A Study on Canada’s Response Systems for TERRORISM and Emerging Trends

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Abstract

This study aims to analyze Canada’s legal and institutional basis of counter-terrorism activities, response agencies and systems and its national policy framework for terrorism in order to find political implications that can be applied to South Korea.

This study revealed that Canada has recently granted top-level information gathering authority to counter-terrorism organizations, such as the CSIS and the RCMP, based on the ‘Anti-terrorism Act, 2015’ and other relevant laws on terrorism. In fact, the CSIS serves the role of the Integrated Terrorism Assessment Center(ITAC) of Canada by focusing most of the organization’s capabilities on collecting intelligence information on domestic and international terrorism. In addition, through the Government Security Screening Program, the CSIS has implemented strict human security checks and strengthened security screening on the US border, as well as radically blocking terrorists’ financial flow into Canada by working in conjunction with the Canada Revenue Agency. In parallel, the RCMP has expanded its ‘National Security Criminal Investigations Program’ to focus on collecting evidences and investigating terrorists, making significant effort to strengthen investigative capacity towards suspected support for terrorist financing.

Therefore, through such examples of Canada, the following measures can be considered for South Korea:

First, in order to strengthen the capabilities of the National Police Agency, which is in charge of collecting information on domestic terrorism, the authority to collect information on terrorist suspects currently granted only to the head of the National Intelligence Service in accordance with the ‘Act on Counter-Terrorism for the Protection of Citizens and Public Security’ must be also granted to the Commissioner of the National Police Agency. Moreover, the “Counter-Terrorism Division” under the National Police Agency’s Security Bureau should be reorganized into the Counterterrorism Office/Counterterrorism Information Center directly under the Commissioner of the National Police Agency.

Second, Article 9 of the ‘Act on Counter-Terrorism for the Protection of Citizens and Public Security’ needs to be amended to strengthen the information gathering capabilities of the National Intelligence Service and the National Police Agency while enabling strict legal control over various information collection activities. This will ensure that information gathering activities for terrorist suspects can be strictly conducted under the principle of warrant.

Third, counter-terrorism agencies, such as the National Intelligence Service and the National Police Agency, must establish an uncomplicated inter-country cooperation system with the United States, Interpol and other foreign bodies, while actively participating in the activities of international organizations related to terrorism, including Financial Action Task Force on Money Laundering(FATF), to improve the capability to collect information and respond to terrorism.

Fourth, South Korea’s investigative agencies should cooperate with foreign authorities to promote the exchange of investigative information and data on new aspects and methods of terrorism. In addition, effective investigation, prosecution and punishment for terrorists should be in place by strengthening the capabilities for initial investigation, such as prompt on-site dispatch and on-site investigation, in the event of terrorism and enhancing scientific investigation capabilities for illegal funds, explosives, drugs, and weapons related to terrorism.

[Keywords] Terrorism, Counter-Terrorism Policy, Security Intelligence, National Security, Canadian Police
1. Introduction

Sharing its border with the United States, Canada is the world’s 10th-largest economy, having the world’s second-largest territory of 9,093,510km with a population of 37,679,200 and GDP of $1.47 trillion as of 2020[1]. Canada also has a relatively open social climate in terms of racial and religious prejudice and discrimination as it has implemented the world’s most active immigration and refugee policies to overcome the issues of lack of population and aging society and to further develop its economy.

Moreover, Canada, despite its geographical location facing the United States and the characteristic as one of the major Western influences that have a very close cooperation system with the United States and the United Kingdom, has maintained a relatively stable society, in terms of terrorism and hate crimes, with very open and democratic social atmosphere.

However, the recent terrorist attacks and hate crimes have aroused concern for such threats among the government agencies as well as the society as a whole. Consequently, Canada, which suffered from serious threats of terrorism such as the 9/11 attacks in the United States in 2001 and the 2014 shootings at the National Parliament of Canada, continues to strengthen its countermeasures against terrorism activities. For instance, Canada has established an independent 「Anti-terrorism Act, 2001」, in addition to the 「Canadian Security Intelligence Service Act, 1985」, which was the comprehensive legal ground for terrorism after the 9/11 attacks. In 2015, Canada further strengthened its countermeasures against terrorism by making amendments to relevant laws. Also, Canada has also reinforced counter-terrorism organizations in Public Safety Canada and the Royal Canadian Mounted Police(RCMP) to more effectively fight against terrorism[2].

Therefore, this study analyzes Canada’s legal and institutional basis of counter-terrorism activities, response agencies and systems and its national policy framework for terrorism. Based on the analysis results, political implications that can be applied to South Korea, as well as the legal and institutional content and direction need to be pursued by South Korea, will be contemplated.

2. Legal Basis and Content of Canada’s Counter-Terrorism Policy

Examples of direct and indirect legal grounds for suppressing and responding to terrorism in Canada include 「Anti-terrorism Act, Anti-terrorism Act」, 「Canadian Passport Order」, 「Canadian Security Intelligence Service Act」, 「Combating Terrorism Act」, 「Department of Public Safety and Emergency Preparedness Act」, 「Justice for Victims of Terrorism Act」, 「List of Terrorist Entities」, 「Personal Information Protection and Electronic Documents Act」, 「Prevention of Terrorist Travel Act」, 「Protection of Canada from Terrorists Act」, 「Royal Canadian Mounted Police Act」, 「Safe Streets and Communities Act」, and 「Security of Information Act」. In below sections, most directly related laws, among other legal grounds, are discussed.

2.1. 「Canadian security intelligence service act 1985」

The Canadian Security Intelligence Service(CSIS) is the most important counter-terrorism agency in Canada that conducts activities to collect, analyze, report, and disseminate information on various security threat groups within and outside Canada. Hence, 「the Canadian Security Intelligence Service Act, 1985」 is a law that comprehensively stipulates the installation and operation of the CSIS, its right for security and information activities, and the responsibility and democratic control of the Security Intelligence Service.
The threats to the security of Canada that need to be targeted by the CSIS, as specified in Article 2 of the Act, are espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage, foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person, activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada[3].

Similarly, Article 12 of the Act authorizes the CSIS to collect information on a variety of security threats, including espionage, destruction, political violence, terrorism, and foreign influenced secret activities. In addition, if there are reasonable grounds to believe that a particular matter constitutes a threat to the security of Canada, the Act allows the CSIS to take various measures to prevent threats.

In fact, Articles 13 and 15 of this Act permit the CSIS to conduct security assessments on specific individuals when requested by the Federal Public Safety and Security Administration. Likewise, Article 14 of the Act authorizes the CSIS to perform security assessments on those individuals who wish to enter Canada and subjected to the process of visa application, refugee status determination, or permanent residence or citizenship application[4][5].

2.2. 『Anti-terrorism act, 2001』

2.2.1. Legislative background

The Anti-terrorism Act(2001) was officially promulgated on December 18, 2001 after the Canadian government submitted the law on November 20, 2001 for a deliberation process by the House and Senate, in response to the September 11, 2001, attacks in the United States[6].

More specifically, in response to the 9/11 attacks, the United Nations Security Council adopted the United Nations Security Council Resolution 1373 on September 28, 2001 which bans all forms of terrorism support and mandates member states to cooperate in combating terrorism. In October 2001, the Financial Action Task Force on Money Laundering(FATF)'s special recommendations for dealing with financing terrorism, including freezing and confiscated of various assets related to terrorism, reporting suspicious transactions related to terrorism, and investigating terrorist funds were also adopted. Therefore, the Act can be regarded as a law enacted by Canada to join the global “war on terrorism” initiated by the United States and the United Nations[7][8].

2.2.2. Purpose

The Act emphasizes international cooperation and empowerment of Canada to eradicate increasingly sophisticated terrorism transcending national borders. Indeed, the Act declares that Canada will fully implement the resolutions of the United Nations and other international organizations passed to fight against terrorism, while working in conjunction with other countries. Also, the law requires the Canadian Parliament to recognize terrorism as a major national issue seriously affecting national security and protect the rights and freedom of the people in Canada by taking more comprehensive measures to protect Canada from activities of terrorism. Such comprehensive measures include a wide range cooperative political, social, and economic security activities that Canada and its allies can carry out to proactively prevent and deter financing, preparation, and implementation of terrorism[9].

2.2.3. Main content
The『Anti-terrorism Act, 2001』is a type of criminal code that prescribes investigation of terrorism offences, monitoring and identification of terrorist groups, financing activities related to terrorism, security activities for information on terrorism and matters related to other hate crimes.

According to the Act, ‘Terrorism Offences’ include knowingly participating in, or contributing to, any activity of a terrorist group, commission of a serious indictable offence at the direction of a terrorist group, instructing anyone to carry out a terrorist activity, knowingly harboring or concealing any person who has carried out or is likely to carry out a terrorist activity and collecting, providing or making available property for purposes related to activities of terrorism[10][11].

This law permits the operation of various electronic surveillance systems to collect information on the terrorism offenses and monitor and identify suspicious activities. In fact, the Act stipulates that a wiretap is authorized for a maximum of one year, and can be extended to three years if necessary, provided that the target is notified after a surveillance has been completed in relation to a terrorism offence. Also, this Act allows the storage of the DNA profiles of persons convicted of terrorism offences by the National DNA Data Bank for further investigation and prosecution processes.

This Act also expands the mandate of the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) to expedite the detection and deterrence of terrorist financing, requiring financial institutions to report to the FINTRAC in case of terrorist financing or assets suspected to be related to terrorism. Similarly, the FINTRAC is also required to provide information about suspected terrorist financing activities to the CSIS.

Moreover, despite the information disclosure request procedures and individual’s right to access information as guaranteed by other relevant Canadian laws, the Act prohibits the disclosure of information related to weapons of mass destruction in contravention of international law or information related to national security.

This Act also encourages Canadian government to actively collect and acquire foreign information to prevent terrorism. On the other hand, this Act mandates the government to support the expansion of security technologies for federal law enforcement agencies in order to protect important information of Canada.

In addition, within this Act the ‘Hate Crimes’ are defined as an offence of mischief motivated by bias, prejudice or hate based on religion, race, color or national or ethnic origin. In order to actively respond to such crimes, publicly available on-line hate propaganda can be ordered to be deleted without a court decision in accordance with this Act. Also, through the revision of the『Canadian Human Rights Act』, punishment for those who spread hate messages that can expose a person or group to hatred or contempt is strengthened to actively suppress hate crimes[12].

2.3.『Anti-terrorism act, 2015』

The『Anti-terrorism Act(2015)』was drafted by a conservative regime led by the Prime Minister Stephen Harper in 2015. This law is a revision of『Anti-terrorism Act, 2001』, expanding the power of related agencies to facilitate collecting and sharing information on suspected terrorists. The reason why the Prime Minister Harper’s conservative regime led the revision of the law is the 12 terrorist attacks, including terrorist attacks by Islamic extremist militants such as ISIS and the ‘Lone Wolf Terrorists’ occurred in Canada between 2013 and 2104[13][14].
In addition to the『Anti-terrorism Act, 2015』, the Harper government strengthened access to personal information through『The Protecting Canadians from Online Crime Act』,『The Digital Privacy Act』, and『The Protection of Canada from Terrorists Act』in order to suppress terrorism in cyberspace and proactively respond to terrorism offences through enactment of relevant laws for Canada's safety.

Through such processes, the CSIS has been granted top-level access to security information. For example, the CSIS has the authority to collect a variety of information about suspects who are believed to board an aircraft to commit terrorism offences or threaten traffic safety. In fact, its mandate includes obtaining all information related to terrorism from other government agencies, e.g., receiving personal tax information or any other financial information from the Canada Revenue Agency[15].

On the contrary, various criticisms have been made not only in Canada, but also by international human rights groups, such as the Amnesty International, regarding the expansion of access to security information. This is because the『Anti-terrorism Act, 2015』can be used for collecting information on environmental activists, aboriginal social activists, and other civic and human rights groups by deviating from its original purpose of collecting information for the counter-terrorism. In addition, negative public opinion underlining the possibility of violating the safety and privacy of the people in Canada is high with the unprecedentedly excessive authority granted to information-related agencies, such as the CSIS, accusing the law of making innocent citizens to be misidentified as a suspect of terrorism or a victim of illegal detention[16].

3. Canada’s Key Counter-Terrorism Agencies and Recent Policy Trends

Canada has broadened and strengthened its counter-terrorism response system by expanding advance information activities to eradicate terrorism. Such tendency has remained strong since 2014 when the Canadian Parliament authorized Canada’s armed force to join air strikes against Islamic State(IS) militants of the Sunni extremists and the shootings at parliament hill Ottawa, carried out by Michael Zehaf-Bibeau, took place[17].

In particular, the two most important agencies responsible for counter-terrorism in Canada are the Canadian Security Intelligence Service(CSIS) and the Royal Canadian Mounted Police(RCMP) that have been exercising unprecedentedly aggrandized authority. Therefore, the roles of the two agencies and recent political trends dealing with terrorism are examined in below sections.

3.1. The role of the Canadian security intelligence service(CSIS) and recent trends

Before 1984, the RCMP was the agency leading security intelligence activities. However, the『Canadian Security Intelligence Service Act, 1985』was enacted after the RCMP was convicted of engaging numerous illegal security intelligence activities[18]. Under this new Act, the CSIS, an intelligence agency that plays a pivotal role in the security of Canada, was created for intelligence activities. The agency is responsible for collecting, investigating, analyzing, and distributing domestic and foreign information related to potential threats to the country. Thus, the CSIS collects information through a variety of channels, including security intelligence agencies in other countries, federal and local governments, the RCMP and local police, and other confidential or public sources. In addition, with an approval from the Minister of Public Safety and a warrant issued by a federal court judge, it also conducts confidential information gathering activities such as eavesdropping and postal inspection[19].
Moreover, the CSIS also serves the role of the Integrated Terrorism Assessment Center (ITAC) of Canada. The assessment center collects and evaluates information on terrorist threats in Canada and around the world to provide the information to the top government decision makers for swift and effective measures against national threats arising from terrorism offences. In addition, the agency continuously analyzes and monitors national vulnerable factors and trends in terrorism to set and publish the national terrorism threat level according to the conditions shown in Table 1 below[20].

Table 1. Canada’s national terrorism threat levels.

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<tr>
<th>Threat Level</th>
<th>Very Low</th>
<th>Low</th>
<th>Medium</th>
<th>High</th>
<th>Critical</th>
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<tr>
<td>Description</td>
<td>A Violent act terrorism is highly unlikely</td>
<td>A Violent act terrorism is possible but unlikely</td>
<td>A Violent act terrorism could occur</td>
<td>A Violent act terrorism is likely</td>
<td>A Violent act terrorism is highly likely and could occur imminently</td>
</tr>
<tr>
<td>Measures</td>
<td>Measures are in place to keep Canadians safe.</td>
<td>Measures are in place to keep Canadians safe.</td>
<td>Additional measures are in place to keep Canadians safe.</td>
<td>Heightened measures are in place to keep Canadians safe. Canadians are informed what action to take.</td>
<td>Exceptional measures are in place to keep Canadians safe. Canadians are informed what action to take.</td>
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In fact, the CSIS has recently been strengthening its anti-terrorism intelligence activities even further. Particularly, the most notable trend in recent years, is that the CSIS concentrates most of its competencies on intelligence collection. Prior to the 9/11 attacks, the CSIS committed about 80% of its human resources and organizational capabilities to direct response to terrorism, and only the remaining 20% of its capacity to collect intelligence. On the contrary, the CSIS, nowadays, concentrates more than 80% of the manpower and organizational competencies on collecting and evaluating information on domestic and international terrorism[21]. In other words, most of its capacity is committed to advance information activities.

Another interesting trend is that the CSIS has further strengthened the Government Security Screening Program to focus on collecting advance information about suspects who have the potentials to carry out terrorism offences. For instance, the CSIS has recently been conducting very strict human security checks on hiring individuals or groups who are believed to have or will have access to government, ports, airports, nuclear facilities, or other important facilities, regardless of their nationality.

In addition, for foreigners wishing to enter Canada, the CSIS, along with the RCMP and Canada Border Service Agency (CBSA), conducts very strict security checks. In particular, the CSIS has deployed its own security inspection personnel, known as the ‘Security Liaison Officer’ (SLO), at embassies or consulates to directly collect security-related information for those who wish to apply for permanent residence, citizenship and refugee status in Canada. Through this, approval for immigration visas has been more rigorously made, and the decision to deny the entry or order deportation has been promptly made when risk factors are identified[22].

Furthermore, the CSIS has reinforced the security screening for the US border, which is the world’s longest border. The United States and Canada have been operating a relatively low-level security screening system as an integrated economic community. However, the CSIS has recently implemented very strict border management system working in conjunction with the
CBSA, and search and seizure at the border have also been expanded through cooperation with the Canada Revenue Agency[23].

Such changes in the CSIS can be interpreted as that the government of Canada focuses on the capabilities of intelligence agencies to gather information and uncover risks before terrorism offenses occur since responses made after terrorist incidents cannot guarantee national security. In addition, the operation of a strict security inspection system for foreigners to fortify such advance information activities can be understood as Canada's heightened entry barrier to all borders across the country, including land and sea routes. In addition, Canada has required all of those applying for a regular visa to enter Canada to pre-register biometrics since 2019. Because the information registered in this manner is shared with the alliance of the United Kingdom – United States of America Agreement(UKUSA), a more solid advance information collection system is expected to be in place with a high priority given by the CSIS and the CBSA[24].

3.2. The role of the royal Canadian mounted police(RCMP) and recent trends

The RCMP is the federal police agency of Canada located at three international airports, providing nationwide law enforcement, including all states in Canada, three territories(Northwest Territories, Nunavut, and Yukon), more than 150 municipalities, and about 600 aboriginal communities[25][26].

The RCMP has been actively responding to threats to the society and national security of Canada, such as espionage, terrorism offences committed for political, religious or ideological purposes, and actions taken to destroy or overthrow the Canadian government. It shows the role of the RCMP in regard to terrorism which is to prevent and recognize terrorism offences in advance with the cooperation of related organizations within and outside of Canada and to make prompt and effective responses and investigations in the event of terrorism[27].

Interestingly, the RCMP has recently strengthened its response to extreme violence, such as terrorism and hate crimes, through the National Security Criminal Investigations Program. This program, directly managed and operated by the national headquarter of the RCMP, is designed to improve the investigative capacity for threats to the national security, such as chemical weapons, biological weapons, nuclear weapons, explosive chemicals and devices, computer viruses, and bank transactions financing terrorism. In other words, the program aims to reduce terrorism offences within and outside of Canada by investigating and collecting evidences supporting legal proceedings against terrorism and other crimes threatening national security.

In particular, the program plays a vital role in the organizations of ‘INSET(Integrated National Security Enforcement Teams)’ and ‘NSES(National Security Enforcement Sections)’, which are directly under the management of the national headquarter of the RCMP. ‘INSET’ was established in June 2012 for the purpose of collecting, analyzing, and sharing information related to national security threats such as terrorism offences by extremists. It is an integrated counter-terrorism information organization, in which RCMP personnel, as well as officials from federal law enforcement agencies such as the CSIC and the CBSA, local police officers and even information authorities of the United States, the United Kingdom, and Australia, participate, having the responsibility of investigating all incidents threatening Canada's security. Therefore, it can be recognized that the RCMP is focusing on gathering information on terrorism and strengthening the investigative capacity, centering on these two organizations[28][29].

4. Conclusion and Implications
Canada is a multi-ethnic country sharing its border with the United States. It has been exposed to constant threats of terrorism since the 9/11 terrorist attacks as a member of the ‘G7 World Economic Conference of the 7 Western Industrial Countries’ with its unique geographical, political, and social characteristics. In particular, the country has been recognized as a hostile country by radical Islamic forces as it has maintained a firm response to terrorism in the international community through cooperation with the United States and the United Kingdom, participated in the Afghanistan war, and joined the United States ‘war on terrorism.’

Also, Canada remains as a multi-ethnic country that has an open immigration policy due to the aging society, lack of population compared to its large territory. As a result, Muslim population accounts for more than 3% of its population and the risk of small-scale terrorism offences by those 'Lone Wolves' alienated from the mainstream white society continues to increase.

Therefore, this study aims to analyze Canada’s legal and institutional basis of counter-terrorism activities, response agencies and systems and its national policy framework for terrorism in order to find political implications that can be applied to South Korea.

As a result of this study, it was found that Canada has recently fortified its anti-terrorism movements for the safety of Canada based on relevant laws such as the 『Canadian Security Intelligence Service Act, 1985』, 『Anti-terrorism Act, 2001』, and 『Anti-terrorism Act, 2015』. In fact, it was observed that the 『Anti-terrorism Act, 2001』 and 『Anti-terrorism Act, 2015』, which can be regarded as a unified single law for counter-terrorism activities, have granted top-level authority to collect all information related to terrorism to counter-terrorism organizations such as the CSIS and the RCMP to the extent that numerous criticisms were made by human rights groups in Canada as well as by the Amnesty International.

Specifically, the CSIS serves the role of the Integrated Terrorism Assessment Center(ITAC) of Canada, and found to have most of its capabilities on collecting intelligence or more than 80% of human resources and organizational capabilities committed to collecting information on domestic and international terrorism through the United Kingdom – United States of America Agreement(UKUSA) made with the USA, UK, Australia and New Zealand.

In addition, through the Government Security Screening Program, the CSIS has implemented strict human security checks and strengthened security screening on the US border, as well as radically blocking terrorists' financial flow into Canada by working in conjunction with the Canada Revenue Agency.

Similarly, the RCMP was found to focus on collecting information as well as carrying out prompt and effective responses and investigations in the event of terrorism. In particular, the RCMP recently expanded the National Security Criminal Investigations Program, which is directly managed and operated by the national headquarter of the RCMP, to collect evidences supporting legal proceedings against terrorism and other crimes threatening national security, while simultaneously enhancing the capacity to investigate bank transaction believed to be financing terrorism.

The counter-terrorism legislation trends in Canada and changes in counter-terrorism organizations such as the CSIS and the RCMP changes can be interpreted as the changes in the Canadian government’s consciousness; responses made after terrorist incidents no longer seems to be able to guarantee national security and collection of information and discovery of dangerous forces should be made in advance. It also reflects that the Canadian government recognizes revealing facts through international cooperation and internal investigation programs, and enhancing the capacity to carry out early suppression and arrest of criminals and the de facto
power behind them, in the event of terrorism, are important tasks that the government needs to focus on.

Undoubtedly, Canada’s legislations, organizations and political trends set to eradicate terrorism suggest many policy implications for Korea, which is no longer safe from terrorism. The cases of Canada strongly herald the needs of counter-terrorism agencies in Korea to strengthen the capabilities to collect advance information. In particular, unlike in 2016, when『The Counterterrorism Act for Citizen Protection and Public Safety』was enacted, overseas information is handled by the National Intelligence Service whereas domestic information is managed by the Korean National Police Agency nowadays since the inauguration of President Moon Jae-in, de-recognizing the Korean National Police Agency as a lawful agent to collect information for counter-terrorism. Thus, it is necessary to expand the role of the National Police Agency in gathering information for counter-terrorism. In other words, in order to strengthen Korea’s capability to collect information on counter-terrorism, it is crucial to consider how to expand the authority to collect information on potential terrorism offences which Article 9 of the Act currently grants only to the head of the National Intelligence Service.

Moreover, the “Counter-Terrorism Division” under the National Police Agency’s Security Bureau should be expanded and reorganized into the Counterterrorism Office/Counterterrorism Information Center directly under the Commissioner of the National Police Agency to strengthen the capacity to collect information related to terrorism. Also, a system enabling effortless sharing and utilization of collected information among departments within the National Police Agency as well as other relevant agencies such as the National Intelligence Service and the Military Security Assistance Command should be established[30].

Second, in addition to strengthening the capacity of the National Intelligence Service and the National Police Agency, the information gathering activities must be carried out under strict legal control. In fact, as discussed earlier in this paper, the CSIS covertly collects information only when it receives an approval from the Minister of Public Safety and a warrant issued by a federal court judge for activities such as eavesdropping and postal inspection. And it certainly prevents illegal collection of information by counter-terrorism agencies.

However, Article 9(1) of the『The Counterterrorism Act for Citizen Protection and Public Safety』of Korea grants excessively comprehensive information collection authority solely to the head of the National Intelligence Service. In fact, it stipulates that collecting information on individuals’ history of immigration, financial transaction and communication use should be in line with the『Immigration Act』,『Customs Act』,『Act on Reporting and Using Specified Financial Transaction Information』, and『Protection of Communications Secrets Act』, deviating from the principle of warrant. In addition, in accordance with Article 9(2) and(3) of this Act, the Director of the National Intelligence Service is authorized to request personal information and location information of terrorist suspects from telecommunication or portal service providers. However, since personal information contains sensitive information, such as beliefs, union memberships and political preference, and political opinions, the basic rights are highly anticipated to be infringed due to leakage of personal information.

Therefore, the authority to collect information on terrorist suspects, which is currently granted only to the head of the National Intelligence Service by Article 9 of the『The Counterterrorism Act for Citizen Protection and Public Safety』should be also granted to the Commissioner of the National Police Agency who is responsible for domestic information collection activities. At the same time, collecting information for terrorist suspects should be conducted under strict control of the principle of warrant by making amendments to the Act to ensure effective and coordinated collection of counter-terrorism information and guarantee of the basic rights of the people.
Third, international cooperation system for collecting counter-terrorism information and investigating terrorism offences must be reestablished. As mentioned above, Canada has signed the United Kingdom – The United Kingdom of America Agreement(UKUSA) with the United States, the United Kingdom, Australia, and New Zealand to share vast amount of information related to terrorism. It enables the country to simultaneously achieve two purposes: early removal of risk factors and fast tracking and arrest of terrorists. Consequently, Korea also needs to build a smooth inter-country cooperation system with the United States, Interpol, and other foreign bodies, centering around the National Intelligence Service and the National Police Agency. Korea also needs to improve its ability to collect information and respond to terrorism by actively participating in the activities of international organizations related to terrorism such as the Financial Action Task Force on Money Laundering(FATF).

Meanwhile, since the Seoul ‘G20: Group of 20’ summit in 2010, the National Police Agency has been operating the International Police Cooperation Center as a non-standing organization to share international information on terrorist suspects for large international events between countries[31]. Therefore, measures to make the non-standing organization an official organization belonging to the National Police Agency should be devised to continue inter-country cooperation for information exchange and investigation.

Fourth, it is necessary to improve the investigative capacity to eradicate antinational activities such as terrorism offences. As examples from foreign countries, the RCMP in Canada has strengthened its response to extreme violence, such as terrorism and hate crimes, through the National Security Criminal Investigations Program and the U.S. FBI has reduced its conventional law enforcement functions and fortified information and investigation functions to end terrorism[32]. Hence, the investigation agencies in Korea, including the National Police Agency, must also strengthen their ability to deal with terrorism in advance through exchange of investigation information on new terror patterns and tactics between agencies. The agencies also need to enhance the initial investigation capability for prompt on-site dispatch and on-site in the event of terrorism offences and scientific investigation capabilities for illegal funds, explosives, drugs, and weapons related to terrorism in order to ensure effective investigation, prosecution and punishment for terrorists.

Terrorism does not merely damage the body and life of specific individuals, but it causes massive political, economic, and social damages to societies, nations, and the world. Thus, it is necessary to strengthen the strategies to suppress terrorism in advance through transnational cooperation. In particular, it was found that while Canada is strengthening its ability to collect information and responding to terrorism with the legal and institutional supports, the country is also preparing a legal mechanism to guarantee the basic rights of the people. Therefore, it is necessary for Korea to establish rational legal and institutional systems that can coordinate proactive response systems against terrorism and guarantee the basic rights of the people by benchmarking the cases of Canada.

5. References

5.1. Journal articles


5.2. Books


5.3. Additional references


6. Contribution

6.1. Authors contribution

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