

BEST PRACTICE IN COMBATING CORRUPTION, EXTORTION AND BRIBERY

Wednesday 31 March 2010

Herbert Smith, Exchange House, Primrose Street, London EC2A 2HS

Chaired by Andrew Berkeley, ICC United Kingdom and Peter Burrell, Herbert Smith

FEATURING EXPERT ADDRESSES FROM:

- ◆ Andrew Berkeley, ICC United Kingdom
- ◆ Peter Burrell, Herbert Smith LLP
- ◆ Francois Vincke, ICC Commission on Anti-Corruption
- ◆ Lord Thomas of Gresford OBE QC, Goldsmith Chambers
- ◆ Richard Wiseman, Royal Dutch Shell plc
- ◆ Marcia MacHarg, Debevoise & Plimpton LLP
- ◆ Nick van Benschoten, Anti-Corruption Unit, Department for Business, Innovation and Skills
- ◆ Richard Alderman, Serious Fraud Office
- ◆ Iohann le Frapper, Alcatel Lucent
- ◆ Nichola Peters, Herbert Smith LLP

To secure your place at this event, please return your completed registration form and payment to
ICC United Kingdom, 12 Grosvenor Place,
London SW1X 7HH
Fax: +44 (0)20 7235 5447
Register online at www.iccbookshop.com

This conference is supported by the
Department for Business, Innovation and Skills

COVERING:

- ◆ A review of international and national anti-corruption frameworks including the OECD, FCPA, UNCAC, and Greco
- ◆ The impact of the Bribery Bill and its proposed guidance on companies operating in international markets
- ◆ Working with complex commercial structures and state entities, due diligence, and control
- ◆ Strategies and methods to empower employees and monitor compliance
- ◆ Challenges and best practice in managing the use of agents and intermediaries
- ◆ Discursive workshop with case studies drawn from real experiences
- ◆ The SFO's approach to self-referrals, mutual legal assistance, and cooperation between agencies
- ◆ Dealing with the demand side of bribery
- ◆ Internal controls and investigations: What types of procedures should companies employ, and what are the difficult issues?

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BEST PRACTICE IN COMBATING CORRUPTION, EXTORTION AND BRIBERY

8.45 REGISTRATION AND COFFEE

9.15 WELCOME AND OPENING REMARKS

PETER BURRELL, PARTNER, HERBERT SMITH LLP

MORNING SESSION

CHAIRER BY ANDREW BERKELEY, LEGAL ADVISOR, ICC UNITED KINGDOM

9.30 A REVIEW OF INTERNATIONAL AND NATIONAL ANTI-CORRUPTION FRAMEWORKS

FRANCOIS VINCKE, ATTORNEY

CHAIRMAN, ICC COMMISSION ON ANTI-CORRUPTION

- ◆ OECD, UNCAC, AND GRECO
- ◆ NATIONAL REQUIREMENTS
- ◆ CHALLENGES

10.00 THE UK BRIBERY BILL, GUIDANCE, AND COMPANIES OPERATING IN INTERNATIONAL MARKETS

ANDREW BERKELEY

PETER BURRELL

LORD THOMAS OF GRESFORD OBE QC

- ◆ OFFENCES AND OBJECTIVE
- ◆ ADEQUATE PROCEDURES, GUIDANCE, AND PROSECUTORS
- ◆ CONTRASTING WITH THE FCPA AND AREAS FOR

11.00 MORNING COFFEE

11.30 WORKING WITH COMPLEX COMMERCIAL STRUCTURES

RICHARD WISEMAN, CHIEF ETHICS AND COMPLIANCE OFFICER, ROYAL DUTCH SHELL PLC

- ◆ DUE DILIGENCE AND CONTROL
- ◆ JOINT VENTURES
- ◆ STATE ENTITIES

12.00 BEST PRACTICES IN ANTI-CORRUPTION COMPLIANCE AND INTERNAL CONTROLS: LESSONS LEARNED AND TRENDS FOR 2010

MARCIA MACHARG, DEBEVOISE & PLIMPTON LLP

- ◆ CHALLENGES IN ESTABLISHING WORLD-WIDE COMPLIANCE PROGRAMS
- ◆ LESSONS LEARNED: OVERSIGHT OF INTERMEDIARIES, M&A, JVs, AND GIFTS AND ENTERTAINMENT
- ◆ DOJ COMPLIANCE GUIDANCE AND TRENDS FOR 2010

12.30 THE ROLE OF UK GOVERNMENT IN FIGHTING CORRUPTION IN OVERSEAS MARKETS

NICK VAN BENSCHOTEN, ANTI-CORRUPTION UNIT, DEPARTMENT FOR BUSINESS, INNOVATION AND SKILLS

- ◆ FOREIGN BRIBERY STRATEGY
- ◆ BRITISH COMPANIES, OVERSEAS OFFICES AND DIPLOMATIC ASSISTANCE
- ◆ INTERNATIONAL COOPERATION

13.00 LUNCH

AFTERNOON SESSION

CHAIRER BY PETER BURRELL

14.10 DISCURSIVE WORKSHOP WITH CASE STUDIES DRAWN FROM REAL EXPERIENCES

DELEGATES WILL BE DIVIDED INTO TWO GROUPS TO PARTICIPATE IN AN INTERACTIVE WORKSHOP EXAMINING PRACTICAL CASE STUDIES. THIS SESSION WILL LOOK AT SPECIFIC RISK AREAS FOR ORGANISATIONS, AND THROUGH THE USE OF FILMED EXAMPLES, EXAMINE WHAT THOSE RISKS ARE, AND SPECIFIC STEPS THAT CAN BE TAKEN TO MITIGATE THOSE RISKS.

THE WORKSHOPS WILL BE FACILITATED BY:

- ◆ NICHOLA PETERS, OF COUNSEL, HERBERT SMITH LLP
- ◆ DAN HUDSON, SENIOR ASSOCIATE, HERBERT SMITH LLP
- ◆ STEPHEN FLAHERTY, OF COUNSEL, HERBERT SMITH LLP

15.40 AFTERNOON TEA

16.00 THE SFO'S APPROACH TO SELF-REFERRALS, MUTUAL LEGAL ASSISTANCE, AND INTER-AGENCY COOPERATION

RICHARD ALDERMAN, DIRECTOR, SERIOUS FRAUD OFFICE

16.30 DEALING WITH THE DEMAND SIDE OF BRIBERY – PRACTICAL METHODS FOR ENTERPRISES FACING SOLICITATIONS

IOHANN LE FRAPPER, CHAIR OF THE RESIST INITIATIVE AND GENERAL COUNSEL & COMPLIANCE LEADER CARRIER PRODUCT GROUP ALCATEL-LUCENT

- ◆ WHAT IS RESIST?
- ◆ HOW CAN COMPANIES, LARGE OR SMALL, EDUCATE STAFF IN THE FIELD ON HOW TO DEAL WITH THE DEMAND SIDE OF CORRUPTION IN REAL-LIFE SCENARIOS
- ◆ METHODS FOR PREVENTING SOLICITATION AND RESPONDING TO ACTUAL EXTORTION OR SOLICITATION BY PUBLIC OFFICIALS OR PRIVATE PARTIES.

17.00 INTERNAL CONTROLS AND INVESTIGATIONS

HERBERT SMITH LLP

- ◆ WHAT TYPES OF PROCEDURES SHOULD COMPANIES EMPLOY AND WHAT ARE THE DIFFICULT ISSUES?

17.30 SUMMARY AND CLOSING REMARKS

PETER BURRELL

17.40 RECEPTION

Peter Burrell is a partner at Herbert Smith and heads up its investigations and corporate crime practice. In addition to general fraud dispute instructions, he specialises in contentious regulatory work including conducting and managing internal investigations, either commenced by the company itself following the discovery of an internal problem or commenced as a result of an external investigation by the Serious Fraud Office, HM Revenue & Customs, and the FSA. A large part of Peter's practice entails advising on criminal liability issues, in particular, anti-corruption policies and procedures, as well as managing and conducting criminal investigations and proceedings.

Andrew Berkeley previously headed three legal departments in major British enterprises in the oil and gas, chemical and telecommunications industries. He is Legal Advisor to ICC United Kingdom for international trade and investment, covering issues such as OECD Conventions, anti-corruption regimes, and human rights, and participates in related negotiations with key parties such as the Department for Business and the Foreign Office. Andrew was formerly First Vice President of ICC's Institute for International Business Law and has practised as an international commercial arbitrator for fourteen years, acting as chairman and arbitrator in many tribunals deciding matters for parties from more than twenty five jurisdictions.

François Vincke is a member of the Brussels Bar, with more than two decades of legal experience, including with Wilkie Farr & Gallagher until 2006. He was previously General Counsel and Secretary General of Petrofina - the multinational energy and chemicals corporation. As Chair of ICC's Anti-corruption Commission since 1994, he led revisions of the "ICC Rules and Recommendations on Combating Extortion and Bribery" in 1996, 1999 and 2005. Francois is the co-editor and co-author of the ICC publication *Fighting Corruption, a Corporate Practices Manual* and its revision *Fighting Corruption: International Corporate Integrity Handbook*.

Lord Thomas of Gresford OBE QC is the Head of Goldsmith Chambers where he specialises in criminal and civil law. He has been the Shadow Attorney General for the Liberal Democrats since 2007 and is also the spokesman for Wales. He became a solicitor in 1961 and was called to the bar at Gray's Inn in 1967. He became a Deputy High Court judge in 1995. He has been Queen's Counsel since 1979. Lord Thomas's interests include law reform, and in particular criminal justice and human rights.

Richard Wiseman qualified as a solicitor in England and Wales in 1974, and as a solicitor and barrister in Victoria, Australia in 1985. He joined the Royal Dutch/Shell Group of Companies in 1975 where he has held a number of posts. He has advised on a succession of high profile matters, including most recently the Unification of the former Dutch and English parent companies under Royal Dutch Shell plc. In 2005 Richard was appointed Shell's General Counsel for M & A and Project Finance and in 2008 he became Shell's Chief Ethics and Compliance Officer.

Marcia MacHarg is a Partner in the Frankfurt office of Debevoise & Plimpton. Her practice encompasses securities laws, cross-border financing, and mergers and acquisitions. She also assists clients in organising international and domestic joint ventures, and conducts corporate internal control and compliance assessments. Marcia acted as part of the Debevoise team that conducted an independent investigation of Siemens AG for the Audit Committee to determine whether anti-corruption regulations had been violated and conducted an assessment of the compliance and control systems at Siemens. The investigation was among the largest of its kind in scope and included 1,750 interviews; 82 million documents electronically searched and 14 million documents reviewed; 38 million financial transactions analysed; and 10 million bank records reviewed.

Nick van Benschoten is head of the Anti-Corruption Unit (ACU) at the Department for Business, Innovation and Skills. The ACU coordinates Government work to support ethical business overseas through guidance on bribery law. It works across Government agencies including UK Trade & Investment to provide country-specific guidance on overseas corruption issues and supports wider Government procedures to safeguard public money from being tainted by contact with international corruption. The ACU promotes leading UN and OECD good practice for avoiding involvement in overseas corruption, as well as sector-specific initiatives for promoting anti-corruption codes of conduct and transparent procurement, including in aerospace and defence, the extractive industries, construction and pharmaceuticals.

Nichola Peters is Of Counsel at Herbert Smith in London. She specialises in contentious and non-contentious regulatory work and corporate crime matters, the conduct of internal and regulatory investigations, and the provision of advice to companies regarding necessary compliance steps to deal with the risk of corruption. She advises a range of sectors on corruption issues arising as part of due diligence in corporate transactions. Nichola also carries out anti-corruption due diligence and provides advice on the implementation of the existing corruption legislation including hospitality, gifts, entertainment, third party payments. She also advises on compliance with sanctions legislation and anti-money laundering.

Dan Hudson is a Senior Associate at Herbert Smith in London. He is a solicitor advocate and former barrister who practised at the criminal bar. He advises and represents corporate, institutional and individual clients on financial crime matters, in particular in respect of fraud, corruption, insider dealing, accounting irregularities, and money laundering and connected disputes. He has significant experience of internal and external investigations, including investigations conducted by the SFO, FSA, Police and HMRC, and also represents clients facing prosecution.

Stephen Flaherty is Of Counsel at Herbert Smith in London. He has extensive experience of advising clients in relation to both domestic and international contentious matters, particularly in relation to banking and financial services. Stephen conducts and manages internal investigations for clients as well as advising clients in relation to investigations by the FSA and SFO. He also advises clients on anti-corruption policies and procedures.

Richard Alderman has been the Director of the SFO since April 2008. Before joining the SFO, he was Director of National Teams and Special Civil Investigations in HM Revenue and Customs where he was responsible for 3000 staff carrying out specialised tax investigations. As Director of the Revenue's Special Compliance Office from 2003 to 2005, he was responsible for all of the criminal investigations carried out by the Inland Revenue. Richard had been previously the senior lawyer in the Revenue's Solicitor's Office where he was responsible for the conduct of criminal prosecutions. He previously worked with the Home Office to set up the Assets Recovery Agency and subsequently became its first Legal Director.

Iohann Le Frapper, is General Counsel Carrier Product Group at Alcatel-Lucent, where he coordinates global legal support for strategic technology alliances. He is also the compliance leader responsible for the Carrier Product Group. An active contributor to the field of business ethics including the ICC Commission on Anti-Corruption, he chairs the quadra-partite RESIST initiative among ICC, WEF/PACI, UNGC and TI that focuses on dealing with solicitation. His previous roles have included General Counsel for South Europe, Middle East, Africa and India Region, Alcatel-Lucent and Assistant General Counsel for Alcatel, mainly responsible for coordinating the legal support for the Asia Pacific Region. Prior to joining Alcatel in 1999, Iohann was an in-house counsel for Elf Aquitaine, an oil & gas company, supporting business and corporate projects mainly in Africa and the Middle East.

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REGISTRATION: 08.45

RECEPTION: 17.30

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Registration Fees	Rate	VAT	Total
Members of ICC United Kingdom	£295.00	£51.63	£346.63
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