

## Universities Canada's written submission to SECU

### Bill C-70

Universities Canada represents 96 universities across the country. We are a membership organization that provides universities with a unified voice in higher education, research and innovation.

International research partnerships are an essential part of Canada's open and collaborative research system. The outcomes of this research make the world-leading work performed in Canada possible. The partnerships have transparent intentions and provide value to all Canadians through the generation of new ideas and innovations in the economy. The principles of academic freedom and institutional autonomy underpin the Canadian values at the heart of research and scientific inquiry.

At the same time, evolving threats require that universities, researchers, and the Government of Canada respond to malign efforts to exploit the work of researchers in Canada and abroad. There is a shared responsibility of protecting the research ecosystem. Collectively, risk-based, robust and targeted measures have been developed to safeguard Canadian research while maintaining research excellence.

Enabled by the Research Support Fund (RSF), many Canadian universities have established dedicated research security services that are actively building up central research security capacity. These services make research security more accessible to researchers by demystifying best practices, facilitating administrative requirements and supporting due diligence processes. There are also significant efforts among universities to share research security resources. These collaborations have helped offset, but not eliminate, some of the gaps among many smaller institutions that qualify for either limited or no research security supports under the RSF.

The Government of Canada – Universities Working Group was established in 2018 to support efforts to safeguard Canadian research and to develop processes to identify and appropriately manage legitimate national security risks associated with global research collaboration. The Working Group helped inform the development of the National Security Guidelines for Research Partnerships, which was initially piloted in 2021 and has applied due diligence guidelines to mitigate potential risks in federal research partnership funding. As the government introduces new measures to limit research partnerships with specific entities, the Working Group continues its essential work. It is critical that the Government of Canada continue its work with the sector to safeguard research without compromising on the fundamental values of an open and collaborative research system.

Since then, Canadian universities have worked diligently to implement research security policies in alignment with the new policy on Sensitive Technology and Research Areas of Concern (STRAC), which has come into effect in May. On June 5, 2024, the US announced the TRUST framework, which shares several similarities to STRAC. Canada's universities support further efforts to encourage further research security policy alignment on the international stage, to avoid creating a laborious process of requiring researchers to carry out multiple rounds of research security policy validations for each international partner in a collaboration.

*Bill C-70: An Act Respecting Foreign Interference* contains several important measures intended to respond to gaps in mitigating national security concerns. However, there are parts of the bill that

could benefit from greater clarity on how it may apply in the academic sector, to avoid unintended consequences that could put Canadian researchers at a disadvantage on the world stage.

### **Practical considerations**

Deliberations on C-70 at the Standing Committee on Public Safety and National Security (the Committee) suggested that certain partnership agreements could result in the registration of a university as an entity in the presence of a formal partnership with some international institutions. This raises significant practical questions relating to administrative requirements of managing the registration requirements in a decentralized institution such as a university. This includes whether individual research agreements or agreements in a specific department could meet the threshold to require the registration of an entire institution.

An institution-wide registration also raises questions on whether partnerships in the sciences could impose registration requirements due to public policy advocacy coming from law faculties, as an example. This could create an expectation that every academic and department would need to be continually aware of every partnership within an institution in all their engagements on public policy.

We recommend that the Committee, and a future Foreign Influence Transparency Commissioner, consider providing clear guidance on the application of the registry at various levels of a university before it comes into effect. Should the approach of the registry be too broad in this respect, it would likely result in significant administrative costs on Canadian institutions to create an administrative framework around the registry while providing little specificity on the registered activity.

The bill would further benefit from greater clarity on what meets the threshold to be “in association with” a foreign principal in the definition of an arrangement. This will help ensure greater certainty for those attempting to understand their obligations for registration.

### **Communicated or disseminated information**

Subsection b) of the definition of an arrangement captures information relating to a political or governmental process that is communicated or disseminated by any means, including social media.

The language used is broad enough to include publications, particularly on matters that analyse or inform areas of government policy making. This can include research publications seeking to engage on issues such as foreign policy, governance processes, economics, climate and technologies subject to increased political debate. Research publications already have transparency requirements built in, such as the disclosure of university affiliation and financial conflicts of interest. The requirement for further registration risks stifling Canadian research by creating duplicative administrative processes and may not consider other research security policies that universities have implemented in recent years, including STRAC. It should be further highlighted that as administrative requirements increase, so will the barrier of entry for smaller institutions attempting to expand their research.

For example, some Canadian research partnerships are supported by funding from the National Science Foundation, an American granting agency. Should an American research partner not wish to register on a list of foreign influencers in Canada, it could limit the publication. This dynamic

may even limit the willingness of researchers to partner with Canadian institutions, creating an isolating effect that slows down the flow of ideas, expertise, talent and technologies into Canada.

This definition may further limit the ability of Canadian legislatures to seek out expertise from many Canadian academics who collaborate internationally or whose success in Canada has resulted in government contracts abroad. Should federal or provincial governments reach out to a subject matter expert for advice or consultation, researchers may find themselves in a position where they are unable to respond without committing to a legal regime requiring them to learn how to navigate the registration process.

Regarding subsection b) of the definition of an arrangement, Universities Canada recommends that the committee carefully considers the Charter implications of requiring registration to engage online in political expression. Further exemptions are recommended that consider the academic context and existing research security policies in a way that continues to promote security, while avoiding the duplication of disclosures that could create administrative hurdles for partners to engage with Canada.

## **Conclusion**

Universities Canada would like to take the opportunity to thank the Standing Committee on Public Safety and National Security for their work on this important legislation that aims to respond to evolving national security challenges, while ensuring that Canada continues to benefit from the free exchange of ideas that underpins Canadian values.

While the accelerated deliberations on Bill C-70 places challenges on developing amendments with concise language, we appreciate the time and consideration that members of the Committee members on the recommendations raised in this submission.