

This week
in politics?
Brazen:
Tim Powers
p. 11

**Andrew
Caddell**
p. 5



The North
policy
briefing
pp. 15-27



O-Train and FOI off the
rails **Ken Rubin** p. 28

**Taiwan rep ready for
country's spotlight**
Diplomatic Circles p. 35



**Kemi
Badenoch**
p. 10

THE HILL TIMES

THIRTY-FOURTH YEAR, NO. 1984

CANADA'S POLITICS AND GOVERNMENT NEWSPAPER

WEDNESDAY, DECEMBER 7, 2022 \$5.00

NEWS

'Procedural cat-fishing': final proposal for Nova Scotia riding redraw raises ire

BY LAURA RYCKEWAERT

The final proposed new federal riding boundaries for Nova Scotia have caught at least one

MP by surprise, with Sydney-Victoria Liberal MP Jaime Battiste saying the late-stage decision to significantly shrink and redraw his riding—removing

Mi'kmaw communities in the process—without proper consultation is “deeply concerning” and goes against the principals of reconciliation.

“I was absolutely shocked, actually, and deeply concerned,” Battiste told *The Hill Times* about seeing the federal riding boundaries put forward in the Nova Scotia

redistribution commission's final proposal, which was tabled in the House of Commons on Nov. 17.

Continued on page 36

NEWS

'Rock and a hard place': party insiders say managing internal divisions on gun control Singh's 'biggest test' as left-leaning hunters set sights on rural, northern MPs

BY STUART BENSON

Although the Liberals say they're willing to review controversial changes to their gun-control legislation to avoid targeting common firearms

Continued on page 30

NEWS

Parliamentary committee hopes to lift PMO 'veil' shrouding the legal opinion behind Emergencies Act invocation

BY STUART BENSON

As the public inquiry into the government's invocation of the Emergencies Act wrapped up its final phase of hearings with a series of round-table discussions from policy experts last week, members of the parliamentary committee studying the emergency declaration hope to crack open the “black box” of cabinet confidences and solicitor-client privileges that continues to obscure the government's legal justification.

On the final day of the Public Order Emergency Commission, lawyers representing the “Freedom Convoy” organizers won

Continued on page 12



Opposition members of Parliament's Special Joint Committee on the Declaration of Emergency, including Conservative Glen Motz, left, and New Democrat Matthew Green, say the government should release the legal opinion behind invoking the Emergencies Act. *The Hill Times* photographs by Andrew Meade

NEWS

Feds had concerns over upholding diplomatic protection obligations as convoy ensnared dozens of embassies

BY NEIL MOSS

Global Affairs was concerned about upholding Canada's diplomatic protection respon-

sibilities amid last February's convoy occupation in Ottawa, when operations in foreign missions were upended as noise

and gas fumes seeped into offices.

During testimony before the Public Order Emergency Com-

mission on Nov. 14, a Global Affairs official revealed that Canada was concerned about its ability to uphold its obligations

under the Vienna Convention on Diplomatic Relations. Those obligations include ensuring that the “person of a diplomatic agent shall be inviolable,” taking “all appropriate steps to prevent any attack on his person, freedom, or dignity,” and that diplomatic

Continued on page 31

Publications Mail Agreement #40068926

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Feds had concerns over upholding diplomatic protection obligations as convoy ensnared dozens of embassies



One foreign mission in Ottawa issued a formal diplomatic note to Canada expressing concerns with the convoy occupation, including non-stop honking and fumes. *The Hill Times* photograph by Andrew Meade

Constant honking noise and gas fumes disrupted work in the many embassies in Ottawa's downtown core.

Continued from page 1

officials be treated with "due respect."

"We were concerned that we would be unable to fulfil our responsibilities. And I think as the convoy went on longer—and there were more and more stories about assaults on the street, about unlawful conduct, an unwillingness to comply with injunctions, and so on—that concern just continued to rise over time," said Cynthia Termorshuizen, associate deputy minister of foreign affairs.

Around 35 embassies and high commissions sit in the stretch of Ottawa's downtown that was the heart of the convoy's occupation—east and west between Elgin and Lyon streets, and north and south between Wellington and Slater streets—mostly located in high-rise office buildings. Termorshuizen told the commission there were 50 diplomatic proper-

ties of concern, which she noted were mostly embassies, but also included official residences.

Throughout the convoy, the Diplomatic Security Liaison Unit, which is staffed by the RCMP in Global Affairs' office of protocol, was in contact with foreign missions in Ottawa. Among their communications was a Feb. 9 message noting the national police force had advised the protocol office that it "currently has no specific concerns for diplomatic missions in connection with this event from a protective policing perspective."

Termorshuizen told the commission that foreign missions raised a "range of concerns" about the convoy, including over access to embassies and excessive noise.

"We were obviously concerned about the safety of diplomatic premises, but we never had any indication that embassies or official residences of ambassadors were the target of any of the issues," she said, noting that concerns involved the safety of diplomats on the street and "potential harassment."

One ambassador from a foreign mission located in the area the convoy occupied told *The Hill Times* that the office was disturbed by the constant honking noise, and as the occupation

was extended, by gas fumes that seeped into the mission.

The ambassador said the noise made it difficult to focus on work, adding that the fumes had a detrimental health impact as one member of their staff developed a migraine.

As the centre of the city was blockaded by the police, the ambassador said the RCMP had advised diplomatic staff not to go to the mission, but a skeleton staff was still needed to go in to decode messages. When coming to the office, diplomats had to present their diplomatic IDs to pass through around four police checkpoints at routes leading to the downtown core.

Another diplomat working at a different foreign mission near the convoy said the honking noise was constant for eight hours a day, noting that it was disruptive to the work of the mission.

The diplomat said after five or six hours of honking, they realized that they were sitting on the edge of their seat.

The diplomat said they didn't feel afraid, but saw the heated atmosphere with animated conversations on the street and public drinking in the middle of the day. They said they didn't feel that their Vienna Convention rights were infringed

But the diplomat said the length of time it took to clear out the protest was a surprise to a large portion of the diplomatic community.

A third diplomat working in another foreign mission located near the convoy occupation said work was disrupted due to the constant noise, leading to phone calls and meetings needing to be rescheduled. The source noted that the noise dissipated after an injunction was issued.

One of the main impacts was ensuring access to the mission, with road closures throughout the downtown core and checkpoints set up. Those with diplomatic IDs could bypass the checkpoints easily, but there were concerns with local staff getting into the mission. Due to the operations of the embassy, the third diplomat said there was not an option to work remotely, and access was essential.

Looking at the risk of possible future disruptions, they said it isn't a large concern, as the difficulties posed by the convoy were able to be mitigated.

According to Global Affairs' institutional report to the commission, six missions raised "complaints or concerns" and one mission lodged a formal diplomatic note regarding "risk to staff and access to their diplomatic premises."

The diplomatic note that was submitted to the Public Order Emergency Commission was redacted under the international relations section of the Evidence Act, but a summary of the note was presented.

"The diplomatic mission expressed concerns about the ongoing demonstrations, specifically concerning illegally parked vehicles, constant honking during business hours and fumes at all hours. The diplomatic mission believed the noise and fumes were causing harm to their staff over time," the summary reads, noting a concern of "fire or explosions from refueling procedures" nearby.

After the Emergencies Act was invoked on Feb. 14 and police forces began clearing out the convoy on Feb. 17, the department's concerns about upholding their Vienna Convention responsibilities were "allayed," Termorshuizen told the commission.

The federal government has indicated that it is preparing for a return of the convoy in February 2023 and has developed lessons from the experience earlier this year.

For Global Affairs, the safety of foreign missions in Ottawa wasn't the only concern. There were also worries about the safety of Canadian missions abroad.

The department's institutional report to the commission details that its consulate in Dallas, Texas, received two threatening voicemail messages from American citizens who supported the convoy, which were reported to local authorities. Staff at the consulate were told to work from home on Feb. 17. There were also weekly protests in front of Canada's consulate in New York City, which was monitored by the New York Police Department and the

Department of State Diplomatic Security Services.

More security risks than overt convoy threats

Former chief protocol officer Roy Norton, who served in the role from 2016 to 2019, said diplomats having issues accessing their embassies is "problematic."

"The problem was probably perceived to be bigger in foreign capitals than it was in reality in Ottawa," he said. "I have absolutely no trouble imagining that lots of governments would have wondered what the hell is going on."

"I could imagine that they were pressing their missions in Ottawa for assurances that they were safe, that they have access, that authorities could intervene in the event of ... unrelated demonstrations [to the convoy] or attempts to break in."

Norton said a concern for foreign missions would be whether emergency services could get through the gridlock to respond to difficult situations, noting that it was "not so clear" if that was still guaranteed.

"Taking the point that the RCMP concluded that the missions were not under any particular overt threat from the convoy, that doesn't really address the issue of what if the mission was threatened in some other way totally unrelated to the convoy," he said. "Would authorities be able to respond?"

"Missions, and more particularly their governments at home, could easily have become very apprehensive about risks, not necessarily based in a thorough assessment of risk, but just apprehension and not being able to be reassured," he said.

Norton said that plays into reputational risks that could occur if anything did happen to a foreign diplomat in Ottawa.

Former Canadian diplomat Gar Pardy suggested the decision to highlight concerns over diplomatic protection could be part of the government's strategy to further defend the invocation of the Emergencies Act.

He said some of the aspects of the convoy that foreign diplomats had to deal with come with daily activities in some more volatile postings around the world.

"There's not very many countries in the world where there's not events going on that gives you pause about going to a particular place," he said.

Retired Canadian diplomat Daniel Livermore, who oversaw the security of Canadian embassies abroad, said the far greater problem compared to the risks of not upholding Vienna Convention obligations was the potential reputational risk.

That reputational risk was seen both through the border blockades, as well as the failure to clear Ottawa streets, he said.

"You can't allow the international community to gain the impression that a very small group of protestors can bring the Canadian economy to halt," Livermore said.

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