

Anti Corruption & Anti Bribery Asia



• 2nd & 3rd November 2015

• Furama Riverfont Hotel

Overview

Corruption remains a serious issue in Asia, and anti-corruption enforcement will continue to increase going forward. At the same time, new anti-bribery laws and enforcement tools have spread across the globe promising to raise the stakes for multinational corporations. As the global anti-corruption movement continues to evolve, a generic, one-size-fits-all compliance programme will no longer be adequate to address risks specific to the countries in this region. Do you know what it takes to ensure the success of your global anti-corruption compliance programme in Asia?

What constitutes a high risk partner in Malaysia versus India? What does the investigative process look like in Thailand as opposed to South Korea? These questions and others require multinational corporations to rethink anti-corruption compliance and adopt a more local approach to effectively address corruption risks.

This masterclass will provide a country-by-country compliance roadmap, including:

- Indonesia, Vietnam, Myanmar, Thailand, Malaysia – applying a risk and country specific approach to screening and managing intermediaries, brokers, suppliers and agents
- Singapore – how anti-money laundering investigations can lead to anti-corruption investigations
- India – how to implement the required controls for your local joint ventures: regulators' expectations regarding compliance and monitoring
- China – corruption crackdown: how increased criminal law and commercial bribery enforcement affects multinationals in the PRC
- Philippines, South Korea, Malaysia – internal investigations: how to localise interview and investigative techniques to achieve your objectives
- Myanmar, Indonesia, Vietnam – navigating the anti-corruption regulatory and enforcement landscape
- Thailand and India – how to handle requests for bribes or “consideration” when obtaining approvals in government contracting projects

Featured Course Speakers



Eric Roring Pesik
Associate General Counsel
Seagate Technology International



Hideki Thurgood Kano
Partner
Anderson Mori & Tomotsune



Nizam Ismail
Partner / Director
RHT Law Taylor Wessing LLP / RHT Compliance Solutions



James Finch
Partner
DFDL



Boey Swee Siang
Partner
ATMD Bird & Bird LLP



Kirindeep Singh
Partner
Rodyk & Davidson LLP



Marcus Collins
Partner
DFDL



Samuel R. Sharpe
Director
Duane Morris & Selvam LLP



Sebastian Pawlita
Partner
PolastriWint & Partners (PWP Legal)



Kareena Teh
Partner
Dechert



Peter Coleman
President Director
PT Censere Far East

WHO SHOULD ATTEND

- Ethics & Compliance Officers
- General Counsel
- Vice Presidents and Directors of:
 - Corporate Responsibility
 - International Contracts
 - Corporate Compliance
 - Legal Affairs
 - Internal Audit
 - Business Conduct
- General Manager
- Operations Director/Manager
- Business Unit or Country Director/Manager
- Sales Director/Manager
- Marketing Director/Manager
- Business Development
- HR Director/Manager
- HR Business Partner
- HR Development
- Workforce Planning and Employment
- Private practice lawyers specialising in:
 - Corporate Governance
 - International Regulation & Compliance
 - White Collar Crime
 - Investigations
- Accounting & Consulting Firms:
 - Investigations & Forensic
 - Transactions
 - White Collar Crime
 - Investigations

Organised by:



Crown Leadership International Group

9:00 - Encouraging Employees to Use Corporate Reporting Mechanisms to Mitigate Whistleblower Risks

- Balancing government transparency requirements with internal reporting mechanisms
- Creating an environment that facilitates open communication: crafting compliance policies that will encourage your employees to come to you first
- Maintaining effective internal reporting systems that offer employees avenues by which to report their compliance concerns
- Setting up multiple channels for employees to report wrongdoing
- Offering employee training on internal reporting procedures
- Alerting employees that reporting of wrongdoing is segregated from human resources determinations
- Assuring employees that their concerns will be taken seriously and adequately investigated
- Screening reports and complaints received from employees to ensure appropriate time and cost allocation
- How to question the employee without exposing the fact that an issue could exist
- Balancing rights of a whistleblower with protection of the company

Eric Roring Pesik, Associate General Counsel, Seagate Technology International

10:30 - Morning Coffee & Networking Break

11:00 - Responding to Requests for Bribes or “Consideration” When Obtaining Approvals in Government Contracting Projects in Myanmar and Thailand

- Practical steps companies can take to minimise corruption risks in daily interactions with agency officials
- What not to do when faced with a direct or implied extortion demand by a local government official
- Appropriate strategies, tactics or techniques to get what your company needs without paying a bribe
- Pacing customs clearance and permit request efforts to avoid troublesome officials
- Avoiding pitfalls in establishing operations within Thailand and India and usage of local distributor/agent relationships
- How to address situations of apparent duress
- What to take away from recent enforcement actions in Thailand and India involving bribes to government officials

James Finch, Partner, DFDL

Marcus Collins, Partner, DFDL

12:30 - Networking Luncheon

13:30 - The Corruption Crackdown in China – How Increased Criminal Law and Commercial Bribery Enforcement Affects Multinationals in the PRC

- Part 1 - Update on China regulations, rules and laws
- Part 2- Update on enforcement development: Increased enforcement of the State Administration for Industry and Commerce of PRC (SAIC)
- Part 3 - Specific risks arising out of the current enforcement trends for multinationals
- How to keep SAFE in current environment
- Part 4 How to deal with an investigation
- Part 5 - Q&A

Kareena Teh, Partner, Dechert

15:00 - Afternoon Tea & Networking Break

15:30 - Japanese Anti-Corruption Law, in connection with employees of corporations

- The status quo of the Japanese anti-corruption law
- Actual cases
- How to investigate cases after something happens
- How to avoid being involved, before anything happens

Hideki Thurgood Kano, Partner, Anderson Mori & Tomotsune

17:00 - Detecting Corruption in Your Local Operations: How to Conduct Effective Risk Assessments in High Risk Asian Markets

- Identifying risks based on transactional practices, forensic profile of third parties, and extent of interaction with government officials
- What are the red flags for transactions that are used to channel bribes, and the range of schemes employed to evade internal controls.
- Assessing employee, vendor, and agent knowledge and awareness of anti-corruption rules
- Conducting a customer risk analysis to identify foreign government or foreign official ownership interests or other nexus
- Assessing management’s anti-corruption knowledge and compliance activities, and developing a culture of responsibility in local management
- Tracing payments to third parties including sales agents and commercial agents, accumulating electronic data, and conducting interviews
- Ensuring proper documentation of contributions, marketing expenses, and accounts payable
- Selecting samples of high-risk transactions for further analysis
- Training local staff to detect red flags unique to Asia
- Coordinating between internal audit activity and legal department when conducting risk assessments

Boey Swee Siang, Partner, ATMD Bird & Bird LLP

End of Day 1

9:00 - Minimising Corruption Risks in M&As: How to Conduct Effective Pre-Acquisition due Diligence and Overcome Integration Challenges

- Assessing the target's business model and how employees interact with government officials to assess the full scope of risk
- Conducting a thorough review of the target's sales practices, business model and third parties
- Carefully reviewing compliance-sensitive accounts and evaluating target's awareness of risk
- What prospective acquirers should look for in a target's anti-corruption compliance programme
- Governing legal framework
- Policies and procedures, training, auditing and internal controls
- Historical risk issues
- What to do if pre-merger due diligence efforts reveal problems
- Pros and cons of disclosure to authorities
- Evaluating public disclosure obligations
- Role of outside counsel
- Assessing regulatory risks prior to closing and other transactional issues
- Negotiating representations and warranties regarding compliance with anti-corruption requirements, adequacy of internal controls, and accuracy of accounting records
- Post-closing issues
- Establishing compliance programmes and internal controls in the new entity
- Evaluating post-closing disclosure obligations
- Addressing post-closing investigations and regulatory obligations

Samuel R. Sharpe, *Director*, Duane Morris & Selvam LLP

10:30 - Morning Coffee & Networking Break

11:00 - Minimising Third Party Risks in Indonesia, Vietnam, Myanmar, Thailand, Malaysia: How to Apply a Risk and Country – Specific Approach to Screening and Managing Intermediaries, Brokers, Suppliers and Agents

- How to conduct a risk inventory of third parties as a fundamental programme building block: partners, agents, consultants, intermediaries customs brokers, marketing and sales representatives
- How to identify red flags based on the type of third party and the risks that each presents
- Designing due diligence strategies based on the type of third party relationship and interests represented by the third party
- Defining the scope of your due diligence: Striking the right balance between compliance costs and business revenue
- Evaluating third parties- ownership structures, qualifications, social and political connections and, financial links
- Developing an appropriate third party oversight monitoring plan tailored to your third party relationship
- Performing compliance audits of third parties: Who should conduct the audit, evaluating audit results, and addressing compliance gaps
- How to train your third party agents on compliance monitoring

Peter Coleman, *President Director*, PT Censere Far East

12:30 - Networking Luncheon

13:30 - The Anatomy of a Multi-Jurisdictional Corruption Investigation

- Understanding how regulators cooperate to build cases and gather evidence
- Developing a critical plan to prepare for multi-jurisdictional investigations
- What agency to contact first
- What information to disclose
- When to initiate an internal investigation
- When to make voluntary disclosures
- Ensuring attorney-client privilege is protected in multijurisdictional investigations
- Communicating with foreign government authorities: balancing cooperation with maintaining an effective defence
- Negotiation techniques and best practices on global settlements with regulators
- Overcoming global data privacy challenges
- Managing a media crisis to minimise reputational risks
- Strengthening your compliance programme in anticipation of what governments will look for

Nizam Ismail, *Partner / Director*, RHT Law Taylor Wessing LLP / RHT Compliance Solutions

15:00 - Afternoon Tea & Networking Break

15:30 - The U.S. Foreign Corrupt Practices Act Year in Review: Recent Landmark FCPA Cases involving Asia Pacific and Lessons Learned to Update Compliance Programmes and Minimise Risk

- FCPA Enforcement trends against corporations and individuals: prosecutions against large multinationals and criminal prosecutions against employees and officers
- Evaluating your exposure to the FCPA: what industries in Asia Pacific have the most risk under the FCPA and why
- Evaluating the range of conduct that has led to recent enforcement actions
- What can be learned from high profile investigations of non-US based companies
- Investigation and prosecution of FCPA violations along with other offences (e.g. money laundering, tax evasion)
- How US government investigations can trigger foreign government investigations and vice versa
- Knowing the overlapping and differing red flags both governments are looking for
- How US government determines civil versus criminal liability: what conduct takes it over the brink
- Developments in the imposition of compliance monitors in FCPA cases

Kirindeep Singh, *Partner*, Rodyk & Davidson LLP

17:00 - Legal Convergence and Coordinated Enforcement? The Anti-Corruption Regulatory and Enforcement Landscape in India, Indonesia, Malaysia, Vietnam, and Myanmar

Enforcement Landscape in India,

- Assessing and contrasting differing anti-corruption regimes
- Update on legislative changes to anti-corruption laws
- Understanding increasing coordination between enforcement agencies
- Discussing prosecutorial "gaps" and enforcement challenges

Sebastian Pawlita, *Partner*, PolastriWint & Partners (PWP Legal)

End of Day 2