



The Right Honourable Stephen Harper
Prime Minister of Canada
Langevin Block
Ottawa, Ontario
K1A 0A2

June 10, 2008

Dear Prime Minister:

Re: Anti-Counterfeiting Trade Agreement (ACTA)

I am writing on behalf of the British Columbia Civil Liberties Association to express our concern about the Anti-Counterfeiting Trade Agreement (ACTA) initiative. As the development of this trade agreement has been effectively secret, it is only through recently leaked documents that we are able to understand the substance of these negotiations. We are opposed to the many aspects of the proposal that abrogate Canadians' privacy, due process and free speech rights. We are seriously concerned about the impact of what amounts to heavy-handed, government-sponsored regulation of the internet and the damaging consequences, whether intended or unintended, that will no doubt result to communication and expression. We are also alarmed by what appears to be the complete lack of openness and transparency in conducting the assessment of these important policy issues in the appropriate forum of domestic law-making.

The British Columbia Civil Liberties Association is the oldest and most active civil liberties organization in Canada. We have spent more than 40 years working to promote civil liberties and human rights of individuals in British Columbia and across Canada. We have longstanding and extensive involvement in the balancing of law enforcement with civil libertarian concerns.

One example of what we understand is part of the ACTA initiative and that fails to meet basic civil liberties requirements relates to disclosure of Internet Service Providers (ISPs) customer information. Having been involved in the various consultations on lawful access, we are at a loss to understand how a

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requirement for ISPs to provide customer information without a warrant is being quietly embedded in a trade agreement when only last fall, Canadians were assured by the Minister of Public Safety that the government would not introduce legislation that would require telecommunications service providers to provide customers' information to the police without a warrant. This gives every appearance of circumventing appropriate process and policy laundering.

The little that Canadians have been able to glean of ACTA indicates that the agreement is set to contain sweeping surveillance and confiscation provisions. Using government law enforcement agents at borders and other checkpoints for surveillance and collection of what in many instances would amount to notional civil debt claims by copyright holders is troubling for many reasons. These provisions not only engage *Charter*-protected rights and freedoms, but in many cases would constitute a prior restraint on expressive materials which would inevitably lead to Constitutionally impermissible restrictions on free speech.

News of ACTA has ignited considerable opposition from Canadians understandably concerned about the invasive and sweeping police search practices that are being introduced by stealth under the rubric of a "trade" agreement. We urge your government to bring accountability and transparency to these critically important policy issues. We ask that you immediately make public the substance of the ACTA negotiations that are underway and suspend Canada's active involvement in the negotiations until and unless Canadians and their elected officials agree on the direction of this initiative.

Yours truly,



Robert D. Holmes,
President

cc. Consultation and Liasion Divison, Foreign Affairs and International Trade
Canada
Honourable Stephane Dion, Leader of the Opposition
Honourable Jack Layton, MP
M. Gilles Duceppe, MP