

CHINA

International Joint Action against Corruption: Agreement between China and Canada regarding the Sharing of Forfeited Assets

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1. Introduction

On July 4, 2013, China and Canada concluded the Agreement regarding the Sharing of Forfeited Assets and the Return of Property (hereinafter the Agreement).¹ Both countries are now carrying out their internal processes for ratifying the Agreement to bring it into force. This responds the outcomes expressed in the Canada-China Joint Statement of December 2009² and the Joint List of Outcomes of February 2012.³

2. Legal Analysis

In order to combat corruption and strengthen the social stabilities, the Chinese government enthusiastically encourages foreign governments to cooperate in joint investigations of embezzlement, bribery, and money laundering, offering the possibility of sharing in forfeited assets. Canada is considered as paradise for Chinese fugitives, including many corrupt officials, who flee from the country because there is no extradition treaty in force between the two countries. According

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¹ See China and Canada to Form Pact regarding the Sharing of the Forfeited Assets (中加草签分享没收资产协定), CANKAOXIAOXI (参考消息), Jul. 8, 2013, available at <http://china.cankaoxiaoxi.com/2013/0708/235502.shtml> (last visited on Sept. 1, 2013). See also Stepping up the Fight against Transnational Organized Crime, available at <http://www.international.gc.ca/media/aff/news-communications/2013/07/04b.aspx> (last visited on Sept. 1, 2013).

² See Canada-China Joint Statement, Dec. 3, 2009, available at <http://pm.gc.ca/eng/media.asp?id=3005> (last visited on Sept. 1, 2013).

³ See Joint List of Outcomes of Canadian Prime Minister Stephen Harper's Visit to China, Feb. 9, 2012, available at <http://www.pm.gc.ca/eng/media.asp?id=4641> (last visited on Sept. 1, 2013).