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Canada imposes catch-all definition of “espionage” as part of bellicose anti-China furor

In a decision with far-reaching implications for democratic rights, a Federal Court has endorsed the Canadian government’s imposition of a sweeping new definition of espionage.

The decision came in response to a Chinese student’s attempt to reverse a government decision to refuse him a visa to study mechanical engineering at Waterloo University in Ontario on the grounds he represented a “national security” risk.

The decision will have a chilling effect on democratic rights in general and academic freedom in particular, both in Canada and abroad. The court ruling is yet another clear signal that the Justin Trudeau-led, trade union and NDP-backed federal government is adopting an ever more aggressive stance against China, as it integrates Canada ever more fully into US imperialism’s political, military and economic preparations for war with Beijing.



Prime Minister Trudeau and US President Biden, during the latter's March 2023, visit to Canada. In response to pressure from the US, for three-quarters of a century the Canadian ruling class' principal strategic ally, the Trudeau government has adopted an ever more bellicose stance against Beijing. [AP Photo/Andrew Harnik]

Yuekang Li, a Chinese national, intended to study Mechanical Engineering at the University of Waterloo with a specialization in microfluidics. The Waterloo Microfluidics lab conducts research into chip-based technology to carry out biomedical diagnosis. Li, who had been accepted as a candidate for a PhD in mechanical engineering at the University of Waterloo in April 2022, stated on his application that he intended to use the knowledge he gained to improve public health systems in China.

Federal Court Chief Justice Paul Crampton based his pro-government ruling on the speculative grounds that Li "could be" pressured into spying for Beijing. By the court's reasoning, any Chinese person has the potential to be "pressured" into spying for Beijing at an unspecified future date.

The court's December 22 decision, which was made publicly available at the beginning of this month, emphasized what it called Beijing's "non-traditional forms of espionage." The ruling rested on the claim Li's chosen field of study, microfluidics, is among the major development goals set by China's ruling Chinese Communist Party. Crampton also concurred with the decision of the unnamed immigration officer, vigorously supported by the government, to deny Li a visa based on the simple fact he had attended Beihang University, an institution the immigration officer claimed has ties to the Chinese military. No evidence was provided in the ruling to demonstrate that Li was a spy.

Chief Justice Crampton declared that the denial of Li's visa was reasonable because it was based on "credible" reports of Chinese practices. The immigration officer based his claims on a US report from 2020. The report, entitled "Overseas Chinese Students and Scholars in China's Drive for Innovation" was published by the US-China Economic Security Review Commission, which was founded by the US Congress in 2000 to review all aspects of the Chinese-US economic relationship. The report makes the unsurprising claim that the Chinese government relies on STEM (science, technology, engineering and mathematics) students to meet its development goals. Open source reports from the Canadian Security and Intelligence Service (CSIS), Canada's top domestic spy agency, and articles from the CBC were also presented as evidence. The implication that Beihang University was a "very high security risk" was based on a report from the Australian Strategic Policy Institute, a defence think tank.

The immigration officer's decision and the court ruling upholding it were unencumbered by any concrete evidence inculpating Li as a spy looking to steal secrets for military purposes.

Rather, they were based solely on the assertion that he could potentially become one in the future—a claim that was in turn based entirely on his nationality, area of study, previous university affiliation and sweeping unsupported claims about the prevalence of Chinese spying.

Li's prospective thesis supervisor at Waterloo, Dr. Carolyn Ren, submitted a letter that was used as evidence before the court. In it, she detailed the fact that the laboratory at the University of Waterloo was dedicated to medical research that did not have any military application whatsoever. She also noted that the laboratory has not, and never will, engage in military research.

Nevertheless, the court ruled to expand the definition of "espionage" to the point where virtually any activity that is deemed contrary to the "interests of Canada" can be termed espionage.

The ruling is part of the political preparations for intensified "strategic competition" and outright war with China. This is borne out by the fact that since the court's decision the Canadian government has unveiled strict new "national security" measures to ban federal

grant agencies from funding any project that involves collaboration with scholars based at overseas universities that the Canadian government considers a national security threat. On January 16, Ottawa published a list of sensitive technology research areas that it deems must be guarded. Under the heading “Policy on Sensitive Technology Research and Affiliations of Concern,” it listed artificial intelligence, quantum science, robotics and autonomous systems, biotechnology and other areas of high technology. The list includes hundreds of universities from China, Russia and Iran, the current targets for Canadian and world imperialism in a developing third world war, which has already seen two fronts open up in the NATO-provoked Russo-Ukraine war, and the Israeli genocide in Gaza, along with the bombing of Yemen by the US and UK with Canadian logistical support.

The Chinese Embassy in Ottawa issued a statement challenging Canada’s policy. Released on the evening of January 16, it stated that Canada has “politicized normal scientific and technological exchanges and cooperation under hypothetical pretexts” and was sabotaging “the openness, trust and cooperation in the community of science and technology of China and Canada.” The appeal included Beijing’s now routine call for the western imperialist powers to “abandon ideological bias and cold war mentality.”

The court ruling against Li must be seen in the context of Canadian imperialism’s rabid anti-China drive, which has been gathering pace in recent years. Last fall, Canada conducted its latest round of provocative “freedom of navigation” exercises alongside the US, sending Halifax class frigates alongside US warships through the Taiwan Strait and into the South China Sea, a region that sees roughly \$4.6 trillion in cargo pass through it per annum.

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Last February, the *Globe and Mail* became the platform for sections of Canada’s national security apparatus to launch an hysterical campaign alleging Chinese interference in

Canada's 2019 and 2021 federal elections. The issue dominated political life for months, with the media and the Conservative opposition, led by far-right "Freedom" Convoy advocate Pierre Poilievre, accusing the Trudeau government of being "soft" on China. Ultimately, the government was forced to call a public inquiry, despite no substantive evidence being presented to back up the lurid CSIS-authored claims of Chinese interference.

The furor over alleged Chinese electoral interference came hot on the heels of Foreign Minister Mélanie Joly's release of Canada's Indo-Pacific strategy on November 27, 2022. The policy was prepared in close coordination with Canada's allies, including Japan—who first advanced the concept in 2016—Australia, New Zealand, Britain and above all, as Joly herself boasted, the White House.

In 2018, Canada arrested and detained Huawei executive Meng Wangzhou on behalf of the US on bogus charges that she defied US sanctions against Iran. Canada subsequently banned Huawei and ZTE components from its telecommunications network in 2022.

Prior to last month's court ruling, the repercussions of the intensifying anti-China campaign were already being felt on campuses. Last May, the Universities of Calgary, Carleton, McGill, Toronto, Saskatchewan and Waterloo ceased all research projects and programs that had received grant monies from Huawei. The director of the Joint Innovation Lab at the University of Waterloo, Tamer Özsü, expressed some bemusement at this state of affairs, telling the *Waterloo Record*, "It's hard to comprehend what national security risk there might be in a topic that studies computer assistance in diagnosing eye diseases in children."

The chilling impact of the latest developments on academic freedom was noted by Lorne Waldman, an immigration and refugee lawyer. Speaking to the *Globe and Mail*, he noted the similarities between the court ruling against Li and the decree issued by Donald Trump's administration in 2020, which barred thousands of Chinese graduate students from obtaining visas to study in the US. The decision, said Waldman, "creates an extremely broad ground of inadmissibility, one which could hamper the free flow of scientific research."

The chief concern of the Canadian ruling class, like its allies in NATO and the US-led “Five-Eyes” alliance (Australia, the UK and New Zealand), is that China’s rapid economic growth is challenging what is euphemistically referred to as the “rules based international order,” i.e., US imperialist hegemony. The escalating wars waged by US imperialism and its allies—Canada included—since the dissolution of the Soviet Union at the hands of the Stalinist bureaucracy are a desperate attempt to offset the economic decline of the western imperialist powers vis-a-vis their rivals, above all China.

The ruling class’ waging of war around the world is accompanied by the turn to authoritarian forms of rule at home, with all of the concomitant national chauvinism and barbarism. The working class must counterpose to the rising tide of capitalist barbarism the struggle for socialism. Only the working class, as the revolutionary class in modern capitalist society, can defend the right of students to study wherever they choose. Only the working class can end the outmoded nation-state system and ensure that science and technology are used to meet social needs, not for the waging of war.

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