

# Webcast: FCPA Trends in the Emerging Markets of Asia, Russia, Latin America and Africa

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As the COVID-19 pandemic continued into 2021, lawmakers and regulators around the world faced the dual-pronged challenge of reversing the slowdown in enforcement seen in 2020 while working to combat new forms of bribery and corruption that emerged as a result of the pandemic. This webcast will explore the approach taken by emerging markets in addressing these challenges and examine the trends seen in FCPA and local anti-corruption enforcement. In China, companies face increased scrutiny over their compliance programmes as the country introduces its first pilot programme for corporate criminal compliance and non-prosecution. Chinese regulators have continued their assault on key industries, such as big tech and healthcare, and sweeping reforms to data protection laws have had seismic effects on the conduct of cross-border investigations. In Russia, the topic of corruption remains a source of great tension while the complexity of sanctions regimes increases and cybercrime activities become the latest driving force behind white-collar enforcement. In Latin America, anti-corruption efforts have struggled to gain a strong foothold amid the practical challenges caused by COVID-19 and political instability in key markets. In India, enforcement has fallen as a result of the COVID-19 pandemic and new legislation which has made it more difficult to commence investigations. State governments have also withdrawn the general consent previously provided to authorities to investigate corruption allegations, which has caused delays in resolving cases. Nevertheless, while anti-corruption enforcement remains inconsistent, recent cases highlight the heightened risks for multinationals doing business in the country. Across Africa, companies and individuals face significant fines, bidding suspensions, and other sanctions as investigations by authorities from the United States, the United Kingdom, the World Bank, and African authorities concluded in several countries in the region. Meanwhile, high-profile trials of former heads of state, including Benjamin Netanyahu and Jacob Zuma, resumed after delays due to the pandemic and claims of bias and political interference. Join our team of experienced international anti-corruption attorneys to learn more about how to do business in China, Russia, Latin America, India and across Africa without running afoul of anti-corruption laws, including the Foreign Corrupt Practices Act ("FCPA"). Topics to be Discussed:

## Related People

[F. Joseph Warin](#)

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- An overview of FCPA enforcement statistics and trends for 2021;
- The corruption landscape in key emerging markets, including recent headlines and scandals;
- Lessons learned from local anti-corruption enforcement in China, Russia, Latin America, India, and across Africa;
- Key anti-corruption legislative changes in China, Russia, Latin America, India, and across Africa;
- The effect of COVID-19 on corruption and anti-corruption efforts; and
- Mitigation strategies for businesses operating in high-risk areas

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**MODERATOR:** [F. Joseph Warin](#) is Co-Chair of Gibson Dunn's global White Collar Defense and Investigations Practice Group, and he is chair of the over 200-person Litigation Department of the Washington, D.C. office. Mr. Warin is ranked in the top-tier year after year by *Chambers USA*, *Chambers Global*, and *Chambers Latin America* for his FCPA, fraud and corporate investigations experience. He has handled cases and investigations in more than 40 states and dozens of countries involving federal regulatory inquiries, criminal investigations and cross-border inquiries by international enforcers, including UK's SFO and FCA, and government regulators in Germany, Switzerland, Hong Kong, and the Middle East. Mr. Warin has served as a compliance monitor or counsel to the compliance monitor in three separate FCPA monitorships, pursuant to settlements with the SEC and DOJ.

**PANELISTS:** [Kelly Austin](#) is Partner-in-Charge of Gibson Dunn's Hong Kong office and a member of the firm's Executive Committee. Ms. Austin is ranked annually in the top-tier by *Chambers Asia Pacific* and *Chambers Global* in Corporate Investigations/Anti-Corruption: China. Her practice focuses on government investigations, regulatory compliance and international disputes. Ms. Austin has extensive expertise in government and corporate internal investigations, including those involving the FCPA and other anti-corruption laws, and anti-money laundering, securities, and trade control laws.

[Joel Cohen](#) is Co-Chair of the firm's global White Collar Defense and Investigations Practice Group and a partner in the New York office. Mr. Cohen's successful defense of clients has been noted in numerous feature articles in the *American Lawyer* and the *National Law Journal*, including for pretrial dismissal of criminal charges and trial victories. He is highly-rated in *Chambers* and named by *Global Investigations Review* as a "Super Lawyer" in Criminal Litigation. He has been lead or co-lead counsel in 24 civil and criminal trials in federal and state courts, and he is equally comfortable in leading confidential investigations, managing crises or advocating in court proceedings. Mr. Cohen's experience includes all aspects of FCPA/anticorruption issues, in addition to financial institution litigation and other international disputes and discovery.

[Benno Schwarz](#) is Co-Chair of the firm's Anti-Corruption & FCPA Practice Group and a partner in the Munich office, where his practice focuses on white collar defense and compliance investigations. Mr. Schwarz is ranked annually as a leading lawyer for Germany in White Collar Investigations/Compliance by *Chambers Europe* and was named by The Legal 500 Deutschland 2021 and The Legal 500 EMEA 2021 as one of four Leading Individuals in Internal Investigations, and also ranked for Compliance. He is noted for his "special expertise on compliance matters related to the USA and Russia." Mr. Schwarz advises companies on sensitive cases and investigations involving compliance issues with international aspects, such as the implementation of German or international laws in anti-corruption, money laundering and economic sanctions, and he has exemplary experience advising companies in connection with FCPA and NYDFS monitorships or similar monitor functions under U.S. legal regimes.

[Patrick Stokes](#) is Co-Chair of the firm's Anti-Corruption and FCPA Practice Group and a partner in the Washington, D.C. office, where he focuses his practice on internal corporate investigations, government investigations, enforcement actions regarding corruption, securities fraud, and financial institutions fraud, and compliance reviews. Mr. Stokes is ranked nationally and globally by *Chambers USA* and *Chambers Global* as a leading attorney in FCPA. Prior to joining the firm, Mr. Stokes headed the DOJ's FCPA Unit, managing the FCPA enforcement program and all criminal FCPA matters throughout the United States covering every significant business sector. Previously, he served as Co-Chief of the DOJ's Securities and Financial Fraud Unit.

[Karthik Ashwin Thiagarajan](#) is of counsel in the Singapore office. He represents clients in transactional, compliance and anti-corruption matters across the South Asia and ASEAN regions. Mr. Thiagarajan advises multi-national corporations on acquisitions, joint ventures and divestments across key emerging markets in Asia, including India and Indonesia. He frequently assists clients with internal investigations, anti-corruption reviews and regulatory actions in these markets.

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