



the global voice of
the legal profession

A conference presented by the IBA Anti-Corruption Committee

UP TO 13 CPD
HOURS AVAILABLE*

7th Annual Anti-Corruption Conference

The awakening giant of anti-corruption enforcement

29 April – 1 May 2009
Marriott Prague, Czech Republic

Topics include:

- Keynote Speaker: Peter Solmssen, General Counsel, Siemens
- 10th Anniversary of implementation and enforcement in OECD countries
- Case study: enforcement in the UK
- Multi-jurisdictional cases: prosecution and defense challenges
- Video presentation and discussion of experts on internal investigations
- Building an effective global compliance programme
- Corruption in arbitration, civil litigation, and World Bank Debarment proceedings
- Corrupt payments to customs officials: a new enforcement priority
- Effective financial audits, and their limits, regarding corrupt payments
- Workshop: the recovery of looted assets
- Workshop: compliance programme effectiveness in responding to and preventing corrupt payments

Who should attend?

Private practitioners, in-house counsel, compliance officers, auditors, law enforcement officials and representatives.

* As per the Solicitors Regulation Authority of England and Wales. The number of CPD points/hours available may vary for other bar associations and law societies depending on their criteria.

Programme

Conference Chair

Homer E Moyer Jr *Miller & Chevalier, Washington DC;*
former General Counsel, US Department of Commerce;
Chair, IBA Anti-Corruption Committee

Continuing Professional Development /Continuing Legal Education

For delegates from countries where CPD/CLE is mandatory, the International Bar Association will be pleased to provide a Conference Certificate of Attendance which, subject to the exact CPD/CLE requirements, may be used to obtain the equivalent accreditation in your jurisdiction.

This conference has been accredited for CPD/CLE by the Solicitors Regulation Authority of England and Wales. Delegates should ask staff at the registration desk for information as to how to obtain the hours.

Wednesday 29 April

1430 – 1730 **Registration**

1500 – 1730 **Workshop sessions**

WORKSHOP A

Case study: how an effective compliance programme can help in preventing or responding to a classic situation of foreign corrupt payments

With compliance experts, consider a hypothetical, but common, factual situation raising a variety of ethical, legal and compliance issues, and discuss ways that an effective compliance programme would respond and how a more effective compliance programme might have prevented possible violations of law.

Moderators

Susan M Ringler *Senior Counsel for International Compliance*
ITT Corporation, McLean, Virginia

Speakers

Manny Alas *PriceWaterhouseCoopers, New York*
Enrique Aznar *Chief Compliance Officer, Nokia Siemens*
Networks, Helsinki
Richard Battaglia *Senior Attorney, BP America, Chicago*

WORKSHOP B

Developments in the tracking, freezing and repatriation of looted assets

A workshop discussion of legal and practical issues that must be addressed in identifying, tracking, freezing, recovering, repatriating and appropriately deploying funds that have been stolen or looted from national treasuries, and nations' citizens, through official corruption.

Moderator

Keith Oliver *Peters & Peters, London*

Panellists

Edward H Davis Jr *Astigarraga Davis, Miami; Vice-Chair, IBA*
Anti-Corruption Committee
Jeff Lane *Laracy Gall, Hong Kong SAR*
Babajide Ogundipe *Sofunde Osakure Ogudipe & Belgore,*
Lagos
Giaranni Gallo *United Nations, Vienna*

1830 – 2000

Welcome reception

The Wine Cellar, Municipal House, Prague

The Municipal House is one of the most remarkable constructions of Prague Art Nouveau. The building is a unique harmony of architectural and painting styles of the turn of the 19th and 20th centuries. Neo-Baroque, Neo-Renaissance, and both Western and Oriental influences fuse together with Czech Art Nouveau.

Thursday 30 April

0800 – 1730 **Registration**

0900 – 0915 **Conference introduction**

Homer E Moyer Jr

0915 – 1045

The 10th anniversary of the OECD convention: evaluation of the implementation and enforcement of the OECD and other anti-corruption conventions

Topics include:

- Update on OECD monitoring
- Survey of current enforcement
- The landmark Siemens case
- Co-operation among signatory nations
- Dealing with laggard countries
- Issues of concurrent jurisdiction

Moderator

Nicola Bonucci *Legal Director, OECD, Paris; Vice-Chair, IBA Anti-Corruption Committee*

Panellists

Jeremy P Carver *Board of Directors, Transparency International UK, London**

Mark Mendelsohn *Deputy Chief, Fraud Section, US Department of Justice, Washington DC*

Mark Pieth *Professor of Criminal Law and Criminology, University of Basel, Basel*

1045 – 1100 **Coffee/tea break**

1100 – 1230

Implementation and enforcement in the UK: transition or intransigence?

Topics include:

- Enforcement to date
- The BAE case and appellate decisions
- OECD and international criticism
- The Balfour Beatty settlement
- Fruits of the Law Commission
- Outlook for future enforcement

Moderator

Louise Delahunty *Simmons & Simmons, London*

Panellists

David Corker *Corker Binning, London*

Andrew Feinstein *Director of The Policy Organisation; author and commentator on corruption and governance*

Rod Fletcher *Russell Jones and Walker, Counsel to Balfour Beatty, London; Co-Chair, IBA Criminal Law Committee*

Robert Wardle *former Head, Serious Fraud Office, London*

1230 – 1400 **Lunch**

Keynote speaker

Peter Solmssen *General Counsel, Siemens Corporation, New York*

1415 – 1545

Practical implications and challenges of multi-jurisdictional cases

Topics include:

- The realities of multi-lateral legal assistance
- Cooperation or coordination among prosecuting jurisdictions?
- Deferring to other jurisdictions
- Defending a case on multiple fronts
- Dealing with disparities in the settlement of cases
- Jeopardy in multiple jurisdictions

Moderator

Kathryn Cameron Atkinson *Miller & Chevalier, Washington DC*

Panellists

The Prosecutor's Perspective

Fabio DePasquale *Prosecutor, Italy*

Mark Mendelsohn

The Private Sector Perspective

Bruno Cova *Paul Hastings Janofsky & Walker LLP, former General Counsel at Eni EeP, Fiat and Parmalat, Milan*

Scott Muller *Davis Polk & Wardwell, Counsel to Siemens, New York*

1545 – 1600 **Coffee/tea break**

1600 – 1730

Corruption in other forums: causes of action, legal issues, standards of proof

Topics include:

- Examples of how the issue of corruption is treated in contexts other than enforcement cases
- Private rights of action for improper payments
- The legal significance of corruption in international arbitrations
- Commercial liability for bribing foreign officials
- Shareholder actions
- Wrongful termination suits by third parties and former employees
- The burden of proof in different contexts

Moderator

Homer E Moyer Jr

Panellists

Lucinda Low *Step toe & Johnson, Washington DC*

Lee Marler *former Lead Institutional Integrity Officer, INT, the World Bank; 18 Red Lion Court, London*

Monty Raphael *Peters & Peters, London*

1900 **Conference dinner**

Villa Grobovka

The venue for this evening's dinner is the restored historic and elegant home of the CEELI Institute. We will enjoy drinks and a tour of the institute prior to dinner.

Dinner price: £95 per person.

Friday 1 May

0830 – 1700 **Registration**

0900 – 0915 **Introduction**

0915 – 1100

Internal investigations of improper payments

A film dramatisation, with alternative scenarios, of a common corrupt payments situation, interrupted for discussion of the responses of the Audit Committee, in-house and outside counsel, and outside auditors. Topics include:

- Responsibilities of audit committees and supervisory boards
- Deciding when to investigate
- Independence versus control of independent investigations
- Resolving the internal debate about proportionality
- Issues of privilege and voluntary disclosure
- Dynamics among in-house counsel, outside counsel, auditors, internal audit and management

Moderators

Homer E Moyer Jr

Duncan Wiggetts PricewaterhouseCoopers, Brussels; Senior Vice-Chair, IBA Corporate Counsel Forum and Corporate Counsel Forum Advisory Board Member

Commentators

Beat Hess *General Counsel, Shell, The Hague*

Sirshar Qureshi *Forensics Services Partner,*

PricewaterhouseCoopers, Prague

Roger Witten *Wilmer Cutler Hale & Dorr, New York*

1100 – 1115 **Coffee/tea break**

1115 – 1230

The benefits and challenges in financial audits in preventing or discovering improper payments or insufficient internal controls

Topics include:

- The role of auditors – the United States and Europe
- Audits as a preventive tool
- Audits as a detection tool
- Effective auditing techniques
- Limitations of audits in discovering bribery
- Inadequate internal controls as a separate failing

Moderator

Samuel D Porteous *Head of Asian Disputes and Investigations Practice, Navigant, Shanghai; Vice-Chair, IBA Anticorruption Committee*

Panellists

Manny Alas

Janice Avery Weatherford International, Houston

Andrew Durant Navigant Consulting, London

Jason Lovell Richards Deloitte, New York

1230 – 1345 **Lunch**

1400 – 1515

Improper payments to customs officials: a new enforcement priority and a component of other international criminal activity

Topics include:

- Corruption as a new focus of enforcement
- Expediting payments as permissible facilitating payments (US) or non-prohibited bribes (OECD)
- Distinguishing between permissible expediting payments and unlawful small bribes
- Cumulative values of repetitive small bribes
- Techniques for avoiding improper payments to customs officials
- Immigration and work permits – the next frontier?

Moderator

Alexandra Wrage *TRACE International Inc, Washington DC*

Panellists

William B Jacobson *Fulbright & Jaworski, Washington DC; former Assistant Chief for FCDA Enforcement, US Department of Justice*

Mark Pieth *University of Basel, Basel*

1515 **Coffee/tea will be available in the foyer**

1515 – 1700

Building an effective global compliance programme

Topics include:

- Designing a compliance programme for all seasons, and all cultures
- Programme components that will change a corporate culture
- Rules-based? Values-based? Other?
- Compliance organisations and accountability
- How to enhance a programme's credibility
- How to test a programme's effectiveness

Moderator

Tim Dickinson *Independent Compliance Monitor, Monsanto; Vice-Chair, IBA Anti-Corruption Committee*

Panellists

Dr Klaus Moosmayer *Director of Compliance, Siemens, Munich**

Kristine Robidoux QC *Gowlings, Calgary*

*** Denotes as invited.**