

A conference presented by the IBA Anti-Corruption Committee



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# 19th Annual IBA Anti-Corruption Conference

13–14 June 2023

OECD Conference Centre, Paris, France

## Working programme

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## Conference Co-Chairs

Andrew M Levine *Debevoise & Plimpton, New York; Co-Chair, IBA Anti-Corruption Committee*

Sophie Scemla *Gide Loyrette Nouel, Paris; Co-Chair, IBA Anti-Corruption Committee*

# Tuesday 13 June

**All working sessions will take place in Auditorium**  
**Coffee/tea breaks will take place in Espresso**  
**Lunch will take place in Restaurant Des Nations**

0815 – 1655

### Registration

0815 – 0900

### Welcome coffee/ tea

0900 – 0915

### Introduction and welcome remarks

Andrew M Levine *Debevoise & Plimpton, New York; Co-Chair, IBA Anti-Corruption Committee*

Sophie Scemla *Gide Loyrette Nouel, Paris; Co-Chair, IBA Anti-Corruption Committee*

0915 – 1015

### Panel one

#### **Cooperation and coordination of foreign bribery resolutions: the way forward following the 2021 Anti-Bribery Recommendation**

As international cooperation and coordination of foreign bribery resolutions transitions at a breath-taking pace from rare to commonplace, the global enforcement landscape has been quickly and dramatically transformed. These changes have brought new challenges to enforcers, companies and their counsels.

Enhanced cooperation and coordination lie at the heart of the Organisation for Economic Co-operation and Development's (OECD) 2021 Anti-Bribery Recommendation. Why did the Working Group on Bribery put such a strong emphasis on promoting this practice? What impacts will these recommendations have in practice? And what obstacles will they encounter?

The panel will unpack the new OECD standards and explore how they might facilitate coordination of investigations and resolutions among member countries and beyond.

#### *Moderator*

**Elisabeth Danon** *Legal Analyst, OECD, Paris; International Organisations Liaison Europe, IBA Anti-Corruption Committee*

#### *Panellists*

**France Chain** *Senior Legal Analyst, OECD Anti-Corruption Division, Paris*

**Bruno Cova** *Greenberg Traurig, Milan; Member, IBA Anti-Corruption Committee Advisory Board*

**Lisa Miller** *Deputy Assistant Attorney General, Fraud and Appellate Sections, United States Department of Justice, Washington, DC*

**Natalia Shehadeh** *Chief Integrity Officer, ABB, Zurich*

1015 – 1040

### Coffee/tea break

1040 – 1140

### Panel two

#### **A practical outlook on corporate monitorships**

Independent corporate monitorships can be a helpful resource and beneficial means of assessing a business organisation's integrity culture and its compliance with the terms of a corporate resolution. The goal of a monitorship is to serve as an effective means of reducing the risk of the misconduct recurring, including the compliance lapses that gave rise to the underlying corporate resolution.

#### **MOBILE TELEPHONES**

**Delegates are requested to ensure that mobile telephones and any other portable devices are switched to silent in working sessions.**

The need for a monitor and the scope of any monitorship depends on the facts and circumstances of a particular case. Experience to date provides us with important lessons. This panel will discuss relevant aspects of the process, including:

- the need for and potential benefits of a monitor;
- managing costs;
- impacts on the operations of a corporation;
- whether current policies and guidance adequately provide for this evolving mechanism;
- different models used around the world; and
- strategies for mitigating the risk of a monitorship turning into a punishment.

*Moderator*

**Adriana Dantas** *Lefosse Advogados, São Paulo; Vice Chair, IBA Anti-Corruption Committee*

*Panellists*

**Laurent Cohen-Tanugi** *Cohen-Tanugi Avocats, Paris; Monitorship Officer, IBA Anti-Corruption Committee*

**Daniel Esteves** *Legal Director, Andrade Gutierrez, São Paulo*

**Lorinda Laryea** *Assistant Chief, Foreign Corrupt Practices Act Unit, United States Department of Justice, Washington, DC*

**James G Tillen** *Miller & Chevalier Chartered, Washinton, DC; Member, IBA Anti-Corruption Committee Advisory Board*

1140 – 1240

### **Panel three**

#### **Compliance and the rise of machines**

In recent years, compliance has catapulted into the digital age, and the future is bright. Technological innovations are transforming how companies assess and mitigate their anti-corruption and other compliance risks. For example, technologies that enable companies to monitor their financial systems for suspicious transactions – a core expectation of an effective compliance programs – have become increasingly effective, accessible and collaborative. Companies are employing machine learning and other forms of artificial intelligence (AI) in seeking to leverage data to bolster their compliance programs.

Meanwhile, AI-powered natural language processing can help identify potential compliance risks from among unstructured data such as email and social media. AI also can offer predictive insights that support better risk assessment and decision-making, as well as new functionality with the potential to enliven compliance training. Of particular prominence, with the explosion of ChatGPT and similar AI chatbots, all eyes have turned to ways in which generative AI may disrupt the legal and compliance professions, among others, such as crafting policies and procedures.

This panel will discuss some of the exciting opportunities to leverage technology in concert with human expertise, bolstering compliance programs while hopefully avoiding associated risks and challenges including around data privacy and bias.

*Moderator*

**Andrew M Levine** *Debevoise & Plimpton, New York; Co-Chair, IBA Anti-Corruption Committee*

*Panellists*

**Stéphane Eljarrat** *Norton Rose Fulbright, Montreal, Quebec; North American Regional Representative, IBA Anti-Corruption Committee*

**Thiago Jabor Pinheiro** *Mattos Filho, São Paulo; Membership Officer, IBA Anti-Corruption Committee*

**Silvia Martina** *Cagnola & Associati Studio Legale, Milan; Newsletter Editor, IBA Anti-Corruption Committee*

**Melda Tanyeri** *Global Business Group Compliance Leader, Nokia, London*

1240 – 1400

### **Lunch**

1400 – 1430

### **Keynote address**

**Jean-François Bohnert** *Parquet National Financier, Paris*

#### **MOBILE TELEPHONES**

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# Tuesday continued

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1430 – 1530

## Panel four

### Whistleblowing in the digital age: navigating emerging challenges

This panel on whistleblowing will provide an update on the latest developments in this critical area. Panellists will discuss advances in the implementation of the EU Whistleblowing Directive and their impact on organisations. The panel will also examine new legal and policy developments related to the protection of whistleblowers and the use of digital tools to report misconduct, the intersection of whistleblowing and data privacy, and whistleblowing as a tool for ensuring compliance across the supply chain.

*Moderator*

**Maximiliano D'Auro** *Beccar Varela, Buenos Aires; Vice Chair, IBA Anti-Corruption Committee*

*Panellists*

**Bogdan Bibicu** *Wolf Theiss, Bucharest; Regional Representative Eastern Europe, IBA Anti-Corruption Committee*

**Robyn Diaz** *Chief Legal Officer, St Jude Children's Research Hospital, Memphis, Tennessee*

**Samantha Feinstein** *Staff Attorney and Director, Government Accountability Project, Washington, DC; Diversity and Inclusion Officer, IBA Anti-Corruption Committee*

**Volker Popp** *Alix Partners, Munich; Podcast Officer, IBA Anti-Corruption Committee*

**Daisuke Yuki** *Nozomi Sogo Attorneys at Law, Tokyo; Conference Coordinator, IBA Anti-Corruption Committee*

1530 – 1555

## Coffee/tea break

1555 – 1655

## Panel five

### The latest hot topics in MDB debarment and exclusion

A panel of experts will debate several timely issues relating to multilateral development bank (MDB) debarment and exclusion, including:

- The implications of *Rosenkrantz et al v Inter-American Development Bank* (3 June 2022) for MDB investigations and decisions, such as how systems are not contractually based.
- Sanctions beyond debarment.
- Temporary suspensions and their implications.
- New prohibited practices that are not part of cross-debarment.
- MDBs' treatment of corporate groups and principles of business integrity

*Moderator*

**Roland Stein** *BLOMSTEIN, Berlin; Co-Chair, IBA Debarment & Exclusions Subcommittee*

*Panellists*

**Paul Kearney** *Enforcement Commissioner, European Bank for Reconstruction and Development, London; EBRD Liaison Officer, IBA Debarment & Exclusions Subcommittee*

**Marie Lydie Bile-Aka** *Secretary to the Sanctions Office, African Development Bank, Abidjan*

**Juan Ronderos** *Sanctions Officer, Inter-American Development Bank, Washington, DC; International Organisations Liaison Officer, IBA Anti-Corruption Committee*

**Jamieson Smith** *Chief Suspension and Debarment Officer, World Bank, Washington, DC*

1900

## Conference dinner

*Raimu & Nimier rooms, Hôtel Barrière Le Fouquet's  
46 Av. George V, 75008 Paris, France*

One place per registered delegate is permitted.

Ticket price €200

Transport will not be provided.

0830 – 1630

## Registration

0830 – 0900

## Welcome coffee/ tea

0900 – 0910

## Introduction and welcome remarks

Andrew M Levine *Debevoise & Plimpton, New York; Co-Chair, IBA Anti-Corruption Committee*

Sophie Scemla *Gide Loyrette Nouel, Paris; Co-Chair, IBA Anti-Corruption Committee*

0910 – 0925

## Keynote address

**Daniëlle Goudriaan** *Chair of the Working Group on Bribery in International Business Transactions, OECD, Paris*

0925 – 1025

## Panel six

### **Mind the gap: increasing interlinkages between international sanctions and the fight against corruption**

The legal frameworks applicable to corruption and sanctions present some similarities, such as their extraterritorial nature, but also striking differences. There is no universal convention on sanctions comparable to the United Nations Convention Against Corruption, however, the regimes have become increasingly linked one to the other:

- In 2021, the UK adopted its global anti-corruption sanctions regime.
- Since 2022, US authorities have described sanctions as ‘the new FCPA’.
- In her 2022 State of the Union address, the European Commission president proposed including corruption in the EU human rights sanctions regime, following the path opened by the Global Magnitsky Act. The draft directive on corruption (and related joint communication) further illustrates the new role of the European Union

Today, some argue that – given that some frozen assets were obtained through corruption – this should be a valid basis for confiscation. At the same time, the implementation of sanctions regime can lead to an increase in corruption.

The panel will explore the various aspects of this complex intermingling and assess challenges that lie ahead.

#### *Moderator*

**Nicola Bonucci** *Paul Hastings, Paris; Member, IBA Anti-Corruption Committee Advisory Board*

#### *Panellists*

**Jan Dunin-Wasowicz** *Hughes Hubbard and Reed, Washington, DC*

**Gretta Fenner** *Managing Director, Basel Institute of Governance, Basel*

**Elaine Miller** *Policy Officer, Anti-Corruption Sector, European Commission, Brussels*

**Deirdre O’Mahony** *Arthur Cox, Dublin; Secretary, IBA Anti-Corruption Committee*

1025 – 1050

## Coffee/tea break

1050 – 1150

## Panel seven

### **ESG: evolving regulation and new enforcement**

Environmental, social and governance (ESG) regulations emphasise more and more as they become increasingly important in terms of meeting regulators’ reporting requirements, as well as in compliance and due diligence, to attract clients, suppliers and potential workforce. ESG is not only becoming mandatory; it is now a popular way for companies to enhance their images and demonstrate their commitments to being reliable and sustainable businesses.

Following the adoption of the European Directive on the Duty of Vigilance and similar laws and regulations, ESG-related disputes are a major risk faced by companies. The implementation of robust ESG compliance programmes – including applicable contractual provisions and internal investigations in the context of ESG – is becoming a new trend for in-house counsel and compliance professional, as well as their external counsel and other advisers.

This practical panel will focus on how to meet related expectations set by regulators and non-governmental organisations. The discussion will include perspectives from lawyers and other experts regarding compliance with ESG standards and best practices for implementing robust ESG policies and conducting related internal investigations.

*Moderator*

**Sophie Scemla** *Gide Loyrette Nouel, Paris; Co-Chair, IBA Anti-Corruption Committee*

*Panellists*

**Iris Bennett** *Steptoe & Johnson, Washington, DC*

**Juliana Daniel** *Lefosse, São Paulo; Co-Vice Chair, IBA Compliance Subcommittee*

**Prashant Mara** *BTG Legal, Mumbai, Maharashtra; Regional Representative Asia Pacific, IBA Anti-Corruption Committee*

**Patrick Späth** *Morrison Foerster, Berlin*

1150 – 1250

## **Panel eight**

### **Compliance due diligence in M&A: anti-corruption, ESG and beyond**

Mergers and acquisitions often present strategic imperatives and pose unavoidable compliance risks. Today, the compliance challenges involved in keeping M&A and similar strategic investments as viable options for corporate growth have risen. And spreading regulatory requirements are calling for effective and efficient pre-deal due diligence, even more so than before.

What are today's due diligence best practices to identify anti-corruption exposure in target companies? What can be learned from this international preventive compliance management system module for 'new' compliance risk categories such as ESG, export compliance and other evolving compliance risks.

This panel will discuss actual capabilities and compare them with emerging necessities with in-house representatives and investment experts.

*Moderator*

**Eric Mayer** *GSK Stockmann, Munich; Co-Chair, IBA Compliance Subcommittee*

**Ann Sultan** *Miller & Chevalier Chartered, Washington, DC; Co-Chair, IBA Compliance Subcommittee*

*Panellists*

**Ian Afful** *Head of M&A and Compliance, Mercedes Benz Car Group, Stuttgart*

**Francesca Petronio** *Allen & Overy, Milan*

**Frederick Ratliff** *Managing Counsel, Shell, Houston, Texas; Corporate Counsel Forum Liaison Officer, IBA Compliance Subcommittee*

**Yulia Zhukova** *General Counsel, RTP Global, London*

1250 – 1415

## **Lunch**

1415 – 1515

## **Panel nine**

### **Non-trial resolutions: an update on project rollout**

Non-trial resolutions (NTR) are a critical piece of an effective anti-corruption regime. In December 2021, the OECD Working Group on Bribery issued a recommendation encouraging all member states to consider adopting some form of non-trial resolutions of criminal, administrative and civil bribery cases. Our committee and its NTR subcommittee have worked to support implementation of non-trial resolutions around the world.

This panel will discuss practical steps you can take to support the implementation of NTRs in your jurisdiction.

*Moderator*

**Kara Brockmeyer** *Debevoise & Plimpton, Washington, DC; Chair, IBA Non-trial Resolutions of Bribery Cases Subcommittee*

*Panellists*

**Thomas Best** *Paul Hastings, Washington, DC; Senior Vice Chair, IBA Non-trial Resolutions of Bribery Cases Subcommittee*

**Fabio Cagnola** *Cagnola & Associati Studio Legale, Milan; Webinar Officer, IBA Anti-Corruption Committee*

**Francesca Petronio** *Allen & Overy, Milan*

**Michael Currie** *Primiero, Sandton; Regional Representative Africa, IBA Anti-Corruption Committee*

**Jitka Logesova** *Wolf Theiss, Prague; Member, IBA Anti-Corruption Committee Advisory Board*

1515 – 1545

## **Coffee/tea break**

1545 – 1645

## Panel ten

### **Lawyers as enablers or gatekeepers? Planning the IBA's work in the sphere of legal ethics and anti-corruption**

It has been over ten years since the IBA last embarked on a data gathering exercise regarding the existence and effectiveness of anti-corruption and money laundering legislation on a global scale. In the meantime, discourse surrounding the role of lawyers as potential enablers of illicit financial flows, as well as their client's 'lawful but awful' behaviour, has only intensified.

The time has now come to embark on a connected series of projects: one designed to examine the evolution of lawyers' perspectives on those regimes designed to combat the transfer of illegal assets, and the other questioning the existential issue of the ethical role of lawyers in society. This session will involve a discussion of the IBA Legal Policy and Research Unit's plans to revive the IBA's historic anti-corruption and money laundering surveys, as well as efforts to facilitate a new discussion concerning the role of lawyers as ethical gatekeepers in the aftermath of the Russian invasion of Ukraine, and the ongoing climate crisis.

#### *Moderator*

**Sara Carnegie** *Director, Legal Projects, International Bar Association, London; Member, IBA Diversity & Inclusion Council*

#### *Panellists*

**Mary Crane-Charef** *Strategic Anticorruption Advisor, OECD Anti-Corruption Division, Paris*

**David Lewis** *Managing Director, Global Head of AML Advisory, Kroll, Paris*

**Leopoldo Pagotto** *Freitas Leite e Avvad Advogados, São Paulo; Member, IBA Anti-Corruption Committee Advisory Board*

**Robert Wyld** *Johnson Winter Slattery, Sydney, New South Wales; Member, IBA Anti-Corruption Committee Advisory Board*

1645 – 1700

## **Closing remarks**

**Andrew M Levine** *Debevoise & Plimpton, New York; Co-Chair, IBA Anti-Corruption Committee*

**Sophie Scemla** *Gide Loyrette Nouel, Paris; Co-Chair, IBA Anti-Corruption Committee*