

CONFERENCE

The Transnationalization of Anti-Corruption Law

**6-7 December 2018
Sciences Po
Paris**

A conference presented by

**The Anti-Corruption Law Interest Group
of the American Society of International Law (ASIL)**

Sciences Po Law School

**The Zicklin Center for Business Ethics Research
of the Wharton School (University of Pennsylvania)**

and organized in close cooperation with

**The Organisation for Economic
Co-operation and Development**



American Society
of International Law

SciencesPo
LAW SCHOOL



Wharton
UNIVERSITY OF PENNSYLVANIA

the Carol and Lawrence
Zicklin Center
for Business Ethics Research



OECD
BETTER POLICIES FOR BETTER LIVES

Scientific Committee

Professor Régis Bismuth, Sciences Po Law School

Jan Dunin-Wasowicz, Hughes Hubbard & Reed LLP and Vice Chair of the ASIL Anti-Corruption Law Interest Group

Professor Phil Nichols, Zicklin Center for Business Ethics Research of the Wharton School (University of Pennsylvania) and Chair of the ASIL Anti-Corruption Law Interest Group

Welcome Message from the Conference Organizers

Dear Conference Participants,

In April 2018, we solicited paper proposals for a conference on the “transnationalization of anti-corruption law”. In response to the call for papers, we received a significant number of remarkable submissions. The two-day conference hosted by Sciences Po Law School now brings together academics, policy makers and practitioners to present their research and discuss some of the most salient issues in this very dynamic field. Over the past several months, we were honored to work closely with the OECD on preparing this conference and are grateful for the OECD’s contributions to the project.

The eight conference panels will review the evolution of anti-corruption law and explore the mechanisms that have led to the development of modern “transnational” anti-corruption law and standards, considering the role and influence of a variety of actors. Our approach will be interdisciplinary so as to understand the drivers of today’s anti-corruption norms, their implementation in the transnational context, and the challenges that lie ahead.

We look forward to an exciting and enjoyable conference on 6-7 December 2018 in Paris.

Régis Bismuth

Jan Dunin-Wasowicz

Phil Nichols

Conference venue

Sciences Po
Amphithéâtre Claude Erignac (3rd floor)
13, rue de l’Université
75007 Paris

Conference Registration

To register for the conference, please click on the following link

(conference fees include refreshments and two lunches)

<https://www.eventbrite.fr/e/the-transnationalization-of-anti-corruption-law-tickets-51508718965>

Conference Website & Contact Information

<https://www.anti-corruption-conference.com>

If you have any questions, please do not hesitate to contact us by email

conference.anticorruption@gmail.com

Hughes
With the kind support of **Hubbard**
& Reed

CONFERENCE PROGRAM

DAY 1

Thursday 6 December 2018

08.15 - 08.55

Registration

Ground floor, 13 rue de l'Université 75007 Paris

Introduction

09.00 - 09.10

Christophe Jamin (Dean of the Sciences Po Law School)

Conference Welcome

09.10 - 09.20

Régis Bismuth (Professor at Sciences Po Law School)

Introductory Remarks

09.20 - 09.40

Gabriela Ramos (OECD Chief of Staff and Sherpa to the G20)

Keynote Address – “Levelling the Playing Field: From Corruption to Multilateral Cooperation”

09.45 - 11.15

Panel 1

International Sources of Anti-Corruption Law: Eclecticism or Convergence?

Chair

Daniel Eduardo Bonilla Maldonado (Professor, Universidad de los Andes & Visiting Professor at Sciences Po Law School)

Jessica Ansart (Georgetown University Law Center & Sciences Po) & **Elitza Katzarova** (Chair of International Relations, University of Brunswick)

The Americanization of International Anti-Corruption: The Influence of the FCPA on the OAS and OECD Conventions

Jimena Reyes (International Federation for Human Rights – FIDH)
The Role of the UN Human Rights Covenants and the American Convention on Human Rights in Shaping International Anti-Corruption Norms

Dr. Alexandra Manea (Counsel, Office of Suspension and Debarment, World Bank) & **Jamieson Smith** (Chief Suspension and Debarment Officer, Office of Suspension and Debarment, World Bank)

In Search for a Tailored Approach to Anti-Corruption Sanctions in the International Development Context

Vishal Sharma (Assistant Professor, University of Petroleum and Energy Studies, Dehradun, Uttarakhand)

Impact of Corruption on the Implementation of International Law: A Critical Perspective

11.15 - 11.45

Coffee break

11.45 - 13.00

Panel 2 **Regional Perspectives on Transnationalization**

Chair

Patrick Moulette (Head of the OECD Anti-Corruption Division)

Rachel Brewster (Professor at Duke Law School & Co-director of Duke's Center for International and Comparative Law) & **Andres Ortiz** (Attorney, Ecuador & LL.M., Duke Law School)

Transnationalization in Latin America: Political and Legal Developments in Anti-Corruption

Juanita Ceesay (Lecturer & PhD candidate at Sciences Po Law School)

Global North vs Global South: Overcoming the Limits of the Transnationalization of Anti-Corruption Laws

Qingxiu Bu (Associate Professor & Chair of Global Law Initiative, Sussex Law School)

Chinese Multinational Corporations' Obligations in the Global Anti-Corruption: Levelling the Playing Field in Africa

13.00 - 14.30

Lunch buffet

14.30 - 16.15

Panel 3

Domestic Experiences of Transnationalization

Chair

Jan Dunin-Wasowicz (Associate, Hughes Hubbard & Reed LLP and Vice-Chair of the ASIL Anti-Corruption Law Interest Group)

Sean Griffith (Professor of Law & Director of the Corporate Law Center, Fordham Law School) & **Thomas H. Lee** (Professor of International Law & Director of Graduate and International Studies, Fordham Law School)

Banning Bribes Abroad: An Interest Group Theory of Foreign Anti-Corruption Law

Tamar Hostovsky Brandes (Senior Lecturer, Faculty of Law, Ono Academic College)

Bribery of Foreign Officials: The Importance of Moral Arguments

Elizabeth Acorn (Postdoctoral Associate & Lecturer in Political Science Yale University)

The Harmonization of Anti-Foreign Bribery Law and Practice: Exploring Mechanisms of Policy Convergence in Canada

Jonathan Bourguignon (PhD Candidate, Université Panthéon-Assas Paris 2)

France's New Approach towards Extraterritoriality: Paving the Way for a Protective Principle in Economic Matters?

Laura Galindo-Romero (J.S.M Candidate, Stanford Law School)

The Other Side of the Coin: Measuring States' Anti-Corruption Compliance and Domestic Implementation

16.15 - 16.45

Coffee break

16.45 - 18.30

Panel 4

Traditional Methods Reconsidered

Chair

Kathryn Gordon (Senior Economist, OECD Anti-Corruption Division)

Thomas Kruessmann (Professor at the University of Kent & Senior Research Fellow, Global Europe Centre)

The Failure of Transnational Anti-Corruption Law: Civil Law Strategies Reconsidered

Rachel Scott (*Barrister, Three Raymond Buildings*)

Would a Move Towards Standardized Procedures Strengthen the Transnational Fight against Corruption?

Kotomi Moriguchi (*PhD candidate, Institute for International Research on Criminal Policy, Ghent University*)

Is There a Global Administrative Law Approach to Anti-Corruption?

John E. Katsos (*Associate Professor of Business Law and Ethics, American University of Sharjah*)

Towards a Global Peace-Promoting Anti-Corruption Regime

Eduard Ivanov (*Professor & Senior Research Associate, International Anti-Corruption Academy, IACA*)

In the Ocean of Anti-Corruption Compliance Standards and Guidance: Time for Codification?

DAY 2

Friday 7 December 2018

08.25 - 08.55

Arrival

09.00 - 10.45

Panel 5

Transnationalization and the New Frontiers of Compliance

Chair

Bryan Sillaman (*Partner, Hughes Hubbard & Reed LLP*)

Leah Ambler (*Legal Analyst, OECD Anti-Corruption Division*) & **Claire Leger** (*Legal Analyst, OECD Anti-Corruption Division*)

Whistleblower Protection: The Next Frontier in The Transnationalization of Anti-Corruption Law

Jeffrey Boles (*Associate Professor and Washburn Research Fellow, Fox School of Business, Temple University*)

Fighting Corruption through Contract Law: International Law Considerations

Robert E. Clark (*Manager of Legal Research, TRACE International*)

Linear and Non-Linear Modeling Techniques in Transnational Corruption Risk Assessment

Nuria Gonzalez (*Professor of Law, Universidad de San Andres*)

Transnationalization of Anti-Corruption Trainings

Vera Cherepanova (*Founder, Studio Etica*)

The Proliferation of International Anti-Corruption Initiatives, Standards, and Guidelines

10.45 - 11.15

Coffee break

11.15 - 12.45

Panel 6

Anti-Corruption Considerations in International Dispute Resolution

Chair

Catherine Kessedjian (*Professor Emerita, Université Panthéon-Assas Paris 2*)

Yueming Yan (*Ph.D. Candidate, Faculty of Law, McGill University*)

Global Anti-Corruption Efforts in a New Era of International Investment Agreements

Lucinda A. Low (*Partner, Steptoe & Johnson LLP*)

Methodologies for Proving Corruption in Arbitration: Red Flags, "Connect the Dots", and Similar Approaches

Alexis Foucard (*Associate, Clifford Chance LLP*)

International Arbitration's Growing Reliance on Red Flags: How Shifting the Burden of Proof for Allegations of Corruption Is Prompting the Transnationalization of Anti-Corruption

Anna Lorem Ramos (*Counsel, World Bank Group Sanctions Board Secretariat*) & **Charlene Valdez Warner** (*Associate, Linklaters LLP*)

The World Bank Group in International Dispute Resolution of Fraud and Corruption: Examining the Practice and Jurisprudence of the Sanctions Board and ICSID Arbitral Tribunals

12.45 - 14.00

Lunch buffet

14.00 - 15.45

Panel 7

Challenges in Transnational Enforcement of Anti-Corruption Laws

Chair

Christine Uriarte (Senior Legal Analyst, OECD Anti-Corruption Division)

Stéphane Bonifassi (Bonifassi Avocats, Paris)

The Impact of Blocking Statutes on Enforcement of Anti-Corruption Laws

Denis Saint-Martin (Professor, Department of Political Science, Université de Montréal) & **Simon St-Georges** (Ph.D. Candidate in Political Science, Université de Montréal)

The Global Diffusion of Deferred Prosecution Agreements: Institutional Isomorphism and the Re-making of the Rules Against Corporate Corruption

Branislav Hock (Lecturer in Counter Fraud Studies, University of Portsmouth)

Market for Bundles: New Stage of Foreign Anti-Bribery Enforcement

Colin Scott (Professor of EU Regulation and Governance, University College Dublin) & **Slobodan Tomic** (Post-Doctoral Marie Curie Fellow, University College Dublin)

The Developing Role of Transnational Networks in Advancing Integrity Regulation

Camila F. Tort (Consultant at the Department of Legal Cooperation of the Organization of American States)

The Search for Synergies: The Utopian Ideal of Cooperation between International Anti-Corruption Mechanisms

15.45 - 16.15

Coffee break

16.15 - 17.30

Panel 8

Anti-Corruption Beyond the State

Chair

Phil Nichols (Professor, Wharton School, University of Pennsylvania & Chair of ASIL Anti-Corruption Law Interest Group)

Nicola Bonucci (OECD Director for Legal Affairs & Coordinator for Accession)

International Organizations' Efforts to Prevent Corruption

Sean Hagan (*Visiting Fellow, Oxford University & Former General Counsel of the IMF (2005-2018)*)

An IMF Perspective on Anti-Corruption

Kevin Crow (*Assistant Professor of International Law and Ethics, ASB & International Faculty Fellow, MIT Sloan*)

International Legal Persons' and Anti-Corruption Law: A Problematic Status Quo

Andy Spalding (*Professor of Law, University of Richmond*) &

Cecilia Fellouse-Guenkel (*Le Cercle de la Compliance*)

The Role of Mega Sporting Events in Transnationalizing Anti-Corruption Law

17.30 - 17.45

Concluding Remarks

Phil Nichols (*Professor, Wharton School, University of Pennsylvania & Chair of ASIL Anti-Corruption Law Interest Group*)

17.45 - 19.15

Cocktail