

SYMPOSIUM ON EXERCISING EXTRATERRITORIALITY IN ANTI-CORRUPTION REGULATION

Law in action perspectives from the USA and Europe on globalizing anti-foreign corruption enforcement

*14 December 2017, Utrecht University School of Law
Raadzaal, Achter Sint Pieter 200, 3512 HT Utrecht*

--- Registration: secretariaat.ier@uu.nl ---

Global trends

Since the beginning of the twenty-first century, an increasing number of states have entered the global anti-foreign corruption arena, to a considerable extent following the United States' longstanding practices in this area. These states have introduced new crimes in their criminal codes, expanded their jurisdiction and invested financial resources in agencies that are responsible for investigating and prosecuting foreign corruption. Throughout Europe, the numbers of investigations, prosecutions and the level of negotiated settlement sums have been rising, including in countries where negotiating settlements is not part of the legal tradition. At the same time, American enforcement levels and international cooperation between enforcement agencies are also increasing. All these developments have considerable extraterritorial implications and raise several questions. Which state should enforce in case of overlapping jurisdictions? Where should the settlement proceeds go in cases of multinational corruption and multinational enforcement actions? Does the increased globalization of anti-foreign corruption have an effect on business practices around the world? Should globalization lead to uniformity in legislation and enforcement strategies?

Symposium

This symposium will bring together researchers and practitioners from both civil society and from government, all of whom are analyzing the role of criminal law and enforcement in fighting global corruption. The purpose of this seminar is to engage anti-foreign corruption enforcement stakeholders in a scholarly discussion on the perceived normative aims and the actual potential of two aspects of the global trends: the value of negotiated settlements and the potential of globalization in anti-foreign corruption. Stakeholders will be asked to engage with the questions that researchers are reflecting on in their papers.

The symposium is divided into two thematic plenary panels. Within each panel, speakers are given 20 minutes each to present their papers, followed by a debate that will be kicked off by a commentator from practice.

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12:30 Registration and coffee

13:00 Introduction

Welcome: Cedric Ryngaert (Utrecht University)

Theme of the Symposium: Friederycke Haijer (Utrecht University)

13:20

Panel one: The value of negotiated settlements for anti-foreign corruption

Chair: Judith van Erp (Utrecht University)

Papers: Abiola Makinwa (Hague University of Applied Sciences)

Cecily Rose (Leiden University)

Tina Søreide (Norwegian School of Economics)

Respondent: Anne Scheltema Beduin, director, Transparency International NL.
Debate

15:00 Coffee break

15:30

Panel two: The potential of globalizing anti-corruption

Chair: Elaine Mak (Utrecht University)

Papers: Elizabeth Acorn (Cornell University Department of Government)

Kevin Davis (NYU School of Law)

Branislav Hock (Tilburg University)

Willeke Slingerland (Saxion University of Applied Sciences),

Respondent: Moniek Hutten, Investigation officer and scientist at the Anti-Corruption Centre of the Fiscal Intelligence and Investigation Service (FIOD).

Debate

17:30 Drinks

Please note: the responses and debates will be held under the Chatham House Rule, which means that participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

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