ABA SIL INTERNATIONAL ANTI-CORRUPTION COMMITTEE
MINUTES OF GENERAL MEMBERSHIP MEETING

THURSDAY, July 19, 2018

Incoming Co-Chair Severin Wirz called the telephone call to order and chaired. Scott Jansen recorded the minutes.

2017-2018 Committee Co-Chairs:

Corinne Lammers      corinelammers@paulhastings.com
Roberto P. Bauzá     rpb@rmlex.com
Frank Anthony Fairello ffariello@worldbank.org

2018-2019 Committee Co-Chairs:

Frank Anthony Fairello ffariello@worldbank.org
Severin Wirz          severin@gmail.com

1. Introduction

   a) The meeting was open (via telephone) to Committee members who wished to participate. The Chair requested members who are on the telephone call to identify themselves. Incoming Co-Chair Severin Wirz thanked outgoing Co-Chairs Corinne Lammers and Roberto P. Bauzá for their hard work and leadership of the Anti-Corruption Committee over the last three years. He noted that they will remain active on the Committee by serving as Senior Advisors (other remaining Senior Advisors are: John Coogan, Elena Helmer, Pascale Dubois, and Mikhail Reider-Gordon).

   b) Severin Wirz noted that there will only be two Co-Chairs this coming ABA Year (2018-2019), such that the Committee will rely upon and request the help of the Committee Members for programming and other assistance. He noted that the Committee: 1) will continue to hold monthly phone calls; 2) will continue to sponsor live panels at ABA events; 3) will continue to publish a Committee newsletter and Year-in-Review and 4) will continue to seek out opportunities to partner with other ABA committee on issues of similar concern.

   c) Committee newsletters, Year-in-Review, and minutes of monthly meetings are published on the Committee’s website.
2. Discussion of Compliance Challenges for Payments to States in Africa

a) Ana Pinto, a Lisbon-based attorney and Partner at Miranda Alliance, a global, network of law firms. Ms. Pinto, whose practice area includes tax and anti-corruption, provided a discussion on legal issues pertaining to corruption risks in Africa, especially tax payments.

b) She noted that business compliance with national, regional, and international legal standards when making tax payments to states is complicated by a few considerations: 1) many African countries have high levels of actual and/or perceived corruption concerns; 2) many African counties continue to be largely based upon cash payments (as many African countries/regions remain cash-based societies); African nations generally have incipient baking systems; 3) attorneys must understand the potential for many different laws (e.g., national, regional, and international) when advising a company on business; and 4) documentation of payments is critically important but governmental tax systems are continued to be developed. She also noted that as countries develop new tax laws, changes in the tax code may result in the need for a company to modify agreements with its customers (private or governmental), and the renegotiation of agreements may create new and/or additional compliance issues on matters like gifts and entertainment, as well as the negotiation of specific terms of agreement. She noted that African countries are currently more focused on enforcing anti-corruption measures on government officials and business leaders of multi-national companies engaged in corrupt activities rather than lower-level national employees. Nevertheless, African countries are increasingly enforcing anti-corruption laws, and the punishments can be severe. She noted that a few African countries also have and enforce private/non-governmental corruption-focused laws.

3. Call for Speaker/Subject Topics for Future Phone Calls and Committee Newsletter

a) The Committee is always looking for suggestions for topics for monthly phone calls and potential Committee events. Committee members may suggest topics to a Committee Co-Chair at any time.

b) Jessica Tillipman (George Washington University Law School) who has been editing the Committee newsletter quarterly will be going on leave from September through May. The Committee is looking for volunteers to help with the newsletter in her absence.

c) Please contact a Committee Co-Chair if you have any questions.

4. Other Business.

a) Members are asked to direct any questions to the Committee Co-Chairs.

b) The phone call meeting was then adjourned.