



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

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
12:30	LUNCH
13:45	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

Bernhard Berger, ASA Vice-President, Kellerhals Carrard, Bern



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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 **#ASACConf2019** 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