

NEGOTIATED SETTLEMENTS IN BRIBERY CASES A PRINCIPLED APPROACH

22 NOVEMBER 2019
8:30AM

Bocconi University
Aula Perego
via Sarfatti 25, Milano

FOR INFORMATION

Bocconi University
Angelo Sraffa Department
of Legal Studies
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ONLINE REGISTRATION

www.unibocconi.it/eventi

The event has been accredited
by the Milan Bar Association for
4 credit points.

Over the last few years there have been several initiatives in academia and practice that explore the normative frameworks and state of play of non-trial resolutions of bribery offences. In 2018, the International Bar Association published a report on Structured Settlements for Corruption Offences: Towards Global Standards with information about regulations and practices in 66 countries. Also in 2018, the Recommendation 6 Network published 'International Guidelines for Non-Trial Resolutions of Foreign Bribery Cases' – a set of principles drafted in support of a process toward more harmonized and functional enforcement. More recently, in 2019, the OECD published a report on 'Resolving Foreign Bribery Cases with Non-Trial Resolutions' for which 27 governments have contributed with facts about their enforcement systems. Significantly, in 2019 the OECD Working Group on Bribery has opened formal discussions based on the Recommendation 6 Network Draft Principles with member states on this important topic for the sake of developing best practice recommendations for governments.

On 22 November 2019, the Department of Legal Studies at Bocconi University will host a conference aimed at addressing the central issues of the book edited by Tina Søreide and Abiola Makinwa, *Negotiated Settlements in Bribery Cases: A Principled Approach*. It is a timely opportunity to present key findings and their relevance for the ongoing policy debate. Presenters will discuss their insights regarding the governance and normative frameworks for the use of settlements in cases of corruption and other sorts of profit-motivated crime. They will also delimit some effectiveness criteria and social implications of this approach to corporate crime enforcement. In addition, the conference attendees will reflect on problems and prospects of global standards for non-trial resolutions for bribery offences.

8:30AM
REGISTRATION OF PARTICIPANTS

9:00AM
WELCOME ADDRESS
MARCO VENTORUZZO
Head, Angelo Sraffa Department of Legal
Studies, Bocconi University

KEYNOTE SPEECHES
DRAGO KOS
Chair, OECD Working Group on Bribery in
International Business Transactions
NICOLA BONUCCI
Director for Legal Affairs, OECD

10:00AM
**FIRST SESSION NEGOTIATED SETTLEMENTS
IN THE CONTEXT OF LAW ENFORCEMENT
ACTION**

Chair
MARCO VENTORUZZO
Head, Angelo Sraffa Department of Legal
Studies, Bocconi University

**NEGOTIATED SETTLEMENTS IN A
BROADER LAW ENFORCEMENT CONTEXT**
MARK PIETH

University of Basel and former Chair, OECD
Working Group on Bribery in International
Business Transactions

**PUBLIC/PRIVATE CO-OPERATION IN ANTI-
BRIBERY ENFORCEMENT: NON-TRIAL
RESOLUTIONS AS A PANACEA?**

ABIOLA MAKINWA
The Hague University of Applied Sciences

THE PATH OF FCPA SETTLEMENTS

BRANDON GARRETT
Duke University



Università
Bocconi

ANGELO SRAFFA
DEPARTMENT
OF LEGAL STUDIES

NEGOTIATED SETTLEMENTS IN BRIBERY CASES A PRINCIPLED APPROACH

11:30AM

**SECOND SESSION NEGOTIATED
SETTLEMENTS BETWEEN EFFICIENCY AND
DETERRENCE**

Chair

DONATO MASCIANDARO

Director, BAFFI CAREFIN Centre for Applied
Research on International Markets, Banking,
Finance and Regulation, Bocconi University

**PROSECUTORS' DISCRETIONARY
AUTHORITY IN EFFICIENT LAW
ENFORCEMENT SYSTEMS**

TINA SØREIDE

Norwegian School of Economics

**THE DOJ'S ANTI-PILING ON POLICY: TIME
TO REFLECT?**

SHARON ODED

Erasmus University Rotterdam

**INCENTIVES FOR SELF-REPORTING AND
COOPERATION**

LUCINDA LOW

Steptoe & Johnson LLP

1:30PM

LUNCH

2:30PM

**THIRD SESSION NEGOTIATED
SETTLEMENTS IN PRACTICE. SECURING
DUE PROCESS**

Chair

MASSIMO CERESA GASTALDO

Bocconi University

**THE POTENTIAL PROMISE AND PERILS OF
INTRODUCING DEFERRED PROSECUTION
AGREEMENTS OUTSIDE THE US**

JENNIFER ARLEN

NYU School of Law

**CORPORATE COMPLIANCE AND
PRIVATIZATION OF LAW ENFORCEMENT.
A STUDY OF THE ITALIAN LEGISLATION IN
THE LIGHT OF THE US EXPERIENCE**

LEONARDO BORLINI

Bocconi University

SIMONE LONATI

Bocconi University

WHAT COUNTS AS A GOOD SETTLEMENT?

KEVIN E. DAVIS

NYU School of Law

4:00PM

FINAL REMARKS

GIORGIO SACERDOTI

Bocconi University, former Vice-Chair, OECD
Working Group on Bribery in International
Business Transactions and former Chair, WTO
Appellate Body

