



## The Trudeau Report

made under the  
*CONFLICT OF INTEREST ACT*

and the

*CONFLICT OF INTEREST CODE FOR  
MEMBERS OF THE HOUSE OF COMMONS*



December 20, 2017

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Conflict of Interest and  
Ethics Commissioner

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## PREFACE

The *Conflict of Interest Act* (Act) came into force on July 9, 2007. The *Conflict of Interest Code for Members of the House of Commons* (Members' Code), which constitutes Appendix 1 of the *Standing Orders of the House of Commons*, came into force on October 4, 2004 and was amended in 2007, 2008, 2009 and 2015.

This report is issued pursuant to both the Act and the Members' Code.

### **The Act**

An examination under the Act may be initiated by the Commissioner at the request of a member of the Senate or House of Commons under subsection 44(1), or on the initiative of the Commissioner pursuant to subsection 45(1).

Where a request under subsection 44(1) meets the requirements of subsection 44(2) and is not determined to be frivolous or vexatious or to have been made in bad faith, the Commissioner is required to examine the matter.

Subsection 44(7) requires that the Commissioner provide a report to the Prime Minister setting out the facts in question as well as the Commissioner's analysis and conclusions in relation to the examination. Subsection 44(8) requires that, at the same time as a report is provided to the Prime Minister, a copy of the report also be provided to the Member who made the request and the current or former public office holder who is the subject of the report, and that it be made available to the public.

### **The Members' Code**

An inquiry under the Members' Code may be initiated at the request of a Member of the House of Commons under subsection 27(1), by resolution of the House of Commons pursuant to subsection 27(3), or on the initiative of the Conflict of Interest and Ethics Commissioner (Commissioner) pursuant to subsection 27(4).

Where a Member makes a request that meets the requirements of section 27 of the Members' Code, the Commissioner is required to forward it without delay to the Member who is the subject of the request and to afford that Member 30 days to respond. Once the Member has completed his or her response, the Commissioner has 15 working days to conduct a preliminary review of the request and the response and to notify both Members in writing of the decision as to whether an inquiry is warranted.

Following the completion of an inquiry, a report is to be provided to the Speaker of the House of Commons, who presents it to the House of Commons when it next sits. The report is made available to the public once it is tabled or, if the House is not then sitting, upon its receipt by the Speaker.



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## EXECUTIVE SUMMARY

This report presents the findings of my inquiry under the *Conflict of Interest Code for Members of the House of Commons* (Members' Code) and my examination under the *Conflict of Interest Act* (Act) of the conduct of Prime Minister Justin Trudeau, in relation to vacations on Bells Cay, a private island in the Bahamas owned by the Aga Khan.

I considered one provision of the Members' Code to which Mr. Trudeau is subject as a Member of the House of Commons, and a number of provisions of the Act to which he is subject in his role as Prime Minister. I found that Mr. Trudeau contravened sections 5, 11, 12 and 21 of the Act, but found that he did not contravene subsection 14(1) of the Members' Code, or subsection 6(1) or section 7 of the Act.

A *Summary of Conclusions* at the end of this report lists my findings under each of the provisions of the two regimes in respect of which a contravention has been alleged.

Mr. Trudeau and his family, accompanied by several friends and their families, vacationed on Bells Cay from December 26, 2016 to January 4, 2017. Previously, Mr. Trudeau had also accepted a vacation on the island for himself, his family and other relatives in December 2014, and members of his family and their guests had accepted one in March 2016.

The Aga Khan is the founder and chair of the board of directors of the Aga Khan Development Network, the Aga Khan Foundation Canada (Foundation) and the Global Centre for Pluralism. He has a long-standing relationship with the Government of Canada, which since 1981 has contributed nearly \$330 million to projects supported by the Foundation.

The Aga Khan developed a friendship with Mr. Trudeau's father, Pierre Elliott Trudeau, in the late 1960s. Justin Trudeau had no personal or private interactions with the Aga Khan and his family between 1983 and April 2013, when he became Leader of the Liberal Party of Canada, except for his father's funeral in 2000.

The Members' Code and the Act have similar rules relating to gifts. Subsection 14(1) of the Members' Code and section 11 of the Act prohibit Members and public office holders and members of their families from accepting gifts that might reasonably be seen to have been given to influence them in the exercise of an official power, duty or function. In the Act, there is an exception for gifts from relatives or friends that is not found in the Members' Code.



I found that Mr. Trudeau did not contravene subsection 14(1) of the Members' Code, because he has not discussed any House of Commons business with the Aga Khan or his representatives. As well, there was no evidence that Mr. Trudeau participated in any debate or vote in the House of Commons related to the Aga Khan or his institutions.

On the other hand, I found that Mr. Trudeau, as Prime Minister, contravened section 11 of the Act when he or his family accepted the gifts of hospitality from the Aga Khan and the use of his private island in March and December 2016.

Because there was ongoing official business between the Government of Canada and the Aga Khan at the time each invitation was accepted, Mr. Trudeau, as Prime Minister, was in a position to be able to advance some of the matters of interest to the Aga Khan. As well, the Foundation was registered to lobby the Office of the Prime Minister at that time. For these reasons, I determined that the vacations accepted by Mr. Trudeau or his family might reasonably be seen to have been given to influence Mr. Trudeau.

I found that the exception provided in paragraph 11(2)(b) of the Act for gifts from relatives and friends did not apply in this case. Mr. Trudeau's relationship with the Aga Khan was based on a family connection rooted in a friendship between the Aga Khan and Mr. Trudeau's father thirty years earlier. However, there were no private interactions between Mr. Trudeau and the Aga Khan until Mr. Trudeau became Leader of the Liberal Party of Canada. This led me to conclude that their relationship cannot be described as one of friends for the purposes of the Act.

I found that Mr. Trudeau contravened section 21 of the Act when he did not recuse himself from discussions that provided an opportunity to improperly further the private interest associated with one of the institutions of the Aga Khan and that he contravened section 5 for failing to arrange his private affairs to avoid such an opportunity.

On the other hand, I found that Mr. Trudeau did not contravene subsection 6(1) because he did not participate in or make any decisions relating to the Aga Khan and his institutions, and did not contravene section 7 because he did not give preferential treatment to the Aga Khan and his institutions.

Finally, I found that Mr. Trudeau contravened section 12 of the Act when his family travelled on non-commercial aircraft chartered by the Aga Khan in March 2016 and when he and his family travelled in the Aga Khan's private helicopter in December 2016. The travel was not required in Mr. Trudeau's official capacity as a public office holder and he did not seek my prior approval. Furthermore, I found that the circumstances were not exceptional for Mr. Trudeau in this case.

**REQUEST UNDER THE *CONFLICT OF INTEREST CODE FOR MEMBERS OF THE HOUSE OF COMMONS***

On January 8, 2017, I received a letter from the Honourable Andrew Scheer, Member of Parliament for Regina–Qu’Appelle, requesting that I conduct an inquiry under the *Conflict of Interest Code for Members of the House of Commons* (Members’ Code) into a vacation that the Right Honourable Justin Trudeau, P.C., M.P., Prime Minister of Canada, and his family had taken during the holiday season to the private island of His Highness the Aga Khan (the Aga Khan).

In his letter, Mr. Scheer alleged that the vacation to the Aga Khan’s private island constituted a gift. Mr. Scheer noted that the Aga Khan Foundation Canada has been the beneficiary of funding from the Canadian government and that the Aga Khan is a member of the Board of Directors of the Aga Khan Foundation Canada.

Subsection 14(1) of the Members’ Code prohibits a Member and any member of the Member’s family from accepting, directly or indirectly, any gift or other benefit, except compensation authorized by law, that might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office.





## **REQUEST UNDER THE *CONFLICT OF INTEREST ACT***

On January 11, 2017, I received a letter from Mr. Blaine Calkins, Member of Parliament for Red Deer–Lacombe, raising concerns that Prime Minister Justin Trudeau had contravened section 12 of the *Conflict of Interest Act* (Act). The concerns were raised on the basis of media reports that he and his family had travelled by private helicopter from Nassau, Bahamas, to Bells Cay, the Aga Khan’s private island in December 2016.

Section 12 of the Act prohibits ministers, parliamentary secretaries, members of their families and ministerial advisers or ministerial staff from accepting travel on non-commercial chartered or private aircraft for any purpose unless one of three exceptions apply.

In his letter, Mr. Calkins also raised concerns about Mr. Trudeau’s acceptance of the hospitality extended to him and his family by the Aga Khan, noting that Mr. Trudeau had explained that he had accepted hospitality and that he and the Aga Khan were friends. Mr. Calkins requested that I examine whether Mr. Trudeau and the Aga Khan are “friends” for the purposes of the Act.

Subsection 11(1) of the Act prohibits a public office holder or a member of his or her family from accepting any gift or other advantage that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function. Paragraph 11(2)(b) of the Act provides an exception from this prohibition where the gift or advantage is given by a relative or friend.

Mr. Calkins also raised concerns in respect of the application of sections 6 and 21 of the Act.

Subsection 6(1) of the Act prohibits public office holders from making or participating in making a decision related to the exercise of an official power, duty or function if they know or reasonably should know that, in the making of the decision, they would be in a conflict of interest.

Section 21 of the Act requires public office holders to recuse themselves from any discussion, decision, debate or vote on any matter in respect of which they would be in a conflict of interest.

Section 4 of the Act defines the circumstances in which a public office holder can be understood to be in a conflict of interest, that is when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of relatives or friends, or to improperly further another person’s private interests.



As well, Mr. Calkins asked whether a conflict of interest screen would be appropriate, in the event that it is determined that Mr. Trudeau and the Aga Khan are friends for the purposes of the Act, in light of the interactions that the Aga Khan and his institutions have with the Government of Canada.

## PROCESS

On January 10, 2017, I wrote to Mr. Trudeau to inform him that I had received a letter from Mr. Scheer requesting that I conduct an inquiry under the *Conflict of Interest Code for Members of the House Commons* (Members' Code) to determine whether he had contravened section 14 of the Members' Code when he and his family vacationed at the Aga Khan's privately-owned island in December 2016.

At the same time, I informed Mr. Trudeau that Mr. Scheer's request met the requirements of subsections 27(1) and 27(2) of the Members' Code and that I was therefore required by subsection 27(3.2) to conduct a preliminary review of the request and of his response to determine whether an inquiry was warranted. I explained to Mr. Trudeau that the Members' Code afforded him 30 days to respond. In my letter, I also informed Mr. Trudeau that I had concerns about his and his family's stay at the Aga Khan's private island, not only as it related to the Member's Code but also to his obligations under the *Conflict of Interest Act* (Act).

On January 10, 2017, I wrote to Mr. Scheer to inform him that, based on the information he had provided, I was of the view that his letter constituted a valid request for an inquiry. I also informed him that I had forwarded his letter to Mr. Trudeau and that Mr. Trudeau had 30 days to respond to the allegations made under the Members' Code.

On January 12, 2017, I received a letter from Mr. Trudeau's office confirming that Mr. Trudeau and his family had accepted travel on the Aga Khan's private helicopter.

On January 13, 2017, I wrote a second time to Mr. Trudeau to inform him of the letter I had received from Mr. Calkins. I informed Mr. Trudeau that Mr. Calkins' request satisfied the requirements set out in subsection 44(2) of the Act, and that I was therefore commencing an examination under subsection 44(3) of the Act to determine whether he may have contravened section 11, section 12, subsection 6(1), or section 21 of the Act.

On January 13, 2017, I also wrote to Mr. Calkins to inform him that I was of the view that his request satisfied the requirements of the Act, and that I had therefore commenced an examination under the Act into Mr. Trudeau's conduct in relation to the sections of the Act referred to above.

On January 30, 2017, Mr. Trudeau replied to my letters of January 10 and January 13, 2017, providing me with information and supporting documents.



On February 6, 2017, after reviewing the information and supporting documents Mr. Trudeau provided, I wrote to inform him that I determined that an inquiry into whether he contravened subsection 14(1) of the Members' Code was warranted. I also informed Mr. Trudeau in the same letter that, considering the interactions between the Office of the Prime Minister and the Aga Khan and his organizations, I had reasonable grounds to believe that he may also have contravened sections 5 and 7 of the Act and that I would be examining his conduct in relation to these as well as the sections of the Act I had cited in my letter dated January 13, 2017.

Section 5 requires that a public office holder arrange his or her private affairs in a manner that will prevent the public office holder from being in a conflict of interest.

Section 7 prohibits a public office holder, in the exercise of an official power, duty or function, from giving preferential treatment to any person or organization based on the identity of the person or organization that represents the first-mentioned person or organization.

I also informed Mr. Trudeau in my February 6, 2017 letter that it was my usual practice to conduct a first interview with the subject of the investigation before collecting additional information or documents from third parties. On February 9, 2017, my Office first contacted the Prime Minister's Office to make arrangements for an interview. Due to delays in scheduling an interview, my Office subsequently informed the Prime Minister's Office that, in the interest of saving time, we would begin to contact third parties in order to request additional information and documents.

On April 4, 2017, I conducted a first interview with Mr. Trudeau. My Office received documentation from fourteen witnesses and conducted interviews with two witnesses. On October 30, 2017, I conducted a second interview with Mr. Trudeau.

In keeping with the practice I have established, Mr. Trudeau was given an opportunity to comment on a draft of the factual sections of this report (Requests, Process, Findings of Fact and Mr. Trudeau's Positions) before it was finalized.

## PART I

This Part examines Prime Minister Justin Trudeau’s relationship with His Highness the Aga Khan (Aga Khan) and his involvement in official dealings relating to the Aga Khan under the *Conflict of Interest Act* and the *Conflict of Interest Code for Members of the House of Commons*.

### FINDINGS OF FACT

#### **The Aga Khan and the Aga Khan Development Network**

The Aga Khan is the 49<sup>th</sup> Hereditary Imam, spiritual leader of the Ismaili Muslims. He succeeded his grandfather in this role in 1957, at the age of 20 years. The Ismaili Muslims are a worldwide religious community whose members share a common allegiance of spiritual loyalty to the Ismaili Imam.

The Ismaili Imam is a transnational entity which represents the succession of Imams since the time of the first Imam, and is acknowledged as the historical institutional office of the Ismaili Muslims. Through the Ismaili Imam, the Imam oversees both the material and spiritual well-being of the global Ismaili Muslim community.

For close to 60 years, the current Aga Khan has been involved in projects around the world through the work of the Aga Khan Development Network (Network). He is the Founder and Chair of the Board of Directors of the Network. This institution is described in its literature as having been created to improve the quality of life of people living in impoverished parts of the world. The Network focuses on health, education, culture, rural development, institutional building and the promotion of economic development.

The Network consists of a group of private, non-denominational international development agencies working in 30 countries. It partners with governments, multilateral agencies, non-governmental organizations, private sector institutions, communities and individuals. A Resident Representative, appointed by the Aga Khan, represents the interests of the Network in Canada.

#### **Pierre Elliott Trudeau and the Aga Khan**

In his written submission to my Office, the Aga Khan stated that he first developed a friendship with the Right Honourable Pierre Elliott Trudeau, Justin Trudeau’s father, in the late 1960s. Pierre Trudeau became Prime Minister of Canada in April 1968. At that time, members of certain Ismaili communities, particularly those in African countries, were facing persecution and had to flee their country. While Pierre Trudeau was Prime Minister of Canada, he and the



Aga Khan, who, at that point, had been Imam to the Ismaili Muslims for about a dozen years, had several discussions on the plight of the Ismaili communities, including on how Canada could be a country of refuge for those individuals.

During those discussions they discovered they had many interests in common. In his submissions, the Aga Khan wrote that a personal relationship and friendship developed between them and that they met socially and vacationed together along with their families. The Aga Khan indicated that their friendship continued over the years. They exchanged written correspondence and would meet when the Aga Khan visited Canada. Sometimes, the Aga Khan would stay at the Prime Minister's residence with Pierre Trudeau and his family. The Aga Khan submitted several handwritten letters that he and Pierre Trudeau exchanged between 1970 and 1983. After staying with the Trudeau family during a trip to Canada, the Aga Khan extended a standing invitation to Pierre Trudeau to stay at his house in Paris.

In 1983, Pierre Trudeau and his children spent two weeks on vacation in the Greek Isles with the Aga Khan, his spouse and their children. Justin Trudeau testified that during this time he and the Aga Khan's children developed a friendship.

At the end of June 1984, Pierre Trudeau ended his tenure as Prime Minister.

### **The Aga Khan in Canada**

The Aga Khan Foundation Canada (Foundation) is one of the agencies of the Network. The Foundation is a not-for-profit corporation and a registered charity that delivers its international programming through other Network agencies in partner countries. The Foundation is led by a Board of Directors which is chaired by the Aga Khan. The Chief Executive Officer of the Foundation is registered to lobby the House of Commons and various Government of Canada institutions including the Prime Minister's Office, the Privy Council Office, and the Department of Canadian Heritage.

Documents obtained show that, since 1981, the Government of Canada has supported projects of the Foundation by contributing nearly \$330 million for activities that include projects in Afghanistan, Pakistan, Tanzania and Bangladesh. The Government of Canada also regularly consults representatives of the Foundation on current and emerging development trends and priorities, such as conflicts in the Middle East.

Through the Network, the Government of Canada and the Aga Khan have had a long-standing mutually beneficial relationship with a range of shared activities including the promotion of pluralism, the protection of minorities around the world, and international development.

In 2004, the Aga Khan and the Network created the Global Centre for Pluralism, an independent not-for-profit corporation, with Canada chosen as its location. The mandate of the Global Centre for Pluralism is to advance the global understanding of pluralism through research, education and exchange about the values, practices and policies that underpin pluralist societies.

Email and documentary evidence provided by Government of Canada officials and the Aga Khan's representatives shows that the Aga Khan is actively involved in all aspects of the operations of the Network, the Foundation and the Global Centre for Pluralism. These institutions are each led by a Board of Directors, all chaired by the Aga Khan. These institutions keep the Aga Khan informed of ongoing communications and projects with the Government of Canada.

Over the years, the Aga Khan met with a number of prime ministers of Canada. According to publicly available information, the Aga Khan made a visit to Canada in 1985 to open the country's first Ismaili Centre in Burnaby, British Columbia. As Prime Minister, the Right Honourable Brian Mulroney, attended the ceremony along with the province's Premier, various cabinet ministers and members of the House of Commons. During his remarks, Mr. Mulroney recognized the work of the Aga Khan and the Foundation in building religious centres, hospitals and schools.

In 2002, the Aga Khan had a two-day official visit to Canada at the invitation of the Right Honourable Jean Chrétien, Prime Minister at that time. During the course of the visit, Mr. Chrétien and the Aga Khan outlined a framework within which the Network and Canada would further advance a shared common interest in addressing issues of humanitarian concern, improving the quality of life for disadvantaged populations in the developing world and contributing to the building of more pluralist societies in the developing and developed worlds.

In 2005, when he was Prime Minister, the Right Honourable Paul Martin announced that the Government of Canada welcomed the decision to establish the Global Centre for Pluralism in Canada. He also announced that the government would contribute \$30 million towards an endowment fund set up by the Network for the establishment of the Centre.

In 2006, the Aga Khan and the Honourable Beverley J. Oda, then Minister of International Cooperation, signed a funding agreement setting out Canada's grant investment to the endowment fund. The endowment fund, overseen by the Board of Directors of the Global Centre for Pluralism, is professionally managed to generate an income to support the operations of the centre. The Global Centre for Pluralism continues to plan to expand its core funding through additional funding partnerships.



At the time the funding agreement was signed for the endowment fund, the Government of Canada also offered to the Aga Khan a 99-year lease of the former War Museum in Ottawa at a nominal cost of \$1 per year for use as the future site of the Global Centre for Pluralism.

The Aga Khan, for his part, contributed \$10 million towards the endowment fund and \$20 million towards the refurbishment of the former War Museum heritage building.

The refurbishment required more extensive work than was originally planned and the Aga Khan contributed an additional \$15 million to renovate the building. In a letter to the Right Honourable Stephen Harper in 2013, when he was Prime Minister, the Aga Khan invited the Government of Canada to commit an additional \$15 million as well to the endowment fund of the Global Centre for Pluralism.

In July 2015, the Honourable Christian Paradis, then Minister of International Development and Minister for La Francophonie, wrote to the Secretary General of the Global Centre for Pluralism indicating that he approved a \$15-million funding grant for the endowment fund to support the work of the Centre. This was delayed because rules relating to endowment grants had changed since the first endowment fund had been given to the Global Centre for Pluralism in 2007.

As part of the process of refurbishing the former War Museum for use by the Global Centre for Pluralism, the Aga Khan commissioned a study in 2014 of the areas surrounding the Ottawa riverfront near Parliament Hill and adjacent to the National Gallery, the Global Centre for Pluralism and the Royal Canadian Mint. The study resulted in a report proposing a riverfront renewal master plan at an estimated cost of \$200 million. The plan included new streetscapes, a pedestrian bridge connecting Major's Hill Park to Parliament Hill and open spaces that would link together the Global Centre for Pluralism, the National Gallery of Canada and the Royal Canadian Mint. The Aga Khan was looking for the Government of Canada to adopt the project and contribute funds.

In 2014, Mr. Harper, on behalf of the Government of Canada, and the Aga Khan, on behalf of the Ismaili Imamat, signed a document called the *Protocol of Understanding between the Government of Canada and the Ismaili Imamat on the Creation of a Strategic Partnership* (Protocol of Understanding). The Protocol of Understanding recognized a partnership between the Government of Canada and the Ismaili Imamat and a long-standing mutually beneficial relationship between the two entities. It also bestowed certain diplomatic courtesies on the Aga Khan.



A Joint Steering Committee consisting of three members appointed by the Ismaili Imam and three members appointed by the Government of Canada was created in order to fulfill the objectives of the Protocol of Understanding. The committee is to be guided by a work plan that focuses on information sharing about current global issues.

Over the years, the Aga Khan has received several awards and accolades from Canadian educational institutions, not-for-profit organizations and the Government of Canada, in recognition of his efforts and contributions aimed at improving the conditions of societies globally. In 2005, in recognition of his dedication to Canada, the Aga Khan was made a member of the Order of Canada. In 2010, in recognition of his commitment to diversity and pluralism and his many humanitarian efforts on behalf of people around the world, the Government of Canada conferred an honorary Canadian citizenship on the Aga Khan. In 2014, then Prime Minister Stephen Harper invited the Aga Khan to deliver a joint address to the House of Commons, the only spiritual leader ever asked to do so.

### **Stephen Harper and the Aga Khan**

Publicly available information shows that during his time as Prime Minister, Stephen Harper met on many occasions with the Aga Khan between 2006 and 2015. For example, In December 2008, Mr. Harper and the Aga Khan met at the Prime Minister's residence for a luncheon, and Mr. Harper attended the Inaugural ceremony of the Delegation of the Ismaili Imam in Ottawa, the headquarters of the Foundation. In May 2010, Mr. Harper joined the Aga Khan during a ground-breaking ceremony for the Aga Khan Museum and Ismaili Centre in Toronto. Mr. Harper and his wife had dinner with the Aga Khan during a summit on maternal, newborn and child health held in Toronto in May 2014. Email documents received by my Office in the context of this investigation show that Mr. Harper also accepted two telephone calls from the Aga Khan in April and May 2015 relating to the ongoing conflicts in Syria.

In 2014, following the Aga Khan's joint address to the House of Commons mentioned above, Mr. Harper thanked the Aga Khan for supporting a Government of Canada maternal and newborn health initiative that was launched in 2010, and told him that he valued his counsel and his friendship. He also told the Aga Khan that "when you are in Canada, you are home."

As Prime Minister, Mr. Harper sent birthday greetings to the Aga Khan on at least two occasions, 2008 and 2013. In other instances, ministers sent birthday greetings on behalf of Mr. Harper and the Government of Canada. Leaders of other political parties in Canada have also sent birthday greetings to the Aga Khan, as well as greetings on Ismaili Imam Day.



## **Justin Trudeau and the Aga Khan**

### ***Before Entering Public Life***

Mr. Trudeau testified that, following the trip to the Greek Isles in 1983 with his father and two brothers, he did not have any interactions with the Aga Khan or the Aga Khan's family until the death of his father in 2000. The Aga Khan sent a handwritten note to Mr. Trudeau and his brother Sacha expressing his grief over the passing of their father. In his letter, the Aga Khan described his deep friendship with Pierre Trudeau and the great admiration he had for him. The Aga Khan was, at the request of the Trudeau family, an honorary pallbearer at the funeral.

Justin Trudeau said that when he and the Aga Khan saw each other at his father's funeral in 2000, they hugged and he felt an instant re-connection and an instant closeness. Mr. Trudeau said it was as if no time had passed. He added, however, that after the funeral there was no communication or interactions between the two as their lives did not intersect. Mr. Trudeau was a school teacher at the time, living in the western part of Canada.

As a teacher and before he became Leader of the Liberal Party of Canada, Mr. Trudeau did not feel that he had yet achieved a level of success or attained a level of authority or responsibility that would allow him to have a peer-to-peer relationship with the Aga Khan, such as the one his father had, where he could substantively engage with the Aga Khan.

### ***While a Member of Parliament***

Mr. Trudeau was elected to the House of Commons in 2008. Mr. Trudeau did not have any private interactions with the Aga Khan from the time he was elected until after he became Leader of the Liberal Party of Canada in April 2013. Mr. Trudeau recalled only two interactions during that period, both in an official context.

The first was in November 2008 when the Aga Khan came to Ottawa on an official visit. Mr. Trudeau was part of a delegation that greeted the Aga Khan at the airport. Their interaction was brief, but the moment was emotional for Mr. Trudeau. In 2010, the Aga Khan made another official visit to Canada. Mr. Trudeau recalled meeting briefly, but not privately, with the Aga Khan in the office of the Speaker of the House of Commons. In both instances no House of Commons business was discussed and no requests were made of Mr. Trudeau.

Mr. Trudeau said that, during this time, the Government of Canada was working towards establishing a relationship with the Aga Khan. As a result, he kept his distance from the Aga Khan for fear that their family relationship would be politicized, and that it would hinder the relationship between the government of that time and the Aga Khan.

In June 2009, Mr. Trudeau met with one of the Aga Khan's representatives for a tour of the Delegation of the Ismaili Imamat in Ottawa. He was informed of the work of the Foundation. No House of Commons business was discussed and no requests were made of Mr. Trudeau.

The Aga Khan submitted to my Office a copy of a greeting that Mr. Trudeau sent to him in December 2012 on the occasion of his birthday, written on Member of Parliament letterhead.

### ***While Leader of the Liberal Party of Canada***

Mr. Trudeau became Leader of the Liberal Party of Canada in April 2013. The Aga Khan sent Mr. Trudeau a letter congratulating him on his win. The typed letter included information on the Aga Khan's institutions and activities in Canada and on the formal partnership between the Government of Canada and the Global Centre for Pluralism. The Aga Khan signed the letter with the handwritten message "With my affection, Karim."

Mr. Trudeau said that, as Leader of the Liberal Party of Canada and when he eventually ran to become Prime Minister, he gradually became more comfortable with his own success and, through the experiences he was having as an elected official, came to believe that he and the Aga Khan could have conversations as equals on how to serve a community, as they share similar values and approaches. Mr. Trudeau felt that, as Leader of the Liberal Party, he could now develop a friendship with the Aga Khan that would not be dependent on the family friendship so much as one that was more of peers.

It was during this time that Mr. Trudeau began to have interactions, both official and personal, with the Aga Khan. Mr. Trudeau also met with the representatives of the Aga Khan's institutions on two occasions.

Mr. Trudeau and his wife, Ms. Sophie Grégoire Trudeau, had a private dinner in the late fall of 2013 with the Aga Khan and his daughter, at the Foundation's headquarters in Ottawa. Mr. Trudeau said it was during this dinner that he and the Aga Khan discovered there were many subjects they could discuss together more deeply than before. When asked how the dinner came about, Mr. Trudeau said it likely came from speaking to one of the Aga Khan's representatives after winning the Liberal Party leadership race. He said the representative would have suggested that Mr. Trudeau and the Aga Khan should get together when the Aga Khan next came to Ottawa.

Mr. Trudeau said that, in 2014, he and the Aga Khan began to have occasional telephone calls. Emails provided to my Office indicate that Mr. Trudeau and the Aga Khan agreed to exchange personal contact information in June 2014. Mr. Trudeau said that the Aga Khan often



initiated the telephone calls. He said that some of the calls were related to the Aga Khan's concerns over the Ismaili community in Syria and, during those calls, the Aga Khan would express his hope that the international community would be aware of the situation. Other calls were related to personal events, such as the birth of Mr. Trudeau's youngest son and the release of Mr. Trudeau's book. Mr. Trudeau said that he called the Aga Khan a few times to reach out, wish him well on an anniversary, or to thank him for a note.

Mr. Trudeau said that his telephone calls with the Aga Khan always go through official channels and are organized by his staff members and representatives of the Aga Khan. Mr. Trudeau does not recall having received any impromptu calls from the Aga Khan. When asked if all of his friends go through official channels to reach him, Mr. Trudeau said that many of his close friends reach him directly. He said that other friends, who have assistants, will reach him through official channels.

According to the Aga Khan, it was during a telephone call in March 2014 that he extended a standing invitation to Mr. Trudeau and his family to use Bells Cay, his private island in the Bahamas, for private family time. In his written submissions, the Aga Khan described this invitation as an expression of the personal relationship between Mr. Trudeau and his family and the Aga Khan and his family, adding that he and his family have extended such standing invitations to a few close friends. The Aga Khan wrote that he told Mr. Trudeau that because Mr. Trudeau's public life as an elected official affords little private family vacation time, he and his family should feel free to vacation at Bells Cay.

The Aga Khan submitted to my Office copies of birthday greetings from 2013 and 2014 and one congratulatory note from 2013 that Mr. Trudeau sent him as Leader of the Liberal Party. These were written on official letterhead. The Aga Khan also submitted a copy of a handwritten congratulatory note from 2014 he sent to Mr. Trudeau and his wife on the birth of their youngest son, and a copy of a handwritten note Mr. Trudeau sent him thanking him for the gift he sent them on that occasion. Both notes were written on letterhead. Mr. Trudeau told me that he did not recall having any communications from the Aga Khan following the births of his two older children, born in 2007 and 2009.

On February 27, 2014, Mr. Trudeau attended a protocol event for the Aga Khan and his family in the Lounge of the Speaker of the House of Commons. The event was attended by many others including Prime Minister Stephen Harper, Members of the House of Commons and various staff. According to Mr. Trudeau, he had no private meeting or discussion with the Aga Khan, and no requests were made of him in relation to his position as a Member of the House of Commons.



On September 14, 2014, Mr. Trudeau was invited to attend the opening of the Aga Khan Museum in Toronto. The invitation was extended to parliamentarians and party leaders, and not specifically extended to Mr. Trudeau. According to Mr. Trudeau, he had no interactions with the Aga Khan or any of his representatives, and no House of Commons business was discussed.

As a result of an invitation from the Aga Khan's daughter to Ms. Grégoire Trudeau in late summer 2014, Mr. Trudeau, his family and Ms. Grégoire Trudeau's parents vacationed on Bells Cay from December 28, 2014 to January 6, 2015, along with the Aga Khan, his children and their families. According to Mr. Trudeau, other guests of the Aga Khan also visited the island during that time.

Mr. Trudeau said that the Aga Khan invites various people to Bells Cay that the Aga Khan may find interesting. As an example, Mr. Trudeau said that during their time on the island in 2014, an adventurer and British television presenter visited the island. Mr. Trudeau said that, following the vacation, he and the Aga Khan's children exchanged a few emails but he noted that there have not been many interactions between them.

On May 16, 2015, Mr. Trudeau met with one of the Aga Khan's representatives. According to Mr. Trudeau, the meeting was arranged as part of ongoing outreach to various communities in his capacity as Leader of the Liberal party. Mr. Trudeau added that he did not discuss any House of Commons business during the meeting, and that no requests were made of him at or following the meeting.

On May 27, 2015, Mr. Trudeau and Ms. Grégoire Trudeau met with the Aga Khan and several of his representatives at the inaugural ceremony of a new location for the Delegation of the Ismaili Imamat in Ottawa. According to Mr. Trudeau, the meeting was arranged as part of ongoing outreach to various communities in his capacity as Leader of the Liberal party and that Prime Minister Stephen Harper also attended the ceremony. Mr. Trudeau had no specific recollection of the meeting, but surmised that a range of issues and matters of importance to the Ismaili community would have been discussed.

On November 3, 2015, Mr. Trudeau met with two of the Aga Khan's representatives at the Delegation of the Ismaili Imamat in Ottawa. The meeting was arranged as part of ongoing outreach to various communities in Mr. Trudeau's capacity as leader of the Liberal Party. Mr. Trudeau said that a range of issues and matters of importance to the Ismaili community would have been discussed.



### *Since becoming Prime Minister of Canada*

In October 2015, the Liberal Party won the federal election and Mr. Trudeau became Prime Minister of Canada. Mr. Trudeau told me that his interactions with the Aga Khan have slightly increased since becoming Prime Minister as they now have more opportunities to see each other in their official capacities.

The Aga Khan telephoned Mr. Trudeau and sent him a typed letter congratulating him on his win. His letter included information on the institutional investments the Imamat had made in Canada in recent years, such as the creation of the Aga Khan Museum in Toronto.

The letter also reminded Mr. Trudeau of the Protocol of Understanding between the Aga Khan and the Government of Canada that was signed by Mr. Harper in 2014. According to the Aga Khan, the protocol was created to place the relationship between the Aga Khan and the Government of Canada on a stronger and more permanent footing, in light of the Imamat's investments and the changing global environment. The Aga Khan wrote "I place the highest personal importance on this Protocol and ensuring that the mechanisms established therein operate as effectively as possible." The Aga Khan personally signed the letter "With all my warmest wishes, and much love to you, Sophie and the family."

In early November 2015, Mr. Gordon Campbell, in his capacity as Canada's Representative to the Ismaili Imamat at that time, sent an email to officials with the Privy Council Office extending an invitation on behalf of the Aga Khan for a visit with Mr. Trudeau in either London, England or Paris, France. Mr. Trudeau accepted the invitation for a visit at the Aga Khan's private residence in Paris, to coincide with his trip to the United Nations Climate Change Conference later that month.

Mr. Trudeau told me that he was aware that the Aga Khan had a residence in Paris, but said it was unlikely that he would have thought to contact him and request a private visit. Mr. Trudeau said that he was new in his role as Prime Minister and about to embark on several foreign visits. Organizing private dinners was not top of mind.

In preparation for his personal meeting with the Aga Khan, Mr. Trudeau had a discussion with officials of the Privy Council Office and received two scenario notes from them. Mr. Trudeau told me that, whenever he meets with a dignitary, he is briefed on a wide range of issues that may arise during their discussion.

Both scenario notes included background information on the Aga Khan, his institutions in Canada, and the relationship between the Government of Canada and the Aga Khan. They both

mentioned that in 2015 the previous government had committed an additional \$15-million endowment fund for the Global Centre for Pluralism in response to a request from the Aga Khan. The scenario notes added that the additional endowment payment had been delayed because of challenges related to transferring funds into an endowment and that officials were working to find a solution.

One note also mentioned that the Aga Khan had personally been involved in the development of a riverfront renewal project as part of the renovation of the former War Museum of Canada for use by the Global Centre for Pluralism, and that the Aga Khan might raise the possibility of federal support for that with Mr. Trudeau. The other scenario note included talking points that acknowledged the long-standing relationship between the Government of Canada and the Ismaili Imamat, reiterated Canada's commitment to deepening its relationship with the Ismaili Imamat and conveyed Canada's appreciation for the Aga Khan and his institutions and their work in promoting pluralism around the world.

Mr. Trudeau characterized his Paris visit in 2015 with the Aga Khan as personal in nature and noted that his wife, Ms. Grégoire Trudeau, was also present. He explained that, while it was a private visit, it was still an opportunity to engage with a global leader. He said that visits with the Aga Khan always include discussions on pluralism, geopolitics and the Muslim community. Mr. Trudeau said that the Aga Khan also spoke about his concerns regarding the Ismaili community in Syria and that he may have debriefed his staff about this following his dinner.

Mr. Trudeau testified that apart from Bells Cay, he had not visited any of the Aga Khan's residences prior to their November 2015 dinner in Paris.

In February 2016, Ms. Grégoire Trudeau reached out to the Aga Khan's daughter and discussed the possibility of Ms. Grégoire Trudeau vacationing on the island during the month of March. On March 11, 2016, Ms. Grégoire Trudeau, a friend of hers, and their children, arrived on the island for a week-long trip. Mr. Trudeau did not take part in that trip. In a written submission to my Office, the Aga Khan stated that neither he nor any other member of his family was present on Bells Cay at that time.

In mid-July 2016, Ms. Grégoire Trudeau contacted the Aga Khan's daughter and inquired whether her family would be able to vacation on Bells Cay at Christmas. Mr. Trudeau said they chose to vacation at Bells Cay as it offers security and privacy for himself and for his family. The Aga Khan's daughter told Ms. Grégoire Trudeau that she and her family were welcome to vacation on the island and informed her that she and her family might be there as well. Later on, Ms. Grégoire Trudeau asked if they could invite friends to join them on the island and the Aga Khan's daughter agreed to this.



In December 2016, the Aga Khan sent an invitation addressed to the Prime Minister inviting Mr. Trudeau and his spouse to attend the Aga Khan's 80<sup>th</sup> birthday at his home in Aiglemont, France. Mr. Trudeau could not attend but sent a birthday greeting note, handwritten on letterhead.

From December 26, 2016, to January 4, 2017, Mr. Trudeau and his family, and their friends, spent their Christmas holidays on Bells Cay along with the Aga Khan, his children and their families. The Trudeau family exchanged Christmas gifts with the Aga Khan and his family. Mr. Trudeau said that other guests, including a senior American official of a previous administration, and friends of those other guests, were also present.

In his submission to my Office, the Aga Khan wrote that in the six months from July 1, 2016 to December 31, 2016, 178 guests of the Aga Khan and his family visited Bells Cay.

Mr. Trudeau and the Aga Khan both stated that interactions between their families took place mostly during meals and that they were personal and social in nature, with an occasional discussion relating to current events. Mr. Trudeau said private conversations with the Aga Khan revolved around geopolitics, the Muslim world, the Canadian leadership in the world, and challenges the Aga Khan might be facing. Mr. Trudeau said that any discussion around geopolitics touches on his role as Prime Minister. However, Mr. Trudeau stated that their discussions do not involve any requests for funding or for Mr. Trudeau's assistance on any matter.

Mr. Trudeau testified that, except for the Christmas gifts exchanged during the December 2014 and December 2016 trips to Bells Cay, he and his family did not exchange any Christmas gifts with the Aga Khan, his children or their families.

In his written submission, the Aga Khan wrote that he has a personal relationship with Justin Trudeau and his family, as do his eldest children. He wrote that the personal relationship between himself and his family and Mr. Trudeau and his family has evolved as Mr. Trudeau has matured and had a family of his own.

Mr. Trudeau testified that his brother would consider himself as having a family friendship with the Aga Khan. However, Mr. Trudeau could not recall the last time his brother might have seen the Aga Khan and said that he did not think his brother had vacationed with the Aga Khan as an adult. Mr. Trudeau said his mother had been very good friends with the Aga Khan's first wife but had since lost touch. Mr. Trudeau testified that the relationship he and his family have with the Aga Khan is "a family friendship that comes in and out depending on life circumstances."

## **Official Dealings Between Prime Minister Justin Trudeau and the Aga Khan**

### ***Bilateral Meeting of May 17, 2016***

#### Request for a meeting with Prime Minister Trudeau

On March 9, 2016, one of the Aga Khan's representatives contacted a staff member in the Prime Minister's Office to inform him that the Aga Khan would be travelling to Canada in May, and requested a formal meeting with the Prime Minister. In his written submission, the Aga Khan stated that his meeting request with Mr. Trudeau was in accordance with his protocol and practice when there is a change in political leadership in a country. He added that the meeting provided an opportunity to exchange views on matters of importance for both Canada and the Ismaili Imam.

A bilateral meeting between Mr. Trudeau and the Aga Khan was scheduled for May 17, 2016. In preparation for the meeting, Mr. Trudeau received a scenario note prepared by the Privy Council Office. The note included information on various subjects that might be discussed during the meeting, including the \$15-million grant to the endowment fund of the Global Centre for Pluralism that was committed to by the previous government, and the riverfront renewal master plan. In the scenario note, the Privy Council Office wrote that the Aga Khan Development Network and the Global Centre for Pluralism were expected to seek government support for the riverfront renewal master plan.

#### *The \$15-million Grant to the Endowment Fund of the Global Centre for Pluralism*

Emails obtained by my Office show that beginning in December 2015, a representative of the Global Centre for Pluralism regularly contacted staff in the Prime Minister's Office, staff in the office of the Honourable Mélanie Joly, Minister of Canadian Heritage, as well as officials in the Privy Council Office regarding the \$15-million commitment made by the previous government. There appears to have been some concern on the part of the Aga Khan and his representatives that the Government of Canada would not uphold its commitment. Emails from the Privy Council Office indicated that Global Affairs Canada was working closely with the Treasury Board Secretariat to find a solution, although the funds would likely not flow during the 2015-2016 fiscal year.

#### *The Proposed Riverfront Renewal Master Plan*

After the fall 2015 federal election, representatives of the Aga Khan began contacting newly appointed ministers and various government officials looking to present the proposed riverfront renewal master plan that the Aga Khan had personally financed, and to seek their support for the proposal. The desire was to have Mr. Trudeau and Ms. Joly, as the minister responsible for the National Capital Commission, announce the Government of Canada's endorsement and implementation of the riverfront renewal master plan as part of Canada 150 celebrations.



On December 9, 2015, two of the Aga Khan's representatives met directly with Ms. Joly to introduce the work of the Aga Khan's institutions. At that time they also presented the proposed riverfront renewal master plan. In an interview with my Office, Ms. Joly confirmed that the Aga Khan's representatives were looking to receive ministerial support for the project. Ms. Joly said that she simply listened and that there was no follow-up.

In an email dated January 7, 2016, a senior official of the Privy Council Office informed two policy analysts in that same department that he had been in contact with a representative of the Aga Khan Foundation Canada who had told him that the Aga Khan had spoken with Mr. Trudeau about the proposed riverfront renewal master plan.

When shown the January 7, 2016 email, Mr. Trudeau testified that a conversation with the Aga Khan about the proposed riverfront renewal master plan likely would have occurred during their November 29, 2015 private dinner in Paris. Mr. Trudeau said that the Aga Khan would have told him about his interest in the project and his desire to improve the area, to which he would have replied that the project sounded good. Mr. Trudeau said he might subsequently have told his staff about the project but not given any particular instructions.

#### Discussions during the Bilateral Meeting of May 17, 2016

Mr. Trudeau testified that, despite his relationship with the Aga Khan, he did not have any concerns about attending the May 17, 2016 bilateral meeting with him. The meetings he attends as Prime Minister are not business meetings. Rather, they are high-level meetings centred on relationship building and ensuring that all parties are moving forward together. Specific issues or details are worked out before, subsequently or independently of any meeting he attends.

According to Mr. Trudeau, the Aga Khan is a very high level dignitary, a long-time friend of Canada, an honorary citizen, and a personal friend of his. The Aga Khan was a friend of Mr. Harper when he was Prime Minister, and he will be great friends with the next prime minister as a matter of function because the Aga Khan is an extraordinary friend to Canada.

He said his role in any meeting is to further develop a relationship between the individual and Canada. Mr. Trudeau views his involvement with the Aga Khan and his Canadian institutions as ceremonial in nature, similar to interactions he would have with any global leader or distinguished global citizen.

Mr. Trudeau said that the first 15 minutes of the bilateral meeting involved a private discussion between himself and the Aga Khan. He said that during that time he and the Aga Khan spoke about personal matters, the Ismaili community in general, and geopolitics.

Afterwards, several individuals joined an expanded bilateral meeting. They included three of the Aga Khan's representatives as well as Ms. Joly, staff members of the Prime Minister's Office and senior officials of the Privy Council Office. One of the Aga Khan's representatives took notes during the discussion.

#### *The \$15-million Grant to the Endowment Fund of the Global Centre for Pluralism*

In the scenario note Mr. Trudeau received prior to the bilateral meeting, the Privy Council Office indicated that a funding mechanism permitting the Government of Canada to contribute the \$15-million grant to the endowment fund of the Global Centre for Pluralism had been found. Mr. Trudeau testified that he reaffirmed the Government of Canada's commitment of the \$15 million during that bilateral meeting.

Mr. Trudeau told me that theoretically, a commitment made by a previous government is not binding on the next one but that, given the importance that he and the Liberal Party of Canada place on the subject of pluralism in Canada, much like the previous government did, it would have been very unlikely that the current government would not follow through on this commitment.

#### *The Proposed Riverfront Renewal Master Plan*

Notes of the discussion taken by the Aga Khan's representative indicate that Mr. Trudeau told the group that he was fully aware of the riverfront renewal master plan, but wondered whether the funds might be better used for other infrastructure projects. According to the notes, the Aga Khan then suggested a public-private partnership in order to fund the project. Mr. Trudeau testified that he told the Aga Khan that he supported the idea of a public-private partnership, should the government departments responsible for the area decide to go ahead with the project. According to the notes, Minister Joly also indicated her support for the project. The notes further indicated that the Aga Khan's representatives would follow up with her.

Mr. Trudeau stated that he did not believe the Aga Khan was looking for him to do anything regarding the project, and that in any event, it was not something that he, as Prime Minister, would have had a say in making happen. Mr. Trudeau testified that he would have told the Aga Khan that his plan sounded good, particularly because he knows that the Aga Khan tends to contribute significant funds to projects he proposes. Mr. Trudeau said that his staff would have taken note of the proposal and followed up in some way. However, Mr. Trudeau had no knowledge as to whether his staff actually followed up with the Aga Kahn or his institutions regarding the project.



Ms. Joly said that, following the meeting, she did not discuss the proposed project with Mr. Trudeau, nor did he give her any instructions regarding the project. Ms. Joly said that she did not follow up with the Aga Khan's representatives because the project was not a priority for her as Minister of Canadian Heritage or for her department. Publicly available information shows that, since 2014, the National Capital Commission has been developing its own riverfront revitalization plan for the area.

#### Follow-up to the May 17, 2016 Bilateral Meeting

On July 10, 2016, the Honourable Marie-Claude Bibeau, Minister of International Development and La Francophonie, sent a letter informing the Global Centre for Pluralism that she had approved the \$15-million funding agreement. Mr. Trudeau stated that he did not have any discussions with Ms. Bibeau regarding the agreement. In an email dated August 8, 2016, a representative of the Global Centre for Pluralism wrote to a staff member in the Prime Minister's Office to inform him that the funding agreement had been signed and that the Aga Khan and the Board of Directors of the Global Centre for Pluralism would be pleased, adding that "it was good that we didn't have to appeal to you to intervene."

In early December 2016, Ms. Joly met with Mr. Trudeau to present to him the Canada 150 projects and activities organized by the Department of Canadian Heritage for 2017. Ms. Joly told me that when she asked Mr. Trudeau whether he was satisfied with the upcoming projects and activities, he asked about projects pertaining to the Ottawa area and, in passing, asked about the riverfront renewal master plan. Ms. Joly said that she told Mr. Trudeau that the area involved in the master plan was within the jurisdiction of the National Capital Commission. She said that they did not discuss the riverfront renewal master plan any further. Mr. Trudeau told me that he did not recall asking Ms. Joly about the riverfront project.

#### ***September 20, 2016 Telephone Discussion and Letter from the Aga Khan***

On September 20, 2016, representatives of the Aga Khan and of the Office of the Prime Minister organized a call between Mr. Trudeau and the Aga Khan. The Aga Khan had received a letter from the leader of a country regarding an environmental issue between the government of that country and the subsidiary of a Canadian mining company. In the letter, the leader of that country had asked the Aga Khan to contact the Government of Canada given the Aga Khan's close relationship with the leaders of Canada.

Following the telephone call, the Aga Khan sent a letter to Mr. Trudeau thanking him for taking his call, and attaching a copy of a letter he had mentioned to him during their call. In his letter, the Aga Khan asked Mr. Trudeau to intervene on the matter. The Aga Khan suggested to Mr. Trudeau that he speak to the Canadian company, inform them that the matter had been

brought to his attention by the Aga Khan and that both would like the parties to meet face to face and move forward amicably. The Aga Khan wrote further that he would contact the leader of that country and inform him that he and Mr. Trudeau had spoken on the matter and that he and Mr. Trudeau hoped that the two parties would meet face to face. The Aga Khan concluded his letter with a wish that he and Mr. Trudeau could soon meet on “the island.” The letter was signed “as always, K.”

Mr. Trudeau told me that he did not recall the telephone conversation with the Aga Khan. He said that after receiving the Aga Khan’s letter, he would have handed it off to his staff and asked that they follow up. Mr. Trudeau told me that while there is a personal relationship with the Aga Khan, he said he might receive a similar letter from any other world leader and he would make sure someone in the Prime Minister’s Office attended to the matter.





## **MR. TRUDEAU'S POSITION**

### **Relating to the *Conflict of Interest Code for Members of the House of Commons***

Mr. Trudeau's counsel provided me with detailed submissions on the alleged contravention of subsection 14(1) of the Members' Code.

According to the submissions, Mr. Trudeau did not contravene subsection 14(1) of the Members' Code because he could accept hospitality at the Aga Khan's island given the friendship and affinity between the Aga Khan and Mr. Trudeau and their families. Moreover, hospitality at the Aga Khan's island could not reasonably be seen to have been given to influence Mr. Trudeau since the stays at Bells Cay followed from authentic personal invitations, and a continuation of a life-long personal relationship.

### **Relating to the *Conflict of Interest Act***

Mr. Trudeau's counsel provided me with detailed submissions on the alleged contraventions of subsections 11(1) and 6(1), and sections 5, 7, and 21 of the Act.

According to the submissions, Mr. Trudeau and the Aga Khan have a friendship and affinity which is rooted in the history of the personal relationship between the Aga Khan and Mr. Trudeau's father, the Right Honourable Pierre Elliott Trudeau. The friendship and affinity between Mr. Trudeau and the Aga Khan grew after Pierre Trudeau passed away and the Aga Khan acted as a mentor and counseled Mr. Trudeau.

Justin Trudeau and the Aga Khan are in each other's close circle and their respective families socialize. After he was elected, Mr. Trudeau was able to develop a peer-to-peer relationship with the Aga Khan. Since 2012, Mr. Trudeau's interactions with the Aga Khan have included two family dinners, a few telephone conversations, written correspondence, and time spent together with their families on Bells Cay, the Aga Khan's private island, in December 2014 and December 2016.

Mr. Trudeau's deep personal friendship with the Aga Khan extended to their families. The fact that he used the term of endearment "Uncle K" when referring to the Aga Khan, that their families vacationed together, that they had each other's personal contact information and that they had significant conversations regarding deeply personal matters unrelated to their official responsibilities that the Aga Khan could only share with a few people in this world reflects the closeness of their relationship. A personal relationship developed between the Aga Khan's daughter and Ms. Sophie Grégoire Trudeau.



The gifts of the vacations to Bells Cay cannot reasonably be seen to have been given to influence Mr. Trudeau considering that the Aga Khan is not a stakeholder or registered lobbyist. The relationship between Canada and the Aga Khan has extended over many years, and there was no ongoing or foreseeable business relationship between the Government of Canada and the Aga Khan. The stays at Bells Cay followed from personal invitation and a continuation of a life-long personal relationship.

Mr. Trudeau and his family's acceptance of the gift of hospitality at the Aga Khan's private island in March 2016 and December 2016 is permissible given the friendship and affinity between the two men and their families.

Mr. Trudeau never exercised an official power, duty or function with respect to the Aga Khan Foundation Canada's projects since he was never involved in the approval of the funding for those projects. He also never made, or participated in the making of, a decision related to an official power, duty or function in connection to the Global Centre for Pluralism, the Aga Khan Foundation Canada (Foundation) or the Aga Khan Development Network (Network).

The \$15 million in additional funding for the Global Centre for Pluralism had been promised by the previous government. The decision as to the mechanism to secure the additional funding did not rest with Mr. Trudeau. Also, Mr. Trudeau never had any involvement in the riverfront renewal master plan or with any other funding projects.

Furthermore, there was never an opportunity to further the private interests of the Aga Khan. The Global Centre for Pluralism and the riverfront renewal master plan are projects that are of general application and would benefit the public at large. There is no evidence that the Aga Khan would financially benefit from the funding of these projects.

According to the Protocol of Understanding between the Government of Canada and the Aga Khan, Canada has a long-standing development relationship with the Aga Khan Foundation Canada. The government and the Aga Khan are also partners in the context of the Global Centre for Pluralism. As a result, it would be customary for Mr. Trudeau and the Aga Khan to engage on these topics.

Mr. Trudeau did not have an existing or, to his knowledge, foreseeable official power, duty or function to exercise in relation to the projects of the Foundation or the Network, or to the private interests of the Aga Khan. Accordingly, there was no conflict of interest or, to Mr. Trudeau's knowledge, any foreseeable conflict of interest.

## ANALYSIS AND CONCLUSION UNDER THE MEMBERS' CODE

### Section 14

#### *Analysis*

It is alleged that Mr. Trudeau, as a Member of the House of Commons, may have contravened subsection 14(1) of the Members' Code by accepting invitations from the Aga Khan for him and his family to vacation on the Aga Khan's private island.

The relevant portions of section 14 of the Members' Code read as follows:

*14. (1) Neither a Member nor any member of a Member's family shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office.*

*(1.1) [. . .]*

*(2) Despite subsection (1), a Member or a member of a Member's family may accept gifts or other benefits received as a normal expression of courtesy or protocol, or within the customary standards of hospitality that normally accompany the Member's position.*

*(3) If gifts or other benefits that are related to the Member's position are accepted under this section and have a value of \$200 or more, or if the total value of all such gifts or benefits received from one source in a 12-month period is \$200 or more, the Member shall, within 60 days after receiving the gifts or other benefits, or after that total value is exceeded, file with the Commissioner a statement disclosing the nature of the gifts or other benefits, their source and the circumstances under which they were given.*

*(4) [. . .]*

The Members' Code defines "benefit" in subsection 3(1) as follows:

*"benefit" means*

*[. . .]*

*(b) a service or property, or the use of property or money that is provided without charge or at less than its commercial value, other than a service provided by a volunteer working on behalf of a Member;*

*[. . .]*



In December 2014, Mr. Trudeau and his family accepted a vacation on the Aga Khan's island for themselves, and their relatives.

In March 2016, members of Mr. Trudeau's family accepted a vacation on the island for themselves, a friend and that friend's children.

In December 2016, Mr. Trudeau and his family accepted a vacation on the island for themselves, their friends and their friends' families.

I must determine whether, in each case, the acceptance of the invitation to vacation on Bells Cay, the Aga Khan's private island, with all expenses covered by the Aga Khan, resulted in a contravention of section 14 of the Members' Code.

The test as set out in section 14 of the Members' Code must be determined in accordance with an objective standard, that is whether a reasonable person with knowledge of the relevant facts would conclude that the gift might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of their office. The test is not whether the individual offering the gift or other benefit intended to influence the recipient, or whether the recipient was indeed influenced.

In making the determination of whether the gift or other benefit might reasonably be seen to have been given to influence Mr. Trudeau as a Member of the House of Commons, I must consider the context in which the gifts were being offered and whether the Aga Khan or his institutions were seeking or were likely in the future to seek the assistance of Mr. Trudeau as a Member of the House of Commons in relation to interests the Aga Khan or his institutions might have.

Only if I conclude that the gifts might reasonably be seen to have been given to influence Mr. Trudeau as a Member of the House of Commons would it be necessary to consider any of the exceptions under section 14 of the Members' Code. I note, in any event, that there is no exception under section 14 for gifts or other benefits given by friends.

As set out in the *Findings of Fact*, a standing invitation to Mr. Trudeau and his family to vacation on Bells Cay for private family time was made by the Aga Khan during the spring of 2014. At that time, Mr. Trudeau was a Member of the House of Commons and the Leader of the Liberal Party of Canada.

Mr. Trudeau testified that he never discussed House of Commons business with the Aga Khan or with the representatives of any of the Aga Khan's affiliated institutions, even after becoming Prime Minister of Canada. Nor did the Aga Khan, in his written submission, describe

any House of Commons business being discussed during any of his interactions with Mr. Trudeau.

Before becoming Prime Minister of Canada in November 2015, Mr. Trudeau had brief interactions with the Aga Khan as a Member of the House of Commons. He attended, along with other parliamentarians, three ceremonial events during the Aga Khan's official visits to Canada.

Mr. Trudeau described three other interactions that occurred in 2015 prior to his becoming Prime Minister: two with the Aga Khan's representatives and one with the Aga Khan. These were described as part of Mr. Trudeau's ongoing outreach to various communities in his capacity as Leader of the Liberal Party of Canada and as not involving House of Commons business.

Official dealings did take place between the Aga Khan and Mr. Trudeau after he became Prime Minister of Canada. However, these interactions were not related to Mr. Trudeau's position as a Member of the House of Commons but to his position as Prime Minister of Canada.

There is no evidence that any House of Commons business was discussed between Mr. Trudeau and the Aga Khan or any of the Aga Khan's representatives and affiliated institutions. During the period relevant for my inquiry, the Aga Khan Foundation Canada was registered to lobby the House of Commons, but no lobbying communications were registered with Mr. Trudeau. There was no evidence that Mr. Trudeau participated in any debates or votes in the House of Commons related to the Aga Khan or his institutions.

There is no evidence that the Aga Khan or any of his institutions were ever seeking, or would likely be seeking in the future, Mr. Trudeau's support as a Member of the House of Commons in relation to a matter of interest to the Aga Khan. It is therefore not necessary to consider whether any of the exceptions under section 14 of the Members' Code apply.

Furthermore, the evidence shows that the gifts were not related to Mr. Trudeau's position as a Member of the House Commons and therefore no public statement under subsection 14(3) of the Members' Code is required.

### ***Conclusion***

For the reasons discussed above, I find that the vacations on Bells Cay cannot reasonably be seen to have been given to influence Mr. Trudeau in the exercise of a duty or function of his office as a Member of the House of Commons.

In light of the above, I conclude that Mr. Trudeau did not contravene section 14 of the Members' Code.





## ANALYSIS AND CONCLUSION UNDER THE ACT

It is alleged that Mr. Trudeau, as Prime Minister, may have contravened one or more of five provisions of the *Conflict of Interest Act*. I will consider the application of each of the five sections to the circumstances under examination in the following order: section 11, section 21, subsection 6(1), section 5, and section 7.

### Section 11

#### *Analysis*

Subsection 11(1) of the Act prohibits public office holders and members of their family from accepting gifts or other advantages that might reasonably be seen to have been given to influence them in the exercise of an official power, duty or function. Subsection 11(2) sets out a number of exceptions to this rule, including where the gift or other advantage is from a relative or a friend.

In the time since Mr. Trudeau became subject to the Act, he and his family, on two occasions, accepted from the Aga Khan a vacation on his private island. In December 2016, Mr. Trudeau and his family accepted the vacation for themselves, their friends and their friends' families. In March 2016, members of Mr. Trudeau's family accepted the vacation for themselves, a friend and the friend's children, but Mr. Trudeau did not go.

I must first determine whether these gifts from the Aga Khan might reasonably be seen to have been given to influence Mr. Trudeau in the exercise of an official power, duty or function as Prime Minister.

The test as set out in section 11 of the Act must be determined in accordance with an objective standard, that is whether a reasonable person with knowledge of the relevant facts would conclude that the gift might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function. The test is not whether the individual offering the gift or other advantage intended to influence the recipient, or whether the recipient was indeed influenced.

The relevant portions of section 11 read as follows:

*11. (1) No public office holder or member of his or her family shall accept any gift or other advantage, including from a trust, that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function.*



*(2) Despite subsection (1), a public office holder or member of his or her family may accept a gift or other advantage*

*(a) that is permitted under the Canada Elections Act.*

*(b) that is given by a relative or friend; or*

*(c) that is received as a normal expression of courtesy or protocol, or is within the customary standards that normally accompany the public office holder's position.*

The Act defines “gift or other advantage” under subsection 2(1) as follows:

*“gift or other advantage” means*

*[ . . . ]*

*(b) a service or property, or the use of property or money that is provided without charge or at less than its commercial value.*

In determining whether a breach of section 11 occurred, I will begin by considering whether the Aga Khan, or any of his institutions, could benefit from the assistance of Mr. Trudeau as Prime Minister in relation to any of their interests.

Mr. Trudeau's counsel submitted that there was no ongoing or foreseeable business relationship between the Prime Minister and the Aga Khan. Prior to becoming Prime Minister of Canada, Mr. Trudeau was well aware of the importance of the ongoing relationship between the Aga Khan and the Government of Canada. This relationship was first established by his father when he was Prime Minister of Canada.

Mr. Trudeau was also aware, as a Member of the House of Commons, that the Government of Canada continued to recognize its long-standing, mutually beneficial relationship with the Aga Khan. He testified that he knew that the Right Honourable Stephen Harper, during his tenure as Prime Minister, had an active relationship with the Aga Khan.

Mr. Trudeau said that he recognized that the Aga Khan, as a very high level dignitary, would establish relationships with world leaders, including the Prime Minister of Canada. He therefore knew that, in that role, he would be called upon to have ongoing official dealings with the Aga Khan in respect of several matters.

When Mr. Trudeau became Leader of the Liberal Party of Canada in April 2013, the Aga Khan, in a congratulatory letter, included information about the Aga Khan's institutions and their activities in Canada.

When Mr. Trudeau won the election in the fall of 2015, the Aga Khan telephoned him and wrote him a letter that included information about the institutional investments the Aga Khan had made in Canada. The letter also reminded Mr. Trudeau that the Government of Canada and the Aga Khan had a Protocol of Understanding in place. The Aga Khan wrote in the letter that he placed the highest personal importance on the Protocol. The Protocol of Understanding was created to place the long-standing development relationship between the Aga Khan, his institutions and the Government of Canada on a stronger and more permanent footing.

The Aga Khan Foundation Canada, which is led by a Board of Directors chaired by the Aga Khan, was registered to lobby both the Prime Minister's Office and the Privy Council Office.

In preparation for a November 2015 dinner with the Aga Khan in Paris, Mr. Trudeau, as Prime Minister, was briefed by the Privy Council Office about some of the Aga Khan's ongoing dealings with the Government of Canada, including an outstanding \$15-million grant to the endowment fund of the Global Centre for Pluralism that the previous government had committed to, as well as the possible funding of a riverfront renewal master plan project in Ottawa. Mr. Trudeau testified that it was very possible that the riverfront renewal master plan would have been discussed during this dinner.

Around the time of his family's March 11 to March 16, 2016 trip to Bells Cay, Mr. Trudeau continued to have official interactions with the Aga Khan.

On March 9, 2016, two days before Ms. Grégoire Trudeau went on her trip, a representative of the Aga Khan requested that a formal bilateral meeting be held between the Aga Khan and Mr. Trudeau as Prime Minister. The meeting took place in May 2016 and a number of issues were raised at the meeting, including the \$15-million grant and the riverfront project.

In September 2016, the Aga Khan made a telephone call, followed up with a letter, seeking to have Mr. Trudeau intervene, as Prime Minister, in a diplomatic matter involving a Canadian corporation and a foreign country. The Aga Khan concluded his letter with a wish that he and Mr. Trudeau could soon meet on his island.

In my view, the evidence clearly shows that there was ongoing official business between the Government of Canada and the Aga Khan at the time each invitation to visit the island was accepted and that Mr. Trudeau, as Prime Minister, was in a position to be able to advance some of the matters of interest to the Aga Khan, whether he did so or not. This leads to the conclusion that the gifts could reasonably be seen to have been given to influence Mr. Trudeau in the exercise of an official power, duty or function.



I must now determine whether an exception applies under paragraph 11(2)(b) on the grounds that Mr. Trudeau and the Aga Khan are friends for the purposes of the Act.

#### Exception: Gifts Given by a Friend

Mr. Trudeau's counsel submitted that an exception to subsection 11(1) of the Act would apply under paragraph 11(2)(b) on the grounds that Mr. Trudeau and the Aga Khan are friends. They argued that, given the long family history involving the close relationship between the Aga Khan and the Prime Minister's father, a reasonable person with knowledge of the facts would view the visit by Mr. Trudeau's family to Bells Cay in March 2016 and the visit by Mr. Trudeau and his family to Bells Cay in December 2016 to be incidental to a lifelong personal relationship, and not view these as gifts given to influence the Prime Minister.

Subsection 11(2) of the Act establishes three exceptions to the general prohibition against accepting gifts or other advantages that might reasonably be seen to have been given to influence the public office holder. The relevant exception to be considered in the context of this examination would be a gift or other advantage given by a relative or friend. I must therefore determine whether Mr. Trudeau and the Aga Khan should be considered friends for the purposes of section 11 of the Act.

It appears from the evidence that a friendship between the Aga Khan and Mr. Trudeau's father, the Right Honourable Pierre Elliott Trudeau, began in the late 1960s and developed into a family friendship.

The evidence shows that, but for the Aga Khan's attendance at Mr. Trudeau's father's funeral in 2000, Mr. Trudeau had no private or personal interactions with the Aga Khan between 1983 and the fall of 2013, a span of 30 years. As well, there was no evidence that the Aga Khan ever tried to contact Mr. Trudeau in those 30 years, including when the Aga Khan made official visits to Canada while Mr. Trudeau was a Member of the House of Commons. Nor is there any evidence that Mr. Trudeau's mother or brother had, except for the funeral, any personal interactions with the Aga Khan after 1983.

The evidence shows that the recent private interactions began after Mr. Trudeau became Leader of the Liberal Party of Canada in 2013. The frequency of both private and official interactions increased when Mr. Trudeau became Prime Minister. It must be noted in this regard that the Aga Khan had had official interactions with most prime ministers of Canada after Pierre Trudeau, including Brian Mulroney, Jean Chrétien and Paul Martin, and particularly with Stephen Harper. This is not surprising given the long-standing relationship between the Government of Canada and the Aga Khan dating back to the late 1960s.

While the Aga Khan wrote that he and Pierre Trudeau were friends, the Aga Khan described his relationship with Justin Trudeau generally as a personal relationship that has evolved as Mr. Trudeau matured and had a family of his own.

Mr. Trudeau described his relationship with the Aga Khan as “a family friendship that comes in and out depending on life circumstances.” By Mr. Trudeau’s own account, part of those circumstances included renewed personal interactions and official interactions as a result of his becoming Leader of the Liberal Party of Canada and Prime Minister.

Mr. Trudeau said that, as Leader of the Liberal Party and when he eventually ran to become Prime Minister, he gradually became more comfortable with his own success and, through the experiences he was having as an elected official, came to believe that he and the Aga Khan could have conversations as equals on how to serve a community, as they share similar values and approaches. Mr. Trudeau felt that, as Leader of the Liberal Party, he could develop a friendship with the Aga Khan that would not be dependent on his family’s relationship with him.

During his testimony, Mr. Trudeau also told me that because the Aga Khan is an extraordinary friend to Canada, he will be great friends with the next prime minister as he was with the previous prime minister.

In my view, Mr. Trudeau’s description of his own friendship with the Aga Khan suggests that it arose as a result of his position as the Leader of the Liberal Party of Canada and subsequently from his position as Prime Minister.

The Aga Khan described the standing invitation to vacation on Bells Cay that he extended in 2014 to be an expression of the personal relationship between Justin Trudeau and his family on one side and himself and his family on the other. He also said that he and his family have extended such standing invitations to a few close friends.

For all of these trips to Bells Cay, Mr. Trudeau or his family were accompanied by their own friends and in some instances by their friends’ families. As well, they shared the island with a number of other guests of the Aga Khan and their friends, including a senior official from another government and his friends during the December 2016 trip. The evidence also shows that during the March 2016 trip, no member of the Aga Khan’s family was on the island and that, during the planning for the December 2016 trip, the Trudeaus were informed that the Aga Khan and his family may or may not be present. These circumstances do not suggest that Mr. Trudeau and the Aga Khan were seeking to fulfil opportunities to spend private time together as friends.

Mr. Trudeau’s counsel submitted the argument that I had concluded in the 2013 *Paradis Report* that Mr. Paradis and Mr. Dionne, who was a family friend through Mr. Paradis’ father,



were friends within the meaning of the Act and that the same reasoning should apply in this examination. However, an important distinction when compared to the present case is that prior to Mr. Paradis assuming public office, Mr. Paradis, his father and Mr. Dionne had worked closely together at the same law firm and socialized together for almost a decade. In Mr. Trudeau's situation, there was no such extended period during which he socialized with the Aga Khan and could develop a personal friendship with him.

The current relationship between the Aga Khan and Mr. Trudeau, as Prime Minister, was facilitated by a pre-existing family friendship between the Aga Khan and Mr. Trudeau's late father. While I am of the view that Mr. Trudeau and the Aga Khan have a warm relationship rooted in family history and built on common values and goals, I also see it as unlikely that the invitations would have been given to Mr. Trudeau or his family had there not been official interactions between the Government of Canada and the Aga Khan and had Mr. Trudeau not become a significant player on the Canadian political scene.

In a case such as the one under examination, where a friendship may be developing over the course of successive official dealings interspersed with private interactions, it becomes impossible to separate the business relationship from the personal one for the purposes of the Act. It is inappropriate for the public office holder to accept gifts in that context, and this developing relationship cannot trigger the exception under paragraph 11(2)(b).

Discussions between Mr. Trudeau and the Aga Khan pertaining to the important ongoing relationship between the Aga Khan and the Government of Canada occurred around the time both the March 2016 and December 2016 trips to Bells Cay were being planned. This should have put Mr. Trudeau on notice that such gifts might reasonably be seen to have been given to influence him in the exercise of an official power, duty or function as Prime Minister, or otherwise give rise to a real or apparent conflict of interest.

In any event, I cannot conclude that the personal relationship described by both Mr. Trudeau and the Aga Khan fits within the concept of friend contemplated by subsection 11(2). The evidence suggests that the relationship that developed between them is that of two world leaders with common ideals and goals, who have great respect for one another and whose families share a connection.

Private interactions between Mr. Trudeau and the Aga Khan developed only after Mr. Trudeau became a leading political figure in Canada and the nature of these interactions fails to suggest a relationship as friends that can appropriately be characterized as one contemplated by subsection 11(2) of the Act. I find, therefore, that the exception set out in subsection 11(2) of the Act, permitting the acceptance of a gift from a friend, does not apply in this case.



## ***Conclusion***

For the reasons set out above, I find that Mr. Trudeau was in contravention of section 11 of the Act when members of his family accepted the Aga Khan's gift of hospitality and the use of his private island in March 2016 and when he and his family accepted the Aga Khan's gift of hospitality in December 2016.

## **Section 21**

### ***Analysis***

Section 21 of the Act reads as follows:

*21. A public office holder shall recuse himself or herself from any discussion, decision, debate or vote on any matter in respect of which he or she would be in a conflict of interest.*

I must determine whether Mr. Trudeau should have recused himself pursuant to section 21 from any discussion or decision on any matter related to the Aga Khan or his institutions.

Section 4 of the Act defines the circumstances under which a public office holder would be in a conflict of interest. Section 4 reads as follows:

*4. For the purposes of this Act, a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.*

There is no allegation that Mr. Trudeau, in the exercise of an official power, duty or function, had the opportunity to further his own private interests or those of a relative. I have already concluded in relation to section 11 that the relationship between Mr. Trudeau and the Aga Khan does not fall within the meaning of "friends" as contemplated for the purposes of the Act.

What remains to be determined then is whether Mr. Trudeau exercised an official power, duty or function that provided an opportunity to improperly further the private interests of the Aga Khan or any of his institutions.

There was no evidence that Mr. Trudeau participated in any debates or votes in the House of Commons involving the Aga Khan or his institutions.



## Official Dealings

Given the importance of the relationship between the Aga Khan and the Government of Canada, it was foreseeable that any new Prime Minister of Canada would engage at an official level with the Aga Khan and with government institutions in respect of the numerous ongoing matters that the Aga Khan and his institutions had with the Government of Canada.

As set out in the *Findings of Fact*, and subsequently in my analysis relating to section 11, I have identified five occasions when Mr. Trudeau had official dealings relating to the Aga Khan and his institutions. They are listed below.

### *Briefing by the Privy Council Office prior to the November 2015 dinner with the Aga Khan*

In early November 2015, an invitation for Mr. Trudeau to have dinner in Paris with the Aga Khan was made and accepted through official channels.

The evidence shows that prior to the dinner taking place, Mr. Trudeau was briefed by the Privy Council Office on an outstanding \$15-million grant to the endowment fund of the Global Centre for Pluralism that was committed to by the previous Government and on the possibility of the Aga Khan seeking federal funding for a riverfront renewal master plan.

### *November 2015 Dinner in Paris with the Aga Khan*

Mr. Trudeau and the Aga Khan met for dinner in Paris in November 2015. That dinner was characterized by Mr. Trudeau and the Aga Khan as personal in nature. According to Mr. Trudeau, it was very likely that the riverfront project was discussed at the dinner.

### *Briefing by the Privy Council Office prior to the May 2016 Bilateral Meeting with the Aga Khan*

In preparation for a bilateral meeting with the Aga Khan to be held on May, 17, 2016 in the Prime Minister's Office, Mr. Trudeau was once again briefed by the Privy Council Office in respect of various matters, including the still-outstanding \$15-million grant to the endowment fund of the Global Centre for Pluralism and the riverfront project.

### *May 2016 Bilateral Meeting with the Aga Khan*

A bilateral meeting with the Aga Khan was held on May 17, 2016. Mr. Trudeau's staff, senior government officials, another minister and the Aga Khan's representatives were also in attendance during the meeting. The meeting related to government business, including the outstanding \$15-million grant to the endowment fund and the riverfront project. During the meeting, Mr. Trudeau acknowledged the Government of Canada's previous commitment to make this contribution to the endowment fund.

### *Telephone Discussion of September 2016 with the Aga Khan*

On September 20, 2016, a telephone discussion between Mr. Trudeau and the Aga Khan was coordinated by the Prime Minister's Office and the Aga Khan's staff. The discussion only dealt with one matter, a diplomatic matter that did not involve the Aga Khan or any of his institutions.

#### Official Power, Duty or Function

Mr. Trudeau's counsel submitted that there was no requirement for Mr. Trudeau to recuse himself from any matters related to the Aga Khan or his institutions because he never exercised an official power, duty or function in respect of those matters.

In my view, because all the occasions listed above were organized through official channels and government business was discussed, Mr. Trudeau was exercising an official power, duty or function as Prime Minister in respect of each of those occasions.

#### Private interests

I must now determine whether Mr. Trudeau, in exercising an official power, duty or function, was provided with an opportunity to improperly further the private interests of the Aga Khan or his institutions, during any of the official dealings referred to above, thereby requiring him to recuse himself from any of those occasions.

### *Endowment Fund of the Global Centre for Pluralism*

A \$15-million grant to the endowment fund of the Global Centre for Pluralism was discussed at three of the five occasions listed above, namely during the briefing prior to the November 2015 dinner with the Aga Khan, the briefing prior to the May 2016 bilateral meeting with the Aga Khan and the May 2016 bilateral meeting with the Aga Khan. It was not discussed at the November 2015 dinner with the Aga Khan in Paris or during the telephone discussion of September 2016 with the Aga Khan.

I am of the view that a government grant to a corporation, even a corporation of a charitable and non-commercial character, furthers the private interests of that corporation.

In respect of the \$15-million grant, while that grant would not benefit the Aga Khan himself financially, it would so benefit the Global Centre for Pluralism. The Global Centre for Pluralism is a not-for-profit corporation chaired by the Aga Khan and was represented by the Aga Khan at the bilateral meeting in May 2016. The \$15-million grant is clearly a pecuniary interest benefitting the Global Centre for Pluralism.



The fact that the \$15-million grant to the endowment fund of the Global Centre for Pluralism was still outstanding during each of the three occasions identified above provided Mr. Trudeau with the opportunity, as Prime Minister, to further the private interests of the Global Centre for Pluralism by giving instructions to ministers, ministerial staff or government officials.

Mr. Trudeau's counsel submitted that the interests of the Global Centre for Pluralism are not private interests because of an exception set out in the Act for matters of general application, on the basis that they would benefit the public at large. Although government funding decisions are generally understood to be made to serve a public interest, this does not negate the fact that any government grant also specifically furthers the private interests of the recipient.

While each of those three occasions provided an opportunity for Mr. Trudeau, as Prime Minister, to further the private interests of the Global Centre for Pluralism, I am of the view that only the two occasions in May 2016 gave rise to a duty to recuse himself.

Two months prior to the May 2016 occasions, Mr. Trudeau's family accepted a gift from the Aga Khan that might reasonably be seen to have been given to influence Mr. Trudeau in the exercise of an official power, duty or function as Prime Minister. For this reason, the discussions with the Privy Council Office and later with the Aga Khan about the outstanding \$15-million grant to the endowment fund provided an opportunity to improperly further the private interests of the Global Centre for Pluralism. Consequently, Mr. Trudeau should have recused himself on those occasions as required by section 21 of the Act.

There was no duty to recuse himself in relation to the briefing by the Privy Council Office held prior to the November 2015 dinner with the Aga Khan in Paris.

With respect to the requirement under section 21 of the Act for Mr. Trudeau to recuse himself from decisions involving the private interests of the Global Centre for Pluralism, there was no evidence that, either during or following the occasions listed above, the Prime Minister made or participated in making any decision in relation to the private interests of the Global Centre for Pluralism. In fact, the evidence shows that the funds were approved by the Honourable Marie-Claude Bibeau, Minister of International Development and La Francophonie, and paid by her department without any involvement by Mr. Trudeau.

#### *Riverfront Renewal Master Plan*

Federal funding for a riverfront renewal master plan was discussed at four of the five occasions listed above, namely during the briefing prior to the November 2015 dinner with the Aga Khan, the November 2015 dinner with the Aga Khan in Paris, the briefing prior to the

May 2016 bilateral meeting with the Aga Khan and the May 2016 bilateral meeting with the Aga Khan. It was not discussed during the telephone conversation of September 2016 with the Aga Khan.

The lands that the Aga Khan wished to see improved are owned by the Government of Canada. The building leased to the Global Centre for Pluralism through a 99-year lease at a cost of \$1 a year is also owned by the Government of Canada. Any increase in the value of the building would accrue to the Government of Canada.

Since neither the Aga Khan nor any of his institutions were looking to be the recipient of government funding in relation to this proposal, any funding that the Government of Canada may ultimately decide to allocate to this project would not result in the furthering of the private interests of the Aga Khan or the Global Centre for Pluralism. While it may be that the potential for physical improvements around the Global Centre for Pluralism could enhance the value of the Centre itself, I find this consideration too speculative to be taken into account.

Because no private interest of the Aga Khan or any of his institutions has been identified, there was no obligation for Mr. Trudeau to recuse himself from discussions relating to the riverfront renewal master plan.

#### *Diplomatic Matter Discussed in September 2016 with the Aga Khan*

Because the only matter discussed during the September 2016 telephone conversation between Mr. Trudeau and the Aga Khan did not involve any of the Aga Khan's private interests or those of his institutions, there was no obligation for Mr. Trudeau to recuse himself from this discussion.

#### ***Conclusion***

As set out above, I determined that Mr. Trudeau had a number of official dealings relating to the Aga Khan and his institutions where he was exercising an official power, duty or function. I also determined that he was provided with an opportunity to improperly further the private interests of the Global Centre for Pluralism on two occasions in May 2016 during which discussions involved the outstanding \$15-million grant to the endowment fund of the Global Centre for Pluralism and should have recused himself from those discussions.

I find that Mr. Trudeau contravened section 21 of the Act when he failed to recuse himself on two occasions in May 2016.



## **Subsection 6(1)**

### ***Analysis***

Subsection 6(1) of the Act reads as follows:

*6. (1) No public office holder shall make a decision or participate in making a decision related to the exercise of an official power, duty or function if the public office holder knows or reasonably should know that, in the making of the decision, he or she would be in a conflict of interest.*

Section 4 of the Act defines the circumstances under which a public office holder would be in a conflict of interest. Section 4 reads as follows:

*4. For the purposes of this Act, a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.*

There is no allegation that Mr. Trudeau, in the exercise of an official power, duty or function, had the opportunity to further his own private interests or those of a relative. I have already concluded in relation to section 11 that the relationship between Mr. Trudeau and the Aga Khan does not fall within the meaning of “friends” as contemplated for the purposes of the Act. What remains to be determined then is whether Mr. Trudeau exercised an official power, duty or function that provided an opportunity to improperly further the private interests of the Aga Khan or any of his institutions.

Three of the five occasions discussed in relation to section 21 involved private interests, specifically the November 2015 briefing, the May 2016 briefing and the May 2016 bilateral meeting, in that the discussions involved the outstanding grant to the endowment fund of the Global Centre for Pluralism.

As already noted in relation to section 21, there was no evidence that, either during or following those meetings, the Prime Minister made or participated in making any decision in relation to the private interests of the Global Centre for Pluralism.

### ***Conclusion***

In light of the above, I find that Mr. Trudeau did not contravene subsection 6(1) of the Act.

## Section 5

### *Analysis*

Section 5 of the Act reads as follows:

*5. Every public office holder shall arrange his or her private affairs in a manner that will prevent the public office holder from being in a conflict of interest.*

Section 4 of the Act defines the circumstances under which a public office holder would be in a conflict of interest. Section 4 reads as follows:

*4. For the purposes of this Act, a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.*

Section 5 sets out a broad general obligation for public office holders and differs in that way from the more specific prohibitions that follow that section. It requires that public office holders must arrange their private affairs so that they have no current and, to their knowledge, no foreseeable conflict of interest in the future.

The decisions to vacation on the Aga Khan's private island were made in the context of Mr. Trudeau's private affairs.

Even before Mr. Trudeau became Prime Minister, the Aga Khan had informed Mr. Trudeau about his institutions and activities in Canada. When Mr. Trudeau won the election in the fall of 2015, the Aga Khan reminded Mr. Trudeau that the Government of Canada and the Aga Khan had important dealings including a Protocol of Understanding.

As Prime Minister, Mr. Trudeau knew as early as November 2015 that he was going to have official dealings with the Aga Khan concerning the interests of the Aga Khan and those of his institutions.

In preparation for a dinner in November 2015 with the Aga Khan in Paris, Mr. Trudeau was briefed by the Privy Council Office about the Aga Khan's interests, those of his institutions and about their ongoing dealings with the Government of Canada.



Mr. Trudeau was briefed by the Privy Council Office a second time concerning the interests of the Aga Khan and his institutions prior to a bilateral meeting in May 2016 with the Aga Khan in the Prime Minister's Office.

As a result of these briefings, Mr. Trudeau knew that the Aga Khan and his institutions had sought, and would in the future seek, funding from the federal government in relation to some of their projects.

As set out in my analysis relating to section 21 of the Act, these official briefings and interactions related to at least one private interest of an institution of the Aga Khan, an outstanding \$15-million grant to the endowment fund of the Global Centre for Pluralism. The previous government had made a commitment to provide this grant.

In light of the status of the Aga Khan as a world leader who has a long-standing relationship with the Government of Canada and the position of Mr. Trudeau as Prime Minister of Canada, it was entirely appropriate, and indeed required, that Mr. Trudeau carry out certain official duties with the Aga Khan.

Mr. Trudeau must ensure that he has arranged his private affairs so that they are not incompatible with his public duties as Prime Minister of Canada.

By deciding that he or his family should vacation on the Aga Khan's private island in March 2016 and December 2016, when it was foreseeable prior to both vacations that he and the Aga Khan would continue to have official dealings, Mr. Trudeau failed to arrange his private affairs in a manner that would prevent him from being placed in a conflict of interest. Neither Mr. Trudeau nor his family should have vacationed on the Aga Khan's private island.

### ***Conclusion***

For these reasons, I find that Mr. Trudeau failed to meet the general duty set out in section 5 of the Act.

### ***Observation***

Mr. Trudeau told me that, prior to becoming Prime Minister, he had not sought to further develop a peer-to-peer relationship with the Aga Khan like the one his father had. He also said that he felt that, once he had become Prime Minister, he could now pursue a friendship with the Aga Khan. This is understandable in light of the previous family connection and the fact that they share common ideals and goals. However, while in public office, Mr. Trudeau must unfortunately put on hold his pursuit of friendships with individuals with whom he is likely to have official dealings. His obligations as a public office holder require that he do so.

## **Section 7**

### ***Analysis***

Section 7 relates to preferential treatment given to a person or organization based on the identity of its representative. It reads as follows:

*7. No public office holder shall, in the exercise of an official power, duty or function, give preferential treatment to any person or organization based on the identity of the person or organization that represents the first-mentioned person or organization.*

I must determine whether Mr. Trudeau gave preferential treatment to the Aga Khan's institutions based on the identity of the Aga Khan as the representative of those institutions.

I note that section 7 does not apply generally to all preferential treatment. It is limited in its application to cases where preferential treatment is based on the identity of the person or organization that represents the person or organization that receives preferential treatment.

There is no evidence that Mr. Trudeau ever gave instructions to advance any projects of the Aga Khan's institutions, or facilitated any meetings between the Aga Khan's institutions and any government department or ministerial office, including his own. Furthermore, there is no evidence that the treatment that the Aga Khan or his institutions received from Mr. Trudeau as Prime Minister was more favourable than the treatment the Aga Khan or his institutions received from previous prime ministers.

### ***Conclusion***

For the reasons set out above, I conclude that Mr. Trudeau did not contravene section 7 of the Act.





## PART II

This Part relates to travel by Mr. Trudeau and his family on private aircraft to and from Bells Cay, the island of the Aga Khan, and only involves section 12 of the *Conflict of Interest Act*.

### FINDINGS OF FACT

#### Mr. Trudeau and His Family's Use of Private Air Travel

Prime Minister Justin Trudeau publicly stated that he and his family travelled on the Aga Khan's private helicopter when they flew from Nassau, Bahamas to Bells Cay in December 2016. Mr. Trudeau also publicly stated that he had not sought advice or approval from my Office before travelling on the Aga Khan's private aircraft.

Mr. Trudeau informed me, in his letter of January 30, 2017, that his family had flown on a chartered seaplane provided by the Aga Khan when his wife and children vacationed without him on Bells Cay in March 2016.

#### Access to Bells Cay, Bahamas

The Aga Khan informed me in his written submission that Bells Cay is an isolated island located approximately 106 km from Nassau. There is no regular commercial means of transport of any kind to the island. Because the island has no runway, air transport to the island must be by helicopter or seaplane. The Aga Khan provides the transportation from Nassau to Bells Cay for invited guests, but they are required to organize their own transportation to Nassau.

According to the Aga Khan, he owns a helicopter that is reserved for him, his family and guests, as well as anyone else who needs to travel to Bells Cay. This includes staff, maintenance personnel, technicians and Bahamian government officials who travel to the island to perform environmental monitoring and other duties. When the helicopter is out of service, Bells Cay staff charter a seaplane to transport individuals between Nassau and the island. From July 1, 2016 to December 31, 2016, the Aga Khan reported that his helicopter transported 1,072 passengers to and from Bells Cay.

#### The Prime Minister's Security and Protection

On May 4, 2017, Mr. Trudeau's counsel submitted an affidavit from the person holding the position called Director and Officer in Charge (officer in charge) of the Prime Minister's Protection Detail (Protection Detail) of the Royal Canadian Mounted Police (RCMP) since November 15, 2015. My Office subsequently interviewed the officer in charge in order to obtain further information.



In the affidavit, the officer in charge wrote that the RCMP's Protection Detail oversees security arrangements for the Prime Minister's domestic and international travel in partnership with the Department of National Defence (DND), the Prime Minister's Office, the Privy Council Office and appropriate international protective services agencies. DND is responsible for providing air transportation for the Prime Minister whenever he travels. For security reasons, a Canadian government-owned aircraft is, according to the officer in charge, the preferred mode of air transportation for the Prime Minister. The Challenger, the Airbus, or at times helicopters from DND may be used, depending on the destination of the trip.

For locations where a DND aircraft cannot land, the RCMP's Protection Detail will work with local security partners, such as provincial police or a host country's government, to find transportation solutions. According to the officer in charge, the Prime Minister usually travels on an aircraft of a host government or a Canadian government aircraft. The use of non-government aircraft is very rare.

Again according to the officer in charge, the Vienna Convention on Diplomatic Relations requires that host governments provide heads of state or heads of government who travel internationally with protection, whether the travel is for official or private purposes. The host country has the legal responsibility to provide assistance in the form of security personnel, vehicles and aircraft. If a host country cannot provide security that meets Canadian security standards, the RCMP's Protection Detail will bridge the gap.

The officer in charge testified that the RCMP's Protection Detail does not have final say in the chosen mode of transportation for the Prime Minister. He said that the RCMP's Protection Detail will make recommendations, but that ultimately these could be ignored. Mr. Trudeau testified that this has never happened in his case.

Mr. Trudeau said that, as Prime Minister, he does not control his own travel plans. All of his travel is organized by the RCMP for his protection, and he never knows how he will get from one destination to the next. He said that as Prime Minister, he is also prohibited from taking public transportation such as commercial aircraft.

When the spouse of the Prime Minister travels abroad, the RCMP's Protection Detail will request that the host country meet established security levels, although a host country is not required to protect the spouse of the Prime Minister. According to the officer in charge, the RCMP's Protection Detail's own security requirements for the spouse are lower than those required for the Prime Minister.



## **December 2016 Trip by the Trudeau Family**

Ms. Grégoire Trudeau contacted the Aga Khan's daughter in mid-July 2016 and inquired whether the Trudeau family could vacation on Bells Cay at Christmas. The Prime Minister's Office confirmed with the Privy Council Office in early November 2016 that Mr. Trudeau and his family would travel to Bells Cay and spend the period of December 26, 2016 to January 4, 2017 there.

Mr. Trudeau testified that the only way to travel there from Nassau is by private helicopter. He and his family had used the same mode of transportation during their December 2014 trip to Bells Cay. He said he relied on the RCMP to see to the logistics of their travel to Bells Cay.

The officer in charge testified that, after being informed in late November of the Trudeau family's travel plans by the Prime Minister's Office, the RCMP's Protection Detail began to plan the trip. As a first step, a diplomatic note was sent to the Bahamian government requesting assistance. According to the officer in charge, the Bahamian government advised the RCMP's Protection Detail that it did not have an aircraft available for Mr. Trudeau's travel from Nassau to Bells Cay.

The use of a DND aircraft was ruled out due to the impracticality and costs that would be incurred. The officer in charge testified that staff in the Prime Minister's Office informed them that the Aga Khan had offered the use of his helicopter for transportation to Bells Cay. The officer in charge said that the simplest and best option for the RCMP's Protection Detail was to accept the use of the Aga Khan's helicopter because it had been determined to be the safest and best means of transportation for Mr. Trudeau in that it permitted a direct and quick route from Nassau to Bells Cay.

The officer in charge also said that the RCMP's Protection Detail had confidence in the safety and security of the Aga Khan's helicopter and pilots because they would have been checked out many times when various other officials had previously travelled that way.

According to the officer in charge, before accepting the use of the Aga Khan's helicopter, the RCMP's Protection Detail had considered, one other option, the use of a chartered aircraft from Flamingo Air, a local operator. However, it could only land on a neighbouring island with a landing strip. This would have required organizing the transfer of Mr. Trudeau and his family to Bells Cay by boat. Chartering an aircraft from Flamingo Air would also have required the RCMP's Protection Detail to verify the company's maintenance logs and have the host country provide a sniffer dog and technological tools to ensure the aircraft's security.



On December 26, 2016, Mr. Trudeau and his family, along with the RCMP security detail, flew from Nassau to Bells Cay on the Aga Khan's private helicopter as arranged by Bells Cay island staff. On January 4, 2017, Mr. Trudeau and his family, along with the RCMP security detail, returned the same way from Bells Cay to Nassau. Mr. Trudeau surmised that the decision to use the Aga Khan's helicopter was based on what was the safest and most secure way for him to travel.

### **March 2016 Trip by Ms. Grégoire Trudeau with her Friend and their Children**

Ms. Grégoire Trudeau contacted the Aga Khan's daughter in mid-February 2016 to discuss the possibility of her vacationing on the island with her children the following month. The Aga Khan's daughter informed Ms. Grégoire Trudeau that they were welcome to come to the island.

On February 27, 2016, Ms. Grégoire Trudeau emailed her assistant in the Prime Minister's Office and a staff member of Bells Cay regarding her upcoming trip to the island with a friend and their children, to ask her to coordinate their helicopter ride to Bells Cay with the island staff.

On February 29, 2016, a Bells Cay staff member emailed Ms. Grégoire Trudeau's assistant and informed her that the Aga Khan's helicopter was in maintenance and that she would be setting up a seaplane for Ms. Grégoire Trudeau's party for the trip to Bells Cay. On March 7, 2016, the island staff member informed Ms. Grégoire Trudeau's assistant and a member of the RCMP's Protection Detail by email that she had secured a non-commercial chartered seaplane from Land and Sea Charters Co. Ltd. for the flight from Nassau to Bells Cay.

The officer in charge testified that the Prime Minister's Office informed the RCMP's Protection Detail of Ms. Grégoire Trudeau's trip a couple of weeks prior to when the trip was to take place. He stated that, at that time, Ms. Grégoire Trudeau and her children's transportation from Nassau to Bells Cay had already been arranged and that the RCMP's Protection Detail had therefore proceeded to conduct a security check of the pilots. The officer in charge testified that the use of the non-commercial chartered seaplane from Land and Sea Charters Co. Ltd. met the security requirements set by the RCMP's Protection Detail, and was considered a safe and acceptable form of transportation for Ms. Grégoire Trudeau and her children.

On March 11, 2016, Ms. Grégoire Trudeau, her friend and their children, along with the RCMP security detail, flew from Nassau to Bells Cay on the seaplane chartered by the Aga Khan's island staff. On March 17, 2016, the same party flew back from Bells Cay to Nassau the same way.

## MR. TRUDEAU'S POSITION

It is Mr. Trudeau's position that he has not contravened section 12 of the *Conflict of Interest Act* (Act).

Mr. Trudeau's counsel submitted that the use of the Aga Khan's private helicopter arose in exceptional circumstances created by the isolation of the destination, the Prime Minister's security requirements, and the impracticality and unavailability of Canadian or Bahamian government aircraft. Counsel further relied on the opinion, as set out in the affidavit of the officer in charge of the Prime Minister's Protection Detail of the Royal Canadian Mounted Police (RCMP), that, from the point of view of the RCMP, the travel was undertaken in exceptional circumstances.

Counsel also submitted that travel aboard a private helicopter is excluded from the application of section 12 because of a discrepancy between the English-language version of section 12 of the Act and its French-language counterpart. The French-language version prohibits travel on "*avions*" ("airplanes"), while the English version prohibits travel generally on all types of "aircraft." They argue that where there is an inconsistency between the English-language and French-language versions of legislation, one must search for the shared meaning between the two versions and that this results in a narrower interpretation.





## ANALYSIS AND CONCLUSION

### Section 12

#### *Analysis*

I must determine whether Mr. Trudeau contravened section 12 of the *Conflict of Interest Act* (Act) when he and his family accepted travel on the Aga Khan's private helicopter in December 2016 and when his family accepted travel on the non-commercial aircraft chartered by the Aga Khan in March 2016.

Section 12 of the Act reads as follows:

*12. No minister of the Crown, minister of state or parliamentary secretary, no member of his or her family and no ministerial adviser or ministerial staff shall accept travel on non-commercial chartered or private aircraft for any purpose unless required in his or her capacity as a public office holder or in exceptional circumstances or with the prior approval of the Commissioner.*

I will first address the trip taken in December 2016.

Mr. Trudeau and his family accepted travel on the Aga Khan's private aircraft, a helicopter, during their vacation to the Aga Khan's private island in December 2016. There are three exceptions to the prohibition set out in section 12 of the Act, namely travel required in the minister or parliamentary secretary's capacity as a public office holder, travel in exceptional circumstances, and travel with the prior approval of the Commissioner.

As for the first exception, the travel on the Aga Khan's helicopter was not required in Mr. Trudeau's capacity as Prime Minister. The purpose of the travel was to transport Mr. Trudeau and his family between the airport in Nassau in the Bahamas and the Aga Khan's private island, for the purposes of a family vacation.

As for the third exception, Mr. Trudeau did not seek my prior approval before accepting the travel. Therefore, no decision was taken on whether the approval would be given.

What remains to be determined is whether the second exception applies, namely whether the travel by helicopter was accepted by Mr. Trudeau and his family in exceptional circumstances.



## Were There Exceptional Circumstances?

When interpreting the expression “exceptional circumstances” for the purposes of section 12 of the Act, I consider it to mean those circumstances that are unusual, outside of one’s control, unforeseeable or unavoidable.

There are no commercial means of transportation of any kind to the Aga Khan’s private island. Furthermore, air transport directly to the island must be either by helicopter or by seaplane.

The evidence shows that, while individuals invited to vacation on the Aga Khan’s island are required to organize their own transportation to Nassau, the Aga Khan routinely provides the private transportation for his guests between Nassau and his island, either on his helicopter or by chartering a private seaplane from a company based in the Bahamas.

As well, in the case of the December 2016 trip, plans were initiated for the trip in the summer of 2016 and firmed up by the fall, and the travel itinerary for Mr. Trudeau and his family was being organized weeks in advance by his ministerial staff and the RCMP.

It is clear from the evidence that there were other options available to transport the Trudeau family to Bells Cay. The RCMP, when first advised of the Prime Minister’s trip to the private island, began considering various travel options to reach the island, including by boat or by chartering a private aircraft. When the RCMP became aware that the Aga Khan’s helicopter would be available as an option, it was considered by the RCMP to be the best option, taking into account that it was direct and easy. The RCMP considered the helicopter to be secure given that it had frequently been used by other dignitaries travelling to the island.

Although it is understandable from a security and efficiency perspective why the Prime Minister and his family accepted the travel aboard the Aga Khan’s private helicopter to reach Bells Cay, I am of the view that the circumstances surrounding the acceptance of the private air travel were not exceptional.

While the Prime Minister’s travel is always exceptional as compared to the travel of other Canadians, or even other ministers, it would not be appropriate to make this exceptional aspect of the Prime Minister’s travel the guiding consideration when determining whether the circumstances of his travel to Bells Cay were exceptional for the purposes of section 12. The result of that approach would be to exclude the Prime Minister from ever being subject to section 12. Section 12 contains nothing to suggest that the Prime Minister should be excluded from its ambit.

There was nothing unusual, unforeseen or unavoidable about this trip. Mr. Trudeau was well aware, given his previous stay on the island in 2014, that private transportation was needed to reach the Aga Khan's private island. While it may have been typical for guests of the Aga Khan to use his helicopter to reach the island, Mr. Trudeau knew that travel by helicopter was not the only means of transportation to the island. Members of his family had previously travelled to the island on a seaplane chartered by the Aga Khan from a company in the Bahamas.

Therefore, when Mr. Trudeau and his family were planning their stay at the Aga Khan's island during the summer and fall of 2016, it would have been possible for the Prime Minister and his family to have considered and arranged alternative means of transportation to the island, including by chartering their own aircraft. Any alternative arrangements would have been less convenient and more expensive than the helicopter, but, given the prohibition set out in section 12, other alternatives should have been pursued.

For these reasons, I cannot conclude that there were exceptional circumstances in this case.

#### Representations Made on Statutory Interpretation

Mr. Trudeau's counsel submitted the argument that travel aboard a private helicopter is excluded from the application of section 12 because of a discrepancy between the English-language version of section 12 of the Act and the French-language version. The French-language version prohibits travel on "*avions*" ("airplanes"), while the English version prohibits travel generally on all types of "aircraft." Counsel argue that where there is an inconsistency between the English-language and French-language versions of legislation, one must search for the shared meaning between the two versions and that this results in opting for the narrower meaning found in the French version. Consequently, Mr. Trudeau's position is that the private helicopter ride is excluded from the application of section 12.

In considering whether to apply a shared-meaning rule in this way, one must consider the apparent legislative intent of a provision. The shared-meaning rule is not absolute. The prohibition found in section 12 of the Act was first introduced by then-Prime Minister Paul Martin under the heading *Gifts, Hospitality and Other Benefits* of the 2003 *Conflict of Interest and Post-Employment Code for Public Office Holders* (2003 Code). Its introduction resulted from a series of unreported flights by ministers aboard private aircraft around that time.

At the same time as the 2003 Code was established, Prime Minister Martin inserted a parallel provision in his guide for ministers entitled *Governing Responsibly: A Guide for Ministers and Ministers of State* under the heading *Ministerial Travel Coordination*. In this guideline, the English-language version provides that "Ministers must not accept travel on non-commercial chartered or private aircraft" and the French-language version employs the



broader term “appareil” for “aircraft” rather than “avion”. These are the terms that remain in the same context in Mr. Trudeau’s guideline for his ministers, entitled *Open and Accountable Government 2015*.

The apparent intent of the Act leads me to conclude that the broader term “aircraft” should be adopted. It appears to me that there was no intention to limit the type of aircraft to which the provision was to apply. To do so would result in an artificial distinction. There is no apparent rationale for treating different types of aircraft differently for the purposes of section 12.

Accordingly, I find that Mr. Trudeau’s travel aboard the Aga Khan’s private helicopter to Bells Cay is covered by section 12 of the Act.

#### Family’s Trip to Bells Cay in March 2016

The March 2016 trip taken by Mr. Trudeau’s family was obviously not required in relation to Mr. Trudeau’s official duties as Prime Minister. As in the case of the December 2016 trip, Mr. Trudeau did not seek my prior approval in relation to this trip.

Like the December 2016 trip, there was nothing so unusual, unforeseen or unavoidable about the March 2016 trip that a finding of exceptional circumstances would be warranted.

#### ***Conclusion***

For the reasons stated above, I find that Mr. Trudeau contravened section 12 of the Act when he and his family accepted travel on the Aga Khan’s helicopter in December 2016 and when his family accepted travel on the non-commercial chartered aircraft arranged by the Aga Khan in March 2016.

#### ***Observation***

In 2015, the Prime Minister issued a guidance document for ministers and ministerial exempt staff, entitled *Open and Accountable Government*. That document provides that Ministers and Parliamentary Secretaries must not accept travel on “non-commercial chartered or private aircraft for any purpose except in exceptional circumstances, **and only with the prior approval of the Conflict of Interest and Ethics Commissioner** and public disclosure of the use of such aircraft. Any hospitality accepted must strictly adhere to the requirements of the Conflict of Interest Act” [emphasis added].

The rule as expressed in the Prime Minister’s document requires that the public office holder must always consult with the Commissioner prior to accepting travel, when claiming exceptional circumstances. In this case, the Prime Minister did not follow his own rule.

As mentioned above, section 12 of the Act arose out of a concern over a series of instances where ministers accepted travel on private aircraft. The seeking of prior approval in such cases brings the matter to my Office's attention. This approval has been sought by other public office holders and would normally be favourably met where practical reasons support such a prior approval. These instances, if approved, are publicly declared. As well, seeking prior approval enables my Office to look at the situation more broadly and to consider whether other provisions of the Act should also be considered.





## SUMMARY OF CONCLUSIONS

### Conflict of Interest Code for Members of the House of Commons

#### *Section 14*

Mr. Trudeau **did not contravene** section 14 of the *Conflict of Interest Code for Members of the House of Commons* (Members' Code).

Subsection 14(1) of the Members' Code prohibits a Member and any member of the Member's family from accepting, directly or indirectly, any gift or other benefit, except compensation authorized by law, that might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office.

There was no evidence that the Aga Khan or any of his institutions were ever seeking, or would likely be seeking in the future, Mr. Trudeau's support as a Member of the House of Commons in relation to a matter of interest to the Aga Khan or his institutions.

### Conflict of Interest Act

Mr. Trudeau **contravened** sections 5, 11, 12, and 21 of the *Conflict of Interest Act* (Act).

#### *Section 5*

Section 5 requires that a public office holder arrange his or her private affairs in a manner that will prevent the public office holder from being in a conflict of interest.

I found that Mr. Trudeau **failed to meet the general duty** set out in section 5 when he and his family vacationed on the Aga Khan's private island.

#### *Section 11*

Subsection 11(1) prohibits a public office holder or a member of his or her family from accepting any gift or other advantage that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function.

Paragraph 11(2)(b) provides an exception from this prohibition where the gift or advantage is given by a relative or friend, but I found that the personal relationship between Mr. Trudeau and the Aga Khan did not fit within the concept of friend as contemplated by paragraph 11(2)(b).

I found that these gifts could reasonably be seen to have been given to influence Mr. Trudeau in the exercise of an official power, duty or function and, therefore, that



Mr. Trudeau **contravened** subsection 11(1) when he and members of his family accepted the Aga Khan's gift of hospitality and the use of his private island.

### ***Section 12***

Section 12 prohibits ministers and members of their families from accepting travel on non-commercial chartered or private aircraft unless certain exceptions apply, namely travel required as part of the minister's official duties, in exceptional circumstances or with the prior approval of the Commissioner.

I found that Mr. Trudeau **contravened** section 12 when he and his family accepted travel provided by the Aga Khan on private aircraft. The travel was not required as part of his official duties, the circumstances were not exceptional and he did not seek the prior approval of the Commissioner.

### ***Section 21***

Section 21 requires that public office holders recuse themselves from any discussion, decision, debate or vote on any matter in respect of which they would be in a conflict of interest.

I found that Mr. Trudeau **contravened** section 21 when he failed to recuse himself from two discussions during which he had an opportunity to improperly further the private interests of the Global Centre for Pluralism. Shortly before, Mr. Trudeau's family had vacationed on the Aga Khan's private island.

Mr. Trudeau **did not contravene** subsection 6(1) or section 7 of the Act.

### ***Subsection 6(1)***

Subsection 6(1) of the Act prohibits public office holders from making or participating in making a decision related to the exercise of an official power, duty or function if they know or reasonably should know that, in the making of the decision, they would be in a conflict of interest.

I found that Mr. Trudeau **did not contravene** subsection 6(1). There was no evidence that Mr. Trudeau made or participated in making any decision in relation to the private interest of the Aga Khan or any of his institutions.

## *Section 7*

Section 7 prohibits a public office holder, in the exercise of an official power, duty or function, from giving preferential treatment to any person or organization based on the identity of the person or organization that represents the first-mentioned person or organization.

I found that Mr. Trudeau **did not contravene** section 7. There was no evidence that Mr. Trudeau ever gave instructions to advance any projects of the Aga Khan or those of his institutions, or facilitated any meetings between the Aga Khan's institutions and any government department or ministerial office, including his own.





## **SCHEDULE: LIST OF WITNESSES**

The names of all witnesses are listed below according to the organizations to which they belonged at the time of the events that are the subject of this examination.

### **Interviews**

The Honourable Mélanie Joly, Minister of Canadian Heritage  
Mr. Pierre Ménard, Superintendent, Royal Canadian Mounted Police

### **Written Submissions**

His Highness the Aga Khan  
Mr. Pierre Ménard, Superintendent, Royal Canadian Mounted Police

### **Information and Documents Requested**

#### *Aga Khan Development Network Canada*

- Dr. Mahmoud Eboo, Resident Representative

#### *Aga Khan Foundation Canada*

- Mr. Khalil Shariff, Chief Executive Officer

#### *Department of Canadian Heritage*

- Mr. Graham Flack, Deputy Minister

#### *Global Centre for Pluralism*

- Mr. John McNee, Secretary General

#### *Ismaili Council for Canada*

- Mr. Malik Talib, President

#### *National Capital Commission*

- Dr. Mark Kristmanson, Chief Executive Officer

#### *Office of the Minister of Foreign Affairs*

- The Honourable Chrystia Freeland, Minister



*Prime Minister's Office*

- Ms. Katie Telford, Chief of Staff
- Mr. Patrick Travers, Policy Advisor

*Office of the Privy Council*

- Mr. Michael Wernick, Clerk of the Privy Council and Secretary to the Cabinet

*The Office of the Minister of Canadian Heritage*

- The Honourable Mélanie Joly, Minister

*Office of the Minister of International Development and La Francophonie*

- The Honourable Marie-Claude Bibeau, Minister