



REMEDICATION AGREEMENTS FOR CORPORATE CORRUPTION

A Canadian perspective on the role of prosecution
in relation to corruption

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Several countries have adopted laws or proposed legislation to allow for the settlement of an organisation's criminal prosecution for corruption if the organisation meets certain conditions and agrees to an alternative settlement by which the company pays a penalty and is subject to other conditions. In Canada, these settlements are known as Remediation Agreements; elsewhere they are termed Deferred Prosecution Agreements. In this paper, Kathleen Roussel (the Director of the Public Prosecution Service of Canada), Todd Foglesong (Lecturer and Fellow-in-Residence at the University of Toronto) and Tom Andreopoulos (General Counsel at the Public Prosecution Service of Canada) analyse the Canadian experience to outline five components of a strategy for managing challenges that animate debates about the value of such settlements.



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A “remediation agreement” in Canada is the name for a settlement of a criminal prosecution of an organisation for alleged bribery, fraud, and other forms of corruption and commercial crime in which the organisation and public prosecutor agree to fines, disgorgement, reparations, and organisational changes in the firm that are believed to repair the harm and remove the conditions that might cause similar offending in the future. The agreements are an alternative to prosecution, available only to corporations, and lead to a stay of proceedings of any charges. These agreements became possible after a government consultation in 2017 and the adoption of amendments to the Criminal Code in September 2018.

The first agreement was concluded on May 10, 2022, between a provincial prosecutor in Québec and the large engineering firm, SNC Lavalin, which three years earlier had been refused an opportunity to negotiate such an agreement by the Public Prosecution Service of Canada (PPSC), a federal government agency. The charges in Québec stemmed from the bribery of a Canadian public official responsible for the contract to repair a bridge in Montreal; the agreement involved a fine of 29 million dollars and the imposition of a third-party monitor to report on compliance with conditions to discourage future offending. In the earlier federal case, SNC Lavalin was charged with fraud and with violating the *Corruption of Foreign Public Officials Act* of Canada for funneling 47 million dollars in bribes to the son of Muammar Gaddafi to secure the contract to build a dam in Libya; it pled guilty to the fraud charge and paid a financial penalty of 280 million dollars. A senior official in the company was tried and convicted of fraud and sentenced to prison.

The different resolutions in cases involving corruption by the same company raise a host of questions that have animated debates about the value of such agreements and their analogues in other countries. Do different standards apply to bribery in foreign and domestic settings? How do prosecutors gauge the “public interest” in such a resolution, and how do they manage pressures to resolve cases in this way?¹ How do we know whether these

¹ Section 715.32 (1)(c) of the Criminal Code of Canada stipulates that the prosecutor “may enter into negotiations” for a remediation agreement if they “are of the opinion that negotiating an agreement is in the public interest and appropriate in the circumstances.” Section 715.32 (2) lists nine “factors” that the prosecutor “must consider” when making that determination. The text of these provisions appear in Appendix 1.

agreements deter and/or diminish corporate wrongdoing any better or more effectively than traditional criminal prosecution responses?

A second remediation agreement was recently concluded, this time at the invitation of the Public Prosecution Service of Canada (the federal Crown) and with a different firm, but a wave of such agreements does not seem imminent in Canada. This is in part because there has been no surge of voluntary disclosures of criminal corporate conduct, which in Canadian law is an important consideration when appraising whether an agreement is in the public interest. It may also be the case that Canadian companies involved in corruption that have been subject to investigation, prosecution, and fines by the justice agencies of other countries might be disinclined to cooperate with the regulatory and criminal justice system at home.² There might be other reasons as well, including the possibility that there's little corporate corruption. Still, Canadian experience with remediation agreements so far might provide insights to foreign governments that are considering analogues of such resolutions or expanding their use, especially where there are unresolved doubts about how to structure prosecutorial discretion and gauge the value of such agreements.

This paper outlines five components of a possible strategy for managing some of these concerns, starting with ideas about governance inside a prosecution service or regulatory body that considers requests to conclude such agreements. It concludes with speculation about the significance of Canadian experience where there are debates about the optimal relationship between criminal justice and the effort to curb, contain, and combat corruption. But it begins by describing some reasons for circumspection about these agreements, which might not be specific to Canada. While this paper examines these issues against the Canadian judicial landscape, we would posit that any country providing an offramp to prosecution for corruption should also be asking questions about the criteria for determining the public interest, and the ability of prosecutors and the courts to truly assess the relative merits of a remediation agreement or a deferred prosecution agreement (DPA) rather than a traditional trial and punishment scheme.³

Reasons for Circumspection

Canadian law requires prosecutors to believe the sanction will be “dissuasive,” and yet the evidence for a belief in the deterrence of corruption through DPAs is not abundant. Prosecution practices in the United States might be a good place to look for such evidence since the federal government has concluded several hundred DPAs and prosecutors in the Department of Justice express confidence in their redemptive power. For example, already in 2012, before a sharp increase in the incidence of DPAs, an American prosecutor lauded their “transformative effect on particular companies and, more generally, on corporate culture across the globe.”⁴ But apart from the shortage of prosecutions of firms for breaches of the conditions of DPAs, we have been unable to identify credible measures of their impact

2 For example, the Canadian airplane and train manufacturer [Bombardier is under investigation](#) by the Serious Fraud Office of the UK and Department of Justice of the US for possible bribery, and in August 2020 the [Bank of Nova Scotia signed a DPA with the US Department of Justice](#) for fraud and price manipulation.

3 We use the terms “DPA” and “Remediation Agreement” interchangeably throughout this paper because the former is more commonly used outside of Canada.

4 See the remarks of then Assistant Attorney General Lanny Breuer made at the NYC Bar Association, September 13, 2012, available at <https://www.justice.gov/opa/speech/assistant-attorney-general-lanny-breuer-speaks-new-york-city-bar-association>. Federal prosecutors we spoke with in June 2022 expressed similar confidence in these instruments. However, the US Department of Justice has not published an assessment of the cumulative impact of these agreements on corporate culture.

on organisational practices.⁵ Moreover, the fact that the subsidiaries of large multinational companies such as Glaxo Smith Kline have been convicted of corruption in many countries over several years indicates that it might be difficult to deter corruption through *any* means of criminal justice. Where, then, should prosecutors turn for a proffer of the impact of remediation agreements on organisational behaviour, and should such evidence come from the firm or from a critical observer?

There also is no established standard in criminal law for gauging the “integrity” of a company, which might or might not correspond to compliance with the conditions set out in DPAs. In addition, the ability to appraise compliance and/or integrity may require forensic accounting skills and a regulatory mindset or an economic sensibility that may be at odds with the current nature of making legal determinations in criminal justice. To train prosecutors to make such determinations and to involve them in the ongoing monitoring and evaluation of firms could change their role and way of thinking about justice, perhaps placing them in closer intellectual company with insurance adjusters and policy-makers. And yet the integrity of the criminal justice system relies heavily on the independence of prosecutors from other actors most concerned with general policy, law-making and policing.

Another reason to be cautious about remediation agreements comes from their convenience. The appeal of a speedy resolution could shortcut criminal investigations, lower evidentiary thresholds, and breed complacency by bringing prosecutors and police into overly congenial relations with one another as well as with the legal team of the implicated firm. In some systems, the churn of prosecution could also create inertia against the re-instatement of charges upon a breach of the conditions of such agreements; prosecutors want and need to move on to the next case, and the awareness of a business imperative to close cases swiftly might skew negotiations of a settlement.

These practical considerations are amplified in Canada by the stark trial time limits imposed by the 2016 Supreme Court decision in *R v Jordan*, which requires a presumptive dismissal of any case not concluded within 18 or 30 months of the initial charge depending on the court to which it is presented. Prosecutions of fraud and corruption can take years, and the opportunity cost of using court time for this purpose weighs heavily on the clerks and judges that manage the calendar of the judiciary.⁶ The managerial mandate of the court thus may conflict with the duty of public prosecution, which must find balance in the public interest to ensure justice is administered in an impartial and transparent manner.

There are other temptations, too, including the prospect of using funds from financial penalties for constructive social purposes, which has led some observers to believe that monetary forms of accountability for corporate corruption might be better than using scarce judicial resources for pursuing individualised responsibility. Because the sums of recovered funds can seem impressive, an impression we describe in greater detail later in this paper, and because considerations of efficiency can be conflated with the goals of effectiveness, these temptations may be difficult to ignore, especially in justice systems with insufficient or unpredictable funding.

5 In March 2023, the telecommunications company Ericsson pled guilty – it was found in breach of a 2019 DPA with the US Department of Justice; it paid an additional fine of over 200 million dollars as part of the new agreement. See the certificate of corporate resolution in *US v Telefonaktiebolaget LM Ericsson*, available [here](#).

6 The judge that approved the plea agreement with SNC Lavalin in 2019 said that without non-trial resolutions, the justice system “would collapse under its own weight.” See Nicolas Van Praet, [“SNC-Lavalin gets a deferred prosecution agreement – a first in Canada.”](#) *Globe and Mail*, May 11, 2022.

The rules governing remediation agreements in Canada’s Criminal Code may be sufficiently robust to resist these temptations, since both the prosecutor and the court have different gatekeeping functions with respect of the determination of the public interest in each case.⁷ For example, after appraising the probative properties of evidence collected by the police to determine whether there is a “reasonable prospect of conviction,”⁸ the role of the public prosecutor is to then determine whether it is in the “public interest” to proceed with a prosecution and if so, whether alternative measures are appropriate.⁹ Both these determinations require an inspired focus on law and its philosophical precepts, not an assessment of the costs and benefits of prosecution, nor a decisive view of the “corrigibility” of the firm, which prosecutors are neither equipped nor skilled to perform. If one of the potential shortcuts available with these agreements is something less than determining whether a reasonable prospect of conviction exists in each case, this is in our view a dangerous notion. Whatever else may be said about remediation agreements, they are a form of criminal punishment, contained in the Criminal Code, and ought not to be available unless a case can be proven. Moreover, relaxing the threshold posits the inevitable danger of capitulation to convenience and turning that prosecutorial independent function into something pro forma or even worse. Another potential pitfall is avoided in Canada, where the fine or other sums ordered to be paid by the company are returned to a central fund, inaccessible to the parties involved in the settlement, including the prosecution service.

But only time will tell if these gatekeepers are sufficiently motivated and equipped to guard against easy resolutions that mask some of the uglier aspects of corruption, including the consequences for victims who may reside in countries that many Canadians know little about. Moreover, if concerns about the integrity and efficacy of remediation agreements are universal, or even if we are merely right to be wary about the compatibility of remediation agreements with the ethos of public prosecution in Canada, then what is a viable strategy for managing these concerns? To answer these questions, we examine here the possible significance Canadian caution about remediation agreements carries for countries that more frequently use or are considering analogues of our agreements.¹⁰

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- 7 In the Canadian justice system, the prosecutor’s assessment of the public interest is owed judicial deference, except in rare and exceptional circumstances, such that it is generally not open for the court to question a particular assessment of the public interest by a prosecutor.
 - 8 In the province of British Columbia, [the evidentiary threshold test is whether there is a “substantial likelihood of conviction.”](#) and plenty of debate among scholars about whether this language lowers or raises the standard.
 - 9 The question about the appropriateness of alternative measures might be asked as part of determining the public interest in prosecution or after that determination has been made.
 - 10 The UK, France, and Switzerland introduced legislation since 2012 permitting the use of analogues of remediation agreements, although they have been used more sparingly than in the United States, where over 400 DPAs and non-prosecution agreements to resolve criminal charges against corporations were concluded in the last decade. There is no national legislation for a DPA in Brazil, although the government has collected financial penalties from corporations offered DPAs by the UK Serious Fraud Office and the United States Department of Justice. Amendments to Malaysia’s anticorruption law authorise the use of similar settlements for companies charged with bribery and fraud, and the government of [China reportedly uses a facsimile of DPAs](#). The government of South Africa appears poised to introduce a regime for DPAs in cases of procurement fraud. Australia declined to introduce DPAs after a public consultation in 2018, but [the law reform commission strongly endorsed them in April 2020](#) and the previous government vigorously defended a proposed bill in February 2021.

1. Internal Governance and the Guidance of Discretion

The process of determining the “public interest” in prosecution, non-prosecution, or an alternative resolution involves much individualised discretion. For example, among the [nine factors](#) in the Criminal Code prosecutors must consider when determining the appropriateness of a remediation agreement is “*any other factor* that the prosecutor considers relevant.” To avoid the perils of inconsistency or excessively individualised weighing of relevant factors, the PPSC has centralized the function, such that the Director of Public Prosecutions is the only final decision-maker in inviting firms to negotiate remediation agreements. While this may not be sustainable in the long-term if the agreements become more popular, at least it will allow the institution to develop a track record that is consistent in its application. However, as there are 11 prosecution services in Canada that may have access to the agreements, there is still room for discrepancy in application. Prosecutors in one province might interpret these factors differently than their colleagues in another province or in the federal prosecution service. In addition, although the grounds for concluding there is a reasonable prospect of conviction and public interest in remediation must later be validated by a judge, those judges are not bound by judicial comity beyond their provincial boundaries.

Current PPSC guidance on this matter does not privilege non-trial resolutions and the default position remains prosecution. The text of the PPSC’s Deskbook and the [Guidelines on Remediation Agreements](#) speak in a circumspect manner about alternatives to prosecution and counsels an idiosyncratic approach to this determination: “**in some cases**,” the policy states, “there may be an appropriate alternative to prosecution,” and “counsel may conclude **in certain cases** that there are more effective ways to address the offending conduct.”¹¹ This language differs in style and perhaps substance from guidance in an earlier era, which is still cited. For example, a government commissioned report in 1993 concluded that “the public interest in the due enforcement of the criminal law will **in most cases**, without more, require that the matter be brought before the courts for a decision on the merits.”¹²

Remediation agreements can certainly be seen as part of the trend to offering more restorative justice options and favoring less punitive means of correcting some kinds of criminal behaviour. PPSC policy on the resolution of administration of justice offenses such as failure to appear and breaching conditions of bail recommends non-carceral means of adjusting behavior and paying closer attention to “an offender’s circumstances” in the interpretation of criminal conduct. Non-prosecution is the default position, too, on simple possession of controlled substances. Perhaps, with experience, some offences related to corporate greed may also move in that direction. The public interest is not static and immutable and will evolve. The prosecutorial assessment does not occur in a vacuum and will take its bearings from the democratic society in which questions about justice and its governance and efficacy of its measures are determined.

Because there is not yet much experience with remediation agreements in Canada, additional guidance on the law at this stage would lack empirical foundation and might seem premature

11 [Section 3.2 of the Deskbook](#) also states later that “counsel should proceed [with a prosecution] only if, considering all the circumstances, a prosecution would best serve the public interest.”

12 See the conclusions of the Attorney General’s Advisory Committee on Charge Screening, Disclosure, and Resolution Discussions,” [aka the Martin Report](#), 1993.

or arbitrary. But because so much individual discretion is built into the process of evaluating the appropriateness of a remediation agreement, and because there is avid public attention to how these determinations are made, some people might recommend more specific and rigorous guidance on the process of exercising this judgment.

One possibility is administrative-cum-organisational. Perhaps we should introduce even greater procedural and professional separation between the personnel involved in the various stages of evaluation and negotiation, so that prosecution is less “vertical” and more “horizontal.”¹³ Another option is to foster collegiate deliberation of the prudence of prosecution or non-prosecution, which appears to be the approach taken in the UK.¹⁴ How does that work in practice? A third is a post-hoc but not juridical review of the distribution of reasons for proposing DPAs, as the US government recently introduced for some cases. This review seems to defer to the discretion of individual prosecutors and consider merely whether the composition of reasons for DPAs is balanced across the universe of cases rather than appropriate or inapt in any single case.¹⁵ There might be other ideas in foreign jurisdictions about structuring prosecutorial decisions that would be apt in Canada and which clarify which aspects of discretion belong to individuals and which are properties of an organisation.

2. Job, Role, and Mindset

Some prosecutors have expressed concerns that participation in remediation agreements or their analogues, DPAs, changes the nature of their “job.” Some refuse this job not because it

“It’s not my job to put out a ten-point program to fix corruption. Prosecutors alone are not going to solve the problems. But we can give these issues a sense of urgency. A lot of people wake up to the possibility of better government when you start putting people in prison.”

Preet Bharara, former US Attorney, Southern District of New York

requires extra work, but because they believe their proper role is to send signals to other officials in government about the urgency of creating more reliable or lasting solutions to problems that are exemplified by corporate crime. According to Preet Bharara, the former US Attorney for the Southern District of New York, these signals are best sent by “putting people in prison,” not by devising artisanal programs to “fix corruption.”¹⁶

Whether and how prosecutors catalyse or galvanise the concerted actions of others in government is an interesting question, but here we wonder about the effect of participation in remediation agreements on the mindset of prosecutors more

than their role. The question isn’t so much about the temperament or disposition involved in playing the role of remediator as it is about the kind of truth-claims prosecutors customarily

13 The PPSC has designated a special prosecutor for the negotiation of such agreements, to whom regional counsel may propose such a resolution; if the recommendation is rejected by this person or by the DPP, the prosecution must go ahead.

14 The Serious Fraud Office of the UK established a “case evaluation board” to determine whether a criminal investigation should be initiated in cases of suspected corporate crime; we were unable to learn whether this Board also advises on the public interest in prosecution or settlement.

15 Recent changes to the National Defense Authorization Act in the United States require the Department of Justice to submit to Congress an annual report of all DPAs and non-prosecution agreements with respect to a violation of the Bank Secrecy Act, including the justifications for the decision and a list of factors considered in making that decision.” For an account of this new rule, see [“Gibson Dunn 2020 Year-End Update on Corporate Non Prosecution Agreements and Deferred Prosecution Agreements,”](#) January 2021.

16 See the portrait of Bharara in Jeffrey Toobin, “The Showman,” *The New Yorker*, May 2, 2016.

make and the means of arriving at authoritative decisions about the law and the public interest in (non)prosecution.

Traditionally, prosecutors were accustomed to making binary decisions -- yes or no, true or false, right or wrong. The traditional mindset of the prosecutor took its bearings from a landscape of more finalised and discrete events. Once completed, the prosecutor moved on to the next case. While that is slowly changing as we wrestle a little more closely with systemic factors that bring people before the courts and how those should impact outcomes, prosecutors do not regularly question the style of reasoning that settles what is true or false in the domain of law. The justice system expects them to rely on and remain committed to the existing process for establishing such claims, which is supposed to be adversarial and founded only on facts collected by certified means in a compressed and circumscribed period of time. Facts are proved not agreed; truth is juridical and conclusive, not political and conditional. Law might be the result of a consensual negotiation, but not verdicts.

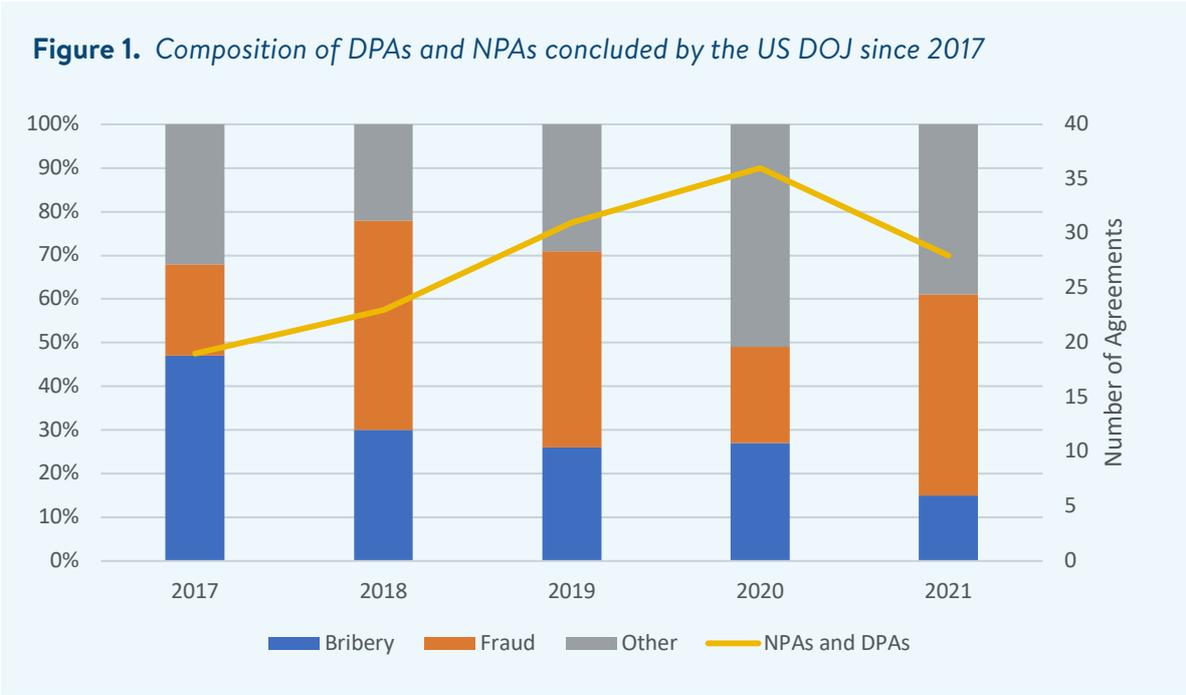
At least, that's the story we've been told about the nature of knowledge and justice for a long time, and while the distinctions drawn above might be fuzzier in practice than theory, prosecutors might have to think differently about their role in justice and government when they try to negotiate and reach an agreement to remediate a corporation. Some might start to think of themselves as problem solvers, whose task is to devise fixes for complex organisational problems rather than make authoritative decisions about the law. Changes to this regime might be welcome or already underway, but there also might be a good reason why specialised courts for sexual assault, domestic violence, substance use disorders, mental health, and other problems are typically set aside from the standard stream of justice, staffed by people with different skills and training, and regulated by different rules of evidence and procedure. Should that be the case with remediation agreements, or are they more compatible with the reigning model of truth and justice than it sometimes appears?

3. Volume Control

Following the introduction of legislation in 2018 permitting remediation agreements in Canada, large law firms, the police, and the Crown all anticipated a surge in demand. However, this wave of expectation quickly subsided after the rejection of a remediation agreement for SNC Lavalin in 2018. We do not know if the shortage of possible cases is a good thing. Perhaps there is little corporate criminality to report, or perhaps firms are simply not disclosing fraud, bribery, and other forms of corruption to any authorities. The reports of the auditor general and information from the RCMP's sensitive investigations unit do not illuminate the size of the universe of potential remediation agreements. As a result, our ability to gauge whether a remediation agreement in one case is normal or arbitrary depends entirely on legal considerations.

Although we do not expect a surge of requests soon, we suspect there might be a need to regulate their volume based on data about the frequency of DPAs, the analogues of remediation agreements in the US, and the comparatively small number of similar resolutions in the UK and France. There have been 10 such agreements in the United Kingdom since 2015, the first year in which the SFO concluded a DPA. France has used its version of the DPA with a bit more alacrity; since 2016, there have been 13 "Judicial Contracts in the Public Interest," as these settlements are termed. The volume of DPAs in the US is on a higher order

of magnitude, with between 20 and 35 DPAs and Non-Prosecution Agreements¹⁷ (NPA) in each of the last five years. In 2021 alone, there were 22 DPAs. A declining portion of these settlements involve corruption, however, as the data in figure 1 below show. Whereas nearly half of the DPAs and NPAs in 2017 involved an allegation of bribery, fewer than 1 in 7 did last year; the majority involved alleged violations of legislation on securities, price fixing, market manipulation, and the like, not corruption per se.



We do not know whether the decline in the share of cases involving corruption was intended, and it may be too early to tell whether the reduction in the total number of DPAs and NPAs in the US last year is a harbinger of the future. It may simply be a matter of fewer bribery cases being dealt with rather than an indication that they are being dealt with in a different way. The US Attorney General seems to have expressed a preference for individual accountability over organisational liability, and this inclination might affect the disposition of cases involving corruption moving forward. Announcing the government’s most recent DPA with Glencore, Merrick Garland said: “We take holding individuals accountable a priority ... because this is the way to deter corporate crime.” Whether that apparent philosophical stance reflects a return to the principles outlined in 2015 by then Attorney General Sally Yates is also not clear; nor can we be sure that prosecutors in the divisions within DOJ that are responsible for these cases share this view and will follow the soft guidance being expressed in these and other speeches.¹⁸

Still, it would be useful to know whether the US Department of Justice has become more skeptical of using DPAs to resolve charges of corporate corruption and if so, on what grounds they drew that conclusion. Several federal prosecutors we spoke with believe they are chipping away at the block of corruption through DPAs. They also believe they are more

17 NPAs are similar to DPAs but are not filed with and do not involve formal charges before the court as do DPAs.

18 The earlier guidance, widely known as the Yates Memo, emphasised accountability for individual corporate officers and appeared to respond to criticism that organisational fines had replaced punishment of individuals. See “Individual Accountability for Corporate Wrongdoing,” available at: <https://www.justice.gov/archives/dag/file/769036/download>

accountable for their decisions since they must explain their reasons, which in Canada are not reviewable. Nevertheless, ten years after an assistant attorney general declared that DPAs would “transform corporate culture across the globe,” and after more than 400 DPAs and NPAs in cases of corporate crime, the government has yet to publish an empirical assessment of their cumulative impact on corruption in business, either for commerce in the United States or the rest of the world.

Taking cues from US practice is not a Canadian habit, but the reasons for changes in policy and mood in Washington could affect how we approach and prioritise the prosecution of corporate crime. Even a simple analysis of trends in other jurisdictions and its discussion among prosecutors in Canada might be an additional source of insight and guidance about the appropriateness or not of negotiating remediation agreements here. The same is true for practitioner participation in academic debates about whether corporate criminal liability should be “ended or mended.” These kinds of exchanges could be seen as soft managerial tools and perhaps in that regard superior to introducing new rules and administrative conventions, although they require an investment in a network for peer professional development.

4. Minding the Money

The calculation of financial penalties in Canadian sentencing law is less rigid and routinised than in the US and UK, although the prosecutors lean on the formulae, structure, and principles of sentencing guidelines in these two jurisdictions. The concern here is not whether these ideas import alien values; the question is whether the preoccupation with sums in the sanctions for corruption might be a distraction and whether disgorgement and fines are a reliable proffer of impact. Do we need to develop an approach to appraising the value of financial penalties that is less economical, less legalistic, and more aligned with their ability to reduce corruption and/or restore the integrity of corporations? Or would such an appraisal further place prosecutors in the role of regulator and reformer rather than advocate of the public interest?

Virtually all DPAs signed by the governments of the US and UK in the past five years emphasise the size of the financial penalties involved. The way they are described sometimes generates the impression that the fines are believed to carry a powerful and dissuasive punitive punch on their own. They are at times cast in their approximate measure to fines that would have been meted out had a trial occurred, and calibrated in terms that focus attention on the authority of the institution levying the fine rather than the behaviour of organisations ordered to pay them. For example, announcing a nearly billion pound penalty as part of the DPA for Airbus in 2020, the presiding judge in the UK portrayed the sum against the landscape of all fines collected by courts, not the impact it was expected to have on the firm:

To put this figure into context, this financial sanction is greater than the total of all the previous sums paid pursuant to previous DPAs and more than double the total of fines paid in respect of all criminal conduct in England and Wales in 2018.

Journalists who report these cases and law firms with white collar defence services in the US are impressed by the sums being paid out, and they focus more attention on the size of the figures than their impact on firms.¹⁹ Press releases in the UK and US occasionally include

¹⁹ See, for example, the charts in the [2021 Year End Update on Corporate Non-Prosecution Agreements and Deferred Prosecution Agreements](#),” Gibson Dunn, February 3, 2022.

info-graphics that depict the size of the fines in font and figures larger than amounts for the restitution to victims or the substance of reforms in the companies. They include portrayals of the sums that imply the forfeiture alone may frighten firms into obedience:

“Today’s deferred prosecution agreement, in which JP Morgan Chase and Co agreed to pay nearly one billion dollars in penalties and victim compensation, is a stark reminder to others that allegations of this nature will be aggressively investigated and pursued.”

Should we pay more attention or less attention to the financial penalties in remediation agreements and DPAs? How do we know if the financial penalties are too large or too small? How does the value of cooperation that remediation agreements invite get measured? Few scholars believe penalties are too large and counter-productive, causing strain that leads corporations to engage in further criminality or the insolvency of an otherwise viable and valuable firm.²⁰ Most scholars say firms absorb these costs quickly and push them on to consumers. Some argue that fines ignore the “premium” that firms are willing to pay for the benefits of a DPA, especially for the ability to continue participating in market transactions.²¹ Others advocate the introduction of equity fines, which might be a way to eternalise a reminder of the misconduct and share in the benefits of a corporation’s rehabilitation and recovery.

Unfortunately, we have yet to find research by scholars of business and economics that appraise the impact of either large or small fines on corruption, the amount of criminal misconduct, and corporate culture. So far, researchers in these fields have analysed their impact largely in terms of the repercussions for firms’ product line and market value, not their impact on organisational behavior and corporate culture.²² But if the appraisal of the financial viability of firms matters to the justice system less than the legality of their business practices, then what measures of integrity or risky behaviour might be used in the review of conduct of firms operating under a remediation agreement? What notion of success underwrites these agreements, and how will we know whether it is achieved?

5. Monitoring and Evaluation?

Canadian prosecutors are not equipped to monitor the conditions of compliance set out in remediation agreements, which can be voluminous and require additional resources, skills, and personnel. An appreciation of the burden that might fall on prosecutors from the obligation to monitor such compliance is one of the factors that influenced a recent decision in the US to “rescind” previous guidance that may have discouraged prosecutors from appointing independent monitors.²³ We do not know if outsourcing that function is wise or fraught with the risk of regulatory capture recognised in previous research on the role of auditing firms in the perpetuation of corporate crime. But if prosecutors are not involved in this practice,

20 Few discussions of the risk that a financial penalty might amount to a “corporate death penalty” inquire into the value of the products generated by the firms convicted of corporate crime and focus instead on its repercussions for the livelihoods of employees. See, for example, the discussion in Rafael Tonicelli, [“Why Brazil Should Rethink the Corporate Death Penalty for Corrupt Acts,”](#) Global Anticorruption Blog, November 19, 2021.

21 See, for example, the views of the legal scholar Murat Mungan, [“Optimal non-prosecution agreements and the reputational effects of convictions,”](#) *International Review of Law and Economics*, 59 (2019).

22 For instance, a recent collaboration between scholars at MIT and the University of Toronto concluded that firms subject to DPAs in the US “experience significantly lower buy-and-hold returns.” See G. Franco and A. Wahid, [“The Effect of Deferred Prosecution Agreements on Firm Performance,”](#) 2019.

23 See [the speech of Deputy Attorney General Lisa Monaco](#) at the American Bar Association’s 36th National Institute on White Collar Crime, October 28, 2021.

and capture is an occupational hazard in this field, then how will we ascertain whether the objectives of remediation agreements are being achieved? Will affirmative assessments of compliance with the conditions be a sufficient answer? And what are we monitoring for if the premise is that only those firms that have already “reformed” by adopting a robust compliance program are eligible for a remediation agreement?

One of the first principles in the recently credentialed academic field of “monitoring and evaluation” is to clarify the purpose of monitoring and articulate discrete measures for each of the objectives of the evaluation. Researchers must specify the observable consequences that are expected to be precipitated by the intervention and how anyone will observe them. But the purposes of remediation agreements are some of the least precise and specific aspects of the criminal law. Of the six objectives identified in Canadian criminal law, only one (to denounce the wrongdoing) appears to be self-evidently achieved by a remediation agreement. The degree to which the other five are realised could be the source of considerable debate:

- To hold the organisation accountable ...
- To contribute to respect for the law ...
- To encourage voluntary disclosure of the wrongdoing ...
- To provide reparations for harm done to victims or to the community ...
- To reduce the negative consequences of the wrongdoing for persons – employees, customers, pensioners, and *others* – who did not engage in the wrongdoing.

Because prosecutors are not obliged to prove that these objectives will be achieved and monitors only appraise the degree of compliance with conditions that purport to advance these objectives, we might never know whether the purposes of criminal law are being realised or advanced. There is, in other words, an unexamined warrant here, an assumption that a fine plus conditions of compliance will precipitate: (a) “respect” for the law and (b) “voluntary disclosure” and (c) a reduction of the “negative consequences” of corporate crime for many people. But the conditions might be met without the objectives being achieved. Only if we appraise their consequences for behaviour could we measure against purpose.

There is another assumption in criminal law about the dissuasive effects of punishment that might merit further investigation: if the efficacy of criminal justice depends on stigma, or the activation of social conventions of disgrace and censure that are channeled through public discourse, then by what means does the opprobrium of criminal law work in these cases? There are few signs of remorse and contrition in the messaging to minority and majority shareholders in the corporate communications that follow DPAs; many emphasize the “credit” they have received because of cooperating with the criminal justice system. If the private messaging of firms can sanitise or countermand the denunciation of its conduct, and if media attention that follows such agreements is modest or momentary, then the crawl space for public discussion about why people should care about corruption could shrink further. So, might we need to develop new mediums by which to draw attention to the behaviour, or would such an initiative convert prosecutors into probation officers?

There is another question hanging over the issue of monitoring, and that is whether it is the firm that should be the unit of analysis rather than the industry, sector, and commercial ecology in which it operates. If corruption is, as most of our metaphors suggest, something that is contagious and corrosive, then what is the logic of restricting an evaluation of the impact of criminal penalties to a single firm or a subsidiary? Should we not, rather, measure the deterrent effect of one company’s agreement on its competition?

6. The Relevance of Canadian Experience

We asked at the outset of this paper whether restraint in the use of remediation agreements in Canada has any significance for other countries. One possibility is that there is little or none, that Canadian caution is excessive at home and irrelevant in other settings. Perhaps remediation agreements should arouse no greater concern about the motivations of prosecutors and the integrity of justice than plea bargains, which make up over 90 percent of all dispositions. Another possibility, though, is that these concerns are well-founded but could be overcome by assurances of the value and benefits of remediation agreements that are purportedly realised in other jurisdictions; in which case fresh empirical research and other forms of reliable knowledge about foreign practices would be welcome, especially about their impact on corruption.

A related possibility is that remediation agreements need supplements to work well in other jurisdictions, too, but these supplements are invisible, weak, or missing in our environment. For instance, perhaps the real reputational sting of the exposure of corruption within a publicly traded corporation is generated not by the law but by market forces, which make DPAs more dissuasive and influential than they otherwise appear. If the moral and financial economies of corporations abroad are more tightly woven together than in Canada, and expressions of remorse and contrition in other countries are indeed reliable harbingers of change, then we should know more about how that works.

In sum, there appears to be a genuine shortage of credible evidence of the rehabilitative and dissuasive impact of these agreements, and it might be helpful to local prosecutors and the global enterprise of anti-corruption if that deficit is addressed. There also may be a shortage of tools and techniques for curbing and combatting corruption: additional efforts to produce accountability for corporations that engage in corrupt politics and commerce may be necessary, whether they come in the form of international law and tribunals or local and national innovations in prevention and enforcement.²⁴ But do remediation agreements fill the void, or does Canadian caution about remediation agreements reflect a shared concern about the integrity of justice as it deals with corruption?

24 The Prime Minister of Canada [instructed the Ministry of Foreign Affairs of Canada in December 2021 to consider support for the establishment of an international court for corruption](#). A survey conducted in the Spring of this year found that [70 percent of Canadians “strongly support” the idea](#), with support highest in Quebec and lowest in the prairies.

Main Provisions on Remediation Agreements in the Criminal Code of Canada

PART XXII.1

Remediation Agreements

715.31 The purpose of this Part is to establish a remediation agreement regime that is applicable to organizations alleged to have committed an offence and that has the following objectives:

- (a) to denounce an organization's wrongdoing and the harm that the wrongdoing has caused to victims or to the community;
- (b) to hold the organization accountable for its wrongdoing through effective, proportionate and dissuasive penalties;
- (c) to contribute to respect for the law by imposing an obligation on the organization to put in place corrective measures and promote a compliance culture;
- (d) to encourage voluntary disclosure of the wrongdoing;
- (e) to provide reparations for harm done to victims or to the community; and
- (f) to reduce the negative consequences of the wrongdoing for persons — employees, customers, pensioners and others — who did not engage in the wrongdoing, while holding responsible those individuals who did engage in that wrongdoing.

2018, c. 12, s. 404.

Conditions for remediation agreement

715.32 (1) The prosecutor may enter into negotiations for a remediation agreement with an organization alleged to have committed an offence if the following conditions are met:

- (a) the prosecutor is of the opinion that there is a reasonable prospect of conviction with respect to the offence;
- (b) the prosecutor is of the opinion that the act or omission that forms the basis of the offence did not cause and was not likely to have caused serious bodily harm or death, or injury to national defence or national security, and was not committed for the benefit of, at the direction of, or in association with, a criminal organization or terrorist group;
- (c) the prosecutor is of the opinion that negotiating the agreement is in the public interest and appropriate in the circumstances; and
- (d) the Attorney General has consented to the negotiation of the agreement.

Factors to consider

(2) For the purposes of paragraph (1)(c), the prosecutor must consider the following factors:

- (a) the circumstances in which the act or omission that forms the basis of the offence was brought to the attention of investigative authorities;
- (b) the nature and gravity of the act or omission and its impact on any victim;
- (c) the degree of involvement of senior officers of the organization in the act or omission;
- (d) whether the organization has taken disciplinary action, including termination of employment, against any person who was involved in the act or omission;
- (e) whether the organization has made reparations or taken other measures to remedy the harm caused by the act or omission and to prevent the commission of similar acts or omissions;
- (f) whether the organization has identified or expressed a willingness to identify any person involved in wrongdoing related to the act or omission;
- (g) whether the organization — or any of its representatives — was convicted of an offence or sanctioned by a regulatory body, or whether it entered into a previous remediation agreement or other settlement, in Canada or elsewhere, for similar acts or omissions;
- (h) whether the organization — or any of its representatives — is alleged to have committed any other offences, including those not listed in the schedule to this Part; and
- (i) any other factor that the prosecutor considers relevant.

Factors not to consider

(3) Despite paragraph (2)(i), if the organization is alleged to have committed an offence under section 3 or 4 of the [Corruption of Foreign Public Officials Act](#), the prosecutor must not consider the national economic interest, the potential effect on relations with a state other than Canada or the identity of the organization or individual involved.

2018, c. 12, s. 404.

MEMBER BIOGRAPHIES

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Kamel Ayadi is an international consultant and civil society activist in the fields of anti-corruption, ethics, governance, corporate social responsibility, and social accountability. He has served in a number of high-level positions, including Minister of Public Service, Governance, and Anti-corruption; Chair of the Authority on Financial and Administrative Control; Secretary of State; Senator; and Chair of the Regulatory Authority of Telecommunication. After having served in leadership positions in numerous NGOs, including President of the Tunisian Order of Engineers, he was elected in October 2003 as the president of the World Federation of Engineering Organisations (WFEO, 100 member countries). He also served for six years as the Founding Chair of its standing Committee on Anti-corruption. He is the Founding Chair of the World Leadership and Ethics Institute, Founding Chair of the Tunisian Centre for Strategic Thinking on Economic Development. He is also the Founding Chair of the Global Infrastructure Anti-corruption Centre's for the MENA region.

SHAMILA BATOHI

National Director of Public Prosecutions, South Africa

Career Advocate Shamila Batohi has served as South Africa's National Director of Public Prosecutions (NDPP) since February 2019. Advocate Batohi began her career as a junior prosecutor in the Chatsworth Magistrate's Court in 1986 and steadily advanced to become the Director of Public Prosecutions in KwaZulu-Natal. She was seconded to the Investigation Task Unit established by President Nelson Mandela in 1995, investigating and prosecuting apartheid-era atrocities, and later served as the first regional head of the Directorate of Special Operations in KwaZulu-Natal, investigating and prosecuting serious organised crime and political violence. Immediately before her appointment as NDPP, she served as a Senior Legal Advisor to the Prosecutor of the International Criminal Court in the Hague.

MONIKA BAUHR

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Monika Bauhr is a Professor at the department of Political science, University of Gothenburg and a research fellow at the Quality of Government Institute. Bauhr investigates the causes and consequences of corruption and quality of government. She studies the link between democracy and corruption, the role of transparency and access to information, women representation and the nature of different forms of corruption and clientelism. She also investigates how corruption influences public support for foreign aid, international redistribution and the provision of public goods more broadly. She has previously been a visiting scholar at Harvard University, Stanford University and the University of Florida in the US and the University of Dar es Salaam in Tanzania. She has also served as a consultant and participated in public events relating to climate change, corruption and development policies. Between 2014 and 2017 she has been the Scientific Coordinator and Principal Investigator of the ANTICORRP (Anticorruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption), a large-scale multidisciplinary research program, involving 20 institutions in 15 European countries, funded by the European Commission. She is also a co-editor of the recently published Oxford Handbook of the Quality of Government.

MARTHA CHIZUMA

Director-General of the Anti-Corruption Bureau (ACB), Malawi

Martha Chizuma is the Director General of the Anti-Corruption Bureau effective from 1 June 2021, the first-ever female to hold the position in the country. The Bureau is mandated to fight corruption through prevention, public education and law enforcement. She holds a master's in law from the UK and bachelor's in law (Hon) degree from Malawi. Before joining the Bureau, she was Ombudsman of Malawi from December 2015 to May 2021. However, she has also held various positions in the judiciary and private sector. With fighting corruption being on top of the Government agenda, Martha is responsible for providing strategic leadership to operational and administrative processes at the Bureau in a manner that ensures that positive and substantive inroads are being made against corruption in Malawi and also that a correct moral tone is set for the country in as far as issues of integrity are concerned.

IZABELA CORRÊA

Secretary for Public Integrity at the Brazilian Office of the Comptroller General and editor of the Chandler Papers (2021-2024)

Izabela has been dedicated to the themes of integrity and anti-corruption academically and as a practitioner for over fifteen years. She is currently serving as the Secretary for Public Integrity at the Brazilian Office of the Comptroller General. Prior to that, she was the Postdoctoral Research Associate for the Chandler Sessions on Integrity and Corruption (2021-2023). She has also served in the Brazilian Central Bank (2017-2021), and in the Brazilian Office of the Comptroller General (2007-2012), where she led a team of public officials that oversaw the development and implementation of high-impact transparency and integrity policies. Izabela holds a PhD in Government from the London School of Economics and Political Science (2017) and a master's degree in political science from the Federal University of Minas Gerais (UFMG) in Brazil. She is a member of the Chandler Sessions and the managing editor of its paper series (2021-2024).

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Javier Cruz Tamburrino is the Compliance Officer of the Chilean Central Bank. His main responsibilities include, among others, designing and implementing an Annual Compliance Plan, coordinating and articulating the compliance activities with the Prosecutor's Office, the Comptroller's Office, the Division Management Corporate Risk and the other areas of the Bank. Prior to joining the Central Bank, Javier Tamburrino served for nine years as Director of the Financial Analysis Unit (UAF), a public service whose mission is to prevent Money Laundering (ML) and the Financing of Terrorism (FT) in the Chilean economy, also acting as National Coordinator of the ML/TF Preventive System of Chile.

TODD FOGLESONG

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Todd Foglesong joined the Munk School of Global Affairs & Public Policy at the University of Toronto in 2014. He teaches courses on the governance of criminal justice and the response to crime and violence in global context. In cooperation with the Open Society Foundations, he is developing a peer-based system of support for government officials that seek to solve persistent problems in criminal justice. Between 2007 and 2014, Todd was a senior research fellow and adjunct lecturer in Public Policy at Harvard Kennedy School (HKS). Between 2000 and 2005 Todd worked at the Vera Institute of Justice, creating a center for the reform of criminal justice in Moscow and founding Risk Monitor, a non-governmental research center in Sofia, Bulgaria that supports better public policies on organized crime and institutional corruption. Before that, Todd taught political science at the Universities of Kansas and Utah.

GUSTAVO GORRITI

Founder and Editor of IDL-Reporteros, Peru

Gustavo Gorriti leads the investigative center at the *IDL-Reporteros*, in Lima, Peru. He was Peru's leading investigative journalist before having to leave the country, largely because of his reporting. During the April 5, 1992, coup, he was arrested by Peruvian intelligence squads and "disappeared" for two days until international protests forced President Alberto Fujimori first to acknowledge his detention and then to release him. Gorriti had earlier investigated, among other things, the drug ties of the man who became Fujimori's de facto intelligence chief. After several months of mounting threats and harassment, Gorriti left Peru for the United States, where he was a senior associate at the Carnegie Endowment for International Peace and the North-South Center. In 1996, he settled in Panama and went to work for *La Prensa*. Gorriti's investigative reporting there, however, had a similar effect, and the government attempted unsuccessfully to deport him. After Fujimori lost power, Gorriti returned to Peru in 2001. Gorriti was a Nieman fellow in 1986. He received the Committee to Protect Journalists' International Press Freedom Award in 1998.

JIN WOOK KIM

Chief Prosecutor of the Corruption Investigation Office for High-ranking Officials (CIO), South Korea

Jin-wook Kim is Head of the Corruption Investigation Office for High-Ranking Officials. Prior to his current position, he was head of the international affairs department at the Constitutional Court of Korea (2020-21), and head of the education department and research department, at the Constitutional Research Institute (2016-20). He holds a master of law from the National University of Seoul, where he also graduated in archaeology and art history. He holds an LLM in public law from Harvard University.

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John-Allan Namu is an investigative journalist and the CEO of Africa Uncensored, an investigative and in-depth journalism production house in Nairobi, Kenya. Africa Uncensored's ambition is to be the premier source of unique, important and incisive journalism. Prior to co-founding Africa Uncensored, he was the special projects editor at the Kenya Television Network, heading a team of the country's best television investigative journalists. He has received numerous awards for his work including the CNN African Journalist of the Year and joint journalist of the year at the Annual Journalism Excellence Awards by the Media Council of Kenya.

BOLAJI OWASANOYE

Chairman of the Independent Corrupt Practices and other Related Offences Commission (ICPC), Nigeria

Owasanoye started his career as an assistant lecturer at the University of Lagos. He moved to the National Institute of Advanced Legal Studies (NIALS) in 1991 and became a Professor of law 10 years later. In August 2015, he was appointed as the Executive Secretary of the Presidential Advisory Committee Against Corruption (PACAC) before being appointed to the ICPC in 2017. He was involved in advocacy for passage of major anti corruption bills in Nigeria including Nigeria Financial Intelligence Agency Act, Proceeds of Crime Act, and reenactment of the Money Laundering Prevention and Prohibition Act and the Terrorism Prevention Act, amongst others. At the continental level he participated in drafting and advocating adoption of the Common African Position on Asset Recovery by the African Union in 2020 and served as member of the UNGA/ECOSOC established FACTI Panel in 2020-2021. His portfolio of consultancies include Nigerian federal and state agencies, as well as international development agencies such as the World Bank and USAID, DFID and UNITAR. In 1997, he co-founded the Human Development Initiative (HDI), a non-profit organisation. In 2020, He was awarded the rank of Senior Advocate of Nigeria (SAN) and national honour of Officer of the Federal Republic (OFR) in 2022.

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Anna Petherick is a Departmental Lecturer in Public Policy and Director of the Lemann Foundation Programme. She is co-Principal Investigator of the Oxford COVID-19 Government Response Tracker (OxCGRT) project, which, going back to January 2020, has been recording and analysing how national and subnational governments around the world have been enacting policies to fight the pandemic. Her research as part of OxCGRT focuses on combining policy data with behavioural data, from surveys and mobile phone records. In addition, she works on corruption, gender and trust, with much of it based in Brazil. Between her undergraduate and graduate studies, Anna worked as a full-time journalist. She wrote a column for The Guardian that fused longevity and wellbeing research (how to die as late as possible, and until then stay as happy and as physically young as possible), and another column about the social dimensions of climate change for the journal, Nature Climate Change. Anna holds a BA (MA) in Natural Sciences (Evolutionary Genetics, Population Modelling) from Cambridge University.

KATHLEEN ROUSSEL

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Kathleen Roussel is the Director of Public Prosecutions. She was appointed June 21, 2017. Kathleen was Deputy Director of Public Prosecutions from 2013 to 2017. She was responsible for the Regulatory and Economic Prosecutions and Management Branch. Previously, Kathleen served as Senior General Counsel and Executive Director of the Environment Legal Services Unit at the Department of Justice (Canada), from 2008 to 2013. From 2001 to 2005, she was the Senior Counsel and Director of the Canadian Firearms Centre Legal Services, before joining the Department of Environment's legal services later that year. Before joining the public service, Ms. Roussel worked as a criminal defence lawyer. She has been a member of the Law Society of Upper Canada since 1994 and graduated from the University of Ottawa Law School in 1992, having previously obtained an Honours Religion degree from Queen's University.

AGUNG SAMPURNA

Former Chairman of the Audit Board of the Republic and Lecturer at the University of Indonesia, Indonesia

Dr Agung Firman Sampurna was the Chairman of the Supreme Audit Agency for the period 2019 - 2022. Previously, he served as Member I of BPK-RI for the period 2014 - 2019, Member III for the period 2012 - 2013, and Member V for the period 2013 - 2014. Agung Firman Sampurna once led the Main Auditorate of Finance State (AKN) III (2012 - 2013), AKN V (2013 - 2014), and AKN I (2014 - 2019). Recipient of the Mahaputra Naraya Star, Agung Firman Sampurna is heavily involved in training activities, research, seminars and various other forums, both domestically and abroad. Agung holds a Bachelor of Economics from Sriwijaya University, a Master of Public Policy and Administration from the University of Indonesia and a PhD in Public Administration also from the University of Indonesia.

TANKA MANI SHARMA

Former Auditor General, Nepal

Tanka Mani Sharma Dangal is a Nepalese Bureaucrat. He has long experience in Public Financial Management and fiscal administration. He has experience in Public Procurement Management and development administration, Civil Service Administration and Training, Cooperative Societies Regulation and Management, Health Sector Financing, Public Enterprises Management, and other different areas of public sector management. He served as an Auditor General of Nepal from 2017 to 2023 for 6 years. His prior positions include Secretary at the Office of the Prime Minister and Council of Ministers, Ministry of General Administration, and Public Procurement Monitoring Office. He had also served as a Director General of the Inland Revenue Department, Department of Customs, Department of Revenue Investigation, and the Registrar of the Department of Cooperative. Likewise, he had served as Finance Chief in different Ministries and Departments of the Government of Nepal.

Mr. Sharma holds a Master's degree in Business Administration (MBA). He has attended various national and international training and seminars and acquired knowledge and skills in different fields of the public sector management and governance system. He has been rewarded with the "Best Civil Service Award" in 2001 by the government of Nepal. He has also been awarded the medal "Prasiddha Prabal Janasewa Shree" by the president of Nepal in the year 2021. He was also awarded the "Prabal Gorkha Dakshin Bahu" medal in 2000. Mr. Sharma hopes to build a more efficient and effective public administration, promoting good governance through transparent and accountable public sector management. Moreover, he emphasizes maintaining professional integrity and controlling mismanagement and corruption in the governance system.

CHRIS STONE

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Chris Stone is Professor of Practice of Public Integrity. Chris has blended theory and practice throughout a career dedicated to justice sector reform, good governance and innovation in the public interest, working with governments and civil society organisations in dozens of countries worldwide. He has served as president of the Open Society Foundations (2012–2017), as Guggenheim Professor of the Practice of Criminal Justice at Harvard's Kennedy School of Government (2004–2012), as faculty director of the Hauser Center for Nonprofit Organizations at Harvard University (2007–2012), and as president and director of the Vera Institute of Justice (1994–2004). He is a graduate of Harvard College, the Institute of Criminology at the University of Cambridge, and the Yale Law School. At the Blavatnik School, Chris's work focuses on public corruption turnarounds: the leadership challenge of transforming cultures of corruption into cultures of integrity in government organisations, large and small. As an affiliate of the Bonavero Institute of Human Rights within the University's Faculty of Law, Chris serves as the principal moderator for the Symposium on Strength and Solidarity for Human Rights.

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Auditor General, Sierra Leone

Lara Taylor-Pearce is auditor general of Sierra Leone and has more than 27 years of experience in public- and private-sector financial and administrative management and oversight. As the government's chief external auditor since 2011, she has won praise for helping change Sierra Leone's public-sector accountability landscape, including her work in developing its 2016 Public Financial Management Act and other public-sector oversight acts. Among other honors, she received the 2015 National Integrity Award from the Sierra Leone Anti-Corruption Commission. She has also served as principal finance manager and head of administration for the Institutional Reform and Capacity Building Project, finance and administrative manager for the Public Sector Management Support Project, technical assistant in the Accountant General's Department of the Ministry of Finance, and supervisory senior for KPMG Peat Marwick. An honours graduate in economics of the University of Sierra Leone, she is a fellow of the Association of Chartered Certified Accountants (FCCA), U.K, and of the Institute of Chartered Accountants of Sierra Leone (FCASL). She is vice chair of the INTOSAI Development Initiative (IDI) board, chair of the governing board of the African Region of Supreme Audit Institutions-English Speaking (AFROSAL-E), and a Grand Officer of the Order of the Rokel (GOOR) President's National Award.

REMEDICATION AGREEMENTS FOR CORPORATE CORRUPTION

A Canadian perspective on the role of
prosecution in relation to corruption

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