

Gatekeeper Professions Against Corruption

Event Description:

The global legal and accountancy professions are vital allies in the fight against corruption, in every country around the world. In today's event, distinguished leaders from both professions will discuss how their professions contribute to the fight, with a focus on ethics and their important roles as gatekeepers of the global financial system. This event—co-hosted by the International Bar Association and the International Federation of Accountants—looks to highlight the important role the professions play as allies, as well as to strengthen the dialogue with key stakeholders.

Agenda:

12:00 – 12:10	Call to Order and Welcome, Scott Hanson (IFAC) and Sara Carnegie (IBA)
12:10 – 13:15	Moderated Panel Discussion
13:15	Event Closes

Participants:

- **Co-Moderator, Sara Carnegie**, Director of Legal Projects, IBA
- **Co-Moderator, Scott Hanson**, Director of Public Policy & Regulation, IFAC
- **Robert Leventhal**: Division Chief/Global Policy and Programs, U.S. State Department Bureau of International Narcotics and Law Enforcement
- **Professor Rashied Small**, Chairperson, (Pan-African Federation of Accountants) PAFA Education Advisory Committee.
- **David Clark**: Partner EY, Technical Adviser, International Ethics Standards Board for Professional Accountants
- **Leopoldo Pagotto**: Partner, Freitas Leite Advogados, Co-Chair, IBA Anti-Corruption Committee
- **Nicola Bonucci**: Partner, Paul Hastings LLP

Introduction: 3 mins

Remarks by Sara and Scott

Running order of questions:

Rob

1. Anti-Corruption has been a priority for the US for many years and I heard a presentation you gave at an event in 2016 prior to the global Anti-Corruption Summit in London in May that year. Do you think sufficient progress has been made over the last 5 years and if not, why not? Are professional enablers getting in the way?

Nicola

2. You previously worked as Director of Legal Affairs for the OECD until late 2019, leading their efforts in the anti-corruption space for more than 2 decades. What can the professions, notably the legal profession, do to help and what are the challenges in your opinion?

Leopoldo

3. Privilege has been under attack in several jurisdictions and even so, we are here to speak about it. Why do you think it happens?
That leads me to another point, Leopoldo. For someone outside the legal profession, it is not entirely clear why we lawyers speak a lot about Legal Privilege? Why is it so important for you?

David

4. Broad Characterization of Code and Professional Ethical behavior: What is the IESBA Code? Process of making it / role of IESBA. Adoption and enforcement by Professional Accountancy Organizations. Applicability to *professional* accountants in public practice, in business, in public sector. Gap for non-professional accountants.

Professor Small

5. From the international and African perspective, help us understand what accountants do on a day-to-day basis that helps fight corruption and other financial crimes? How do strong professional accountancy organizations play a role in nation building / development?

David

6. Discuss anti-corruption guardian role more specifically: The NOCLAR provision in the ethics code is a decisive turning point in ethical responsibilities for accountants. How does NOCLAR support early detection, prevention, mitigation, resolution, or corruption and other financial crimes? And how does this relate to Role and Mindset?

Rob

7. In October this year, Congress introduced the ENABLERS Act, which would force American lawyers to comply with basic anti-money laundering regulations. This would empower the U.S. Treasury Department with all the Congressional support needed to come into FATF compliance during the last two years of President Biden's term. That would include imposing AML rules on the "four horsemen" of non-bank dirty money, which are lawyers, accountants, trust and company service providers (TCSPs), and covert public relations firms. Do you believe this can be achieved without compromising the independence of the profession and the rule of law?

Nicola

8. Direct threats to the principle of privilege, or lawyer client confidentiality, have arisen in situations where governments have forced lawyers to testify against their clients in court, and where the authorities have conducted searches and seizures of confidential data in contravention of the principle. Lawyers who have resisted governmental efforts to breach the principle of legal professional privilege/professional secrecy have faced criminal prosecution, or have been subjected to humiliating practices and detention, as well as threats of disbarment. Is there any way we can find a balance to minimize or eradicate the misuse of privilege, but avoid descending into a police state?

Leopoldo

3. Leopoldo, we are in anti-corruption conference, so how does the legal profession may contribute to the fight against corruption? Could you give examples from your experience in the IBA anti-corruption committee?

Professor Small

10. What are the key challenges that you see in terms fighting corruption? What can stakeholders like the UN, IFAC/IBA, and development partners do to help?

Audience Q&A [if questions asked]

END