

University
of Basel

Faculty of Law



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

AC Competence Centre
Arbitration and Crime

International Arbitration and Corruption

A Toolkit for Arbitrators

Workshop

Thu 10 – Fri 11 January 2019

Basel, Switzerland



Both in investment and in commercial arbitration, arbitrators face considerable challenges if a party alleges – or the arbitrators suspect – that corruption has influenced the underlying dispute. Which laws are applicable? What are the requirements for the proof of corruption in arbitration proceedings? What are the legal consequences of corruption in arbitration? And how can arbitrators become aware of corruption in the first place? It is generally understood that corruption cannot be condoned – at the same time parties should not be allowed to free themselves of their obligations easily. The aim of this workshop is to follow up on the conference of January 2018 and to discuss a “toolkit for arbitrators” how they can address these issues in a comprehensive manner, and find a solution in accordance with the applicable law.



BONIFASSI
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SHELLENBERG
WITTMER

Thursday, 10 January 2019

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

Friday, 11 January 2019

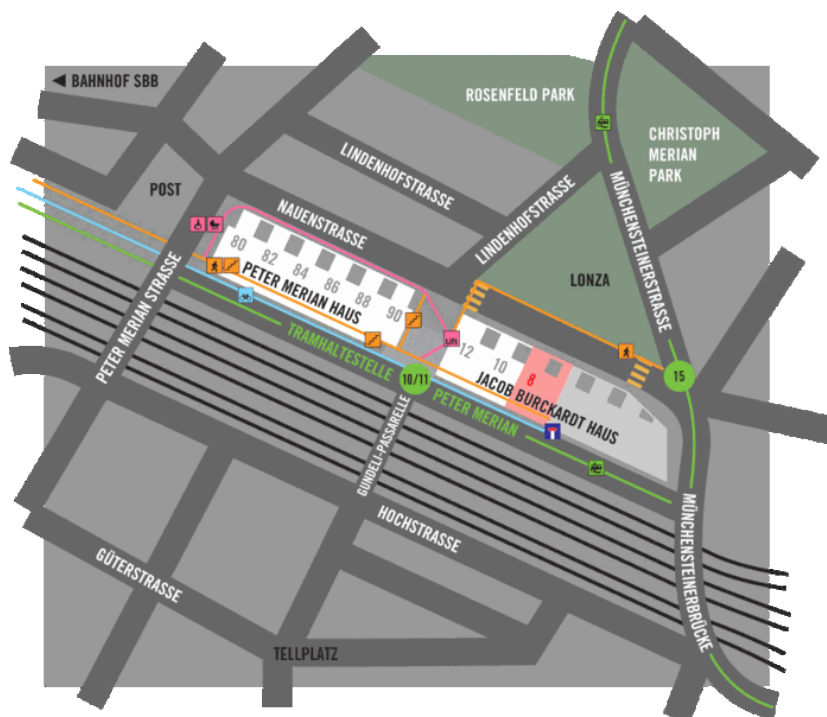
Time	Agenda item	
08.15-08.30	Welcome coffee	
08.30-08.45	Welcome address	Mark Pieth, Basel University Keynote: Emmanuel Gaillard, Shearman & Sterling LLP
08.45-09.00	Introduction of the <i>Draft Toolkit for Arbitrators</i> and aims of the day	Mark Pieth, Basel University Kathrin Betz, Basel University
09.00-10.30 <i>Short inputs by speakers & plenary discussion</i>	Discussion of Steps 1-3 of the <i>Draft Toolkit</i> : Corruption in substance <ul style="list-style-type: none"> • Become aware of corruption in the case at hand • Inform yourself about the concept of corruption and foreign bribery • Decide on the applicable norms of national and international law 	Chair: Lord Peter Goldsmith QC, Debevoise & Plimpton LLP Speakers: <ul style="list-style-type: none"> • Nicola Bonucci, Legal Director OECD • Stanimir A. Alexandrov, Stanimir A. Alexandrov PLLC • Stéphane Bonifassi, BONIFASSI Avocats
10.30-11.00	Coffee break	
11.00-12.30 <i>Short inputs by speakers & plenary discussion</i>	Discussion of Steps 4-6 of the <i>Draft Toolkit</i> : Evidence <ul style="list-style-type: none"> • <i>Sua sponte</i> investigate the alleged or suspected corruption • Burden and standard of proof, circumstantial evidence and red flags • Adverse inferences 	Chair: Carolyn B. Lamm, White & Case LLP Speakers: <ul style="list-style-type: none"> • Vladimir Khvalei, Baker McKenzie • Gervase MacGregor, BDO LLP • Joachim Knoll, LALIVE SA
12.30-13.30	Lunch	
13.30-15.00 <i>Short inputs by speakers & plenary discussion</i>	Discussion of Steps 7-8 of the <i>Draft Toolkit</i> : Legal consequences of the establishment of corruption in arbitration <ul style="list-style-type: none"> • Regarding investment arbitration: at what stage of the investment did the corruption occur? • Regarding commercial arbitration: which scenario is at stake? 	Chair: Nadia Darwazeh, Clyde & Co Speakers: <ul style="list-style-type: none"> • Craig Orr QC, One Essex Court • Richard Kreindler, Cleary Gottlieb Steen & Hamilton LLP • Lucinda A. Low, Steptoe & Johnson LLP

15.00-15.15	Short coffee break	
15.15-15.45 <i>Concluding panel & plenary discussion</i>	Conclusions	<p>Chair: Mark Pieth, Basel University</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Lord Peter Goldsmith QC, Debevoise & Plimpton LLP • Carolyn B. Lamm, White & Case LLP • Nadia Darwazeh, Clyde & Co • Krista Nadakavukaren Schefer, Swiss Institute of Comparative Law

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 Bildungszentrum 21 (www.bz21.ch)

Pre-Workshop Dinner

You are invited to join us for an (informal) pre-workshop dinner on Thursday, 10 January, at 19.00 in Restaurant Krafft (www.krafftbasel.ch).

Registration

Please register until **17 December 2018** 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://arbcrime.org/workshop>.