



**Asia-Pacific
Economic Cooperation**

2013/SOM3/ACT/WKSP/001

Agenda

Submitted by: Indonesia



**Workshop on Strengthening Integrity Through
Public-Private Partnership: Preventing
Facilitation Payment and Managing Gift Rules
Medan, Indonesia
24 June 2013**



AGENDA

WORKSHOP ON: Strengthening Integrity through Public-Private Partnership: Preventing Facilitation Payments and Managing Gratuities

Organised by:

Corruption Eradication Commission (KPK)
The Republic of Indonesia

and

Transparency International Indonesia (TII)



24th June 2013

Santika Premiere Dyandra Hotel and Convention Center
Danau Toba International Hotel
Medan, North Sumatera, Indonesia



Background:

Today, every country is competing to boost its economic growth to create a better life for its people. Hence, the need for creating a clean business climate is crucial. However, the major problems for some countries are high level of bribery and corruption. Bribery and corruption have a very destructive effect on economy and the World Bank has estimated that 0.5 % of GDP lost through corruption. The corrupt practices have created a very unfavorable business environment by encouraging unfair advantage and anti-competitive practices.

Reflecting on this fact, the partnership between public and private sector becomes a very significant issue in preventing corruption. Bribery, gratuity and facilitation payment are common in business practices and all of them are about “supply” and “demand”. Companies that might otherwise be tempted to bribe represent the “supply” side, while corrupt public officials occupy the “demand” side of equation. Therefore, it is crucial to cope with these problems.

Related to facilitation payment or “grease payment”, the 2009 Recommendations of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, calls its member to review their policies and approaches on small facilitation payments and encourages companies to prohibit the use of facilitation payments through the implementation of internal company controls, ethics and compliance programmes. Nevertheless, the differences between the gift and facilitation payment regulations have been recognized as a challenge in creating more transparent and accountable business environment. In other words, Gift-giving and facilitation payments are regulated differently in each country.

As the Chair of the APEC Anti-Corruption and Transparency Working Group (ACT) 2013, Indonesia is pleased to host this workshop to discuss this issue with all ACT member economies and invited international organisations. We invite ACT members to share their experiences, best practices, gift-giving regulations, challenges and strategies on how the facilitation payments are affecting the efforts to fight bribery. We believe that it would be a great opportunity to share with other ACT Working Group member economies’ experiences in preventing facilitation payment and managing gratuities. Furthermore, with their particular insight, along with their experience, the workshop participants will have the chance to exchange information and suggest ways to strengthen cooperation amongst ACT members.



Objectives:

This international workshop aims to achieve the following objectives:

1. Stock-take gift rules and small facilitation payment regulations among APEC members
2. To understand bribery, gratuity and small facilitation payment
3. To engage APEC members economies in clean business climate
4. To establish and strengthen public-private partnership in preventing bribery

Participants:

The participants of this international workshop:

1. APEC members economies
2. High rank Indonesian officials
3. Experts from International Organisations
4. CEO from Multinational Companies and State Owned Enterprises
5. Academics
6. Non-Governmental Organisations
7. Law Practitioners



AGENDA WORKSHOP

Santika Premiere Dyandra Hotel and Convention Center

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8:30-9:00	<i>Arrival of participants</i>
09:00 – 09:45 Opening Session	<p>Welcoming remarks: <i>Mr. Abraham Samad, The Chairman of KPK Indonesia (15 min)</i></p> <p>Keynote Address: <i>Mr. Hatta Rajasa, The Coordinating Minister for Economic Affairs Republic of Indonesia (15 min)</i></p> <p>Photo Session</p>
09:45 – 10:00	<i>Coffee Break</i>
10:00 – 11:20 First Session	<p>Public – Private Partnership in Managing Facilitation Payments</p> <p><i>Each discussant will present their internal code of conduct or policies related with facilitation payments, day-to-day experiences and challenges to comply with such policies and other applicable government legislations. The session also aims to discover and identify common problems and vulnerabilities faced by the private sector when dealing with these issues. It is expected that there would be a stronger cooperation and synergy between the government and the private sector.</i></p> <p>Chair: <i>Mr. Denny Indrayana, Vice-Minister of Justice of the Republic of Indonesia</i></p> <p>Discussants:</p> <p style="padding-left: 40px;"><i>Mr. Luhur Budi Djatmiko, PT Pertamina. (Indonesian State Owned Oil Company) (10 min)</i></p> <p style="padding-left: 40px;"><i>Mr. Antarikso Sancoyo, PT Unilever Indonesia (10 min)</i></p> <p style="padding-left: 40px;"><i>Mr. Nur Pamudji, PLN (10 min)</i></p> <p style="padding-left: 40px;"><i>Mr. Dharmawan Samsu. PT British Petroleum Indonesia (10 min)</i></p> <p style="padding-left: 40px;"><i>Mr. Amien Sunaryadi, PT. Ernst & Young Indonesia, (10 min)</i></p> <p>Q&A/ Discussion: 30 min</p>
11:20 – 12:00	<i>Joint Commitment Public-Private Sector</i>



12:00 – 13:30	Lunch
13:30 – 14:40 Second Session	<p>Gratuities and Facilitation Payments: Challenges and Best Practices</p> <p><i>Advanced countries are expected to share legislation and best practices of these two issues. Each presenter will be requested to present operational challenges in enforcing legislation or related policies to prohibit improper gifts and payments. This would be a good opportunity to exchange experiences, good practices and explore lesson learned between member economies.</i></p> <p>Chair: Mr. Erry Riyana Hardjapamekas, Former KPK Commissioner</p> <p>Discussants:</p> <p><i>Ms. Carol Hinchley, Head of Prosperity/Economic Section British Embassy (10 min)</i></p> <p><i>Mr. Peter Ritchie, Attorney General's Department (AGD), Australia (10 min)</i></p> <p><i>Ms. Alyce Ahn, Department of State, the United States of America (10 min)</i></p> <p><i>Mr. Hyung Sok Kwak, Anti-Corruption and Civil Right Commission (ACRC), Korea (10 min)</i></p> <p>Q&A/ Discussion: 30 min</p>
14:40 – 15:40 Third Session	<p>Gratuities and Facilitation Payments: Challenges and Best Practices</p> <p><i>ACT member economies are expected to share legislation and best practices of these two issues. Each presenter will be requested to present operational challenges in enforcing legislation or related policies to prohibit improper gifts and payments. This would be a good opportunity to exchange experiences, good practices and explore lesson learned between member economies.</i></p> <p>Chair: Mr. Mas Achmad Daniri, Indonesian GCG Committee</p> <p>Discussants:</p> <p><i>Mr. Joe Lee, Independent Commission Against Corruption (ICAC), Hongkong (10 min)</i></p> <p><i>Ms. Fan Yi Kai, Ministry of Justice, China Taipei (10 min)</i></p> <p><i>Ms. Shuhairoz binti Mohamed, Malaysia Anti-Corruption Commission (MACC), Malaysia (10 min)</i></p> <p><i>Mr. Adnan Pandu Praja, Corruption Eradication Commission (KPK), Indonesia (10 min)</i></p> <p>Q&A/ Discussion: 30 min</p>



15:40 – 16:10	Coffee Break
16:10 – 17:30 Fourth Session	<p><i>International Instruments and Best Practices in Preventing Facilitation Payments and Managing Gratuities</i></p> <p><i>International experts are expected to present legal frameworks, current research related to instruments and best practices in preventing facilitation payment and managing gratuities as tools in preventing corruption.</i></p> <p>Chair: <i>Mr. Yunus Husein, Presidential Working Unit for Supervision and Control of Development (UKP4)</i></p> <p>Discussants:</p> <p><i>Mr. William Loo, Organisation for Economic Co-operation and Development (OECD) (10 min)</i></p> <p><i>Mr. Jim Brumby, The World Bank (10 min)</i></p> <p><i>Ms. Corene Crossin, Control Risk (10 min)</i></p> <p><i>Mr. Scott Graham, EthiXbase (10 min)</i></p> <p><i>Mr. Mark Lovatt, Transparency International (10 min)</i></p> <p>Q&A/ Discussion: 30 min</p>
17:30 – 17:45	<p>Closing Remarks <i>Mr. Bambang Widjojanto, The Commissioner of KPK Indonesia</i></p>



AGENDA CULTURAL NIGHT AND SOFT TALK
Santika Premiere Dyandra Hotel and Convention Center

24th June 2013

17:45 – 18:15	Departure to Danau Toba International Hotel
18:00 – 18:30	Arrive at Danau Toba International Hotel
18:30 – 19:00	Keynote Address: <i>Mr. Dahlan Iskan, The Minister of State Owned Enterprises of the Republic of Indonesia</i>
19:00 – 19:30	Dinner + Cultural Performance
19:30 – 21:00	Soft Talk with Businessmen Host: <i>Mr. Wandy Nicodemus Tuturoong – Senior Advisor Transparency International Indonesia</i> Panelists: <ul style="list-style-type: none"> - <i>Representatives from State Owned Company</i> - <i>Representatives from International Organization(from CAFP)</i> - <i>Mr. Utama Kajo, Representatives from Business Association</i> - <i>Representatives from Small Medium Enterprise (from Medan)</i> - <i>Representatives from Private Sector</i>
21:00 – 21:30	Music Performance <i>By Simponi Band (the 2nd place winner of 2012 International Anti-Corruption Music Competition)</i>
21:30 – 21.45	Back to Santika Premiere Dyandra Hotel and Convention
21:45 – 22:00	Arrive at Santika Premiere Dyandra Hotel and Convention