

THE NEED FOR A ROBUST ANTI-BRIBERY AND CORRUPTION PROGRAMME

The Sultanate of Oman has recently responded to satisfy the demands of regulatory authorities in Oman as well as foreign parent companies in complying with local and international laws. The Government has embarked upon preventing corruption and in doing so, has made some high profile arrests where corruption and in particular bribery is concerned. This has emphasized the need to implement and maintain robust anti-corruption compliance programmes. Curtis and KPMG can together support an organisation to curb corrupt practices, protect their reputation, and update and improve their compliance programme to promote and guarantee the highest possible standard of business ethics.

Liability for employees and companies

Every organisation, regardless of size, industry or country of operation, is exposed to some element of corruption risk. Curtis and KPMG have combined their legal expertise and financial experience to support organisations in the Sultanate of Oman in reducing the risk of corruption in their business. Together, the combined experience in anti-corruption compliance allows Curtis and KPMG to enhance companies' legal understanding as well as procedural aspects of compliance issues and investigations of an organisation.

An ethical failure of an organisation could result in significant criminal liability for both businesses and for individuals alike. Together, Curtis and KPMG can assist organisations, even when their businesses span many jurisdictions and are governed by many regulators, to set up a comprehensive and proactive anti-corruption programme to mitigate corruption risk and to achieve the standard and levels of corporate governance which are required in today's globalised, commercial and regulatory environment.

The importance of developing an anti-corruption programme

Among the benefits in adopting an effective anti-corruption programme are the following:

- **Protects reputation:** reputation is an organisation's most precious asset. It only takes one incident to destroy what the company may have taken decades to build. Regardless of who actually delivers the payment or offers a bribe, it is the company that bears the risk of enforcement and damage to its reputation.
- **Reduces risks:** proactively addressing corruption and implementing appropriate procedures and practices reduces the risk to the organisation and its employees.
- **Provides comfort to stakeholders:** reassuring the organisation's stakeholders to whom it is accountable, such as: shareholders; board members; employees; clients; suppliers; banks and financial institutions; and governments, relevant authorities and regulatory bodies.
- **Enhances stability:** providing additional stability to the company, both internally and as perceived externally.
- **Prevents wrongdoing:** clearly articulated and visible prohibition of misconduct (fraud, corruption, collusion, and coercive practices) within the organisation.
- **Reinforces corporate culture of 'zero tolerance':** creation of a systematic and thorough trust-based culture which will encourage ethical conduct, and the application of codes and processes across the organisation. A 'top-down' approach in managing compliance will establish credibility in a company's campaign to prevent corrupt practices within their organisation.



What can the Curtis and KPMG audit teams do for you?

Managing the risk of fraud and misconduct is extremely challenging, especially where companies are operating in a complex global business environment. Curtis' specialist lawyers and KPMG's forensic services team can assist an organisation in discovering the underlying concerns about fraud and misconduct, as well as assist an organisation to assess and mitigate the vulnerabilities to such activities. The approach adopted by Curtis and KPMG is twofold and consists of: (1) preventative; and (2) responsive measures to manage the risks of corruption to an organisation.

Preventative measures

To minimize the risk of corruption, preventative measures include a strategic audit of the organisation, the development of an anti-corruption programme and compliance training.

Strategic Analysis:

The Curtis and KPMG Analysis comprises:

- a full analysis as to the reliability and effectiveness of the organisation's internal integrity and existing anti-corruption policies;
- identifying areas for improvement as well as working with businesses to effectively manage the costs and risks of complying with new regulations and enforcement activity and the dangers of costly and disruptive litigation;
- implementing processes to bring solutions to any areas of concern arising (such as additional/stronger checks and balances that may be required); and
- devising implementing guidelines, tools, reporting lines, internal communications and a framework for accountability.

The process will allow the Curtis and KPMG teams to inform an organisation of the areas where it needs to build processes and concentrate additional measures.

Anti-Corruption Compliance Programme:

If required, Curtis and KPMG can either help organisations put in place a legally compliant anti-corruption programme or enhance an existing programme which is tailored to the specific needs of an organisation. Such a programme should focus on the key risks identified from the risk assessment. Importantly, it must take into consideration the following:

- all relevant laws and regulations that affect the organisation;
- the jurisdictions in which the organisation operates;
- all employees within the company and address agents and other intermediaries with whom the company operates; and
- provide channels for 'whistle-blowing' to identify culpable employees.



In preparing a programme for an organisation, Curtis and KPMG will ensure that the programme is tied to, and corresponds with, the organisation's other policies, such as the Code of Business and Ethics and Human Resources Manual. This will assist in ensuring that everyone within the organisation is aware of all relevant policies.

Compliance Training

Once the programme has been implemented it is imperative that senior management ensure that it is easily accessible by all at all levels within the organisation and continuing review and monitoring. Key to its overall success is employees' understanding of the programme, which is achieved by training sessions, to embed understanding of and cooperation with (a) programme and (b) the implications for them and for the company of non-compliance.

Curtis and KPMG can step in to train employees at all levels within an organisation by providing 'case study-based' training. Such training offered is tailored to the organisation and is designed to assist in establishing and implementing an effective and accessible legal compliance training programme. The training is essential for everyone within an organisation, so that everyone is aware of the risks of involvement in corruption, how to identify corruption, and how to deal with it.

Responsive measures

Curtis and KPMG recognise that despite an organisation undertaking appropriate measures to counter corruption, there are some instances where fraud or corruption may have already occurred. Accordingly, in addition to developing and monitoring the implementation of fraud and anti-corruption programmes, Curtis and KPMG have the specialist resources in place trained and equipped to investigate specific instances of corruption, fraud or suspected corruption and fraud, including:

- forensic investigations;
- asset tracing and recovery; and
- expert witness and litigation support services.

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