

King v. Damodar Arapakota — Anti-Corruption Risks for Mining Companies Operating in Canada and Abroad

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July 9, 2026

R. v. Arapakota, 2025 ONCA 660,¹ now before the Supreme Court of Canada, provides important guidance on the scope of Canada's *Corruption of Foreign Public Officials Act* (CFPOA). The case arose from allegations that a Canadian executive funded travel for a Botswanan public official in exchange for government support letters relating to a prospective contract. The Ontario Court of Appeal upheld the acquittal, finding that the Crown had failed to establish the requisite quid pro quo between the benefit provided and the official action sought.

The decision is particularly relevant to Canadian mining companies operating internationally. Mining projects often require extensive engagement with foreign officials in connection with permits, licences, environmental approvals, customs matters, infrastructure arrangements, and state-owned enterprises. These interactions can create significant corruption risks. Even where no conviction results, regulatory investigations can be costly, disruptive, and carry adverse reputational consequences.

As Canadian mining companies continue to expand globally, particularly in the critical minerals sector, robust anti-corruption controls remain essential throughout the mining lifecycle. To mitigate risk, mining companies should consider the following measures:

- **Control Hospitality and Benefits:** Implement clear policies governing gifts, travel, entertainment, sponsorships, and charitable contributions involving public officials.
- **Conduct Third-Party Due Diligence:** Screen agents, consultants, contractors, and local partners who interact with government officials on the company's behalf.
- **Maintain Records:** Ensure that government-related expenditures have a legitimate business purpose, are properly recorded, and receive appropriate approvals.
- **Regularly Review Policies:** Periodically assess and update anti-corruption policies and training, particularly for operations in higher-risk jurisdictions.

¹ *R. v. Arapakota*, 2025 ONCA 660, appeal heard and decision reserved, SCC Docket No. 42061.