



CORPORATE COUNCIL FOR AFRICA 2006 INFRASTRUCTURE CONFERENCE

BUSINESS PRACTICES & TRANSPARENCY

Edward B. Rowe
September 28, 2006

THE GROWING BITE OF THE U.S. FOREIGN CORRUPT PRACTICES ACT ("FCPA")

- Expanded Scope and Reach of the FCPA Due to 1998 Amendments
- Increased Number of Investigations and Enforcement Actions
- Further Expansion of the FCPA?

THE RISE OF INTERNATIONAL AND FOREIGN ANTI-CORRUPTION LAWS

- OAS Convention Against Corruption (1997)
- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1999)
- Council of European Criminal Law Convention on Corruption (2002)
- Council of European Civil Law Convention on Corruption (2003)
- UN Convention Against Corruption (2005)
- African Union Convention on Preventing and Combating Corruption (2006)
- African Domestic Laws and Initiatives

THE CHALLENGES OF COMPLIANCE

- High Risk Activities
 - Foreign Subsidiaries
 - Joint Ventures
 - Local Agents/Consultants/Distributors
- Other Related Issues Arising from Working with Governments
 - Public Tendering
 - Localization Requirements

RECOMMENDED PRECAUTIONS/BEST PRACTICES

- Internal Compliance Policies and Programs
- Annual Training, Reporting and Disciplinary Procedures
- Screening Procedures and Contractual Provisions
- Other Protections Against Litigation