

## Rules urged for spies in Afghanistan

War zone work commendable despite lack of guidance, inspector-general says

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Canada's spies working in Afghanistan are doing so without a rulebook, the watchdog that reviews CSIS's operations says.

Eva Plunkett, Inspector-General of the Canadian Security Intelligence Service, says the agents are doing "commendable work" but that laws governing the spy service need to be updated now that agents are being dispatched to war zones.

A "suitable policy framework" is needed to tell the spies what they should and should not do, she says in her "Top Secret" annual report to Public Safety Minister Stockwell Day, which was posted, partly censored, on a federal website this week.

The findings allude to - but don't actually explain - the nature of CSIS's clandestine support for Canadian soldiers battling the Taliban.

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"As you are aware, the Service has been in Afghanistan [CENSORED]," the public report says. "As such, the Service's role in Afghanistan is relatively new, but I am impressed with [CENSORED] on which I am informed."

But then, the Inspector-General notes their lack of guidelines: "The Service should now be well-positioned to develop a suitable policy framework to guide future [CENSORED] activities in this theatre. I do believe that those who serve in this environment deserve to be equipped with the policy framework to guide their work."

Within Canada, the spy agency's powers to identify targets, recruit agents, plant bugs and break into buildings are subject to strict guidelines and many levels of scrutiny. Whether these same activities - or even more invasive ones - can be legally done overseas remains a murky matter of interpretation.

Earlier this year, it was revealed that CSIS asked a Federal Court judge to sign off on spying warrants that would have allowed counterterrorism agents to follow Canadian citizen suspects to unidentified countries, and then intercept their communications. The judge said he had no authority to endorse any such warrants.

When CSIS was formed in 1984, it was envisioned as an agency that would operate within Canada under strict checks and balances.

In the past quarter century, spy agency officials have always upheld that CSIS's strength lies in the fact that its work is reviewed by multiple agencies. Today, however, the watchdog agencies are wondering how to keep in check its increasing foreign activities, which were never explicitly contemplated in the law.

In the new report from Ms. Plunkett, she points out that CSIS's legal relationship with both the Foreign Affairs and National Defence Departments are completely out of date, suggesting it's not clear where the role of being a soldier or diplomat stops and being a spy begins. This, she says, represents "a lacuna in the operational policy framework."

Parliament generally needs to clarify what Canada's spies can do in 2008, the Inspector-General says.

"Employees are keenly waiting for the related legislative provisions they view will be an invaluable tool to aid their intelligence-gathering capabilities," she says.

Reviewing CSIS's Canadian operations, Ms. Plunkett suggests she is disturbed by increasing sloppiness finding its way into the paperwork.

Clerical errors may not in themselves seem like a big deal, she says, but given that CSIS shares its files, including terrorism files, with nearly 150 countries, the consequences of any mistake can be huge.

"A transcription error could have potentially profound impacts," she says in the report. "The potential consequences, if action is taken by the Service, their interlocutors or the government based on these inaccuracies, could be grave."

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