



# TRANSPARENCY INTERNATIONAL CANADA INC.

## NEWSLETTER

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### TI-Canada launches Business Roundtable

On September 8, 2010, the TI-Canada Business Roundtable will be launched, with Mr. Peter Dent, Partner and National Team Leader, Forensic & Dispute Services, Deloitte & Touche, speaking to the topic of “Deconstructing Siemens.” Held in Toronto, the Roundtables are a forum for businesses to:

- Interact within a select group of peer companies in the search for workable solutions to international corruption;
- Share ideas, best practices and experiences in dealing with corruption in international markets;
- Develop a stronger voice, through participation in the Roundtable, to enable TI-Canada in addressing corruption issues affecting the business community.

The TI-Canada Business Roundtable will meet four times per year, in three-hour morning sessions, followed by lunch. Each session will include a presentation by an expert in a particular field of anti-corruption, followed by a confidential session among Business Roundtable participants.

If you are interested in joining founding members, such as Barrick Gold, Export Development, GE Canada, Hydro One, Inmet Mining, Talisman Resources and Teck Resources, as a TI-Canada Business Roundtable Member, please contact Ms. Bronwyn Best, Executive Director, TI-Canada: [ti-can@transparency.ca](mailto:ti-can@transparency.ca); 416-488-3939.

### Efforts to curb foreign bribery remain inadequate

“Most of the countries that pledged a ban on foreign bribery under an international treaty are doing little to stop their companies from making illicit payments, according to a new report by Transparency International (TI).”

### 14<sup>th</sup> International Anti-Corruption Conference (IACC)

“Restoring Trust:

Global Action for Transparency”

10 – 13 November 2010

Bangkok, Thailand

Join world class experts and practitioners to explore and discuss:

- Restoring Trust for Peace and Security
- Fuelling Transparency and Accountability in the Natural Resources and Energy Markets
- Climate Governance: Ensuring a Collective Commitment
- Strengthening Global Action for an Accountable Corporate World

For more information, contact: [info@14iacc.org](mailto:info@14iacc.org)  
website: [www.14iacc.org](http://www.14iacc.org)

TI's report shows that 7 of the 36 countries evaluated are actively enforcing the [OECD Anti-Bribery Convention](#) to which they are party. These countries represent approximately 30 per cent of world exports. The increase from four to seven actively enforcing countries since [TI's 2009 report](#) is a very positive development. The 2010 TI report also shows moderate enforcement in nine other countries which account for 21 per cent of exports. The 20 countries with little or no enforcement represent about 15 per cent of world exports.

Denmark, Italy and the United Kingdom have advanced from moderate to active enforcement. Argentina has advanced to moderate enforcement. Canada, a member of the Group of 8 industrialised nations, has little or no enforcement. A recent charge has been laid by the RCMP, under its mandate to enforce Canada's Corruption of Foreign Public Officials Act (CFPOA). “This first charge to be laid, since the RCMP's International Anti-Corruption Unit was created more than two years ago, is hope-

fully an indicator of things to come. We anticipate that more changes will be laid, in the near future, and Canada will soon move into a higher category," said James M. Klotz, Chair and President, Transparency International Canada.

In the six years since TI began reviewing implementation of the OECD ban on foreign bribery, enforcement has doubled from eight to sixteen countries. That represents important progress. However, it is disturbing that 20 countries still show little or no enforcement. The difficult economic environment is no excuse for OECD governments to ignore their collective commitment to stop foreign bribery. To the contrary, cleaning up foreign bribery must be regarded as a key part of the reforms needed to overcome the worldwide recession.

One third of world exports come from countries that are not party to the OECD Convention. The increasingly important role played by China, India and Russia in the global economy cannot be ignored. As their share of world trade is growing, it is essential that these countries play by the same rules as other major exporters. TI urges the OECD to expedite its ongoing efforts for additional governments to join the convention.

To make real gains in the fight against foreign bribery, the OECD must exert high-level political pressure on lagging countries coupled with peer pressure from the leaders of countries that are actively enforcing the convention. (Please see page 3 for the Key Results of the *2010 Progress Report*).

The last few years have seen a substantial increase in the number of foreign bribery cases that have been resolved by negotiated settlements. While settlements can avoid the long delays, high costs and unpredictable outcomes of litigation, it is essential that settlements be accompanied by full transparency. TI urges OECD governments to adopt procedures for independent judicial reviews, the publication of settlement terms, evidence, and other measures to ensure satisfactory punishment of guilty corporations and individuals.

The *2010 Progress Report on the OECD Anti-bribery Convention* is the sixth in a yearly series and examines the enforcement performance of 36 of the 38 countries that have ratified the [OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#). It is based on information provided by TI experts and includes detailed case studies of prominent foreign bribery cases involving multinational companies. The 2010 report also covers country performance in areas such as the adequacy of laws and systems, the requirements and enforcement of export credit agencies, and access to information on foreign bribery cases.

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--based on Transparency International Press Release, Berlin, 28 July, 2010; for the full TI 2010 Progress Report, as well as TI-Canada's 2010 Progress Report, please visit: <http://www.transparency.ca/>

### **Avoiding the Pitfalls: Don't get shafted**

On Thursday, March 11, 2010, TI-Canada presented its annual symposium, "Avoiding the Pitfalls: Don't get shafted," at the offices of Fasken Martineau DuMoulin, LLP, in downtown Toronto. Focusing on the extractive sector, this symposium provided information on Canada's newly launched CSR Strategy for the Extractive Sector, the role of the CSR Counsellor and the CSR Centre for Excellence, the one-stop shop for information on global CSR standards, rules and best practices to assist in avoiding pitfalls; the *Corruption of Foreign Public Officials Act* and the role played by the RCMP; the implications of the *Foreign Corruption Practices Act*, as a result of offering securities for sale on any U. S. stock exchange; and the role of Transparency International Canada in helping to avoid pitfalls.

Speakers included Mr. Brian Chilton, Of Counsel, DLA Piper LLP (US), Dr. Marketa Evans, Extractive Sector Corporate Social Responsibility Counsellor, Department of Foreign Affairs and International Trade, Insp. Gord Drayton, OIC Sensitive Investigations and International Corruption, RCMP, and Mr. Joe Ringwald, Member, Interim Executive Committee, Centre for Excellence in Corporate Social Responsibility. To access the presentations of these speakers, as well as the Rapporteur Notes of the symposium, please visit: <http://www.transparency.ca/Events/Events.html>

### **TI-Canada AGM and new Board Members**

TI-Canada held its Thirteenth AGM on Tuesday, June 22, 2010. (For all reports, including the reports of the Chair and President, the Executive Director, the Audited Financial Statements, please visit: <http://www.transparency.ca/Reports/AGM/Files/AGM.html> )

Approved by the membership at the AGM, as a Board Member being renewed for three years was:

**Dr. Kernaghan Webb**, Associate Professor in the Department of Law and Business, Ryerson University Faculty of Business (Ted Rogers School of Management), in Toronto. He is the Founding Director of the Ryerson University Institute for the Study of Corporate Social Responsibility and a Special Advisor to the United Nations Global Compact on the ISO 26000 Social Responsibility Standard, participating as an international expert in the working group process. Dr. Webb has played leadership roles in the development of a number of international and national standards and codes initiatives (ISO 26000, ISO 10001, ISO 10002, ISO 10003, ISO 10008, CSA Privacy Standard, Canadian E-commerce guidelines). Dr. Webb is the Law Editor for the Journal of Business Ethics and a board member of Canadian Business for Social Responsibility. Prior to joining Ryerson University, Dr. Webb was the Senior Legal Policy Advisor at the Department of Industry's Office of Consumer Affairs, where among other things on behalf of the federal government he was the author of "Corporate Social Responsibility: An Implementation Guide for Canadian Business." Prior to that Dr. Webb was a member of the Administrative Law Project of the Law Reform Commission of Canada. He was a double-appointed Adjunct Professor at Carleton University's Department of Law and School of Public Policy and Administration. Dr. Webb has written and published extensively on innovative approaches to regulation, including the role of voluntary codes and standards and their inter-connections with the formal legal system. His work on regulatory offences has been quoted and followed by the Supreme Court of Canada.

The following three new Board Members were also approved:

**Milos Barutciski**, Chair of the International Trade and Investment Group at Bennett Jones LLP. Mr. Barutciski has represented Canadian and international clients in matters relating to NAFTA and the WTO Agreements, investment treaties, customs laws, trade sanctions, foreign corrupt practices and international dispute settlement. He regularly appears in antidumping, countervailing duty and government procurement cases before the Canadian International Trade Tribunal and the Federal Courts. Mr. Barutciski chairs the International Affairs Committee of the Canadian Chamber of Commerce and is a member of the Trade and Investment Commission of the International Chamber of Commerce, several international policy groups within the Business and Industry Advisory Committee to the OECD and the Canadian Services Coalition. From 2006-2008, he was the President of the International Law Association and is a Past Chair of the International Law Section of the Canadian Bar Association. Mr. Barutciski was called to the Ontario and Quebec bars in 1987 and was an adjunct professor of International Trade Law at the Faculty of Law of the University of Ottawa from 1990-94.

**Peter Dent**, Partner and National Leader of Forensic & Dispute Services of the Canadian firm of Deloitte & Touche, LLP. Mr. Dent has 14 years of experience practicing in the areas of investigating and providing expert testimony regarding allegations of fraud and corruption, with a focus in the global arena, in addition to providing anti-fraud and anti-money laundering management strategies in the public and private sectors. fraud and corruption investigations into World Bank financed projects. Prior to joining Deloitte in 1992, Mr. Dent was a Police Constable with the York Regional Police Force.

**Dent cont;d**

Between 2000 and 2004, he was the Team Leader of the Forensic Services Unit within the Department of Institutional Integrity of the World Bank Group in Washington, D.C., leading international fraud and corruption investigations into World Bank financed projects. Prior to joining Deloitte in 1992, Mr. Dent was a Police Constable with the York Regional Police Force.

**Janet Keeping**, President, Sheldon Chumir Foundation for Ethics in Leadership since April 2006. Ms. Keeping has a Bachelor of Science in Art and Design, from MIT, and an MA (Philosophy) and LL.B. from the University of Calgary. She was called to the Alberta Bar in 1981. For many years Ms. Keeping did legal research and public legal education for the Canadian Institute of Resources Law. There she worked on human rights issues, as well as environmental protection and accommodation of Aboriginal interests in the context of resource development. She also worked on projects aimed at exposing Russians to market-oriented and democratic processes, including respect for the rule of law, in the regulation of their oil and gas sector. Ms. Keeping has taught gender equality law, as well as energy law. She was one of the first directors of the Calgary Civil Liberties Association, formed in 1977

In 1982, Ms. Keeping co-founded the Alberta Civil Liberties Research Centre, of which she was the first Executive Director. She sits on a number of boards, including those of the North-South Institute (Ottawa), the Centre for Constitutional Studies at the University of Alberta (Edmonton) and the Rocky Mountain Civil Liberties Association and Alberta Civil Liberties Research Centre (both in Calgary).

**Key Results of the 2010 Progress Report on the OECD Anti-bribery Convention (see page 2)**

Category	Percentage of world trade	Countries
Active Enforcement ( 7 )	30%	Denmark, Germany, Italy, Norway, Switzerland, United Kingdom, United States
Moderate Enforcement ( 9 )	21%	Argentina, Belgium, Finland, France, Japan, Korea (South), Netherlands, Spain, Sweden
Little or No Enforcement (20)	15%	Australia, Austria, Brazil, Bulgaria, Canada, Chile, Czech Republic, Estonia, Greece, Hungary, Ireland, Israel, Mexico, New Zealand, Poland, Portugal, Slovak Republic, Slovenia, South Africa, Turkey

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# TI-CANADA MEMBERSHIP INFORMATION

## CHARTER MEMBERS (Membership contribution -- \$5,000)

The purpose of charter membership is to keep the chapter on a sound financial footing. Charter members will have all the rights and privileges of other members and will be invited to assist in advising the Board on policies and programs. We welcome government departments and agencies as arm's length Charter members, but government members will have no voting rights.

## PROFESSIONAL FIRMS (Membership contribution — \$1,000)

The designated spokesperson of a professional firm has full voting and participation rights at meetings of members.

## VOLUNTARY SECTOR ORGANIZATIONS: (Membership contribution — \$500)

The designated spokesperson of an NGO has full voting and participation rights at meetings of members.

## INDIVIDUAL MEMBERS (Membership contribution — \$100)

Individual members will have full participation and voting privileges at all meetings of the members.

## STUDENT MEMBERS (Membership contribution — \$20)

Student members have full participation and voting privileges at meetings of members.

**ALL MEMBERS** will receive newsletters/bulletins, information about conferences and workshops, and the right to participate in these conferences and workshops on a cost recovery basis. Membership in TI-Canada will generally be available to all, subject to receipt of a Membership Application and Board approval of the Application. The Board may decline to grant such approval if, for any reason, the Board considers membership to be inconsistent or incompatible with the objectives, values and ethical principals of TI-Canada.

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## APPLICATION FOR MEMBERSHIP

(all applications must be accompanied by responses to Membership Questions) -

“to access please visit: <http://www.transparency.ca/Members/Application.html>”

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Country:** \_\_\_\_\_ **Postal Code:** \_\_\_\_\_

**Telephone:** ( \_\_\_\_\_ ) \_\_\_\_\_ **Fax:** ( \_\_\_\_\_ ) \_\_\_\_\_

**E-mail:** \_\_\_\_\_

### Membership Category (Check one):

Charter     Professional     Voluntary/NGO     Individual     Student

### mail to:

c/o Business Ethics Office, Room N211, Schulich School of Business, York University 4700 Keele St., Toronto, ON Canada M3J 1P3  
Tel: 416.488.3939/736.5268 FAX: 416.483.5128/736.5762 email: [ti-can@transparency.ca](mailto:ti-can@transparency.ca) [www.transparency.ca](http://www.transparency.ca)