

Bill C-70 Submission – URGENT

Dear Committee Members,

Our Concern Group is a grassroots group formed in early 2020 with a specific focus on the Chinese Communist Party's Human Rights Violations. It was formed after witnessing an alarming rise of PRC's infiltrations into Canada and the crushing of millions protesting in Hong Kong. Among our members are long-time China observers and professionals, including a former editor-in-chief of a local Chinese language media, news commentator, activists, cyber security expert, and engineer within the Chinese Canadian community. In response to PRC's pervasive undue influences, we have issued numerous statements, press releases, open letters, as well as responded to interviews by media in three languages. Our Concern Group is a participant of the Foreign Interference Commission.

China's interference is real, serious, and needs to be stopped. Its interference is widespread, deep, and reaches the highest levels.

We are glad to see that the government has finally tabled Bill C-70 Foreign Influence Transparency and Accountability Act (FITAA), and we treasure the fact that all political parties are working together to have this bill passed on June 12.

Establishing a foreign influence registry is the first step in the right direction. Nevertheless, we would like to bring to your attention our concerns and recommendations:

RECOMMENDATION 1: Scrap the Administrative Monetary Penalty.

We have reviewed similar laws in Australia (Foreign Influence Transparency Schemes - FITS) and the United States (Foreign Agents Registration Act - FITAA). Although they have two tiers of penalties for those who fail to register for their influence activities, they do not have an Administrative Monetary Penalty. Our registry should have the strength to deter clandestine interference by proxies of hostile foreign states. The Administrative Monetary Penalty will undermine the deterrence factor and turn our efforts into a laughing matter.

RECOMMENDATION 2: The registry should also cover provincial, municipal, and territorial governments.

As we all know, foreign interference does not limit to the federal government, but it is happening at all levels of government, including school boards. It is crucial that the registry also covers provincial, municipal, and territorial governments.

RECOMMENDATION 3: The registry should also cover political party leadership contests and elections for internal political party offices.

As disclosed in the recent NSICOP report, proxies of foreign states have tried to interfere with leadership nominations. Therefore, the registry should also cover political party leadership contests and elections for internal political party offices.

RECOMMENDATION 4: Add an 'enhanced tier' into FITAA styled on the UK Foreign Influence Registration Scheme (FIRS). This would allow the Canadian government, with parliamentary approval, to impose more stringent reporting and disclosure requirements on specific foreign countries or entities of particular concern.

If used appropriately, the 'Enhanced Tier' could overcome some of the problems encountered by Australia's country-agnostic FITS. For example, the Australian Strategic Policy Institute has pointed out that the activities of the United Front Work Department of the Chinese Communist Party, a key international activist and propaganda arm of the Chinese government, is entirely missing from the FITS registry, as well as the role played by Confucius Institutes at Australian universities (source: CIGI). Placing these groups on a UK-style 'Enhanced Tier' would avoid this issue.

RECOMMENDATION 5: Consider adding provisions to allow relevant authorities to request information to determine the status of entities and to make public declarations about the status of foreign entities.

Another notable omission from FITAA is the exclusion of mechanisms allowing for the relevant authorities to take a proactive approach to implementing the register. In contrast, the Australian scheme has two such mechanisms (source: CIGI):

- 'Information notices', whereby the Federal Attorney General can request that certain entities provide information to determine whether they are required to register under the scheme.
- 'Transparency notices', whereby the Federal Attorney General can make a public determination that a person is a foreign government-related entity or individual. This has only been used in two cases, including for the Australian Council for the Promotion of Peaceful Reunification of China.

RECOMMENDATION 6: Review the diplomatic privileges given to the HKETO in Canada, with particular reference to their ability to conduct political influence, surveillance, or repressive activities in Canada.

Two issues complicate the use of FITAA in respect to foreign influence activities in relation to the People's Republic of China (PRC), including the Hong Kong Special Administrative Region (HKSAR).

The first concern relates to the legitimate political influence sought by diaspora groups oppressed by the PRC and other authoritarian regimes, who may seek to raise these issues with Canadian policymakers. Such diaspora groups may include Hong Kongers, Tibetans, Uyghurs, and Chinese dissidents in exile. Due to the diasporic nature of these repressed groups, many of the entities representing these groups may do so as part of foreign entities funded by allied foreign governments, such as the US, EU, or UK. For example, it is feasible that a number of Hong Kong diaspora groups active in Canada may be funded by institutions such as the US National Endowment for Democracy. The current structure of FITAA means that such individuals will be required to publicly register under FITAA, despite the fact that by so registering they may be further exposed to PRC surveillance and transnational repression. It is notable that many activists and dissidents in exile, both from the PRC and elsewhere, seek to hide their identities from public access to avoid further repression from authoritarian regimes. FITAA should allow provisions for those under threat from authoritarian regimes to register on a separate, private register, accessible only to relevant government and law enforcement agencies, approved on a case-by-case basis, to avoid further repression. Failure to do so may result in a chilling effect on advocacy conducted by these groups.

The second concern relates to the status of the Hong Kong Economic and Trade Office (HKETO), which is based in Toronto. The HKETO is granted certain diplomatic and consular

privileges, allowing it to function as a de-facto consular and trade mission for the HKSAR government. These privileges were granted after the hand-over of Hong Kong to the PRC in 1997 in recognition of Hong Kong's autonomy under the 'one-country, two systems', which was seen to merit Hong Kong having a separate de-facto consular office.

However, since the passing of the 2020 Hong Kong National Security Law and subsequent political crackdown in the city, Hong Kong has lost nearly all meaningful political and legal autonomy from the PRC, calling into question the benefit of allowing HKETOs to have separate diplomatic privileges in addition to the PRC's diplomatic missions. Additionally, the alleged involvement of HKETOs in the UK, US, and elsewhere in conducting surveillance and intimidation against the Hong Kong diaspora has called into question their continued right to privileged diplomatic protections. Notably, earlier this year the UK police arrested staff from the London HKETO for breaking into the homes of Hong Kongers in the UK.

HKETO staff would not have to register under Canada's FITAA by means of the exemptions for diplomatic and consular staff. While the exemption for these groups is proportionate in general, in the case of HKETOs who may be conducting surveillance against Hong Kongers in Canada, this raises broader questions about the diplomatic privileges afforded to HKETOs and their staff.

Acknowledgment with input and briefing from the China Strategic Risks Institute (CSRI)

Best regards,
Chinese Canadian Concern Group on Chinese Communist Party's Human Rights Violations

Contact: Gabriel Yiu