The Rise of Ethics and Transparency in Mediation and ADR: Fighting Corruption and Abuses Through New Means

4 December 2015, OECD Headquarters, Paris, France

Topics Include:

- The growing success and the new challenges of international mediation
- The next frontier of mediation: investor-state disputes
- Negotiated settlements in sanction cases as a form of Alternative Dispute Resolution
- Comparative approaches to issues of confidentiality, sanctions and corruption in arbitration and mediation proceedings

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Programme

**Conference Co-Chairs**
Jil Ahdab  
GMPV, Paris; Co-Chair, IBA Mediation Committee
James Tillen  
Miller & Chevalier Chartered, Washington DC; Co-Chair, IBA Anti-Corruption Committee

Friday 4 December

0830 – 0930  **Registration**

0930 – 0945  **Welcome remarks by Conference Co-Chairs**

0945 – 1115  **SESSION ONE**
**The growing success and the new challenges of international mediation**
This panel will focus on mediation as a rising alternative to arbitration, with reference to the specific regional examples of China/HK, the USA and France. Speakers will also discuss the forthcoming UNCITRAL Convention on the Recognition and Enforcement of Conciliated Settlement Agreements along with the potential for new ethical and gender requirements for mediators and mediation centres.

*Moderator*
Jil Ahdab

*Panellists*
Marielle Cohen-Branche  
Autorité des Marchés Financiers (AMF), Médiateur, Paris
India Johnson  
President and CEO, American Arbitration Association/International Centre for Dispute Resolution, New York
Michael McIlwrath  
Senior Counsel, General Electric, Florence
Rimsky Yuen SC  
Secretary for Justice, Department of Justice, Hong Kong SAR

1115 – 1145  **Coffee/tea break**

1145 – 1300  **SESSION TWO**
**The next frontier of mediation: investor-state disputes**
Building on the idea of mediation as an alternative to arbitration, this session will discuss the ‘how and why’ of mediation clauses in bilateral investment treaties. Panellists will explore the use of mediation in investor-state disputes in practice, with reference to the 2012 IBA Rules for Investor-State Mediation.

*Moderator*
Michael Ostrove  
DLA Piper France, Paris; Co-Chair, IBA State Mediation Subcommittee

*Panellists*
Walid Ben Hamida  
Assistant Professor, Université d’Evry Val d’Essonne, Paris
Paul Jean Le Cannu  
Legal Counsel, ICSID-World Bank, Washington DC
Annette Magnusson  
Secretary General, Arbitration Institute of the Stockholm Chamber of Commerce, Stockholm
Fedelma Smith  
Legal Counsel, Permanent Court of Arbitration, The Hague

1300 – 1430  **Lunch**

Kindly supported by

[OGEMID]
1430 – 1600 SESSION THREE
Negotiated settlements in sanction cases as a form of Alternative Dispute Resolution (ADR)
This session will explore how negotiations and ADR principles can be applied when representing clients in foreign bribery enforcement actions, specifically in countries where it is possible to reach a settlement arrangement with the relevant law enforcement authorities, for example, Non-Prosecution Agreements, Deferred Prosecution Agreements and Plea Agreements in the USA and Deferred Prosecution Agreements in the UK. It will also touch on whether there is room for reform in other legal systems (for example under the French civil law system) to introduce such possibilities for negotiated sanctions.

Moderator
Nicola Bonucci  Legal Director, OECD, Paris; Chair, IBA International Organisations Subcommittee

Panellists
Stéphane Bonifassi  Lebray & Associés, Paris
Dario Dagostino  A&L Goodbody, Dublin
Eoin O’Shea  Reed Smith, London; Website Officer, IBA Anti-Corruption Committee
James Tillen

1600 – 1630 Coffee/tea break

1630 – 1745 SESSION FOUR
Comparative approaches to issues of confidentiality, sanctions and corruption in arbitration and mediation proceedings
The concluding session will examine the various scenarios in which issues of confidentiality and corruption can arise in the context of international arbitrations and mediations. It will analyse the roles of parties, counsel, arbitrators and mediators in effectively preventing and combating corruption in such proceedings and discuss the dichotomy between confidentiality and transparency. Can a middle ground be found? In doing so, it will discuss the 2014 UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration as a model for mediation. The options for sanctioning corruption in arbitration and mediation proceedings will also be discussed, including the remedies available to arbitrators and mediators, such as referring suspicions of corruption to competent national law enforcement authorities or international bodies or issues of fraudulent consent awards. The institutional perspective will also highlight how centres deal with payments to and from parties and arbitrators/mediators when there is risk of fraud or sanction.

Moderator
Leah Ambler  Legal Analyst, Anti-Corruption Division, OECD, Paris; Secretary, IBA Anti-Corruption Committee

Panellists
James Castello  King & Splading, Paris
Emmanuel Jolivet  General Counsel, International Chamber of Commerce, Paris
Anne-Véronique Schlaepfer  White & Case, Geneva, Co-Chair, IBA Arbitration Committee
Lawrence Teh  Rodyk & Davidson, Singapore; Council Member, IBA Legal Practice Division

1745 – 1800 Concluding remarks
Nicola Bonucci
Information

Date
Friday 4 December 2015

Venue
OECD Conference Centre
2 rue André Pascal
75775 Paris Cedex 16
France
Tel: +33 (0)1 4524 8200
www.oecd.org/conferencecentre

Language
All working sessions and conference materials will be in English.

How to register
Register online by 27 November at www.ibanet.org/conferences/conf718.aspx and make payment by credit card, to avail of the ten per cent online registration discount or complete the attached registration form and return it to Annie Dunster at the IBA together with your payment. You should receive emailed confirmation of your registration within five days; if you do not then please contact Annie Dunster at annie.dunster@int-bar.org.

Fees

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After 27 November registrations must be received in hard copy at the IBA office.

Hard copy registration forms and fees received:

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* By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this conference is held, which entitles you to the following benefits:

1) Password access to certain parts of the IBA website.
2) Receipt of IBA E-news and access to online versions of IBA Global Insight.
3) Pay the member rate for any subsequent conference registrations for this calendar year.

If you would like to become a full or general member of the IBA, which includes membership of one committee or more – and inclusion in and access to our membership directory – we encourage you to do so now in order to register for this conference at the member rate. Full details of how to join can be found at www.ibanet.org.

A reduced rate is offered to lawyers who are over the age of 65, have been an IBA member for more than 20 years and are no longer practising law. Full payment must be received in order to process your registration.

Fees include:
• Attendance at all working sessions
• Conference materials, including any available speakers’ papers submitted to the IBA before 27 November
• Access to the above conference working materials from the IBA website (www.ibanet.org) approximately seven days prior to the conference
• Access to mobile delegate search application
• Lunch on Friday
• Tea and coffee during breaks

Please note that registrations are not transferable.

List of participants
In order for your name to appear in the list of participants, which will be distributed at the conference, your registration form must be received by 27 November at the latest.

Mobile delegate search application
All registered delegates will receive a printed list of participants at the conference, however delegates are now also able to use the mobile delegate search. This application has been developed to aid networking by giving delegates instant access to an up-to-date list of their fellow attendees, and comes with the added benefit of a built-in messaging service. All registered delegates with an internet or Wi-Fi-enabled device will have access, using their IBA username and password. Simply visit: m.ibanet.org/conf718.

Registration confirmation
All documentation regarding your attendance at the conference can now be obtained from the IBA website. Upon receipt of your payment for the conference a confirmation email will be sent containing instructions on how to download the documents. Registration confirmation will not be distributed by post.

Photography and filming
Certain sessions and/or social functions may be photographed and/or filmed and some of this content may be used for future IBA marketing materials, member communications, products or services. Should you have any concerns with regard to this, or do not wish to be featured in any of these materials please contact the IBA Marketing Department at ibamarketing@int-bar.org.
Payment of Registration fees

**Euro:** by cheque or bank draft, drawn on a euro zone bank and converted at the current rate of exchange and in favour of the International Bar Association OR by bank transfer to the IBA bank account number 5500006570631 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom or SWIFT address NWBKGB2L, IBAN GB58NWBK60721106570631. Please ensure that a copy of the bank transfer details is attached to your registration form.

**Pounds sterling:** by cheque drawn on a UK bank and in favour of the International Bar Association. Please send to: 4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom.

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**PLEASE ENSURE THAT YOUR NAME AND ‘CON718PARIS’ APPEAR ON ANY TRANSFER OR DRAFT.**

No deductions or withholdings

All fees payable to us by you in accordance with the terms contained in this ‘Information’ section shall be paid free and clear of all deductions or withholdings whatsoever.

If any deductions or withholdings are required by law to be made from any fees payable to us by you under the terms contained in this ‘Information’ section you shall pay such sum as will, after the deduction or withholding has been made, leave us with the same amount as we would have been entitled to receive in the absence of any such requirement to make a deduction or withholding.

If we obtain the benefit of any tax credit or other relief by reference to any such deductions or withholdings, then we shall repay to you such amount as, after such repayment has been made, will leave us in no worse position than we would have been had no such deductions or withholdings been required.

Conference sell-outs

The IBA places its conference in venues of a suitable size for the event; however there are times when our conferences may sell out. Should this happen, prospective delegates will be informed and a waiting list will operate. The waiting list will function on a ‘first come, first served’ basis, subject to receiving registered delegate cancellations. The IBA will not be liable for any travel or accommodation expenses incurred by an individual who travels to the conference without a confirmed place at the event.

Cancellation of registration

If cancellation is received in writing at the IBA office by 6 November, fees will be refunded less a 25 per cent administration charge. We regret that no refunds can be made after this date. Registrations received after 6 November will not be eligible for any refund of registration fees.

Provided you have cancelled your registration to attend an IBA conference in accordance with the terms of the ‘cancellation of registration’ clause included in the ‘Information’ section of the relevant conference programme, you must then confirm to us in writing at the IBA office as soon as possible but in no event later than one year (12 calendar months) from the date of any such conference all necessary details to enable any reimbursement owed to you to be paid. We regret that no refunds will be made after the date that is one year (12 calendar months) after the date of the relevant conference.

Travel arrangements and visas

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full payment of registration fees.

Please apply for your visa in good time.

Promotional literature

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact the Sponsorship Department at the IBA (sponsorship@int-bar.org).

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).
**Hotel accommodation**

The following hotels are located close to the OECD Conference Centre. Please contact the hotel of your choice directly to check availability and make a booking.

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55–57 avenue Raymond Poincaré
75116 Paris
Tel: +33 (0)1 4099 8800
www.renaissanceleparctrocadero.com

**Best Western Victor Hugo****

19 rue Copernic
75116 Paris
Tel: +33 (0)1 4553 7601
www.victorhugohotel.com

**Radisson Blu Le Metropolitan Hotel****

10 place de Mexico
75116 Paris
Tel: +33 (0)1 5690 4004
www.radissonblu.com/hotel-pariseiffel

**Hotel Les Hauts de Passy***

37 rue de l’annonciation
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Tel: +33 (0)1 4288 4728
www.hoteleshautsdepassy.com

**Hotel Windsor Home***

3 rue Vital
75016 Paris
Tel: +33 (0)1 4504 4949
www.windsorhomeparis.fr

**Hotel Beausejour Ranelagh***

99 rue de Ranelagh
75016 Paris
Tel: +33 (0)1 4288 1439
www.beausejour-ranelagh.com

Delegates are responsible for making accommodation reservations directly with the hotel and entering into an agreement with the hotel regarding credit card bookings, cancellation terms and conditions, and room rates.

**Disabled access**

The OECD Conference Centre is wheelchair accessible. Please notify us if you require special assistance.

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**The International Bar Association’s Human Rights Institute**

The International Bar Association’s Human Rights Institute (IBAHRI), established in 1995, works to promote and protect human rights and the independence of the legal profession worldwide. The IBAHRI undertakes training for lawyers and judges, capacity building programmes with bar associations and law societies, and conducts high-level fact-finding missions and trial observations. The IBAHRI liaises closely with international and regional human rights organisations, producing news releases and publications to highlight issues of concern to worldwide media.

All IBAHRI activities are funded by grants and individual donations.

To help support our projects, become a member for just £40 a year – less than £4 a month.

Visit [www.ibanet.org/IBAHRI.aspx](http://www.ibanet.org/IBAHRI.aspx) for more information, and click [join](http://www.ibanet.org/IBAHRI.aspx) to become a member. Alternatively, email us at [hri@int-bar.org](mailto:hri@int-bar.org).


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**Our work around the world**

- Work carried out in 2014
- Work carried out prior to 2014

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www.ibanet.org/IBAHRI.aspx  @IBAHRI  /IBAhumanrights
Registration form

The Rise of Ethics and Transparency in Mediation and ADR: Fighting Corruption and Abuses through New Means
Friday 4 December 2015, OECD Conference Centre, Paris, France

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A REDUCED RATE IS OFFERED TO LAWYERS WHO ARE OVER THE AGE OF 65, HAVE BEEN AN IBA MEMBER FOR MORE THAN 20 YEARS AND ARE NO LONGER PRACTISING LAW. PLEASE CONTACT THE IBA OFFICE FOR FURTHER INFORMATION.

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4 NOVEMBER 2015  JAKARTA, INDONESIA
Asia Pacific Arbitration Group Training Day – Best Practices in International Arbitration

12 NOVEMBER 2015  MOSCOW, RUSSIA
7th Annual Mergers and Acquisitions in Russia and CIS Conference

12 NOVEMBER 2015  LONDON, ENGLAND
Private Equity Transactions Symposium

13 NOVEMBER 2015  SÃO PAULO, BRAZIL
Celebrating Magna Carta and the Rule of Law

14–15 NOVEMBER 2015  LONDON, ENGLAND
IBA-ELSA Law Students’ Conference 2015

18–20 NOVEMBER 2015  LIVINGSTONE, ZAMBIA
Building on the Foundations for a Successful Future: Economic Development and the Rule of Law in Africa

18–20 NOVEMBER 2015  LONDON, ENGLAND
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19–20 NOVEMBER 2015  SEOUL, SOUTH KOREA
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3 DECEMBER 2015  LONDON, ENGLAND
Third Party Funding and International Arbitration: a 360 degree perspective

3–4 DECEMBER 2015  MEXICO CITY, MEXICO
The New Era of Taxation: The keys to providing legal advice on tax law in a rapidly changing world

4 DECEMBER 2015  MOSCOW, RUSSIA
9th Annual Law Firm Management Conference

4 DECEMBER 2015  PARIS, FRANCE
The Rise of Ethics and Transparency in Mediation and ADR: Fighting Corruption and Abuses Through New Means

5 DECEMBER 2015  NEW DELHI, INDIA
Magna Carta 800th Anniversary – Foundation of Democracy and the New Trends of Dispute Resolution in India

27–29 JANUARY 2016  MEXICO CITY, MEXICO
Mexico’s Energy Reform: The Bidding Has Begun

30–31 JANUARY 2016  THE PEACE PALACE, THE HAGUE
Legal Challenges of Modern Warfare

3–5 FEBRUARY 2016  TOKYO, JAPAN
IBA/ABA International Cartel Workshop

8–9 FEBRUARY 2016  LONDON, ENGLAND
5th Annual IBA Taxation Conference

11–12 FEBRUARY 2016  PARIS, FRANCE
4th IBA European Corporate and Private M&A Conference

17–19 FEBRUARY 2016  ADELAIDE, AUSTRALIA
Innovation in Legal Practice

29 FEBRUARY – 1 MARCH 2016  LONDON, ENGLAND
21st Annual International Wealth Transfer Practice Law Conference

3 DECEMBER 2015  MOSCOW, RUSSIA
9th Annual Law Firm Management Conference

4 DECEMBER 2015  MOSCOW, RUSSIA
19th Annual International Arbitration Day

4 MARCH 2016  SHANGHAI, CHINA
19th Annual International Arbitration Day

6–8 MARCH 2016  LONDON, ENGLAND
17th Annual International Conference on Private Investment Funds

9–11 MARCH 2016  RIO DE JANEIRO, BRAZIL
Biennial Latin American Regional Forum Conference

10–11 MARCH 2016  SINGAPORE
2nd Asia-based International Financial Law Conference

7–8 APRIL 2016  BERLIN, GERMANY
7th World Women Lawyers’ Conference

14–15 APRIL 2016  COPENHAGEN, DENMARK
8th Annual Real Estate Investment Conference

14–15 APRIL 2016  MEXICO CITY, MEXICO
IBA Annual Employment and Discrimination Law Conference

17–20 APRIL 2016  NEW YORK, USA
Biennial Conference of the Section on Energy, Environment, Natural Resources and Infrastructure Law

27–29 APRIL 2016  SAN FRANCISCO, USA
IBA Annual Litigation Forum 2016

11–13 MAY 2016  PANAMA CITY, PANAMA
19th Annual IBA Transnational Crime Conference

16–17 MAY 2016  MEXICO CITY, MEXICO
12th IBA Competition Mid-Year Conference

Full and further information on upcoming IBA events for 2015/2016 can be found at: bit.ly/IBAConferences
For 20 years the IBA’s Human Rights Institute (IBAHRI) has been working with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

Join legal colleagues for an evening in support of the IBAHRI and its work advocating for legal colleagues around the world.

To find out more or book a table today, visit:
www.tinyurl.com/IBAHRI20th
The 2016 IBA Annual Conference will be held in Washington DC, home to the federal government of the USA and the three branches of US government – Congress, the President and the Supreme Court. Washington DC is also an important centre for international organisations and is home to the International Monetary Fund and the World Bank. As well as being the political centre of the USA, Washington DC is home to some spectacular museums and iconic monuments clustered around the National Mall.

Washington DC will give the 2016 IBA Annual Conference the perfect blend of opportunities for business, cultural exploration and to develop a unique set of new contacts. This mix makes Washington DC an ideal location for the world’s leading conference for international lawyers.

WHAT WILL WASHINGTON DC 2016 OFFER YOU?

- Access to the world’s best networking and business development event for lawyers – with over 6,000 lawyers and legal professionals attending from around the world
- Up-to-date knowledge of the key developments in your area of the law – with nearly 200 working sessions covering all areas of practice
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International Bar Association
the global voice of the legal profession

The International Bar Association (IBA), established in 1947, is the world’s leading organisation of international legal practitioners, bar associations and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 50,000 individual legal professionals and 205 bar associations and law societies spanning all continents and has considerable expertise in providing assistance to the global legal community.

Grouped into two divisions – the Legal Practice Division and the Public and Professional Interest Division – the IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information. Through the various committees of the divisions, the IBA enables an interchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law around the globe. Additionally, the IBA’s world-class conferences provide unrivalled professional development and network-building opportunities for international legal practitioners, senior business professionals, regulators and government officials.

The IBA’s Bar Issues Commission provides an invaluable forum for IBA member organisations to discuss all matters relating to law at an international level.

The IBA’s Human Rights Institute works across the Association to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide. Other institutions established by the IBA include the Southern Africa Litigation Centre and the International Legal Assistance Consortium.

Contact information
International Bar Association
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London EC4A 4AD, United Kingdom
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