



Association Suisse de l'Arbitrage
Schweiz. Vereinigung für Schiedsgerichtsbarkeit
Associazione Svizzera per l'Arbitrato
Swiss Arbitration Association

ASA Annual Conference

Friday, 1 February 2019

Arbitration and Corruption

preceded by the

ASA Gala Dinner

Thursday, 31 January 2019

Geneva, Switzerland



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ABOUT THE CONFERENCE

Conference Topic

Arbitration and Corruption

The conference will explore how the arbitration community should deal with the challenges associated with corruption in arbitration. Panellists will discuss red flags for identifying suspicious relationships and address the impact of corruption on substantive matters as well as on the arbitral process itself. Finally, the questions of international arbitration's role in fighting corruption, and whether there is a need for further initiatives by the arbitration community, will be debated.

Schedule at a Glance, 1 February 2019

08:00	COFFEE & REGISTRATION
09:00	CONFERENCE
13:00	LUNCH
14:00	CONFERENCE



CONFERENCE PROGRAMME

9:00 – 9:15	WELCOME ADDRESS AND INTRODUCTION TO THE CONFERENCE TOPIC	Andrea Meier , Wartmann Merker, Zurich Christian Oetiker , Vischer, Basel
9:15 – 10:30	PANEL 1 – CORRUPTION – WHAT DOES IT REALLY MEAN? How to define corruption The costs of corruption and how to fight it "Red flags" for identifying suspicious relationships	MODERATION: Prof. Maxi Scherer , Queen Mary University of London, Wilmer Hale, London SPEAKERS: Prof. Mark Pieth , University of Basel, former Chair of the OECD Working Group of Bribery Michael W. Faske , Ernst & Young, Zurich Thomas Werlen , Quinn Emanuel Urquhart & Sullivan, Zurich
10:30 – 11:00	Coffee Break	
11:00 – 12:30	PANEL 2 – IMPACT OF CORRUPTION ON SUBSTANTIVE MATTERS The tribunal's jurisdiction and the arbitrability of issues of corruption The impact of corruption on the contract Strategic considerations for counsel: How to attack a corruption-tainted contract? Road map for the tribunal: What legal analysis do I need to make? Investment arbitration specific issues	MODERATION: Mariella Orelli , Homburger, Zurich SPEAKERS: Andrea Menaker , White & Case, Washington Prof. Christoph Müller , University of Neuchâtel Nikolaus Pitkowitz , Graf & Pitkowitz, Vienna
12.30 – 13:45	Lunch	



13.45 – 15:15

PANEL 3 – THE IMPACT OF ALLEGED OR DEMONSTRATED CORRUPTION ON THE ARBITRAL PROCESS

If corruption taints the process itself: corrupt arbitrators, experts and witnesses

Duty and power of arbitrators to investigate: how to inform and involve the parties

Evidentiary issues: standard of proof, obtaining evidence, whether or not to reverse the burden of proof

Judicial scrutiny of corruption-tainted arbitral awards at the setting aside and enforcement stage: a comparative view

MODERATION:

Rikard Wikström-Hermansen, Roschier, Stockholm

SPEAKERS:

Anne-Catherine Hahn, Baker McKenzie, Zurich

Kate Davies, Allen & Overy, London

Pierre Mayer, Paris

15.15 – 15:45

Coffee Break

15:45 – 17:00

PANEL 4 – ROLE OF INTERNATIONAL ARBITRATION IN FIGHTING CORRUPTION

Duty or right of arbitrators to report suspicions of corruption to authorities?

Risk for personal liability (aiding and abetting)?

Is there a need for further action and initiatives by the arbitration community?

MODERATION:

Ulrike Gantenberg, Heuking Kühn Lüer Wojtek, Düsseldorf

SPEAKERS:

Yves Bertossa, First Prosecutor of the Canton of Geneva (in charge of the fight against economic crime), Geneva

Stephan Wilske, Gleiss Lutz, Stuttgart

Koh Swee Yen, Wong Partnership, Singapore

17:00 – 17:10

CLOSING REMARKS



Association Suisse de l'Arbitrage
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ABOUT THE CONFERENCE & GALA DINNER

Who should attend?

All professionals involved in dispute resolution: lawyers, arbitrators, corporate counsel, and academics.

Sponsorship Opportunities

The ASA Conference and ASA Gala Dinner provides a meaningful opportunity to gain visibility and build partnerships within the global arbitration business network. For further information, please contact alex.mclin@arbitration-ch.org.

CPD/CLE Credits

England/Wales, France (CNB), New York CLE and California MCLE credit may be available upon request. If applicable, please enquire at info@arbitration-ch.org.

Join the ASA Conversation

Use social media to network and stay in touch with ASA activities. See who is attending the 2019 ASA Conference by searching the hash tag **#ASAConf2019** and even post your own thoughts or photos. Just use the handles **@ASAArbitration** (Twitter) and **@ASA - Swiss Arbitration Association** (LinkedIn) and follow, like and share.

ABOUT THE ORGANIZERS

ASA – Swiss Arbitration Association

The Swiss Arbitration Association (ASA) has over 1000 members, practitioners and academics engaged and/or interested in domestic and international arbitration, from Switzerland and abroad. ASA contributes to the development of arbitration law and practice through regular conferences and workshops, including this Annual Conference; the Arbitration Practice Seminar; ASA Local Group meetings; ASA below 40 events for young practitioners, and the publication of the ASA Bulletin, a renowned arbitration quarterly, and of the ASA Special Series. For more information and membership enquiries, see www.arbitration-ch.org.

Conference Organisation

Andrea Meier, Wartmann & Merker, Zurich
Christian Oetiker, Vischer, Basel



PRACTICAL INFORMATION

Conference Registration and Fee

Until 31 December 2019: ASA members: CHF 600 / Non-members: CHF 785 (incl. VAT)

Thereafter: ASA members: CHF 650 / Non-members: CHF 835 (incl. VAT)

Register by Thursday 24 January 2018 for inclusion in the participant list.

The fee includes lunch, coffee breaks, and welcome reception. Attendance is limited. Applications are accepted on a first come, first served basis. 50% of the registration fee will be refunded if notice of cancellation is received in writing before 31 December 2018. Thereafter, there will be no refunds for cancellations, but substitutions are accepted. Please note that ASA reserves the right to make minor alterations to the programme or to the identity of the speakers at any time.

Gala Dinner Registration and Fee

The ASA Gala Dinner will take place at the International Red Cross and Red Crescent Museum.

Registration by 24 January 2019: The CHF 125 (incl. VAT) fixed fee includes aperitif and a three-course meal, and the opportunity to privately visit the museum beforehand. The Gala Dinner fee is non-refundable. Please note there is limited space available for the Gala Dinner and registration will be on a first come, first served basis.

Where? How to get there?

Conference, 1 February: Hotel Président Wilson, 47 Quai Wilson, 1211 Geneva

Train/bus: A bus stop is located at the main entrance of Genève-Cornavin railway station. Take bus no. 1 with destination "Jardin Botanique". Alight at the third stop, "Gaultier".

Car: From the A1 highway, heading towards Geneva take the exit "Genève-Lac". Follow the road along the lake. The hotel is the first building on the right-hand side.

Air: Geneva Airport: 6 km, 15 mins

Gala Dinner, 31 January: International Red Cross and Red Crescent Museum, 17 Ave de la Paix, 1202 Geneva

Access and parking information: <https://www.redcrossmuseum.ch/en/your-visit/practical-information/>

Accommodation

Rooms at preferential conference rates may be booked at the following address:

<https://www.starwoodmeeting.com/Book/ASAattendee>

For specific queries, enquire with the Hotel President Wilson at +41 (0)22 902 66 66.



PLEASE RETURN TO:

ASA

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CH-1211 Genève 11

Fax: +41 22 310 37 31

Email: info@arbitration-ch.org

REGISTRATION FORM

ASA ANNUAL CONFERENCE 2019

ASA customer N°
(if applicable)

Name

Last Name

Position

Firm/Company

Address

City

Country

Tel.

Fax

E-mail

Conference Fee
(incl. VAT)

Registration by 31 December 2018: ASA member: CHF 600 / Non-member: CHF 785

Thereafter: ASA member: CHF 650 / Non-member: CHF 835

Gala Dinner
Fee
(incl. VAT)

Registration by 24 January 2019: CHF 125 *(Please note that there are limited spaces available at the Gala Dinner and registration will be on a first come, first served basis).*

Method of
Payment

Upon receipt of invoice by bank transfer, ref. "customer n° or name / Feb. 2019"
to acc.: 40-28802-1, Die Schweizerische Post - Postfinance, Bern, Clearing: 9000
Swift/BIC: POFICHBEXX IBAN: CH6409000000400288021
For payment by credit card solely for participants outside Switzerland:

Card number:

Exp. Date:

Name of card holder:

CVV Code:

Disclaimer

The pictures and/or footage taken by ASA at this event may be used at a later date in printed and/or online materials including but not limited to marketing tools, brochures, and the ASA website.

Confirmation of registration **after invoicing, upon receipt of payment.**

Date

Signature