll was equal to that of the attacks of September 11. Air India was a defining moment in Canada's experience with terrorism. Inaction on the part of the government sent a message to other extremist groups that Canada could serve as a safe haven to plan and launch terrorist attacks. More disturbingly, the initial reaction to the disaster by the Canadian public was deafening in its silence. The most reasonable explanation for this disappointing response is that the victims were mostly Indo-Canadians. This made it easy to portray the attack as targeting

---

<sup>23</sup> Stewart Bell, *Cold Terror: How Canada Nurtures and Exports Terrorism Around the World* (Etobicoke: Wiley, 2004), 27.

<sup>24</sup> *Ibid.*, 2 – 21.

<sup>25</sup> Thompson and Turlej, *Other People's Wars...*, 25.



an isolated segment of Canadian society as opposed to a more fundamental assault on Canada, its security, and its value systems.<sup>26</sup>

The conclusions that can be drawn from experience with secessionist extremism are as numerous as they are important. First, international terrorists have been able to enter Canada undetected to conduct operations. Second, Canada has served as a safe haven for terrorist organizations. Third, by not limiting the actions of these groups within its borders Canada has essentially contributed to terrorism in other countries. Fourth, the Air India bombing signaled the same abandonment of discrimination and restraint which would so dramatically characterize 9/11. Finally, and most disturbingly, the exploitation of ethno-cultural communities in Canada by terrorist groups is a development that could have serious implications for Canadian national security, especially in terms of the potential for religious extremism to be incited within these groups.

### **Post 9/11 – The Terrorist Transformation and Religious Extremism**

9/11 redefined terrorism and marked the emergence of religious extremism practiced by transnational terrorists. With the benefit of hindsight, CSIS reported in 2002 that secular terrorists had given way to religious nationalists.<sup>27</sup> This phenomenon was also observed by the Netherlands' Ministry of the Interior, which reported in 2005 that the shift from state sponsored terrorism to religious extremism has seen the emergence of transnational networks of Islamic religious extremists. This has arisen largely as a result of migration movements from Islamic countries, a problem that will likely be exacerbated

---

<sup>26</sup> Bell, *Cold Terror*..., 20.

<sup>27</sup> CSIS, Backgrounder No 8 Counter Terrorism..., 4.

by the wars in Iraq and Afghanistan.<sup>28</sup> Specifically, it is possible that religious extremists who have fought in these conflicts will return home to use their skills to engage in acts of violence in their respective countries.

It would be a naïve to believe that this is a phenomenon that unfolded overnight. Although Canada enjoyed a period of relative calm during the 1990s, events transpired in other parts of the world that would eventually threaten the security of Canadians everywhere. The transformation had important implications for Canada. CSIS first acknowledged this significance in 2000 when it released a report that noted that terrorists had been moving from significant support roles, such as fundraising and procurement, to actually planning and preparing attacks within Canada. To carry out these efforts, terrorists and their supporters have used intimidation and other coercive measures in immigrant communities and have abused Canada's immigration, passport, and welfare and charity regulations.<sup>29</sup> The report provides documented examples of the terrorist activities in Canada that include using fraudulent travel documents, entering into Canada illegally, fundraising in support of terrorist activities, recruiting members, planning terrorist attacks in Canada and abroad, providing safe haven and logistical support for terrorists, procuring weapons and materiel, and undertaking nuclear, biological and chemical terrorism. In its 2004/2005 public report CSIS refined its assessment of trends and developments in terrorism to explain the magnitude of the transformation more

---

<sup>28</sup> Netherlands Ministry of the Interior and Kingdom Relations, "Violent Jihad in the Netherlands" (2005) [paper on-line]; available from [http://english.nctb.nl/Images/Violent%20jihad%20in%20the%20Netherlands%202006\\_tcm127-112471.pdf](http://english.nctb.nl/Images/Violent%20jihad%20in%20the%20Netherlands%202006_tcm127-112471.pdf); Internet; accessed 7 February 2007, 24.

<sup>29</sup> CSIS, "International Terrorism: The Threat to Canada," no.4, (May 2000) [paper on-line]; available from <http://www.csis-scrs.gc.ca/en/publications/perspectives/200004.asp>; Internet; accessed 7 February 2007, 3.

precisely. It concluded that modern terrorists display a willingness to die for their cause(s); augment their ranks, largely as a result of situations such as the conflict in Iraq; launch attacks globally, including in countries not previously targeted; focus on “soft” (i.e. non-military) objectives, with the aim of killing as many people as possible; demonstrate outstanding operational security, highly effective planning skills and the ability to run operations in several countries simultaneously; exploit and intimidate immigrant communities; attempt to acquire lethal weapons, including chemical, biological, radiological and nuclear devices; further refine their use of the Internet, particularly Internet news media, as a propaganda and recruitment tool; equip themselves with sophisticated devices and weaponry, including rockets and missiles; and recruit a growing number of young, second-generation immigrants with few or no previous links to terrorism. The same report suggests that the most significant threat is posed by Islamic extremist groups. This view is supported by a panel of 11 prominent Canadian scholars who, in a report prepared for the Department of Justice in 2004, agreed that, “the greatest threat [is] posed by Islamic extremist groups motivated by the Arab-Israeli conflict, as well as by an opposition to western-style democracy, secularism, and liberal values.”<sup>30</sup>

Although the two reports could be construed as a shopping list of concerns, they do illustrate that the terrorist faced by Canada today is multi-faceted. They are especially relevant in the context of this paper because they suggest three main threat areas that must be countered by anti-terrorism measures. These include a terrorist attack launched from Canada against targets in Canada or abroad, the use of Canada as a logistical support base, or safe haven, and the exploitation of ethno-cultural communities through

---

<sup>30</sup> Department of Justice, *The Views of Canadian Scholars...*, 24.

recruitment and radicalization. Lastly, it is clear that the most serious contemporary threat facing Canada is Islamic religious extremism. Skeptics may argue this point, stating that, with the exception of an amateurish plot by 17 Toronto Muslims to behead the Prime Minister, there is little concrete evidence of activity by Islamic extremist groups such as Al Qaeda in Canada, either before or after the events of 9/11. This is not true. Al Qaeda, and the ideology it represents, is here.

### **Al Qaeda Lives in Canada**

If Islamic religious extremism is the most serious terrorist threat facing Canada, Al Qaeda is its vanguard. Even though the organization has been significantly weakened by counter-insurgency efforts in Afghanistan and Iraq, its ideology has taken root within the Islamic world and has become a beacon for global jihad. Osama Bin Laden, the father of the modern jihadist movement, has made it clear that Canada is a legitimate target for global jihad.<sup>31</sup>

Bin Laden's warning cannot be perceived as an idle threat. Al Qaeda has a firm foothold in Canada. At least 25 Canadians have been connected to Al Qaeda or affiliated groups.<sup>32</sup> The most well known include Ahmed Ressam and the infamous Khadr family. Ressam, known as the Millennium Bomber, is an Algerian born Canadian who was apprehended by American authorities in 1999 while attempting to cross the border into

---

<sup>31</sup> CSIS, "CSIS Public Report 2004 - 2005," (2005) [paper on-line]; available from [http://www.csis-scrs.gc.ca/en/publications/annual\\_report/2004/report2004.asp](http://www.csis-scrs.gc.ca/en/publications/annual_report/2004/report2004.asp); Internet; accessed 7 February 2007, 3.

<sup>32</sup> Statistics Canada, "Canada's Global Cities: Socio-Economic Conditions in Montreal, Toronto, and Vancouver," <http://www.statcan.ca/menu-en.htm>; Internet; accessed 7 February 2007.

the U.S. with a carload of explosives. He was part of a terrorist plot to bomb the Los Angeles international airport.<sup>33</sup>

Ahmed Khadr, who was killed in a shoot-out with authorities in Pakistan in 2003, was an al-Qaeda financier with direct links to Bin Laden.<sup>34</sup> With the *nom de guerre*, “Al Kanadi” (The Canadian), he was a member of Al Qaeda’s inner circle. One son, Abdullah Khadr, is being sought by Canadian authorities for terrorist related charges, while another, Omar Khadr, is in custody in Guantanamo, accused of killing an American soldier. Several other Canadians with links to Al Qaeda have been accused of terrorist action overseas. Abdel Rahman Jabarah was sought for his involvement in the bombing of residential compounds in Riyadh, Saudi Arabia, in May 2003. In July 2003, he died in a gun battle with Saudi Arabian security forces. His brother, Mohammed Jabarah, was involved in a foiled plot to attack foreign embassies in Singapore. He is currently being detained in the U.S. Kassem Daher was imprisoned in Lebanon for his involvement in an armed clash between a radical Islamic group and Lebanese forces in early 2000. Abderraouf Jdey and Faker Boussora both attended Al Qaeda training camps. Jdey made a “suicide video” for Al Qaeda in which he pledged his life for the movement. Both are still at large and believed to be operationally active abroad.<sup>35</sup>

In addition, citizens of other countries suspected of having terrorist connections are being held in Canada. They include: Mohamed Mahjoub a member of Vanguard of Conquest, a radical wing of the Egyptian Islamic Jihad; Mahmoud Jaballah, a senior

---

<sup>33</sup> Bell, *Cold Terror*..., 132-139.

<sup>34</sup> *Ibid.*, 157-171.

<sup>35</sup> CSIS, *CSIS Public Report*..., 2.

operative of the Egyptian Islamic terrorist organization Al Jihad, and Hassan Almeri, Mohamed Harkat, and Adil Charaoui, suspected of association with Al Qaeda.<sup>36</sup> Finally there are the Toronto 17, the group, who if police allegations are true have come the closest to launching a religiously motivated attack in Canada. The 12 men and five youths were accused of knowingly participating in a terrorist group and either receiving or providing terrorist training. Police allege they were inspired by Al Qaeda and planned to make bombs to attack targets in Ontario.

Al Qaeda's presence in Canada is of significant concern. It underlines the fact that Islamic extremism has established a presence in this nation. Considering that Canada has, per capita, one of the largest Muslim diasporas in the world, considerable potential exists for the exploitation of ethno-cultural communities by radical Islamists.

Canada has had extensive experience with terrorism in its short history as a nation. Numerous examples show that domestic extremism and violent secessionist movements have posed, and will continue to pose, a real and significant threat to this nation's security. Moreover, it is evident that the transformation of terror has occurred within Canada as it has in so many other nations in the world. In a 2003 public report the Department of Justice stated that, "The most significant threat to Canada is posed by terrorism." It also stated that, "current signs point to increased terrorist threats, particularity from Sunni Islamic extremists either directly aligned with or supporting the ideology espoused by Al Qaeda."<sup>37</sup> This supports the contention that Islamic religious

---

<sup>36</sup> *Ibid.*, 3.

<sup>37</sup> Department of Justice, "Anti-Terrorism Act: Excerpts from CSIS 2003 Public Report," [http://www.justice.gc.ca/en/anti\\_terr/threats.html](http://www.justice.gc.ca/en/anti_terr/threats.html); Internet; accessed 7 February 2007.

extremism has become the most serious terrorist threat to this nation. Furthermore, Al Qaeda and its ideology have a foothold within Canada. Considered in conjunction with the fact that terrorist attacks are becoming less discriminate and more deadly, there is reason to be concerned that the anti-terrorism measures that the government implemented after 9/11 may not be adequate to keep Canadians safe.

### **What is Safe?**

The National Security Policy offers a strategic interpretation of security and defines Canada's three basic interests as: protecting Canada and the security of Canadians at home and abroad, ensuring that Canada is not a base for threats to our allies, and contributing to international security.<sup>38</sup> In their Justice Department report, Canadian scholars suggest that the most likely form of a terror attack against these interests is an attack on foreign citizens in Canada, an attack on the U.S. from Canada, or an attack on a border town using WMD.

While these notions provide context for understanding what it means to be safe from terrorism, they are not complete. To assess the degree to which counter-terrorism efforts are keeping Canadians safe, it is necessary to further define this term. The clearest interpretation of safety may be best derived from a consideration of the consequences of not being safe. Consequences can be classified as either first or second order in terms of effect. First order effects of a terrorist attack include the destruction of infrastructure and the loss of life. Although serious, they are typically of short duration and normally cause no more concern than other common causes of death such as natural

---

<sup>38</sup> Privy Council Office, *Securing an Open Society...*, 5.

disasters, illness, traffic accidents or crime. It is more often the second order effects that have greater impact and are more long term in nature. Although fear of the unknown is a significant second order effect of terrorism, 9/11 has graphically illustrated that the long-term disruption caused by a terrorist attack can also affect the economic, social, political, and legal fabric of a nation. Challenges to economic and social stability tend to drive political and legal decisions intended to protect these important national interests.

In 2002 the Organization for Economic Cooperation and Development (OECD) published a report that described the economic consequences of terrorism.<sup>39</sup> The report was based on practical lessons from 9/11 and concluded that the economic effects of terrorism vary over time. In the short term, effects take on crisis proportions and must be managed accordingly to prevent long term damage to the national and international economic system. In the weeks following 9/11 negative changes to the world market threatened to affect American gross domestic product by as much as 1.2 percent. Over the long term terrorist attacks have the potential to change a nation's spending patterns, with more investment being diverted to defence and security spending. This could introduce third order effects by negatively impacting the delivery of other programs such as social services, education and health. In addition, the report cautioned that medium-term policies aimed at enhancing protection against the threat of terrorism need to be properly designed in order to prevent an overreaction to risk by the financial sector. Most significantly, however, the report points to the effect that 9/11 had on border control between Canada and the U.S. It concluded that, unless the right balance can be found

---

<sup>39</sup> Organization for Economic Cooperation and Development, *Economic Consequences of Terrorism*, no. 71, (2002) [paper On-line]; available from (<http://www.oecd.org/dataoecd/11/60/1935314.pdf>; Internet; accessed 7 February 2007, 117-119.



between efficiency and security at the border, the cost of international trade could be increased by as much as three percent. This figure is of significant magnitude and shows that economic stability is of prime importance to national security, especially since trade between the U.S. and Canada is commonly accepted to be worth at least one billion dollars per day.

Social concerns are also important. Ben Franklin said “The man who trades freedom for security does not deserve nor will he ever receive either.”<sup>40</sup> It is evident from Prime Minister Chrétien’s earlier admonishment that he agrees. In the Canadian context, the requirement to balance security and freedom is a second order effect of first order importance. The preservation of fundamental social rights and freedoms as guaranteed by the Charter of Human Rights and Freedoms must be implicit, if not explicit, in any Canadian definition of safety. Failure to guard these rights could lead to suppression of lawful political dissent, racism and racial profiling, unfair refugee proceedings, and a policy environment that places more importance on security than on civil liberties.<sup>41</sup> Ethno-cultural communities could be alienated and general social unrest could result. With deference to Mr. Franklin, the reverse, however, is also true. An overemphasis on personal freedom may compromise the ability to secure it; consequently, care must be taken not to tip the scale too far in either direction. The concerns of safeguarding an open society may produce a situation where the rights of the few outweigh those of the many.

---

<sup>40</sup>Brainy Quotes, “Benjamin Franklin Quotes,” [http://www.brainyquote.com/quotes/authors/b/benjamin\\_franklin.html](http://www.brainyquote.com/quotes/authors/b/benjamin_franklin.html); Internet; accessed 7 February 2007.

<sup>41</sup> International Civil Liberties Monitoring Group, “In the Shadows of the Law,” (May 2003) [paper online]; available from [http://www.waronterrorismwatch.ca/In\\_the\\_shadow\\_of\\_the\\_law.pdf](http://www.waronterrorismwatch.ca/In_the_shadow_of_the_law.pdf); Internet; accessed 18 March 2007, 6-11.

As suggested by the National Security Policy and the Justice Department report, safe now connotes a much broader meaning. To ensure the safety of its citizens the government must be able to prevent attacks on Canadian soil. It must ensure that Canada does not become a base from which terrorists can launch attacks at the U.S. or other countries. It means that Canada must not become a safe haven for terrorist groups, and it means that Canada has a responsibility to protect its diaspora community from exploitation by terrorists. It also means being able to prevent, to the greatest degree possible, negative second order effects against important Canadian national interests such as the economy and social structure and services. As Prime Minister Chrétien said - it means preserving the balance between security and fundamental rights and freedoms.

### **Terrorism in Canada Summary**

This section has described the evolution of the terrorist threat in Canada. The Canadian definition of terrorism has been articulated, a context within which to understand it has been provided, and a definition of what it means for a country to be safe has been offered. It has been shown that the face of terrorism in Canada has changed over time, with the most significant transformation occurring since 1990. While domestic extremism and state sponsored terrorism are still dangers, they have given way to the more serious threat posed by violent secessionist movements and religious extremists. Furthermore, the transformation displays alarming qualities that anti-terrorism measures must address. Most notably, these include a move from discriminate to indiscriminate attacks, an abandonment of restraint, and the desire to achieve mass casualties through the use of Weapons of Mass Destruction (WMD). The contemporary terrorist threat facing Canada can be described in terms of three main threats. These

include an attack launched from Canada against targets in Canada or abroad, the use of Canada as a safe haven and the exploitation of ethno-cultural communities through recruitment and radicalization of its members. Lastly, safety from terrorism is not limited to the first order effects of a physical attack. Second order effects could have political and legal implications by driving decisions concerning economic and social interests. To provide holistic safety, anti-terrorism measures must preserve the balance between security and freedom. Failure to achieve balance may tip the scales too far in the direction of liberty, at the expense of the security that protects it.

The next section will describe Canada's counter-terrorism capability and make an assessment of its potential to make Canadians safe from the terrorist threat.

## CANADA'S COUNTER-TERRORISM CAPABILITY

The easiest period in a crisis situation is actually the battle itself. The most difficult is the period of indecision -- whether to fight or run away. And the most dangerous period is the aftermath. It is then, with all his resources spent and his guard down, that an individual must watch out for dulled reactions and faulty judgment.<sup>42</sup>

*Richard Nixon*

Canada's current counter-terrorism capability is, at least in part, the product of crisis response. 9/11 produced a sudden sense of personal and economic insecurity that the government was forced to deal with on an emergency basis.<sup>43</sup> By the end of September 2001, Prime Minister Chrétien had established the Ad Hoc Cabinet Committee on Public Security and Anti-Terrorism to implement an emergency anti-terrorism plan. Defence, intelligence, police and border control agencies worked to full capacity. Policy makers rushed to guide emergency legislation through parliament. The short-term response focused on the immediate aspects of combating terrorism, such as controlling immigration and travel, empowering law enforcement agencies, and protecting infrastructure, however, in the months and years following 9/11 these measures were refined to enhance the overall counter-terrorism capability. Most notably the publication of the first ever National Security Policy in 2004 provided a strategic framework through which to interpret measures put in place since 2001 and to guide the development and implementation of subsequent measures.

---

<sup>42</sup> Think Exist, "Richard Nixon Quote,"

[http://thinkexist.com/quotation/the\\_easiest\\_period\\_in\\_a\\_crisis\\_situation\\_is/322960.html](http://thinkexist.com/quotation/the_easiest_period_in_a_crisis_situation_is/322960.html); Internet; accessed 7 February 2007.

<sup>43</sup> Auditor General of Canada, *National Security in Canada...*, 3.

It is clear that the Canadian government has decided to fight terrorism, however, with five years having passed since 9/11 and with no major incident having affected Canada, some believe the danger may have passed. The heated debate in the Canadian House of Commons on 22 February 2007 over the necessity of extending key provisions of the ATA for another three years suggests that many parliamentarians share this sentiment. In particular, the leader of the opposition, Stéphane Dion, said the measures have done nothing in the fight against terrorism and are dangerous to civil liberties.<sup>44</sup>

The fact is, though, that Richard Nixon was right. The aftermath of a crisis is the most dangerous period, and Canada is in it. Bin Laden named Canada as an Al Qaeda target in 2002 and then again in 2004.<sup>45</sup> While some may consider his threats to be empty rhetoric, it is noteworthy that Canada is the only major ally of the U.S. that has yet to be attacked by Al Qaeda since 2001. As Bin Laden promised, Al Qaeda has launched attacks on Spain, France, and the United Kingdom. Nor can solace be found in the fact that considerable time has passed. Experience has shown that Al Qaeda plans tend to be long range in nature. 9/11 was at least two years in the making.<sup>46</sup> The bombing of American Embassy in Nairobi in 1998 was executed five years after conception.<sup>47</sup> Rather than having ridden out the storm and reached a safe port, the opposite might also be true.

---

<sup>44</sup> MWC News, "Canada Scraps Anti-Terrorism Laws," <http://mwcnews.net/content/view/12873/195/>; Internet; accessed 18 March 2007.

<sup>45</sup> CTV News, "Al Qaeda attack on Canada 'probable': CSIS," [http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060509/terror\\_canada\\_060509/20060510?hub=TopStories](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060509/terror_canada_060509/20060510?hub=TopStories); Internet; accessed 18 March 2007.

<sup>46</sup> Washington Post, "Al-Qaeda Scaled Back 10-plane Plot," [http://www.washingtonpost.com/wp-dyn/articles/A45853-2004Jun16\\_2.html](http://www.washingtonpost.com/wp-dyn/articles/A45853-2004Jun16_2.html); Internet; accessed 18 March 2007.

<sup>47</sup> Hoffman, *Rethinking Terrorism...*, 307.

Canada is long overdue for an attack. The 14 February 2007 *National Post* report that Al Qaeda is urging global jihadists to attack Canadian oilfields serves as a meaningful reminder that Canada has not been forgotten.<sup>48</sup>

This persistent threat raises several important questions. Has the government allocated sufficient resources to make Canada safe? Has the investment focused on measures that will offer a high security return, or were the measures so broad as to have had no meaningful effect? Are anti-terrorism programs still being energetically applied, or, as would be suggested by the attitude of some parliamentarians, have the reactions of authorities been dulled by an apparent sense of security? Are Canadians really safe from terrorism, or are there still vulnerabilities that could be exploited by global jihadists?

The next section will endeavour to answer these questions by providing a description of the measures and an assessment of their potential to combat the contemporary terrorist threat.

### **The Making of the Measures**

Canada's initial crisis driven response to terrorism was the Ad Hoc Cabinet Committee on Public Security's Anti-Terrorism Plan of September 2001. The main objectives of the plan were to prevent terrorists from getting into Canada; to protect Canadians from terrorist acts; to bring forward tools to identify, prosecute, convict and punish terrorists; to keep the Canada-U.S. border secure and open to legitimate trade; and to work with the international community to bring terrorists to justice and address the

---

<sup>48</sup> National Post, "Al Qaeda Calls for Attacks on Canadian Oil Facilities," <http://www.canada.com/nationalpost/story.html?id=c7352232-1809-44a8-9006-f269b0d623ea&k=0>; Internet; accessed 18 March 2007.

root causes of terrorism.<sup>49</sup> Although hastily crafted, the plan provided the foundation for the National Security Policy which was finally published in April 2004.

### *The National Security Policy*

The National Security Policy is presently the keystone document guiding Canada's counter-terrorism efforts. It provides a strategic framework and action plan to ensure that Canada is prepared for and can respond to current and future threats. It focuses on events and circumstances that require a national response beyond the capacity of individuals, communities, or provinces to address alone.<sup>50</sup> Although the policy is designed to cover a broad range of threats including public health, organized crime, and natural disasters, its content and focus make it obvious that its main inspiration was the need to address the terrorist threat. The policy's three core security interests - protecting Canada and Canadians at home and abroad, ensuring Canada is not a base for threats to its allies, and contributing to international security - bear a striking resemblance to the five objectives of the anti-terrorism plan formulated by the Ad Hoc Cabinet Committee.

The National Security Policy provides a strategic context for the measures introduced immediately after 9/11, and provides greater focus to counter-terrorism programs and activities. The major measures listed in the policy include the establishment of an integrated threat assessment centre to ensure that all threat related information is collated, assessed and distributed; the establishment of a National Security Advisory Council made up of security experts external to government; the establishment

---

<sup>49</sup> Department of Foreign Affairs, "Canada's Actions Against Terrorism Since September 11," (February 2003) [backgrounder on-line]; available from <http://www.dfait-maeci.gc.ca/anti-terrorism/canadaactions-en.asp>; Internet; accessed 7 February 2007.

<sup>50</sup> Privy Council Office, *Securing an Open Society...*,3.

of an Advisory Cross Cultural Roundtable on Security composed of members of Canada's ethno-cultural and religious communities; and the designation of the new Department of Public Safety and Emergency Preparedness Canada (PSEPC) as the body responsible for testing and auditing the federal department's key security responsibilities and activities.<sup>51</sup> The policy also identifies six key strategic areas within which specific measures must be applied to increase national security: intelligence; emergency planning and management; public health; transport security; border security; and international security.

Three other sources provide insight into the anti-terrorism measures the government has put in place since 2001: *Canada's Actions Against Terrorism Since September 11* (Department of Foreign Affairs, 2003),<sup>52</sup> *The Parliamentary Review of the Anti-Terrorism Act* (Department of Justice, 2004)<sup>53</sup> and the *Campaign Against Terrorism* (Department of Foreign Affairs 2006).<sup>54</sup> A juxtaposition of these documents with the National Security Policy suggests four broad categories of counter-terrorism measures: stronger laws; increased infrastructure security; immigration, travel and border security; and discovering, dismantling and preventing terrorist networks. In addition, the government has reorganized itself significantly to establish better coordination and oversight of security efforts and has placed increased emphasis on gathering and sharing

---

<sup>51</sup> PSEPC is now known as Public Safety Canada (PSC).

<sup>52</sup> Department of Foreign Affairs and International Trade, *Canada's Actions Against Terrorism....*

<sup>53</sup> Department of Justice, "Anti-Terrorism Act: Parliamentary Review of the Anti-Terrorism Act," [http://www.justice.gc.ca/en/anti\\_terr/](http://www.justice.gc.ca/en/anti_terr/); Internet; accessed 19 March 2007.

<sup>54</sup> Department of Foreign Affairs and International Trade, "Campaign Against Terrorism," [http://geo.international.gc.ca/can-am/main/rightnav/campaign\\_terrorism-en.asp](http://geo.international.gc.ca/can-am/main/rightnav/campaign_terrorism-en.asp); Internet; accessed 7 February 2007.



intelligence. Consequently, government oversight arrangements and intelligence management will be described as major measure enablers since a permanent, centralized command and control function, supported by sound and timely intelligence, is critical to maintaining a credible and effective counter-terrorism capability.

### **The Measures and their Worth**

The worth of the measures can be determined by the degree to which they mitigate vulnerability to terrorist attack. Vulnerabilities result from the inadequacy of preventive measures to completely eliminate the threat. Since 2001 the government has made considerable effort to assure Canadians that they are safe from the terrorist threat. At face value, the impressive scope of the counter terrorism plan, and the resources that have been spent to implement it, would suggest that Canadians are safer than they ever have been from terrorism. This is not true in every case. There is substantial evidence to suggest that the intent of the counter-terrorism measures has not been fully realized. Canadians are still vulnerable to terrorist threats in a number of areas. In the discussion that follows, the measures (stronger laws, increased infrastructure security, enhanced immigration, travel and border security, and efforts to discover, dismantle and prevent terrorist networks) and their main enablers (government oversight and intelligence management) will be examined with the aim of identifying any key vulnerabilities that may remain.

#### *Stronger Laws*

The most important aspects of Canada's counter-terrorism capability are the changes to existing legislation and the introduction of new laws to facilitate the fight

against terrorism. These changes were a fundamental requirement for increased security because they provided the legal justification for the implementation of tangible counter-terrorism measures. The major changes to the Canadian legislative framework were introduced under the auspices of the Anti-Terrorism, Public Safety, and Immigration Acts. The greatest challenge facing law makers was to ensure that provisions introduced under these acts were effective without violating fundamental rights and freedoms, or compromising other social and economic elements of safety.

The provisions introduced by these new acts are relevant to the three components of the terrorist threat: a terrorist attack launched from Canada against targets in Canada or abroad, the use of Canada as a safe haven, and the exploitation of ethno-cultural communities through the recruitment and radicalization of its members. To mitigate these threats the laws were intended to permit authorities to more readily identify, prosecute and convict terrorists. Moreover, stiffer punishments for offences were expected to deter terrorists from acting in the first place.<sup>55</sup>

The ATA was introduced on 15 October 2001. Before its existence most persons suspected of terrorist activities were dealt with under provisions of the Immigration Act, most notably through the use of security certificates. Security certificates are a legal provision that permit authorities to hold persons suspected of posing a danger to the national security of Canada indefinitely without bringing charges against them should those individuals refuse to return to their country of origin. As an immigration tool,

---

<sup>55</sup> Asia Pacific Economic Cooperation, "Counter Terrorism Action Plans – Canada," (2006) [Document on-line]; available from [http://www.apec.org/apec/apec\\_groups/som\\_special\\_task\\_groups/counter\\_terrorism/counter\\_terrorism\\_action\\_plans.html](http://www.apec.org/apec/apec_groups/som_special_task_groups/counter_terrorism/counter_terrorism_action_plans.html); Internet; accessed 19 March 2007, 1.

security certificates could only be used against non-citizens. The ATA includes measures designed to give enforcement agencies greater power to identify, prosecute, convict, and punish terrorists regardless of citizenship by giving new investigative tools to law enforcement and national security agencies. It also contains provisions to ensure that the important Canadian values of respect and fairness are preserved through stronger laws against hate crimes and propaganda. Specific measures that give the act its teeth include amendments to the Criminal Code to permit the definition and designation of terrorist groups and activities, the use of investigative hearings and recognizance to prevent acts of terrorism, and the creation of new terrorism offences. These offences include collecting property for the purpose of conducting terrorism, facilitating terrorism, instructing someone to carry out a terrorist activity, and harbouring or concealing a person known to have carried out, or who is likely to carry out, a terrorist activity. In addition, the act provides for tougher sentences for any person found guilty of committing any terrorism related crimes. Amendments to the Proceeds of Crime Act have been made to authorize the Financial Transactions and Reports Analysis Centre (FINTRAC) to detect financial transactions that may constitute threats to Canada's security and to report these incidents to the appropriate Canadian authorities. Amendments to the Official Secrets Act have been enacted to counter intelligence-gathering activities by foreign powers and terrorist groups, to address the intimidation or coercion of communities in Canada, and to prohibit the unauthorized disclosure of special operational information by individuals bound to secrecy.

The Public Safety Act, introduced on 22 November 2001, amended some 18 federal laws to further strengthen the government's ability to protect Canadians against

terrorist attacks. Relevant measures introduced include mandated security requirements for the design or construction of aircraft, airports, and facilities and the requirement to screen people and goods entering restricted areas. It is now an offence to engage in any behaviour that endangers the safety or security of a flight or the persons on board. Air carriers, or those operating aviation reservation systems, are now required to provide basic information on specific passengers or flights when it is needed for security purposes.

The Immigration Act was also amended to make it possible to suspend or terminate refugee determination proceedings if there are reasonable grounds to believe that the claimant is either a terrorist or a senior official of a government engaged in terrorism. As well, wanted persons will be denied the ability to evade justice by going to a country of their choice rather than to the country where they are wanted and immigration officers now have the authority to arrest and detain foreign nationals in Canada who are unable to satisfactorily identify themselves.

The Charities Registration Act was created to demonstrate Canada's commitment to participating in concerted international efforts to deny support to those who engage in terrorist activities and to protect the integrity of the charities system. The definition and designation schemes are used in the Charities Registration Act to remove or deny charitable status to those who support terrorist groups.

Overall, the new laws will better facilitate the prosecution of terrorists. Increased powers of surveillance and financial tracking will greatly aid the detection of terrorist groups. In essence, the new laws have made it more difficult for terrorist organizations to

operate unnoticed. However, recent political and legal developments, based on the need to balance security against fundamental rights and freedoms, have taken the teeth out of preventative aspect of this group of measures. The respective decisions of parliament and the Supreme Court in February 2007 regarding ATA provisions and security certificates could leave Canadians more vulnerable to terrorism than they were before 9/11.

The ATA preventative arrest and investigative hearing provisions were allowed to expire because it was feared they could violate civil liberties. It was also contended that their limited use proved they were not needed. It is true there were no substantial investigative or prosecution successes and there was no use of preventative arrest power. The investigative hearing provision was used only once during the Air India bombing inquiry to little effect. The witness in question challenged the requirement to provide compelled testimony and to date has not had to do so.<sup>56</sup> This does not mean that there was not opportunity for their use. One of the reasons they were not is that officials found immigration law a more powerful tool for dealing with suspected terrorists who are not Canadian citizens.<sup>57</sup> Authorities have used immigration law to either turn suspects over to legal authorities of other nations or to hold them under the terms of security certificates for an indefinite period of time. In the near future the security certificate tool will not be available to law enforcement agencies in its present form. On 23 February 2007 the

---

<sup>56</sup> Department of Justice, *The Views of Canadian Scholars...*, 6.

<sup>57</sup> Kent Roach, "Canada's Response to Terrorism," in *Global Anti-Terrorism Law and Policy*, ed. Victor V. Ramraj, Michael Hor and Kent Roach, 511-534 (Cambridge: Cambridge University Press, 2005), 512.

Supreme Court declared the certificates unconstitutional and gave the government one year to redesign legislation concerning their use.<sup>58</sup>

The absence of the ATA provisions and security certificates means that a powerful preventative component of the law is no longer relevant. The ability of authorities to detain or question terrorist suspects has been severely constrained. Nor is this offset by new provisions under immigration law that permit the government to deny suspected terrorists entry to Canada as part of the refugee determination process. If they evade the initial screening there is no recourse to subsequently evict them. Two practical implications result from removing these preventative measures. First, persons suspected of planning to imminently commit a terrorist attack cannot be held without recognizance for longer than 24 hours. This becomes especially significant in time sensitive situations where holding the individual for a longer period of time may actually prevent them from completing the attack. Second, without investigative hearings there will be no ability to compel witnesses, or suspects, to give evidence. This is often referred to as the ticking bomb scenario where it is possible that persons with knowledge of an impending incident cannot be legally compelled to provide information that may prevent it. As a result, authorities will be required to rely more heavily on detection and deterrence than prevention to stop terrorists. Even the deterrence created by stiffer penalties for conviction under terrorist offenses may be of limited value. Determined terrorists are not necessarily rational actors amenable to deterrence.<sup>59</sup>

---

<sup>58</sup> Canadian Broadcasting Corporation, "Security Certificates and Secret Evidence," [http://www.cbc.ca/news/background/cdnsecurity/securitycertificates\\_secretevidence.html](http://www.cbc.ca/news/background/cdnsecurity/securitycertificates_secretevidence.html); Internet; accessed 20 March 2007.

<sup>59</sup> Roach, "Canada's Response to Terrorism ..., 528.

While the ability to detect terrorists is greater, it is unlikely that new provisions will deter contemporary terrorists. Furthermore, the marked absence of strong preventative measures introduces a significant vulnerability. The simultaneous elimination of key preventative provisions of the ATA and security certificates has left a void that will impair the ability of authorities to prevent terrorism. Even opponents of the ATA recognize that in its current state it is inadequate. Stéphane Dion's deputy leader, Michael Ignatief, is on record as saying that the whole architecture of antiterrorist legislation in our country needs amendment and reform.<sup>60</sup> He is suggesting of course that the current legislation fails to strike an appropriate balance between security and freedom.

### *Security Versus Freedom*

Earlier it was noted that Reid Morden questioned whether the ATA had unacceptably shifted the balance between legitimate advocacy, protest and dissent and the security of the state and its inhabitants.<sup>61</sup> It would seem that by allowing key provisions of the ATA to expire, Canadians have decided to sacrifice security for freedom. This is not necessarily the case. The two concepts are not mutually exclusive. More of one, or less of the other does not automatically imply a proportionate change in safety from terrorism. As already discussed, being safe from terrorism also means freedom to enjoy fundamental rights and freedoms. It is even plausible that less security, in terms of

---

<sup>60</sup> MWC News, *Canada Scraps Anti-Terrorism Laws*.

<sup>61</sup> Reid Morden, "Canadian Intelligence Services, Spies, not Soothsayers: Canadian Intelligence after 9/11," Commentary No. 85, (Fall 2003) [article on-line]; available from <http://www.csis-scrs.gc.ca/en/publications/commentary/com85.asp>; Internet; accessed 4 February 2007, 6.

stronger laws, could actually mean greater overall safety from terrorism. What is most important is that the correct balance is found and maintained.

A period of uncertainty has resulted from efforts to find balance. It would seem that, to some extent, terrorists have achieved the goal of “undermining confidence in government and leadership and renting the fabric of trust that binds society.”<sup>62</sup> There can be little doubt that Canada’s openness and respect for rights and freedoms do make it vulnerable to exploitation of this nature.<sup>63</sup>

...networks of terror thrive on the openness, flexibility and diversity of post-industrial society .... They have global reach, particularly when they can operate within the fabric of most open and multicultural societies....<sup>64</sup>

The need to fight terrorism has caused the government to introduce stronger laws, however, laws can only be made stronger to a point; otherwise, they could upset the balance between freedom and security and create the conditions where too much security could have an overall negative influence on the safety of Canadian society. This is, of course, exactly the effect terrorists hope to achieve. While it is well beyond the scope of this paper to completely address this issue, it is relevant to identify the risks posed by too much security and comment on the degree to which the government is safeguarding Canadian security by maintaining an appropriate balance between security and freedom.

Canada relies on two main vehicles to maintain the balance between security and freedom. These are the Canadian Charter of Human Rights and Freedoms and the rule of

---

<sup>62</sup> Hoffman, *Rethinking Terrorism*..., 313.

<sup>63</sup> Bell, *Cold Terror*..., 5.

<sup>64</sup> J. Gross Stein, “Network Wars” in *The Security of Freedom, Essays on Canada’s Anti-Terrorism Bill*, ed. R.J. Daniels, P. Macklem & K. Roach, (Toronto: University of Toronto Press, 2001), 75.



law. The Charter is intended to protect the fundamental rights of: freedom of conscience and religion; freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; freedom of peaceful assembly; and freedom of association. Complementing the Charter are basic principals that should guide law making in an open society.<sup>65</sup> All law should seek to only minimally infringe on civil liberty. There should be maximum clarity of definition regarding powers conferred, restrictions imposed and offences created. All exercise of governmental power should be accountable, visible and reviewable by the ordinary courts in ordinary ways. Secrecy should be tolerated in the smallest possible zone, only as absolutely essential, and only for limited duration. Lastly, where extraordinary powers are invoked in times of perceived crisis, they should be only of limited duration, renewable only by parliament.

Recognizing the requirement to comply with the Charter and the rule of Law, the government introduced comprehensive measures in conjunction with the ATA. These safeguards included government accountability at the minister level; sunset clauses and provisions for parliamentary review of key aspects of the legislation, clear definitions to ensure legislation is aimed at terrorists and terrorist groups and not against any one community, group or faith; political activism and protests are also protected through the precise definition of terrorist activity; burden of proof is on the state to establish that there was knowledge or intent on the part of the accused; provisions for removal from the list, judicial review and safeguards to address cases of mistaken identity and regular review by the Minister of Public Safety. Despite these measures it has been argued that

---

<sup>65</sup> W. Wesley Pue, "The War on Terror: Constitutional Governance in a State of Permanent Warfare?" *Osgoode Hall Law Journal*, 41, nos. 2 and 3 (2003): 281.

the government failed in its first attempt to strike an appropriate balance. Some civil libertarians believe that any erosion of personal freedom is unacceptable and that true security depends on rigorous respect for civil liberties. They maintain that restrictions on freedom, far from enhancing security, are likely to breed insecurity, perhaps causing legitimate dissent to take forms that represent dangers to society.<sup>66</sup> Taken to the extreme, too much security could result in a totalitarian state.

Canada's own Privacy Commissioner believes that the provisions of the ATA may be excessive. In a June 2005 report to the subcommittee on Public Safety Act and National Security she stated that there is insufficient evidence to suggest that the measures provided by the ATA are necessary.<sup>67</sup> Instead, she suggested that the measures will erode privacy rights in Canada, weaken constraints on surveillance powers, and will significantly reduce government accountability and transparency. Others argue that anti-terrorism law turns on official discretion and that too much ill-defined power has been conferred on police officers and the executive branch of government.<sup>68</sup>

The definition of terrorism itself has also caused considerable debate. The International Civil Liberties Monitoring Group charges that the new definition of terrorism is overly broad and could lead to the situation where anti-terrorist legislation is applied to non-terrorist activities. This could lead to a degradation of societal safety

---

<sup>66</sup> Canadian Journalists for Free Expression, "Not a Balancing Act: Security and Free Expression, A Submission to the DFAIT-NGO Human Rights Consultations," (February 2002) [paper on-line]; available from <http://www.cjfe.org/specials/dfait-ngo/dfait-ngo.html>; Internet; accessed 18 March 2007.

<sup>67</sup> Privacy Commissioner, *Anti-Terrorism Act...*, 1.

<sup>68</sup> Pue, *The War on Terror...*, 281.

through individual rights abuses in several areas.<sup>69</sup> The right to lawful political dissent could be adversely affected, racism and racial profiling could take place, fair refugee proceedings could be compromised, Non Government Organizations (NGOs) and humanitarian assistance groups could be labeled as terrorist supporters, and a general policy environment that places more importance on security than on civil liberties could be created. Furthermore, some academics contend that the listing of terrorist entities is a highly arbitrary exercise that could lead to stigmatization and exacerbate inter-ethnic and religious tensions in Canada.<sup>70</sup>

To a certain degree these concerns are valid. Reference to political, religious, or ideological motivation in the Canadian definition may have unnecessarily complicated its application. Of nine other western nations only Australia includes political, religious or ideological motivation as a key component of its definition.<sup>71</sup> Germany and Spain prosecute terrorist offences under existing criminal law. Generally the other countries restrict the definition to motivation in terms of the effects that the terrorists wish to achieve. Sweden's definition provides an illustrative example. It defines terrorism as acts intended to: seriously intimidate a population or a group of population; unduly compel a public authority or an intergovernmental organization to perform an act or abstain from acting; or seriously destabilize or destroy fundamental political, constitutional, economic or social structures in a state or in an intergovernmental

---

<sup>69</sup> International Civil Liberties Monitoring Group, *In the Shadows of the Law*..., 4.

<sup>70</sup> Department of Justice, *The Views of Canadian Scholars*..., 24.

<sup>71</sup> United Kingdom, *Counter-Terrorism Legislation and Practice*.... Countries studied included Australia, France, Germany, Greece, Italy, Norway, Sweden, Spain, and the United States. Germany and Spain both rely on existing criminal law to prosecute terrorist offences.

organization. It is unclear why the Canadian government chose to make reference to religion, politics and ideology, however, it must be acknowledged that by doing so it opened the door to the commission, real or perceived, of the civil liberty concerns identified above. The definition has already been denied at the provincial level when on 24 October 2006 Justice Douglas Rutherford of Ontario Superior Court severed the clause in the ATA dealing with ideological, religious or political motivation for illegal acts. In his decision, Rutherford stated that the provision was an essential element that is not only novel in Canadian law, but which constitutes an infringement of fundamental freedoms including religion, thought, belief, opinion, expression and association.<sup>72</sup>

Similarly, it must also be recognized that the listing of terrorist entities leaves room for error that could have a negative effect on inter-ethnic and religious relations. The case of Maher Arar perfectly illustrates the potential for error in this regard. Although authorities did not go so far as to list Mr. Arar as a terrorist, the RCMP falsely intimated to American authorities that he had links to terrorist organizations. The U.S. used this knowledge to deport Mr. Arar to Syria where he was imprisoned and tortured for over a year. Mr. Arar was subsequently vindicated of any links to terrorist organizations and the credibility of the Canadian government's ability to deal with suspected terrorists was severely damaged. The Commissioner of the RCMP resigned, and in addition to a multi-million dollar cash settlement, Mr. Arar received a personal apology from Prime Minister Harper.

---

<sup>72</sup> CTV News, "Judge Strikes Down Part of Anti-Terrorism Act," [http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20061024/khawaja\\_charter\\_061024/20061024?hub=CTVNewsAt11](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20061024/khawaja_charter_061024/20061024?hub=CTVNewsAt11); Internet; accessed 18 March 2007.

More security against terrorism could mean less security in other areas. As previously noted Don Stuart of Queen's University questioned the authenticity of the terrorist threat and argued that Canada should focus on what he referred to as proven and real threats such as cancer, suicide, vehicular accidents, and domestic violence.<sup>73</sup> This is also a valid point. Over nine billion dollars has been spent on making Canadians safe from terrorism. It is reasonable to ask if this money could not have been better spent on making Canadians safe in other ways. It cannot be disputed that far more people die every year from the threats identified by Mr. Stuart.

The government has clearly acknowledged its responsibility to ensure that the correct balance is struck between security and freedom stating that:

The safety and security of our citizens must always be balanced with constitutional protections for individual rights and freedoms. That is the challenge we face. And we will continue to make the necessary adjustments to our National security policy to ensure this obligation is met.<sup>74</sup>

Despite observations to the contrary, the government has come sufficiently close to the mark. The security freedom scale is balanced on a broad fulcrum, which in Canada is defined by the Charter and the rule of Law. There is a margin for error and room to adjust the balance to address the most pertinent threat of the day. In the 2004 Justice Department report it was noted that Canadian scholars were deeply divided on the impact of the Act. Some felt there was a minimal erosion of rights; others regarded it as a

---

<sup>73</sup> Department of Justice, *The Views of Canadian Scholars...*, 16.

<sup>74</sup> Department of National Defence, "Canadian Security and Military Preparedness: The Government's Response to the Report of the Standing Senate Committee on National Security and Defence," (October 2002) [paper on-line]; available from <http://www.dnd.ca/site/newsroom/files/KennyE.pdf>; Internet; accessed 18 March 2007, 12.

betrayal of Canadian values.<sup>75</sup> Rather than being cause for concern, this division of opinion should be viewed as an indicator that the balance is close to being correct. It would be far more alarming if there was unanimous consent that the ATA infringed on Canadian freedom. Even detractors have acknowledged that the ATA accords with the Supreme Court's jurisprudence regarding the minimum standards prescribed by the Charter.<sup>76</sup> Furthermore, recent legal decisions show that the rule of law is prevailing and is causing changes to the ATA that further improve the balance between security and freedom. The following examples illustrate that the basic principles of this precept are being honoured. Review of the Maher Arar case resulted in recommendations by Justice Dennis O'Connor that will see increased government accountability in this area with the establishment of an independent National Watchdog to monitor and review the counter-terrorism efforts of authorities.<sup>77</sup> Parliament's decision to permit the preventative arrest and recognizance provisions to expire honours the principal of limited duration. The Ontario Superior Court decisions with respect to definition, and the Supreme Court decision with respect to security certificates, show that government power is visible and reviewable by the courts.

With respect to the perception that the government has spent a disproportionate amount of money to combat terrorism, it is suggested that the real answer lies in the overall definition of safety. Specifically, one must consider the significant importance that the second order economic effect holds for Canadians in general. While the security

---

<sup>75</sup> Department of Justice, *The Views of Canadian Scholars...*, 24.

<sup>76</sup> *Ibid.*, 73.

<sup>77</sup> CBC, "Arar Recommendations," <http://www.cbc.ca/news/background/arar/arar-commissionhighlights.html>; Internet ; accessed 20 March 2007.

of most Canadians is threatened by particular health related issues, the security of all Canadians is threatened by the economic ramifications of an unmitigated terrorist threat in Canada. This is because terrorists could use Canada as a base from which to launch an attack against the U.S. Canada is faced with the situation where either it convincingly demonstrates to the U.S. that it is minimizing the terrorist threat, or it accepts the risk that the U.S. will tighten border security to the point where trade between the two nations is negatively impacted. Ultimately, the economic dependency of Canada's relationship with the U.S. means that, from a risk management perspective, Canada must increase security against terrorism.

*Stronger Laws and Security Versus Freedom Summary*

In the wake of 9/11 the Canadian government implemented stronger laws to more effectively combat terrorism. Their purpose was to empower authorities to detect, prevent, and prosecute terrorists and to lay the foundation for the implementation of other measures to protect Canadians from the terrorist threat. The main challenge was to introduce laws that were effective, but at the same time did not violate the rule of law or fundamental rights and freedoms guaranteed in the Charter. Overall, the new laws have greatly facilitated the fight against terrorism and have made it more difficult for terrorists to operate undetected in Canada, however, the expiration of two key provisions of the ATA and the simultaneous revocation of security certificates mean that the ability of authorities to prevent terrorism has been impaired. In this respect Canadians are actually more vulnerable to the threats posed by terrorism than they were before 9/11. Furthermore, although the laws were intended to have a strong deterrent effect through

the introduction of stiffer sentences for terrorist offences it is unlikely that deterrence will be effective against determined religious extremists.

Throughout the five years since the ATA and other acts have been introduced the government has shown great respect for the important question of security versus freedom and has kept its promise to respect the Charter and honour the rule of law. For the most part, an appropriate balance has been struck between security and freedom, however, reference to religion, politics and ideology in the Canadian definition of terrorism is probably unnecessary and, based on the level of disagreement it has caused, not value added. While it is acknowledged that the loss of preventative powers would indicate more emphasis on freedom than security, these measures could quickly be restored if security circumstances dictate. Our political culture is such that Canadians generally trust the government to act in our interest. In general, Canadians consider peace and order as represented by good government as being more important than individual liberty.<sup>78</sup> This was clearly indicated by their acceptance of the ATA immediately after 9/11. Likewise it is reasonable to assume that the exercise of the government's executive prerogative would be accepted again should it be required in the future.

Albert Einstein said, "In a healthy nation there is a kind of dramatic balance between the will of the people and the government, which prevents its degeneration into tyranny." While the government may not have got the balance between security and freedom perfect the first time, it certainly avoided tyranny, and in the process proved that the

---

<sup>78</sup> Dyck Rand, *Canadian Politics: Critical Approaches*, (Scarborough: Nelson Thomson Learning, 2000): 206-208.



strength of an open society is its ability to adapt to threats in a manner that respects the rights and freedoms of its citizens. Terrorism has yet to “tear the fabric of Canadian society.”

### *Increased Infrastructure Security*

Since 2001 the government has made considerable effort to increase infrastructure security. The main focus of its efforts has been to protect against one specific component of the terrorist threat, namely an attack launched against Canada.

In his 2003 book, *September 11: Consequences for Canada*, Kent Roach expressed the view that Canada’s anti-terrorism measures focused too much on legal aspects and did not put enough emphasis on improving infrastructure security. He criticized Bill C-36 for focusing on the investigations and punishment of terrorists and not on various administrative measures that would limit the weapons terrorists could obtain, increase the security of sites vulnerable to terrorism, and minimize the harm of terrorist attacks.<sup>79</sup> Other scholars supported his view and stressed the importance of paying more attention to enhancing critical infrastructure protection, crisis management, and emergency response capabilities, as well as instituting tighter controls over hazardous materials.<sup>80</sup>

*The Report of the Auditor General of Canada: National Security in Canada – the 2001 Anti-Terrorism Initiative* published in 2004 made it clear that some exploitable

---

<sup>79</sup> Kent Roach, *September 11: Consequences for Canada* (Montreal and Kingston: McGill-Queen's University Press, 2003), 168.

<sup>80</sup> Department of Justice, *The Views of Canadian Scholars...*, 25.

vulnerabilities still existed at that time. Specifically, it noted that criminal intelligence data are not used to screen applicants for clearance to restricted areas at airports. Security clearances were issued without checking applicants for terrorist associations. Transport Canada was not provided all the information available to police and therefore issued restricted area clearances to many individuals whose reliability was questionable. Unless air transportation workers with access to aircraft are reliable, spending on passenger and cargo security will be of reduced value.<sup>81</sup>

While the preceding views may have been true at the time of publication, the government made some effort to correct the deficiencies noted. In addition to addressing the specific concerns of the Auditor General, the new counter-terrorism measures recognize the importance of protecting the physical security of people and the key infrastructure they rely on. The government has allocated over \$1.8 billion dollars to increase investigative abilities and establish a stronger policing and security capability. The ability of government agencies to gather and share intelligence has also been improved. New equipment has been purchased and existing technology has been upgraded to increase the ability to prevent, detect, and respond to existing and emerging threats to national security. Specifically, direction has been given to improve information sharing among criminal justice and other agencies and to undertake coordinated domestic and international law enforcement responses. Over 2000 federal police officers have been redeployed, and \$1.6 billion dollars has been allocated to protect key infrastructure such as marine and air transportation systems. New marine and air security organizations have been created, explosive detection equipment has been purchased and armed

---

<sup>81</sup> Auditor General of Canada, *National Security in Canada...*, 2.

undercover police officers have been assigned to fly on Canadian aircraft. New vessel monitoring systems have been put in place and funds have been committed to assist port facilities with security enhancements. Post attack response measures, including the provision of emergency medical aid in the event of a successful attack, have also been introduced. For example, antibiotics have been purchased to increase the national emergency stockpile system.

An impressive ability to protect Canadian infrastructure has been established under the leadership of Public Safety Canada. The Department has established a program that identifies critical infrastructure and its specific components (human, physical and cyber), assesses vulnerabilities, and takes mitigative or protective measures to reduce vulnerabilities.<sup>82</sup> The main areas protected include: energy and utilities; communications and information technology; finance; health care; food; water; transportation; government; manufacturing; and chemical, biological, nuclear, and hazardous materials. A Government Operations Centre (GOC) has been established to serve as Canada's strategic-level operations centre. It is the hub of a network of operations centres run by a variety of federal departments and agencies including the RCMP, Health Canada, Foreign Affairs, CSIS, and National Defence. The GOC also maintains contact with the provinces and territories as well as international partners such as the U.S. and NATO. It operates 24 hours a day, seven days a week, gathering information from other operations centres and a wide variety of sources, both open and classified, from around the world.

---

<sup>82</sup>Public Safety and Emergency Preparedness Canada, "About Critical Infrastructure," <http://www.psepc-sppcc.gc.ca/prg/em/nciap/about-en.asp>; Internet; accessed 18 March 2007.

Despite these efforts, the Senate Committee on national Security and Defence still believe that significant vulnerabilities exist in the areas of marine and air transportation. In a report released in March 2007 the committee criticized the government for not doing enough to safeguard Canadian ports stating that ports are still inundated with organized crime, under policed, and insufficiently equipped to detect materials that could contribute to a terrorist attack.<sup>83</sup> A second report states that there is insufficient airport policing, inadequate background checks on airport workers, inadequate control of access to restricted areas and airmail and other cargo is unscreened. The report also states that there have been few improvements to airport security since 2003.<sup>84</sup> These observations are troubling for two reasons. First of all the transportation aspect of infrastructure is one of the most important to protect. As was demonstrated during the aftermath of 9/11, attacks on a nation's transportation system results in fear and severe economic turmoil. Secondly, these observations, raise the unsettling possibility that the government has not been doing what it says it has been doing. If it has not really improved transportation security, has it actually made other improvements as stated?

Canada has made significant progress in improving infrastructure security. The government has established increased visibility over key areas, better overall management of a coordinated response, and has added more personnel and equipment to protect vital Canadian infrastructure. Conversely, significant concern still exists with

---

<sup>83</sup> The Standing Senate Committee on National Security and Defence, "Canadian Security Guide 2007: Seaports," (22 March 2007) [report on-line]; available from <http://www.parl.gc.ca/39/1/parlbus/commbus/senate/com-e/defe-e/rep-e/Seaports-e.pdf>; Internet; accessed 24 March 2007.

<sup>84</sup> The Standing Senate Committee on National Security and Defence, "Canadian Security Guide 2007: Airports," (21 March 2007) [report on-line]; available from <http://www.parl.gc.ca/39/1/parlbus/commbus/senate/com-e/defe-e/rep-e/Seaports-e.pdf>; Internet; accessed 24 March 2007.

respect to the security of transportation infrastructure. Overall, from a total infrastructure perspective, Canada is likely less vulnerable to terrorist attack than in the days before 9/11, however, the apparent continuing lapses in transportation security underline the importance for continued vigilance in this area. It is yet another reminder that Canada is not completely safe, nor will it likely ever be. Canada is a huge country with an unlimited set of targets for terrorists to choose from. It would be impossible to safeguard everything.

### *Immigration, Travel and Border Security*

In addition to efforts to increase infrastructure security, the government has spent more than \$2.2 billion to implement measures to prevent terrorists from entering Canada.<sup>85</sup> These include the closer scrutiny of immigrants and refugees and a series of provisions to regulate the flow of goods and people across borders, with a primary focus on the Canada / U.S. border. The measures are aimed primarily at countering the threats of terrorists attacking Canada or using it as a safe haven by denying them entry in the first place.

The Immigration and Refugee Protection Act, which came into effect in June 2002, permits the quicker removal of individuals who are threats to public safety and imposes harsher penalties for using or selling forged or false documents. As well, it denies access to those who pose security threats to the refugee determination process. Refugee claimants are positively identified and screened by CSIS against several law enforcement databases. Canada has also expanded its network of migration integrity staff

---

<sup>85</sup> Department of Foreign Affairs and International Trade, *Canada's Actions Against Terrorism...*

overseas to stop people who attempt to travel to Canada using counterfeit, altered, or false documents.<sup>86</sup>

On 3 December 2001, Canada and the U.S. signed the Joint Statement of Cooperation on Border Security and Regional Migration Issues. The Smart Border Agreement was signed on 12 December of the same year.<sup>87</sup> Key measures focus on the deterrence, detection, and prosecution of security threats, the disruption of illegal migration, and the efficient management of legitimate travel. The main initiatives under these two agreements include integrating Canadian officials into the U.S. Foreign Terrorist Tracking Task Force, reviewing visitor visa policy, developing joint units to assess information on incoming air passengers, developing common biometric identifiers for documents such as passports, developing a Safe Third Country Agreement to manage the flow of refugee claimants, expanding the Integrated Border Enforcement Teams, establishing joint teams of customs officials at major sea ports to target marine containers arriving from abroad, and sharing advance passenger information on high-risk travelers.

The establishment of secure borders may be one of the most important elements of improving Canada's overall security. Not only do actual vulnerabilities in this area permit terrorist elements to enter the country, perceived vulnerabilities could potentially threaten economic security by undermining the important trade relationship with the U.S. If the U.S. government believes that Canadian measures are not doing enough to inhibit terrorism, it could institute border restrictions that would seriously impede trade. Despite

---

<sup>86</sup> Department of Foreign Affairs and International Trade, *Campaign Against Terrorism...*

<sup>87</sup> *Ibid.*

significant efforts to eliminate these vulnerabilities, the Auditor General suggests there may still be cause for concern.

The 2004 report found gaps and inconsistencies in the watch lists used to screen visa applicants, refugee claimants, and travelers seeking to enter Canada. There was no overall quality control of this vital function, which was spread over several departments and agencies. No agency monitored delays in the entry or the quality of the data on watch lists.<sup>88</sup> Of specific concern, the main tool to maintain the watch list, the RCMP Real Time Identification System (RTID), was not fully developed due to a lack of funding. The purpose of RTID is to permit fingerprints to be scanned, digitized, and immediately made available to intelligence and law enforcement agencies through a centralized computer system.<sup>89</sup> This would permit the positive identification of personnel and act as a definitive check for a criminal record. The report also expressed significant concern with respect to passport management noting that on average more than 25,000 passports a year are lost or stolen in Canada. According to the RCMP this is of significant concern because a portion of these may find their ways into terrorist hands.<sup>90</sup> This deficiency was considered to be so serious that the Auditor General launched a separate investigation into the matter. In April 2005 she concluded that:

The passport office is struggling to meet increasing security expectations and demands for service. Significant improvements are necessary in the processes for determining passport entitlement. The office is currently unable to fulfill its responsibilities under the Canadian Passport Order. Its watch list is deficient and often not updated in a timely fashion because the Office has not found ways to

---

<sup>88</sup> Auditor General of Canada, *National Security in Canada*..., 2.

<sup>89</sup> *Ibid.*, 27.

<sup>90</sup> *Ibid.*, 31.

automatically obtain data from other government sources. Management does not sufficiently monitor some key security functions to ensure that they are properly carried out.<sup>91</sup>

The report went on to state that the office had not designed and implemented quality assurance for the examiner function and for effective security controls nor could it effectively authenticate an applicants identity and determine eligibility in all cases.<sup>92</sup>

Although the government has indicated that it has introduced measures to improve border security, the Auditor General's observations would tend to suggest that considerable vulnerabilities may still exist, especially with respect to the ability to identify personnel with biometric equipment such as RTID and through effective passport security. Even though the government has decided to fast track the RTID, a status report from the RCMP reveals that as of September 2006 the system was still not fully operational.<sup>93</sup> There is no evidence to suggest that vital improvements have been made to the passport system. Even if they have, it must be remembered that refugee, immigration, and travel screening had been lax up until 2001. This is especially relevant if one considers that during the 1990s many refugees arrived without documents making it impossible to know who they really were.<sup>94</sup> What this means is that up until at least 2005 and possibly beyond, terrorists may still have been able to enter the country undetected and could now be living and operating in Canada. There is further cause for concern.

---

<sup>91</sup> Auditor General of Canada, "Passport Services," (April 2005) [paper on-line]; available from <http://www.oag-bvg.gc.ca/domino/reports.nsf/html/20050403ce.html>; Internet; accessed 7 February 2007, 1.

<sup>92</sup> *Ibid.*, 17.

<sup>93</sup> Royal Canadian Mounted Police, "The RTID Report, September 2006," [www.rcmp-grc.gc.ca/rtid/rtid\\_report3\\_sep\\_2006\\_e.pdf](http://www.rcmp-grc.gc.ca/rtid/rtid_report3_sep_2006_e.pdf); Internet; accessed 18 March 2007.

<sup>94</sup> Stephen Gallagher, "The Open Door Beyond the Moat: Canadian Refugee Policy from a Comparative Perspective in, *A Fading Power*, ed. Norman Hillmer and Maureen Appel Molot, 92-121 (Don Mills Ontario: Oxford University Press, 2002), 113.



As late as May 2006 the Institute for Research on Public Policy reported that Canada has antiquated immigration laws which need to be reformed for both security and humanitarian reasons.<sup>95</sup> Ironically, in the same month, Prime Minister Stephen Harper announced several new initiatives that will make immigration to Canada faster, less expensive, and more desirable.<sup>96</sup> Once again it would appear that the desire to be both liberal and secure at the same time has left Canada vulnerable to exploitation by terrorists.

Despite several initiatives to improve border security, the counter-terrorism measures implemented to prevent terrorists from entering Canada are still inadequate in several respects. As of 2004, there were still significant gaps in the watch lists to screen visa applicants, refugee claimants, and travelers. Countless potential terrorists could have entered Canada undetected between 2001 and 2004. Furthermore, as of 2006 the government had failed to fully implement the RTID system, which was recognized in the Auditor General's report as a key enabler to positively identify people entering the country. As of 2005 the passport office still faced considerable challenges to protect the integrity of this system. Overall it must be concluded that the counter terrorism measures have failed to mitigate key vulnerabilities in the area of immigration, travel, and border security.

---

<sup>95</sup> James Ferrabee, "Demonstrations in Cities Across the US are a Signal that Canada Needs to Update Its Own Immigration Laws," [www.irpp.org](http://www.irpp.org); Internet; accessed 18 March 2007.

<sup>96</sup> Vancouver English Centre, "Canada's Prime Minister Announces Improvements in Immigration Policy," <http://www.studyvec.com/canada-canadian-immigration-policies.htm>; Internet; accessed 18 March 2007.

*Discovering, Dismantling and Preventing Terrorists Networks*

In addition to addressing the effects, Canada has put measures in place to address the causes of terrorism. The government is making a concerted effort to identify and neutralize terrorist networks. These measures, which are being applied in the intelligence, military, and diplomatic fields, are aimed primarily at the safe haven and ethno-cultural exploitation components of the terrorist threat.

Canadian intelligence organizations are collaborating and actively participating in the largest international investigation in history to identify and dismantle terrorist support networks in all their forms, wherever they exist. The government has invested an additional \$63 million in the Financial Transaction Reports Analysis Centre of Canada (FINTRAC) to expand its capacity to stop possible funding of terrorists. Measures have been introduced to address the intimidation or coercion of communities in Canada, and the Cross-Cultural Roundtable is intended to forge stronger ties with Canada's ethno-cultural and religious communities.<sup>97</sup> New investigative tools permit security and law enforcement agencies to expand the use of electronic surveillance and allow them to intercept communications from foreign targets abroad.

Canada has committed direct military support to the international campaign against terrorism, contributing over 2000 troops in Afghanistan. Canadian troops have played a significant role in finding and capturing key terrorist figures and continue to play a key role in the battle against the Taliban insurgency.

---

<sup>97</sup> Public Safety and Emergency Preparedness Canada, "Cross Cultural Round Table on Security," <http://www.publicsafety.gc.ca/prg/ns/ccrs/index-en.asp>; Internet; accessed 18 March 2007.

Canada is working with other countries to broaden the coalition to fight terrorism and to foster the establishment of a representative, stable, and multi-ethnic governance structure in Afghanistan. Considerable resources have also been provided to aid in the reconstruction of that country. Canada has provided \$16 million in emergency assistance to Afghanistan since 9/11. With the recent announcement of 27 February 2007 it has pledged to provide more than a billion dollars in reconstruction funds.<sup>98</sup> This is in addition to more than \$172 million that has been provided over the past 10 years.<sup>99</sup>

At the international level Canada's substantial contributions to help rebuild Afghanistan may mitigate some of the root causes of terrorism in the long-term, however, in the short term it is possible that it will actually increase the likelihood of a terrorist attack against Canada. From the perspective of most Islamic extremists, Canada is closely allied with the U.S. Participation in the war in Afghanistan only reinforces that perception. As already noted, Al Qaeda has already called for terrorist attacks on at least two occasions making it certain that it interprets Canada's presence in Afghanistan as reason enough to seek reprisal.

Although Canada has placed considerable effort on detecting terrorist networks, most notably through increased intelligence and surveillance activities and the use of FINTRAC to find terrorist cells by following the money, little has been done to address root contributors to terrorism in this country. Even though experience has shown that it is often the ethno-cultural communities that are most susceptible to attack or exploitation by

---

<sup>98</sup> Washington Post, "Canada Announces Aid for Afghanistan," <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/26/AR2007022600959.html>; Internet; accessed 18 March 2007.

<sup>99</sup> Department of Foreign Affairs and International Trade, *Canada's Actions Against Terrorism...*

terrorist groups, efforts to protect these groups appear to be minimal. At the federal level the most visible initiative is the establishment of the Cross-Cultural Roundtable on Security.<sup>100</sup> With representatives from each province the group was created to engage Canadians and the Government of Canada in a long-term dialogue on matters related to national security. The Roundtable is expected to bring together citizens who are leaders in their respective communities and who have extensive experience in social and cultural matters. It is supposed to focus on emerging developments in national security matters and their impact on Canada's diverse and pluralistic society. From a review of the government website it is difficult to understand if the group has made any significant contributions to their mandate. Although they have held a number of consultations with both the government and communities there are only two published reports on their activities and progress. Neither of these offered any meaningful conclusions concerning issues such as recruitment and radicalization that need to be addressed to protect the security of Canadians.<sup>101</sup>

### *Key Enablers - Government Oversight and Intelligence Management*

The ability to effectively coordinate the activities of all departments and agencies involved in the fight against terrorism is a key enabler to facilitate the effectiveness of anti-terrorism measures. Until December 2003, no single minister below the Prime Minister was responsible for Canada's security.<sup>102</sup> The organizations involved in security reported to their respective ministers, who were each accountable for their own activities.

---

<sup>100</sup> PSEPC, *Cross Cultural Round Table on Security*....

<sup>101</sup> *Ibid.*

<sup>102</sup> Auditor General of Canada, *National Security in Canada*..., 2.

Other Cabinet committees such as the Cabinet Committee on Social Union made decisions when security and intelligence involved broader social policy issues. The Ad Hoc committee of September 2001 was intended to address time-sensitive issues that cut across the mandates of several ministries. It provided advice to the Prime Minister and Cabinet and remained active in discussing national security issues and providing general policy direction, but it did not regularly make program or policy decisions. These were normally referred to permanent committees of Cabinet. The Ad Hoc Committee on Public Security and Anti-Terrorism was replaced by the Cabinet Committee on Security, Public Health and Emergencies in 2004.

The 2004 Auditor General's report observed that the government did not have a management framework that would guide investment, management, and development decisions and allow it to direct complementary actions in separate agencies or to make choices between conflicting priorities.<sup>103</sup> Furthermore, the report noted that (as of 2004) there were significant deficiencies in the way which intelligence was managed across the government.<sup>104</sup> The government as a whole failed to achieve improvements of the ability of information systems to communicate with each other. Consequently, needed improvements will be delayed several years. A lack of co-ordination has led to gaps in intelligence coverage as well as duplication. The government as a whole did not adequately assess intelligence lessons learned from critical incidents such as September 11 or develop and follow up on improvement programs. Individual agencies have created new coordinating mechanisms, but some departments are still not participating in them.

---

<sup>103</sup> *Ibid.*

<sup>104</sup> *Ibid.*

Public Safety Canada, created in 2003 from the former Solicitor General Canada organization, consolidated many of the departments and agencies involved in counter-terror operations under a single minister. This has enabled the government to exercise better oversight and improve intelligence management.<sup>105</sup> PSEPC is responsible for the Office of Critical Infrastructure Protection and Emergency Preparedness, the Canada Border Services Agency, the intelligence and enforcement sections of Citizenship and Immigration Canada, and the border inspection functions of the Canadian Food Inspection Agency. The new position of National Security Advisor to the Prime Minister in the Privy Council Office was created to co-ordinate integrated threat assessments, to help strengthen interagency co-operation, and to assist in the development of an integrated policy framework for national security and emergencies. The Minister of Transport is now responsible for security in all transportation sectors. A permanent Cabinet Committee on Security, Public Health and Emergencies has replaced the Ad Hoc Committee on Public Security and Anti-Terrorism and will manage national security and intelligence issues and activities and government-wide responses to public health, national disasters, and security emergencies.

The ability to gather and share intelligence between government departments on a timely basis is a key enabler for anti-terrorism measures. To address this requirement the government has established the Integrated Threat Assessment Centre (ITAC) under the management of CSIS. With a budget of 30 million dollars over five years, ITAC's primary objective is to produce comprehensive threat assessments, which are distributed

---

<sup>105</sup> PSEPC was being created during the time the Auditor General Report was being researched. Consequently, many of the deficiencies noted by the Auditor General have been rectified by this organization.

within the intelligence community and to first-line responders, such as law enforcement, on a timely basis. Its assessments, based on intelligence and trend analysis, evaluate both the probability and potential consequences of threats. Such assessments allow the Government of Canada to coordinate activities in response to specific threats in order to prevent or mitigate risks to public safety. ITAC works closely with the National Security Advisor (NSA). This committee and the NSA assist the ITAC Director in establishing threat assessment priorities.

Overall the government has substantially improved its ability to exercise oversight of public security and to manage the intelligence which is so vital in detecting terrorist activity. Continued development of these two key enablers will greatly enhance the overall effectiveness of all counter-terrorism measures.

### **Counter-Terrorism Summary**

Overall Canada has made impressive progress in developing an effective counter-terrorism capability in the months and years following 9/11. For a country that did not even have a definition of terrorism, Canada has matured to a nation that possesses a sound National Security Policy and a good set of counter-terrorism measures that are well founded on Canadian Law with due respect for the Canadian Charter of Human Rights and Freedoms. The counter terrorism measures have been crafted to address three main terrorist threats: attacks on or from Canada, the use of Canada as a safe-haven, and the exploitation of Canada's ethno-cultural communities. The measures include stronger laws, increased infrastructure security, immigration, travel and border security, and discovering, dismantling and preventing terrorist networks. Government oversight and

intelligence management were considered as key enablers for all measures and the importance of security versus freedom was considered as a key consideration for the introduction of stronger laws.

Although the overall state of Canada's counter-terrorism capability is good, key vulnerabilities still exist in some areas that could be exploited by terrorists to the overall detriment of Canadian safety. Although Canada has increased its ability to detect and punish terrorists through the introduction of stronger laws, it has failed to create a credible deterrent. Furthermore, the requirement to achieve an acceptable balance of security versus freedom has impaired the ability of authorities to prevent terrorist attacks. Although Canada has reduced vulnerabilities in infrastructure security to the greatest degree possible, its poor success at securing its borders from 2001 until 2005 mean that it is possible that many terrorists could have entered the country undetected. In addition, it appears that significant security gaps still exist in marine and air transportation. Lastly, although the government has greatly improved its oversight and intelligence management abilities, it has failed to introduce concrete measures to adequately protect its ethno-cultural communities from exploitation by terrorist groups that have established an operating presence in this country. Most notably, and as shall be discussed in the next section, Canada's Muslim diaspora is particularly vulnerable to exploitation by Islamic extremists of the global jihad.

Canada has made significant strides in protecting itself from terrorism, but it is still not safe, especially from the global jihad. The next section will discuss the unique threat posed by this terrorist phenomenon and why the safety of Canadians is particularly threatened by it. This assessment will permit the formulation of final conclusions



regarding the degree to which the government's anti-terrorism measures have made Canadians safer from terrorism.

## GLOBAL JIHAD – THE EMERGING THREAT

“Terrorism is perhaps best viewed as the archetypal shark in the water. It must constantly move forward to survive and indeed to succeed.”<sup>106</sup>

*Bruce Hoffman, The Rand Institute*

The assessment of Canada’s anti-terrorism measures would not be complete without direct consideration of their effectiveness against the most serious terrorist threat presently facing Canada – religious extremism as defined by radical Islam. Inspired by Osama Bin Ladin, radical Islamic extremists have embarked upon a global jihad. In many ways the threat posed by this movement is even more disturbing than it was before 9/11. Rather than eliminating the danger posed by Al Qaeda, the American-led War on Terror has caused it to evolve to a less direct but much more subversive threat. While physical capabilities may have been weakened, motivation remains unchecked. The transformation has seen the emergence of the global jihad ideology as the most potent element of this terrorist threat. Most alarming to nations like Canada is the potential it has created for the radicalization and recruitment of its own citizens to fight against it under the banner of global jihad.

### Al Qaeda – The Base

This is a matter of religion and creed; it is not what Bush and Blair maintain, that it is a war against terrorism. There is no way to forget the hostility between us and the infidels. It is ideological, so Muslims have to ally themselves with Muslims.<sup>107</sup>

*Osama Bin Ladin – Post 9/11*

---

<sup>106</sup> Hoffman, *Rethinking Terrorism*..., 313.

<sup>107</sup> Neil MacFarquhar and Jim Rutenberg, “Bin Laden, in a Taped Speech Says Attacks in Afghanistan Are a War Against Islam,” *New York Times*, November 4, 2001, p. B2.

Most analysts agree that *Al Qaeda*, which in Arabic means the base, is the foundation from which global jihad has been built. Bin Laden is on record as urging all Muslims towards the reestablishment of an Islamic Caliphate. Al Zawahiri, who is regarded as Al Qaeda's chief ideologue, has been quoted as advocating three principle goals which, if realized, would see the reestablishment of the Islamic state and complete control of the Middle East. Implicit in this goal is the removal of western influence from the area.<sup>108</sup> To this end Al Qaeda is using religion as a political tool to reinvigorate the jihad following the failure of nationalist struggles in the Middle East.<sup>109</sup> The creation of a global jihad has become central to the accomplishment of this goal. In his book *Understanding Terrorist Networks*, U.S. Foreign Policy Research Institute senior fellow Mark Sageman contends that global jihad is a worldwide religious revivalist movement with the goal of reestablishing past Muslim glory in a great Islamist state and that Al Qaeda is the vanguard of the movement.<sup>110</sup> Al Qaeda has taken jihad beyond the local struggles of religious nationalists in the Middle East to a global war against the US and its allies, among which Canada has been specifically named.<sup>111</sup> While Al Qaeda was weakened by the overthrow of Taliban in Afghanistan, it has transformed itself and continues to influence and direct in broad terms the activities of affiliated local terrorist networks.<sup>112</sup> Al Qaeda has evolved from a centralized to a decentralized organization

---

<sup>108</sup> Federation of American Scientists, "CRS Report for Congress: Al Qaeda: Statements and Evolving Ideology," <http://www.fas.org/sgp/crs/terror/RL32759.pdf>; Internet; accessed 3 April 2007.

<sup>109</sup> Hoffman, *Rethinking Terrorism...*, 306.

<sup>110</sup> Sageman was also a CIA operative in Afghanistan. Sageman, *Understanding Terror Networks...*, 3-4.

<sup>111</sup> Canadian Intelligence and Security Service, *Trends in Terrorism...*, 3-4.

<sup>112</sup> Future Brief, "Overview of the Enemy: Staff Statement 15," <http://www.futurebrief.com/911enemy.pdf>; Internet; accessed 3 April 2007.

with Bin Ladin's ideology now being converted into operational action by local commanders. Bin Ladin continues to inspire many of the operatives he trained and dispersed, as well as other Islamic extremist groups and individual fighters who share his ideology. The current Al Qaeda exists more as an ideology than as an identifiable, unitary terrorist organization. It has become a vast network of like-minded entities, loosely connected to a central ideological and motivational base, advancing the centre's goals at once simultaneously and independently of each other.<sup>113</sup> While physical attack remains a very serious threat, Al Qaeda's ideological appeal makes it even more so. The continued resonance of its message, its continued ability to attract and radicalize recruits, and its capacity for continual regeneration and renewal are cause for grave concern.<sup>114</sup> As the Dutch report *From Dawa to Jihad* asserts, local networks often interpret Al Qaeda ideology more radically than does its own leadership.<sup>115</sup>

It is clear then that the greatest threat posed by the global jihad is the appeal that its ideology holds for young Muslims across the world, including Canada. This appeal, if applied under the right circumstances, could lead to the radicalization and recruitment of Canadian citizens.

### **Canadian Vulnerabilities – Radical Opportunities**

The radicalization and recruitment of home grown terrorists is of concern to countries like Canada that have a large Muslim diaspora. This is because these entities

---

<sup>113</sup> Bruce Hoffman, "Combating Al Qaeda and the Militant Islamic Threat," (February 2006) [paper online] available from <http://www.rand.org/pubs/testimonies/CT255/>; Internet; accessed 7 February 2007, 3.

<sup>114</sup> *Ibid.*, 2.

<sup>115</sup> Canadian Intelligence and Security Service, *Trends in Terrorism ...*, 7.

tend to be less discernable and more unpredictable than central terrorist organizations.<sup>116</sup> Terrorists can establish a significant presence in a country without risking detection by crossing its borders. This is a primary threat since presence is a fundamental requirement for promoting all other aspects of the terrorist threat. It facilitates the establishment of a critical mass of capability that permits groups to operate in, or from Canada. It makes the establishment of a safe haven easier because members of the terrorist groups are already members of the community and are therefore less likely to be detected by authorities. Similarly, they are less likely to be betrayed by their family and friends because social affiliation and friendship are prominent themes in the establishment of network cells.<sup>117</sup>

The radicalization and recruitment of civilian nationals is especially disturbing in light of Canadian vulnerabilities. Although the government has made significant strides in reducing vulnerabilities in areas such as infrastructure protection and government oversight, it has not yet put effective measures in place to protect ethno-cultural communities from exploitation by terrorist groups. Rather, conditions still exist that permit Muslims to be exploited. Canada's lure as a safe haven from which to operate against the U.S. and other targets offers substantial incentive for global jihadists to subvert Canadian citizens. Furthermore, Canada has a large Muslim population, social conditions in the country may be such that some Muslims may be more susceptible to the jihad message, and the means for exploitation are readily available to radical Muslims.

---

<sup>116</sup> Hoffman, *Combating Al Qaeda*..., 3.

<sup>117</sup> Netherlands Ministry of the Interior and Kingdom Relations, *Violent Jihad in the Netherlands*..., 37; Marc Sageman, *Understanding Terror Networks* (Philadelphia: University of Pennsylvania Press, 2004): 108-113.

*Safe Haven – Incentive to Radicalize*

Canada's appeal as a safe haven for terrorist groups is undeniable. Terrorists have used Canada for many years as a base to raise funds, to hide before or after attacks and to acquire weapons and other logistical support for their operations. From the global jihadist's perspective the country is prime real estate. Comparatively wealthy, and a source of technology, Canada offers many advantages as a safe haven where funds can be generated and logistical support can be obtained. Openness and respect for rights and freedoms limit the ability to suppress terrorism. Lastly it exists alongside the U.S., which at this point in time is one of the world's preeminent terrorist targets.<sup>118</sup> Safe haven in Canada appeals to global jihadists for two main reasons. It is a place to operate unnoticed while preparing for an attack and it represents strong potential for raising funds to support operations.

Islam has a long history of exacting charitable donations to support its causes. At the same time little effort is made to distinguish between how the donations will be used. Muslims who are obligated to perform *zakat* and individual donors make no distinction between the secular and religious uses to which their donations may be employed.<sup>119</sup> Every year billions of dollars are raised with little administrative transparency.<sup>120</sup> Human Concern International (HCI) was the first Islamic charity in North America to provide funds to Afghan Arabs. Led by Canada's most infamous member of Al Qaeda, Ahmed

---

<sup>118</sup> Bell, *Cold Terror*..., xvi.

<sup>119</sup> *Zakat* refers to the duty of every Muslim to give alms or make charitable contribution for the betterment of all.

<sup>120</sup> J. Millard Burr and Robert O. Collins, *Alms for Jihad: Charity and Terrorism in the Islamic World* (Cambridge: Cambridge University Press, 2006), 7.

Khadr, HCI was one of several charitable organizations that used Canada's ethnic communities as a source of funding for terrorist groups that had established themselves in Canada.<sup>121</sup>

The use of charities as a front to raise funds for terrorism prompted the government to initiate the Charities Registration Act. Under these laws any charities suspected of supporting an extremist group are deregistered and not entitled to the legal and tax benefits derived from operating as a charity. While the financial tracking of suspect transactions using FINTRAC appears to have been effective in freezing terrorist related financing, it must be remembered that it is only effective against financial transactions processed through institutions. It is interesting to note that immediately following 9/11, U.S. efforts to freeze terrorist financing simply resulted in many transactions going underground. One year after 9/11 the US Treasury succeeded in locating some \$112 million in assets belonging to Al Qaeda and its associates. Terrorist organizations reacted swiftly and thereafter only \$10 million was found and frozen. The FBI found that certain Islamic institutions were operating complex schemes to transfer funds to and from the USA, Canada and Europe behind a wall of secrecy.<sup>122</sup> It has become apparent that Islamist extremists have had considerable experience and skill in acquiring and moving money and no sooner has one network been disabled than another

---

<sup>121</sup> *Ibid.*, 276, 277.

<sup>122</sup> *Ibid.*, 56.

usually appears in a different form and using different methods.<sup>123</sup> Furthermore, language and culture make following the transactions difficult.<sup>124</sup>

Terrorists have used Canada in the past as a safe haven to raise funds, and the potential still exists for them to use it in the future. Moreover, as will be discussed in the following paragraphs, Canada has a large Muslim community which presents Islamic extremists with the opportunity to blend into the population relatively unnoticed.

### *Canada's Muslim Diaspora – Grounds for Exploitation*

Home to an estimated 819,000 Muslims, the vast majority of whom live in major population centres, Canada's has a Muslim diaspora that is a prime target for exploitation by Islamic extremists. Over 350,000 live in the greater Toronto area alone.<sup>125</sup> With 2.6% of its total population being Muslim, Canada has a Muslim diaspora comparable to those of the United Kingdom, France and the Netherlands, all of which have expressed concerns regarding the radicalization of their citizens.<sup>126</sup>

---

<sup>123</sup> *Ibid.*, 289.

<sup>124</sup> *Ibid.*, 9.

<sup>125</sup> The 2001 Canadian census reported 579,640 Muslims living in Canada. CBC reported in March 2007 that Statistics Canada believes that 1.2 million immigrants came to Canada from 2001 to 2006. Immigration Canada reports that 1 in 5 immigrants is Muslim. They also reported that 43% of Muslims live in Toronto. Therefore, it is reasonable to estimate that based on these figures there are at least 819,000 Muslims living in Canada as of 2006, with more than 350,000 living in Toronto. CBC, "Immigration critical to Canadian population growth: Census," <http://www.cbc.ca/canada/story/2007/03/13/census-canada.html>; Internet; accessed 3 April 2007; Statistics Canada, "Population by Religion Table," <http://www40.statcan.ca/101/cst01/demo30a.htm>; Internet; accessed 3 April 2007; Immigration Canada, "Recent Immigrants in Metropolitan Areas: Canada—A Comparative Profile Based on the 2001 Census," <http://www.cic.gc.ca/english/research/papers/census2001/canada/partb.html>; Internet; accessed 3 April 2007.

<sup>126</sup> U.K. (2.8%), France (9%), and the Netherlands (5.8%). British Broadcasting Corporation, "Muslims in Europe Country Guide," <http://news.bbc.co.uk/2/hi/europe/4385768.stm>; Internet; accessed 18 March 2007.



It is indisputable that Canada's Muslim diaspora is sufficiently large to attract attention of Islamic recruiters. The growing demographic provides a huge comfort zone for the jihad to move around in.<sup>127</sup> Size, however, is not the only factor relevant to radicalization. Speaking of global Islam, Olivier Roy, who has authored many works on terrorism, describes Islamist fundamentalism as a product of the diaspora and a consequence of sociological rather than cultural or historical factors. Given the correct set of social circumstances, Muslims who were once considered assimilated into the cultures of their new homelands could now be regarded as potential recruits by militant Islamists.<sup>128</sup>

### *The Social Stage*

Canada prides itself on promoting an atmosphere of tolerance and pluralism, and rightfully so. Canada is ranked in the top six countries to live by the United Nations Human Development Report and is typically regarded as a destination of choice by immigrants.<sup>129</sup> Tolerance, openness and respect, however, are not a guarantee against radicalization and recruitment. Myriad other factors can contribute to the process. There may be no single explanation for radicalization. Racism, social isolation, unemployment, and frustrated personal and political ambitions may be factors.<sup>130</sup> Violent Jihad in the

---

<sup>127</sup> Mark Steyn, "The New World Order," *Maclean's Magazine*, 23 October 2006, 36.

<sup>128</sup> CSIS, *Trends In Terrorism ...*, 11.

<sup>129</sup> United Nations, "Human Development Indicators: Country Fact Sheets," [http://hdr.undp.org/hdr2006/statistics/countries/country\\_fact\\_sheets/cty\\_fs\\_CAN.html](http://hdr.undp.org/hdr2006/statistics/countries/country_fact_sheets/cty_fs_CAN.html); Internet; accessed 18 March 2007; Citizenship and Immigration Canada, "Annual Report to Parliament on Immigration (2006)," <http://www.cic.gc.ca/english/pub/annual-report2006/section1.html>; Internet; accessed 18 March 2007.

<sup>130</sup> CSIS, *Trends In Terrorism ...*, 15.

Netherlands, a report produced by Ministry of the Interior and Kingdom Relations, offers three main groups of factors that can be used as a framework to evaluate the Canadian context: religious, socio-political, and socio-psychological.<sup>131</sup>

From a religious perspective, immigrants are often caught between the old and the new. They are particularly susceptible to radical creeds of Islam. Since there is no central Islam educational authority, young Muslims with little command of Arabic can be misled by a relatively simple ideology that justifies the use of violence against people with different ideas. In Britain for instance, the Muslim religious leadership has admitted that, to a large extent, they lack serious education in Islamic studies.<sup>132</sup> Increasing numbers of migrants' children with an Islamic background are going through a radicalization process in Europe, which in some cases leads them to use violence. Young jihadists justify this violence by referring to the Koran, often on the basis of interpretations by radical ideologists. Given its demographics, Canada is susceptible to the same threat. In fact, the youth who were arrested as part of the Toronto 17 provide a case in point and show that radicalization and recruitment can happen in Canada. Exploitation of the diaspora through religious radicalization represents a long term threat that could lead to dissent in ethnic-religious populations and undermine overall social cohesion.<sup>133</sup> It underlines the importance of maintaining strong links with the Muslim

---

<sup>131</sup> Netherlands Ministry of the Interior and Kingdom Relations, *Violent Jihad in the Netherlands...*, 32-36.

<sup>132</sup> Jergen S. Nielsen, "Muslims in Britain – Ethnic Minorities, Community, or Ummah" in *The South Asian Religious Diaspora in Britain, Canada, and the United States*, ed. Harold Coward, John R. Hinnells, and Raymond Brady Williams (Albany: State University of New York Press, c2000), 122.

<sup>133</sup> Netherlands Ministry of the Interior and Kingdom Relations, *Violent Jihad in the Netherlands...*, 7.

community and the responsibility that the Muslim leadership has to ensure that the message of Islam is not being perverted within its own community.

Canadian Muslims could also be influenced by socio-political factors. The most prominent of these in contemporary times involve latent feelings of political and social discontent fueled by Arabic television and the portrayal of Muslims as victims across the world. Conflicts involving the victimization of Muslims in Bosnia, and more recently in Iraq and Afghanistan, could be used as a tool of propaganda by Islamic extremists to promote anti-western ideals among moderate Muslims. As noted by Hoffman of the Rand Corporation, "...Muslims harbour a deep sense of humiliation and resentment over the invasions of Afghanistan and Iraq, the continued bloodletting of their co-religionists in Palestine, Chechnya and Kashmir among other places."<sup>134</sup> In addition, many Muslims can become dissatisfied with their economic lot in life and a diminished social standing in their new country. This is true even in Canada. Based on the 2001 census, immigrants have a unemployment rate of approximately 14% compared to a 6.3% national average for Canadian born citizens.<sup>135</sup>

Socio-psychological factors could also play a role in the radicalization of Canadian Muslims. Some Muslims feel an affiliation neither with traditional Islamic culture of their parents, or with secular western culture. If complicated by integration and discrimination problems a perception of victimization can arise. This in turn could cause

---

<sup>134</sup> Hoffman, *Combating Al Qaeda*..., 7.

<sup>135</sup> Immigration Canada, "Recent Immigrants in Metropolitan Areas: Canada—A Comparative Profile Based on the 2001 Census," <http://www.cic.gc.ca/english/research/papers/census2001/canada/partd.html>; Internet; accessed 3 April 2007; Statistics Canada, "Employment and Unemployment Statistics Summary Table," <http://www40.statcan.ca/l01/cst01/econ10.htm>; Internet; accessed 3 April 2007.

young Muslims to turn their backs on society and makes them more susceptible to radicalization. However, these conditions may not be necessary for radicalization to take place. An in-depth study of the radicalization of Muslims conducted by Marc Sageman offered some surprising conclusions. He found that members of the global jihad were generally middle-class, educated young men from caring and religious families who grew up with strong positive values of religion, spirituality, and concern for their communities. They were upwardly mobile compared to their parents but in the process of moving up became isolated and sought friendships in local mosques.<sup>136</sup> Furthermore, in their search for identity it is also possible that youth will challenge the values of community leaders and teachers and as part of their culture. If anything, this tendency is stronger in the diaspora when it is coupled with the search for Muslim identity, dignity, and self respect.<sup>137</sup> It is not difficult to see the Canadian situation in the description provided above, especially considering the population demographics. With only 10 % of the Muslim population being Canadian born, this country will be facing the same situation Europe is facing now within the next five to ten years. Already the median age of the Muslim community in Canada is 28, the youngest demographic of any major religion.<sup>138</sup> Very soon there will be a large population of second generation Muslims, caught between the old and the new, searching for identity and self respect. It is imperative that the government sets the conditions for them to find it in Canadian society rather than in radical Islam.

---

<sup>136</sup> Sageman, *Understanding Terror Networks...*, 96-97.

<sup>137</sup> CSIS, *Trends In Terrorism ...*, 9.

<sup>138</sup> *Ibid.*

### *Radicalization – The Means*

In addition to a population subject to radicalization, the process also requires the means to make this happen. Recruiters require a venue through which they can attract converts without attracting the attention of the authorities. Recruitment activities could take place in or around mosques, or other places, such as university campuses, living rooms, prisons, and the Internet.<sup>139</sup>

Mosques serve as the most common point of initial contact. However, in very few cases does recruitment take place openly or in the mainstream. Instead, the recruiters have tended to operate at the margins of mosques, spotting the younger, more isolated and vulnerable members and then drawing them in through study circles, youth clubs, and after hour groups where they can be indoctrinated with a more radical brand of Islam. The lack of broad based or popular institutions within the Muslim community has been identified as a key problem as it means there is a lack of control or authority and an inability to confront or de-legitimize radicals who subvert Islam to suit their own jihadist ideology.<sup>140</sup>

Salafi mosques in Brooklyn, Milan, London, Montreal, and Madrid have produced large numbers of *Mujahedin* in the past decade. Muslims engage in jihad because they share certain norms, values, and world views. The creation and shaping of these social identities occurred through a process of socialization at these mosques, under the guidance of a salafi imam preaching the benefits of the global jihad. A recent

---

<sup>139</sup> Netherlands Ministry of the Interior and Kingdom Relations, *Violent Jihad in the Netherlands...*, 15-17 .

<sup>140</sup> Gordon, Corera, "How Militant Islam Found a Home in London," *Jane's Intelligence Review*, August 2002, 4-5.

Channel 4 Dispatches programme painted an alarming picture of how preachers in some of Britain's most moderate mosques are urging followers to reject British laws in favor of those of Islam.<sup>141</sup> There is sufficient evidence to suggest that Muslims in Canada face the same danger. There are more than 50 mosques in Toronto. While most promote a moderate and inclusive message, a substantial minority preach the more radical message.<sup>142</sup> Other subversive organizations may also have been active in Toronto. In 2003 the RCMP alleged that the Muslim World League in Etobicoke had connections with Al Qaeda.<sup>143</sup>

The Internet has also become a prime tool for recruitment and radicalization. Quickly recognizing the power of this medium, Al Qaeda preachers have used it to exponentially accelerate the dissemination of uncensored jihadist ideology that can be designed for maximum radical appeal.<sup>144</sup> The presence of subversive agents on the Internet continues to grow at an alarming rate. The total number of jihadist websites has grown from under 100 in 1996 to well over 5000 today. In 2006 all active terrorist groups are believed to have established a cyber-presence.<sup>145</sup> Virtualization means that the ideological and organizational development of networks and individuals is increasingly taking place on or with the help of the Internet. It is used for a variety of functions: as a

---

<sup>141</sup> United Kingdom, *The Observer*, "Revealed: Preachers' Messages of Hate," [http://observer.guardian.co.uk/uk\\_news/story/0,,1984530,00.html](http://observer.guardian.co.uk/uk_news/story/0,,1984530,00.html); Internet; accessed 18 March 2007.

<sup>142</sup> CSIS, *Spies not Soothsayers...*, 4.

<sup>143</sup> Burr and Collins, *Alms for Jihad...*, 278.

<sup>144</sup> Netherlands Ministry of the Interior and Kingdom Relations, *Violent Jihad in the Netherlands...*, 43.

<sup>145</sup> CSIS, "Trends in Terrorism - A Framework for Understanding Terrorist Use of the Internet," [paper online]; available from <http://www.csis-scrs.gc.ca/en/itac/itacdocs/2006-2.pdf>; Internet; accessed 7 February 2007, 2.

meeting place, an information source, virtual training camps, and a means to accept on-line donations. Recruiting takes place on line through the use of chat rooms. Once identified, potential recruits are bombarded with religious decrees, propaganda and training manuals on how to become part of the global jihad.<sup>146</sup> Ultimately, the Internet activities of groups like Al Qaeda serve not only to promote their ideological and theological tenets, but to convert large portions of cyberspace into an open university for jihad. The reconstitution of the Internet as a type of central nervous system for organizations such as Al Qaeda has become critical to its viability as an organization and as a movement.<sup>147</sup>

The use of the Internet to radicalize Muslims should be a primary concern for Canadian authorities. It is significant for three reasons: recruiters can subvert their message without censorship and make it available to the widest possible audience; there is minimal potential for interference from central authorities, be it law enforcement agencies or members of the Muslim community; and finally, it raises the possibility of self radicalization. There is already evidence that the message is being communicated within Canada. A dispatch from CSIS described the activities of an Internet forum member who is a prolific contributor to the Islamic Renewal Org website. He announced that he had direct contact with an Al Qaeda person and was instructed to convey orders to the Al Qaeda division in the U.S. to destroy a nuclear reactor.<sup>148</sup>

---

<sup>146</sup> CSIS, *Trends in Terrorism - A Framework for Understanding Terrorist Use of the Internet*, 8.

<sup>147</sup> *Ibid.*, 5.

<sup>148</sup> *Ibid.*, 9.

## **Global Jihad Summary**

Global jihad poses the most significant threat to Canada and in many respects represents its greatest vulnerability to terrorism. Not only does its vanguard, Al Qaeda, have a presence in Canada, but it has twice named Canada as a target for terrorist attacks. Canada's proximity to the U.S. and its open and affluent society make it a prime safe haven location for determined radical Islamists. Furthermore, Canada has a large Muslim diaspora within which the ways and means for radicalization and recruitment exist. Social conditions are such that radicalization and recruitment could take place if efforts are not made to prevent it. In addition, the concentration of mosques in the Toronto area and the increasing proliferation of radical propaganda on the Internet mean that recruiters have suitable venues to conduct their activities in an difficult to conduct manner.

Recruitment and radicalization of the Muslim diaspora could represent the most serious terrorist threat faced by Canada. The gap which still exists between law enforcement and the Muslim community means that in the short term leaders must take responsibility for, and be empowered to prevent the exploitation of their community. In the long term the government must make greater efforts to promote integration of its members into the broader fabric of Canadian society by eliminating disparities in employment and helping Muslims establish their own Canadian identity. Although the Cross-Cultural Roundtable on Security may be a good start, there is little evidence to suggest that it has made any meaningful progress in identifying, let alone addressing pertinent issues in this regard.



## **CONCLUSION – IS CANADA ANY SAFER?**

The purpose of this paper was to determine the impact that Canada's post 9/11 counter-terrorism measures had in terms of protecting Canadians from the threat of terrorism. Canada's definition of terrorism and a historical context against which to interpret it were articulated, as was a definition of what it means to be safe. For Canada, safe connotes a broader meaning than protection from the first order physical effects of a terrorist attack. It also means the ability to guard against the second order effects that terrorism could have on the economic, social, legal and political fabric of the nation. While domestic extremism and violent secessionist movements continue to threaten Canadian security, a recent transformation means that the most serious contemporary terrorist threat is posed by the actions and ideology of Islamic extremists intent on bringing the global jihad to Canada. These groups are characterized by an abandonment of restraint and an increased willingness to use WMD to achieve maximum casualties. The main threats posed by these groups include attacks launched from Canada against targets within or outside its borders, the use of Canada as a safe haven for terrorist activities, or the exploitation of Canadian ethno-cultural communities through radicalization and recruitment of its members.

In the wake of 9/11 the Canadian government implemented numerous measures to create a capability to counter this terrorist threat. Initially formulated as a crisis response, the capability has evolved to the point where it is guided, at the strategic level, by the National Security Policy and firmly grounded in existing and new legislation. To combat terrorism the government has introduced stronger laws, most notably through the ATA and increased infrastructure security. It has implemented measures intended to improve

immigration, travel and border security and to discover, dismantle and prevent terrorist networks. Finally, it has recognized the importance of government oversight and intelligence management as key enablers for these measures and has initiated action to improve capability in both these areas through the establishment of Public Safety Canada and ITAC respectively.

Although the overall state of Canada's counter-terrorism capability is improved, key vulnerabilities still exist in some areas that could be exploited by terrorists to the overall detriment of Canadian safety. The post 9/11 laws have greatly facilitated the fight against terrorism and have made it more difficult for terrorists to operate undetected in Canada, however, the expiration of two key provisions of the ATA and the simultaneous revocation of security certificates mean that the ability of authorities to prevent terrorism has been impaired. In this respect Canadians are actually more vulnerable to the threats posed by terrorism than they were before 9/11. Furthermore, although the laws were intended to have a strong deterrent effect through the introduction of stiffer sentences, it is unlikely that deterrence will be effective against determined religious extremists. In addition, although Canada has reduced vulnerabilities in infrastructure security to the greatest degree possible, its poor success at securing its borders from 2001 until 2005 mean that it is possible that many terrorists could have entered the country undetected and could be furthering terrorist ambitions at this very moment. In addition, a 2007 Senate report suggests that significant vulnerabilities exist in the areas of marine and air transportation. Lastly, although the government has greatly improved its oversight and intelligence management abilities, it has failed to introduce concrete measures to adequately protect its ethno-cultural communities from exploitation by terrorist recruiters.

Canada's Muslim diaspora remains vulnerable to exploitation by Islamic extremists of the global jihad. Not only does its vanguard, Al Qaeda, have a presence in Canada, but it has twice named Canada as a target for terrorist attacks. Canada's proximity to the U.S. and its open and affluent society make it a prime safe haven location for determined radical Islamists. Furthermore, Canada has a large Muslim diaspora within which the ways and means for radicalization and recruitment exists. Social conditions are such that radicalization and recruitment could take place if efforts are not made to prevent it. As well, the concentration of mosques in the Toronto area and the increasing proliferations of radical propaganda on the Internet mean that recruiters have suitable venues to conduct their activities relatively undetected.

On 27 February 2007, the Canadian parliament debated the issue of extending portions of anti-terrorism legislation for another five years. In spite of the heated debate, no politician was willing to go on record to answer the fundamental question central to the whole debate. How safe is Canada from terrorism? This paper has shown that although, overall, Canada is safer from terrorism than it was before 9/11, is still vulnerable in many respects. The removal of key provisions from the ATA and the simultaneous abolishment of security certificates has left a significant void in law enforcement capabilities. The uncontrolled entry of immigrants between 2001 and 2004 mean that radical terrorists could be living in Canada. Finally, the failure of the government to put concrete measures in place to protect ethno-cultural communities means that in the short term they could be susceptible to radicalization and recruitment by radical agents of Islam.

There is one aspect concerning the degree to which Canadians are safer from terrorism that raises especial cause for continued concern. The Senate Committee's suggestion that Canada's air and marine transportation systems are not safe is troubling for more than just the obvious reason that they could be subject to attack. It suggests that perhaps the government has not been doing as well at improving security as they would like to have Canadians believe. The government has put an excellent security framework in place, but it seems that it has been unable to implement it in all cases. This implies that, although Canadians may be safe in theory, they may not, in all cases, be safe in practice. This proves the point that vigilance must be maintained even when the worst period seems to have past and underlines the importance of having bodies such as the Senate Committee to maintain visibility in this regard. At the same time, however, the fact that Canada's coastline is so vast makes it extremely unlikely that it will ever be completely safe from terrorist intrusion. Consequently, a reasonable expectation of what the government can achieve should be maintained.

On the positive side, in the five plus years the government has been developing its counter-terrorism capability it has demonstrated a holistic approach to achieving safety from terrorism, one that considers second as well as first order effects and shows a marked respect for the Charter of Human Rights and Freedoms, and the rule of law. The government has ensured that Prime Minister Chrétien's essential balance between security and freedom was not upset and the fundamental rights and freedoms that are an implicit part of the Canadian definition of safety have been preserved. In the long term, it is Canada's vulnerability as an open society that may be its greatest strength. By addressing security issues openly, by protecting the rights and freedoms of our all

citizens, and by fostering an atmosphere of dignity and respect, terrorism will have no place to grow. The terrorists will be alienated and they will not rent the fabric that binds this society together.

## Bibliography

- Asia Pacific Economic Cooperation, "Counter Terrorism Action Plans – Canada," (2006) [Document on-line]; available from [http://www.apec.org/apec/apec\\_groups/som\\_special\\_task\\_groups/counter\\_terrorism/counter\\_terrorism\\_action\\_plans.html](http://www.apec.org/apec/apec_groups/som_special_task_groups/counter_terrorism/counter_terrorism_action_plans.html); Internet; accessed 19 March 2007.
- Auditor General of Canada, "National Security in Canada - The 2001 Anti-Terrorism Initiative," (March 2004). Paper on-Line; available from; <http://www.oag-bvg.gc.ca/domino/reports.nsf/html/20040303ce.html>; Internet; accessed 4 Feb 2007.
- Auditor General of Canada, "Passport Services," (April 2005). Paper on-line; available from <http://www.oag-bvg.gc.ca/domino/reports.nsf/html/20050403ce.html>; Internet; accessed 7 February 2007.
- Bell, Stewart *Cold Terror: How Canada Nurtures and Exports Terrorism Around the World*. Etobicoke: Wiley, 2004.
- Brainy Quotes, "Benjamin Franklin Quotes," [http://www.brainyquote.com/quotes/authors/b/benjamin\\_franklin.html](http://www.brainyquote.com/quotes/authors/b/benjamin_franklin.html); Internet; accessed 7 February 2007.
- British Broadcasting Corporation, "Muslims in Europe Country Guide," <http://news.bbc.co.uk/2/hi/europe/4385768.stm>; Internet; accessed 18 March 2007. U.K
- Burr J. Millard and Collins, Robert O: *Alms for Jihad: Charity and Terrorism in the Islamic World*. Cambridge: Cambridge University Press, 2006.
- Canadian Broadcasting Corporation, "Security Certificates and Secret Evidence," [http://www.cbc.ca/news/background/cdnsecurity/securitycertificates\\_secretevidence.html](http://www.cbc.ca/news/background/cdnsecurity/securitycertificates_secretevidence.html); Internet; accessed 20 March 2007.
- Canadian Broadcasting Corporation, "Arar Recommendations," <http://www.cbc.ca/news/background/arar/arar-commissionhighlights.html>; Internet ; accessed 20 March 2007.
- Canadian Broadcasting Corporation, "Immigration critical to Canadian population growth: Census," <http://www.cbc.ca/canada/story/2007/03/13/census-canada.html>; Internet; accessed 3 April 2007;
- Canadian Intelligence and Security Service, "Trends in Terrorism - Terrorism Financing and Financial System Vulnerabilities: Issues and Challenges," (March 2006). Paper on-line; available from <http://www.csis-scrs.gc.ca/en/itac/itacdocs/2006-3.pdf>; Internet; accessed 7 February 2007.
- Canadian Journalists for Free Expression, "Not a Balancing Act: Security and Free Expression, A Submission to the DFAIT-NGO Human Rights Consultations," (February 2002). Paper on-line; available from <http://www.cjfe.org/specials/dfait-ngo/dfait-ngo.html>; Internet; accessed 18 March 2007.
- Canadian Security and Intelligence Service, "CSIS Public Report 2004 - 2005,"(2005). Paper on-line; available from [http://www.csis-scrs.gc.ca/en/publications/annual\\_report/2004/report2004.asp](http://www.csis-scrs.gc.ca/en/publications/annual_report/2004/report2004.asp); Internet; accessed 7 February 2007.

- Canadian Security and Intelligence Service, "International Terrorism: The Threat to Canada," no.4, (May 2000). Paper on-line; available from <http://www.csis-scrs.gc.ca/en/publications/perspectives/200004.asp>; Internet; accessed 7 February 2007.
- Canadian Security and Intelligence Service, "Trends in Terrorism - A Framework for Understanding Terrorist Use of the Internet," Paper on-line; available from <http://www.csis-scrs.gc.ca/en/itac/itacdocs/2006-2.pdf>; Internet; accessed 7 February 2007.
- Canadian Security and Intelligence Service (CSIS), "Backgrounder No 8 Counter Terrorism," (August 2002). Backgrounder on-line; available from <http://www.csis-scrs.gc.ca/en/newsroom/backgrounders/backgrounder08.asp>; Internet; accessed 7 February 2007.
- Citizenship and Immigration Canada, "Annual Report to Parliament on Immigration - 2006," <http://www.cic.gc.ca/english/pub/annual-report2006/section1.html>; Internet; accessed 18 March 2007.
- Corera, Gordon. "How Militant Islam Found a Home in London," *Jane's Intelligence Review*, (August 2002); [http://www8.janes.com/Search/documentView.do?docId=/content1/janesdata/mags/jir/history/jir2002/jir00340.htm@current&pageSelected=allJanes&keyword=how%20militant%20islam&backPath=http://search.janes.com/Search&Prod\\_Name=JIR&](http://www8.janes.com/Search/documentView.do?docId=/content1/janesdata/mags/jir/history/jir2002/jir00340.htm@current&pageSelected=allJanes&keyword=how%20militant%20islam&backPath=http://search.janes.com/Search&Prod_Name=JIR&); Internet; accessed 21 March 2007.
- CTV News, "Judge Strikes Down Part of Anti-Terrorism Act," [http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20061024/khawaja\\_charter\\_061024/20061024?hub=CTVNewsAt11](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20061024/khawaja_charter_061024/20061024?hub=CTVNewsAt11); Internet; accessed 18 March 2007.
- CTV News, "Al Qaeda attack on Canada 'probable': CSIS," [http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060509/terror\\_canada\\_060509/20060510?hub=TopStories](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060509/terror_canada_060509/20060510?hub=TopStories); Internet; accessed 18 March 2007.
- Department of Foreign Affairs, "Canada's Actions Against Terrorism Since September 11," (February 2003). Backgrounder on-line; available from <http://www.dfait-maeci.gc.ca/anti-terrorism/canadaactions-en.asp>; Internet; accessed 7 February 2007.
- Department of Foreign Affairs, "International Crime and Terrorism, International Counter-Terrorism Measures since 9/11: Trends, Gaps and Challenges," [http://www.dfait-maeci.gc.ca/internationalcrime/trends\\_challenges-en.asp](http://www.dfait-maeci.gc.ca/internationalcrime/trends_challenges-en.asp); Internet; accessed 3 Feb 2007.
- Department of Foreign Affairs and International Trade, "Campaign Against Terrorism," [http://geo.international.gc.ca/can-am/main/rightnav/campaign\\_terrorism-en.asp](http://geo.international.gc.ca/can-am/main/rightnav/campaign_terrorism-en.asp); Internet; accessed 7 February 2007.
- Department of Justice, "Anti-Terrorism Act: Parliamentary Review of the Anti-Terrorism Act," [http://www.justice.gc.ca/en/anti\\_terr/](http://www.justice.gc.ca/en/anti_terr/); Internet; accessed 19 March 2007.
- Department of Justice, "Highlights of Anti-Terrorism Act," (March 2007). Backgrounder on-line; available from [http://www.justice.gc.ca/en/news/nr/2001/doc\\_27787.html](http://www.justice.gc.ca/en/news/nr/2001/doc_27787.html); Internet; accessed 7 February 2007.
- Department of Justice, "The Views of Canadian Scholars on the Impact of the Anti-Terrorism Act," (31 March 2004). Paper on-line; available from <http://www.justice.gc.ca/en/ps/rs/rep/2005/rr05-1/rr05-1.pdf>; Internet; accessed 17 March 2007.
- Department of Justice, "Formative Evaluation of the Department of Justice Public Safety and Anti-Terrorism (PSAT) Initiative," (31 Mar 2005). Paper on-line; available from

- <http://www.canada.justice.gc.ca/en/ps/eval/reports/05/psatsum/psatsum.pdf>; Internet; accessed 17 March 2007.
- Department of Justice, "Anti-Terrorism Act: Excerpts from CSIS 2003 Public Report," [http://www.justice.gc.ca/en/anti\\_terr/threats.html](http://www.justice.gc.ca/en/anti_terr/threats.html); Internet; accessed 7 February 2007.
- Department of National Defence, "Canadian Security and Military Preparedness: The Government's Response to the Report of the Standing Senate Committee on National Security and Defence," (October 2002). Paper on-line; available from <http://www.dnd.ca/site/newsroom/files/KennyE.pdf>; Internet; accessed 18 March 2007.
- Department of National Defence, "Project Report No. 2001/11: The Terrorist Threat," Ottawa: Canadian Forces Information Center, 2001.
- Federation of American Scientists, "CRS Report for Congress: Al Qaeda: Statements and Evolving Ideology," <http://www.fas.org/sgp/crs/terror/RL32759.pdf>; Internet; accessed 3 April 2007.
- Ferrabee, James. "Demonstrations in Cities Across the US are a Signal that Canada Needs to Update Its Own Immigration Laws," [www.irpp.org](http://www.irpp.org); Internet; accessed 18 March 2007.
- Future Brief, "Overview of the Enemy: Staff Statement 15," <http://www.futurebrief.com/911enemy.pdf>; Internet; accessed 3 April 2007.
- Gallagher, Stephen "The Open Door Beyond the Moat: Canadian Refugee Policy from a Comparative Perspective in, *A Fading Power*, edited by. Norman Hillmer and Maureen Appel Molot, 92-121. Don Mills Ontario: Oxford University Press, 2002.
- Hoffman, Bruce, "Combating Al Qaeda and the Militant Islamic Threat," (February 2006). Paper on-line; available from <http://www.rand.org/pubs/testimonies/CT255/>; Internet; accessed 7 February 2007.
- Hoffman Bruce, "Rethinking Terrorism and Counterterrorism Since 9/11," *Studies in Conflict and Terrorism*, no.25 (2002): 303-316; <http://www.jstor.org>; Internet; accessed 7 February 2007.
- Immigration Canada, "Recent Immigrants in Metropolitan Areas: Canada—A Comparative Profile Based on the 2001 Census," <http://www.cic.gc.ca/english/research/papers/census2001/canada/partb.html>; Internet; accessed 3 April 2007.
- International Civil Liberties Monitoring Group, "In the Shadows of the Law," (May 2003). Paper on-line; available from [http://www.waronterrorismwatch.ca/In\\_the\\_shadow\\_of\\_the\\_law.pdf](http://www.waronterrorismwatch.ca/In_the_shadow_of_the_law.pdf); Internet; accessed 18 March 2007.
- MacFarquhar, Neil and Rutenberg, Jim. "Bin Laden, in a Taped Speech Says Attacks in Afghanistan Are a War Against Islam," New York Times, November 4, 2001.
- Makerenko, Jay. "Terrorism and Canadian Mobility - Trends in Canadian Immigration and the Canada-United States Border After the Bombings in the United States," (October 2002) article on line; available from <http://www.mapleleafweb.com/features/terrorism/article01-1.htm>; Internet; accessed 4 Feb 2007.
- Morden, Reid "Canadian Intelligence Services, Spies, not Soothsayers: Canadian Intelligence after 9/11," Commentary No. 85, (Fall 2003). Article on-line; available from <http://www.csis-scrs.gc.ca/en/publications/commentary/com85.asp>; Internet; accessed 4 February 2007.
- MWC News, "Canada Scraps Anti-Terrorism Laws," <http://mwcnews.net/content/view/12873/195/>; Internet; accessed 18 March 2007.



- National Post, "Al Qaeda Calls for Attacks on Canadian Oil Facilities," <http://www.canada.com/nationalpost/story.html?id=c7352232-1809-44a8-9006-f269b0d623ea&k=0>; Internet; accessed 18 March 2007.
- Netherlands Ministry of the Interior and Kingdom Relations, "Violent Jihad in the Netherlands" (2005). Paper on-line; available from [http://english.nctb.nl/Images/Violent%20jihad%20in%20the%20Netherlands%202006\\_tcm127-112471.pdf](http://english.nctb.nl/Images/Violent%20jihad%20in%20the%20Netherlands%202006_tcm127-112471.pdf); Internet; accessed 7 February 2007.
- Nielsen, Jergen S. "Muslims in Britain – Ethic Minorities, Community, or Ummah" in *The South Asian Religious Diaspora in Britain, Canada, and the United States*, edited by Harold Coward, John R. Hinnells, and Raymond Brady Williams. Albany: State University of New York Press, c2000.
- Office of the Privacy Commissioner of Canada, "Anti-Terrorism Act - Senate Special Committee on the Anti-Terrorism Act," (August 2005). Paper on-line; available from; [http://www.privcom.gc.ca/speech/2005/sp-d\\_050509\\_e.asp](http://www.privcom.gc.ca/speech/2005/sp-d_050509_e.asp); Internet; accessed 4 February 2007.
- Organization for Economic Cooperation and Development, "Economic Consequences of Terrorism," no. 71, (2002). Paper On-line; available from (<http://www.oecd.org/dataoecd/11/60/1935314.pdf>); Internet; accessed 7 February 2007.
- Privy Council Office, "Securing an Open Society: Canada's National Security Policy," (April 2004). Publication on-line; available from [http://www.pco-bcp.gc.ca/docs/Publications/NatSecurnat/natsecurnat\\_e.pdf](http://www.pco-bcp.gc.ca/docs/Publications/NatSecurnat/natsecurnat_e.pdf); Internet; accessed 5 Feb 2007.
- Public Safety and Emergency Preparedness Canada, "Cross Cultural Round Table on Security," <http://www.publicsafety.gc.ca/prg/ns/ccrs/index-en.asp>; Internet; accessed 18 March 2007.
- Public Safety and Emergency Preparedness Canada, "About Critical Infrastructure," <http://www.psepc-spccc.gc.ca/prg/em/nciap/about-en.asp>; Internet; accessed 18 March 2007.
- Pue, W. Wesley "The War on Terror: Constitutional Governance in a State of Permanent Warfare?" *Osgoode Hall Law Journal*, 41, nos. 2 and 3, 268-281. (2003).
- Rand, Dyck. *Canadian Politics: Critical Approaches*. Scarborough: Nelson Thomson Learning, 2000.
- Roach, Kent "Canada's Response to Terrorism in Global Anti-Terrorism Law and Policy," edited by. Victor V. Ramraj, Michael Hor and Kent Roach, 511-534. Cambridge: Cambridge University Press, 2005.
- Roach, Kent *September 11: Consequences for Canada*. Montreal and Kingston: McGill-Queen's University Press, 2003.
- Royal Canadian Mounted Police, "The RTID Report, September 2006," [www.rcmp-grc.gc.ca/rtid/rtid\\_report3\\_sep\\_2006\\_e.pdf](http://www.rcmp-grc.gc.ca/rtid/rtid_report3_sep_2006_e.pdf); Internet; accessed 18 March 2007.
- Sageman, Marc. *Understanding Terror Networks*. Philadelphia: University of Pennsylvania Press, 2004.
- Statistics Canada, "Population by Religion Table," <http://www40.statcan.ca/l01/cst01/demo30a.htm>; Internet; accessed 3 April 2007;
- Statistics Canada, "Canada's Global Cities: Socio-Economic Conditions in Montreal, Toronto, and Vancouver," <http://www.statcan.ca/menu-en.htm>; Internet; accessed 7 February 2007.
- Statistics Canada, "Employment and Unemployment Statistics Summary Table," <http://www40.statcan.ca/l01/cst01/econ10.htm>; Internet; accessed 3 April 2007.

Stein, J. Gross "Network Wars" in *The Security of Freedom, Essays on Canada's Anti-Terrorism Bill*, edited by R.J. Daniels, P. Macklem & K. Roach, Toronto: University of Toronto Press, 2001.

Steyn, Mark. "The New World Order," *Maclean's Magazine*, 23 October 2006.

Think Exist, "Richard Nixon Quote," [http://thinkexist.com/quotation/the\\_easiest\\_period\\_in\\_a\\_crisis\\_situation\\_is/322960.html](http://thinkexist.com/quotation/the_easiest_period_in_a_crisis_situation_is/322960.html); Internet; accessed 7 February 2007.

Thompson, John C. and Turlej, Joe "Other People's Wars: A Review of Overseas Terrorism in Canada," (June 2003). Paper on-line; available from [www.mackenzieinstitute.com/2003/other\\_peoples\\_wars.htm](http://www.mackenzieinstitute.com/2003/other_peoples_wars.htm); Internet; accessed 7 February 2007.

United Kingdom Secretary of State for Foreign Affairs, "Counter-Terrorism Legislation and Practice: A Survey of Selected Countries," (October 2005). Publication on-line; available from <http://image.guardian.co.uk/sys-files/Politics/documents/2005/10/12/foreignterrorlaw1.pdf>; Internet; accessed 7 February 2007.

United Kingdom The Observer, "Revealed: Preachers' Messages of Hate," [http://observer.guardian.co.uk/uk\\_news/story/0,,1984530,00.html](http://observer.guardian.co.uk/uk_news/story/0,,1984530,00.html); Internet; accessed 18 March 2007.

United Nations, "Human Development Indicators: Country Fact Sheets," [http://hdr.undp.org/hdr2006/statistics/countries/country\\_fact\\_sheets/cty\\_fs\\_CAN.html](http://hdr.undp.org/hdr2006/statistics/countries/country_fact_sheets/cty_fs_CAN.html); Internet; accessed 18 March 2007.

United States State Department, "Country Reports on Terrorism; 2005," (April 2006). Paper on-line; available from <http://www.state.gov/documents/organization/65462.pdf>; Internet; accessed March 19 2007.

Vancouver English Centre, "Canada's Prime Minister Announces Improvements in Immigration Policy," <http://www.studyvec.com/canada-canadian-immigration-policies.htm>; Internet; accessed 18 March 2007.

Washington Post, "Al-Qaeda Scaled Back 10-plane Plot," [http://www.washingtonpost.com/wp-dyn/articles/A45853-2004Jun16\\_2.html](http://www.washingtonpost.com/wp-dyn/articles/A45853-2004Jun16_2.html); Internet; accessed 18 March 2007.

Washington Post, "Canada Announces Aid for Afghanistan," <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/26/AR2007022600959.html>; Internet; accessed 18 March 2007.