

University
of Basel

Faculty of Law



BASEL INSTITUTE ON
GOVERNANCE

AC Competence Centre
Arbitration and Crime



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law



THE INTERNATIONAL ACADEMY
OF FINANCIAL CRIME LITIGATORS

Legal Consequences of Corruption and Money Laundering in International Arbitration

Workshop
Thu 9 – Fri 10 January 2020
Basel, Switzerland



Corruption and money laundering affecting an underlying dispute are a considerable challenge for arbitrators and parties in investment and commercial arbitration. If corruption and/or money laundering is established, arbitrators need to decide about the legal consequences for the parties' claims. On the one hand, corruption cannot be condoned. On the other hand, parties should not be allowed to free themselves of their obligations easily. The consequences if an arbitration involves funds of illicit origin equally need to be discussed. This workshop follows up on the 2019 "Toolkit for Arbitrators" and specifically focuses on legal consequences of corruption and money laundering in international arbitration.



Homburger



BONIFASSI
AVOCATS

VISCHER

Schellenberg
Wittmer

Thursday, 9 January 2020

| Time | |
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| 19.00 | Pre-conference apéro and dinner in Hotel Krafft (Rheingasse 12, 4058 Basel) |

Friday, 10 January 2020

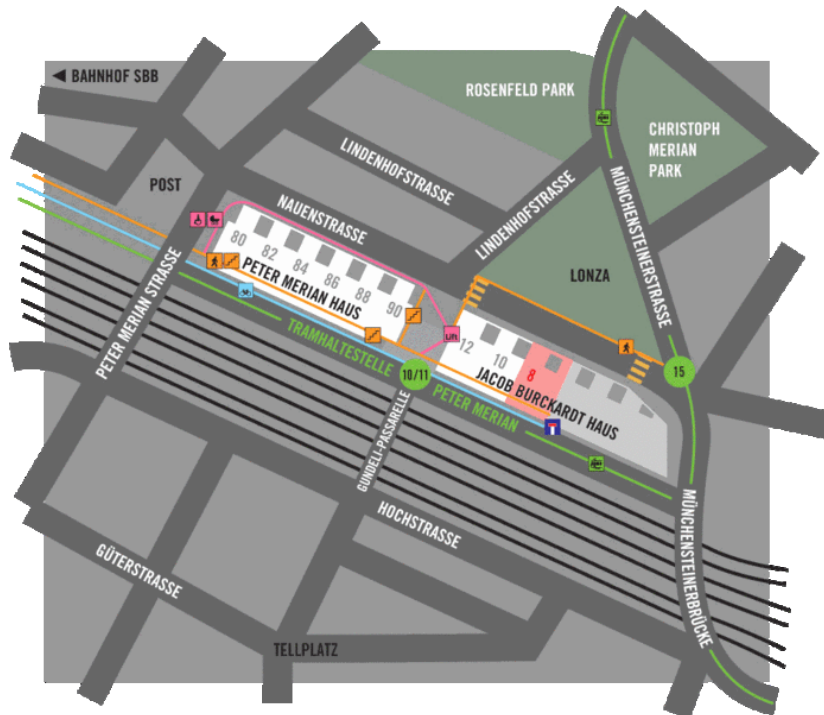
| Time | Agenda item | |
|---|---|---|
| 08.30-09.00 | Welcome coffee | |
| 09.00-09.30 | Welcome address | Mark Pieth, University of Basel Keynote: Alexis Mourre, President of the ICC International Court of Arbitration |
| 09.30-10.30 <i>Short inputs by speakers & plenary discussion</i> | Legal consequences of corruption on an arbitral award in investment arbitration – Corruption always takes two. Can the host state be held responsible for the corruption of its officials? – What if a bribe at the beginning of an investment allows a state to successfully raise the corruption defence years later? – What if a relatively small bribe results in the investor losing all protection under international dispute settlement mechanisms? | Chair: Nicola Bonucci, Paul Hastings LLP, Former Legal Director OECD Speakers: • Giorgio Sacerdoti, Prof. em. Bocconi University, Milano • Elliott Geisinger, Schellenberg Wittmer Ltd, Honorary President of ASA • Aloysius Llamzon, King & Spalding LLP |
| 10.30-11.00 | Coffee break | |
| 11.00-12.00 <i>Short inputs by speakers & plenary discussion</i> | Legal consequences of corruption on an arbitral award in commercial arbitration – Contracts for bribery: what about restitution of the bribe? – Contracts procured by bribery: a proportionate solution? – Practice of courts in France, UK, Switzerland etc. regarding enforcement of arbitral awards | Chair: Nadia Darwazeh, Clyde & Co Speakers: • Ravinder Thukral, Brown Rudnick LLP • Stéphane Bonifassi, BONIFASSI Avocats • Stephan Wilske, Gleiss Lutz |
| 12.00-13.00 <i>Short inputs by speakers & plenary discussion</i> | Legal consequences of money laundering on an arbitral award in investment arbitration – What if a real dispute between parties involves the transfer of funds of illicit origin? | Chair: Carolyn B. Lamm, White & Case LLP Speakers: • Urs Zulauf, University of Geneva • Bruno Cova, Delfino Willkie Farr & Gallagher LLP • Joachim Knoll, LALIVE SA |

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| 13.00-14.00 | Lunch | |
| 14.00-15.00 <i>Short inputs by speakers & plenary discussion</i> | <p><i>Legal consequences of money laundering on an arbitral award in commercial arbitration</i></p> <p>– <i>What if the parties bring a fake dispute to arbitration in order to get an award that involves the transfer of funds of illicit origin?</i></p> <p>– <i>Should arbitrators and/or arbitral institutions have a duty (or a right) to report suspected money laundering?</i></p> | <p>Chair: Anne Peters, Max Planck Institute for Comparative Public Law and International Law</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Gervase MacGregor, BDO LLP • Lucinda A. Low, Steptoe & Johnson LLP • Balz Gross, Homburger AG |
| 15.00-15.15 | Short coffee break | |
| 15.15-15.45 <i>Concluding panel & plenary discussion</i> | Wrap up and conclusions | <p>Chair: Mark Pieth, University of Basel</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Krista Nadakavukaren Schefer, Swiss Institute of Comparative Law • Carolyn B. Lamm, White & Case LLP • Andreas Bucher, Prof. em. University of Geneva |

Practical Information

Workshop Venue

The workshop takes place at the Faculty of Business and Economics (Wirtschaftswissenschaftliche Fakultät) of Basel University, Peter Merian-Weg 6, 4002 Basel, Switzerland, in the WWZ Auditorium (on the ground floor). Event WiFi is available.



Workshop Fee

The workshop fee is CHF 300.00 per person (CHF 200.00 for students). Payment details will be communicated upon registration.

Accommodation

Conveniently located hotels in Basel include:

- Hotel Krafft (www.krafftbasel.ch)
- Hotel Odelya (www.odelya.ch)

Pre-Workshop Dinner

You are invited to join us for an (informal) pre-workshop dinner on Thursday, 9 January, at 19.00 in Restaurant Krafft (www.krafftbasel.ch).

Registration

Please register until **13 December 2019** by writing an e-mail to kathrin.betz@unibas.ch. Please note that space is limited – first come, first served.

Website

For workshop updates, please visit <https://arbcime.org/workshop2020>.