



24 June 2024

The Commissioner

Public Inquiry on Foreign Interference (PIFI)

Response to Submission by Chinese Canadians Concern Group of China Human Rights Violations Regarding Senators Yuen Pau Woo and Victor Oh dated June 17, 2024

Dear Commissioner:

I am writing to respond briefly to the submission by Chinese Canadians Concern Group of China Human Rights Violations (“Concern Group”) Regarding Senators Yuen Pau Woo and Victor Oh, which was reported in the Globe and Mail on 19 June 2024.

I am glad that the Concern Group has drawn attention to my submissions to the Commission, in particular my submission of 6 February 2024, concerning allegations of foreign interference against Mr Erin O’Toole and Mr Kenny Chiu during the 44th General Election. I would be pleased if the Commission looks more closely at that submission and allows me the opportunity to elaborate on it during the Stage 2 hearings. I would also be delighted to elaborate on my two other submissions, dated 4 March and 15 April respectively.

The Concern Group's submission, however, only serves to confirm my fears about public understanding of the foreign interference threat and the dangers of an overzealous approach to countering foreign interference. In my submission of 4 March, I warn about

“how a vague and broad conceptualization of the national security threat from China has seeped into the public consciousness comes from the Inquiry itself, where in rulings issued by the Commissioner, it has been revealed that some participants with full standing are seeking to exclude other participants (including myself) on the suspicion that we are “collaborating with or supporting China”. They assert that “it would be dangerous for Messrs. Chan, Dong, and Woo to cross-examine witnesses from these communities, as this would allow them to obtain information that they could then pass on to the Chinese government”³.

One of the participant groups says it “refuses to participate in a process meant to address and reconcile foreign interference that uplifts individuals complicit in and benefiting from foreign interference themselves”⁴. Another group has argued for the removal of standing being granted to “individuals suspected to have strong ties to the Chinese consulates, and their proxies”.

Media outlets have reproduced these claims verbatim without asking the organizations for supporting evidence. They can do so in part because our security agencies have given them license to do so -- by asserting that the PRC foreign interference threat is “pervasive”, covers “all of society” and includes “diaspora communities, businesspeople, academics, politicians and political

staffers, media and religious communities”. If a senator can be accused of being an agent of a foreign government, based on zero evidence, how many other Canadians are vulnerable to the same, or worse”?

The front-page Globe and Mail article which gave oxygen to the Concern Group’s allegations is a prime example of the danger I highlighted in my submission.

It is bad enough that the Concern group has sullied my reputation and the Globe and Mail has been a willing accomplice, but their letter also names other Chinese Canadians and organizations as potential agents of the Chinese state – without evidence. I would note that some PIFI witnesses did the same, and that the named individuals and groups have not had the opportunity to respond.

With the recent passing of *Bill C-70: Countering Foreign Interference*, the government is now running ahead of the Commission in terms of appropriate and necessary responses to foreign interference. The Bill will allow the prosecution of individuals who are engaged in “political and governmental processes” in a deceptive or clandestine manner, on the grounds that they are “in association with” a foreign entity. The maximum penalty for these offences is life imprisonment.

If the Commission gives credence to the naming and shaming antics of the Concern Group and other witnesses, it will be open season on Canadians who have innocent ties to foreign states and who participate in political and policy activities at all levels of government, including the governance of educational institutions. With the threat of life imprisonment for being “in association with” a foreign entity, the predictable result is a chill on civic engagement and political

participation, especially for new Canadians who maintain ties with their countries of origin. This outcome is surely the opposite to what the Commission would seek to achieve in its recommendations on fighting foreign interference and protecting our democracy.

I strongly support the Commission's efforts to identify genuine examples of material foreign interference in Canada's democracy and to come up with ways to counter such meddling in future elections. But I worry about an uncritical approach to the witness testimony provided so far and a failure to hear the voices of those who fear that an overzealous approach to countering foreign interference will violate fundamental freedoms and suppress legitimate political debate, especially during an election. I hope you will make a special effort to seek out these voices and to have them reflected in your final report.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Yuen Pau Woo', with a stylized, flowing script.