



Transparency International Canada Inc.

28 June 2011

The Right Honourable Stephen Harper
Prime Minister of Canada
Ottawa, ON

Dear Prime Minister:

Re: Enforcement of Canadian law against corruption

In May 2009, your government introduced in Parliament Bill C-31, which included an important amendment to Canada's Corruption of Foreign Public Officials Act (CFPOA) to bring enforcement of the statute into conformity with that of all of the other signatories to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Convention). Bill C-31 clarified that prosecutions under the CFPOA could proceed on the "nationality," not merely "territoriality," principle, with "nationality" meaning offences committed by a Canadian wherever in the world, and "territoriality" meaning the offence occurred in or was closely connected to Canada. We welcomed Bill C-31 as it would have eliminated one of the weaknesses that the OECD had identified in the CFPOA. Unfortunately, Bill C-31 died with Parliament's prorogation by the Governor General.

Since that time, the OECD completed, in March 2011, its "Phase Three" report on the performance by Canada of its OECD Convention obligations. That report reiterated the above criticism, amongst others.

Last Friday's conviction of Calgary's Niko Resources, was Canada's first major conviction and fine under the CFPOA. However, the CFPOA could be enforced more vigorously if nationality jurisdiction were in effect.

Transparency International Canada, the Canadian chapter of the global anti-corruption movement Transparency International, respectfully requests that your government reintroduce the CFPOA provisions previously contained in Bill C-31 without delay. In our respectful opinion, that is the minimum required to help rebuild Canada's reputation as a full participant in the global fight against bribery and corruption.

Sincerely yours,

James M. Klotz
Chair and President